



## 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, June 14, 2023 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/91901227351?pwd=NjRYTFZDeDRNaHdDR1ZwNEtBd0NqQT09>

Meeting ID: 919 0122 7351; Passcode: 432154

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.

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# AGENDA

## CALL TO ORDER

## MOMENT OF SILENCE

## PLEDGES

## ROLL CALL and ESTABLISH QUORUM

## PUBLIC COMMENTS

## CONSENT CALENDAR

1. Approval of City Council Workshop Minutes from March 14, 2023.
2. Approval of City Council Regular Meeting Minutes from April 12, 2023.
3. Approval of City Council Workshop Minutes from April 18, 2023.
4. Approval of City Council Special Meeting Minutes from May 24, 2023.
5. Approval of City Council Workshop Minutes from May 30, 2023.

## REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Planning and Zoning Committee Liaison.

Report by Ordinance Review Committee Liaison.

Report by Parks and Recreation Board Liaison.

Report by Platinum Roads Panel Liaison.

Report by Tree Board Liaison.

Report by City Manager.

6. Report by City Attorney - Legislative Update

## NEW BUSINESS

7. Public Hearing to Consider The Adoption of An Ordinance Amending Chapter 156, "Building Regulations; Construction" Section 156.058 "Above Ground Pools", of The Code of Ordinances, City of Woodcreek, Texas, For The Purpose of Allowing Above Ground Pools. *(Rule)*
8. Discuss and Take Possible Action on Scheduling A Public Hearing Concerning Proposed STR Amendments to the Code of Ordinances Land Use Regulations Addressing Short-Term Rentals (STRs) (Pulley)
9. Discuss and Take Possible Action on the 2023 Woodcreek Roads Project RFP. *(Rule)*
10. Consider and Possibly Take Action to Adopt A Resolution Approving the Form of A Preliminary Official Statement Relating to the City of Woodcreek, Texas General Obligation Bonds, Series 2023; Authorizing Distribution and Publication of Such Preliminary Official Statement and Other Matters Related to the Issuance of the Bonds *(Rule)*

**NEW BUSINESS** (Cont'd.)

- 11. Discussion, Consideration, and Take Appropriate Action on the Receipt and Acceptance of the Audited Basic Financial Statements and Supplemental Schedules and Independent Auditors Report by ABIP, PC for the Fiscal Year Ended September 30, 2022. *(Rule)*
- 12. Discuss and Take Possible Action Regarding Development Work and the Acquisition and Placement of Equipment, Structures and Incidentals for Various Woodcreek Parks. *(Rawlings/Rule)*
- 13. Approval of Financial Statements for April 2023. *(Rule)*
- 14. Discuss and Take Possible Action on A Conversion and Consolidation of the City Functions of Accounts Receivable/Payable, Payroll, Permitting and Code Enforcement into FundView Software. *(Rule)*
- 15. Discuss and Take Appropriate Action on a Resolution of the City of Woodcreek, Texas Update the City's Fund Balance Policy. *(Rule)*
- 16. Discuss and Take Appropriate Action on A Resolution of the City of Woodcreek, Texas Updating the City's Procurement Policy. *(Rule)*

**ANNOUNCEMENTS**

**ADJOURN**

**POSTING CERTIFICATION**

I certify that the above notice was posted on the **9th day of June, 2023 at 5:30PM**

By:   
**Suzanne J. MacKenzie, City Secretary**

# TML LEGISLATIVE UPDATE



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## **88<sup>th</sup> Regular Session Concludes; Governor Calls Legislators Back for Overtime**

Looking back on it, the 88<sup>th</sup> Regular Session of the Texas Legislature perhaps will be distinguished by a historic \$33 billion budget surplus and a record number of bills filed. And that’s not even mentioning the rare occurrence of the Texas House removing one of its own members from office and impeaching the sitting attorney general. There was no shortage of activity this legislative session, and, as usual, Texas cities found themselves in the middle of it all.

All told there were 8,345 bills and joint resolutions filed this session. The League tracked nearly a quarter of that total as bills that impact cities in some form or fashion. By the time both chambers adjourned the regular session, they sent a total of 1,258 bills and joint resolutions to the governor for his signature. Roughly 230 of those will have a direct impact on Texas cities.

The budget surplus brought about legislation that gives voters the ability to approve significant investments in public infrastructure this November. S.B. 28 and S.J.R. 75 would provide up to \$1 billion in funding for water infrastructure and water supply projects through the establishment of the New Water Supply for Texas Fund and the Texas Water Fund. Meanwhile H.B. 9 and H.J.R. 125 would provide \$1.5 billion to the Broadband Infrastructure Fund if approved by the voters. City residents across the state stand to benefit from these investments.

Other beneficial bills passed for cities, including legislation that authorizes the transfer of real property under a Chapter 380 economic development agreement, legislation that further addresses issues relating to annexation of railroad rights-of-way for some cities, and legislation that increases penalties for catalytic converter theft, among several others.

Most city-related bills – good and bad – didn’t make it through the legislative sausage-making process. Some were casualties of the system; many more were defeated as a direct result of the engagement and hard work of city officials across the state. Among the bills that didn’t land on the governor’s desk were:

- A bill that would prohibit cities from hiring advocates or joining associations that advocate for their issues at the Capitol;
- A bill providing for the automatic disannexation of an area in a city not receiving full municipal services;
- Bills that would prevent cities from adopting regulations governing short-term rentals;
- Bills that would impose statewide neighborhood density standards by authorizing accessory dwelling units by right, preventing city regulation of small lots, and authorizing certain manufactured homes in any zoning district;
- Bills that would eliminate the use of certain debt instruments by a city, including certificates of obligation;
- A bill that would eliminate the so-called “fire truck provision” of the property tax rate setting process, giving small cities flexibility when adopting their tax rates; and
- A bill that would source all city sales taxes to the location where goods are received by the consumer.

Some legislation passed this session will undoubtedly create new challenges for Texas cities. H.B. 2127 will preempt certain present and future home rule city ordinances in ways that aren’t readily apparent from the plain language of the bill. S.B. 2038 will fragment some cities’ extraterritorial jurisdictions, restricting city growth and limiting cities’ ability to manage development. Other legislation passed that protects agricultural operations within the city limits, which brings with it the potential to limit the application of common-sense neighborhood protections. And multiple bills passed that continue to modify the labyrinth of state statutes controlling the city platting and development process.

None of these bills make will city leaders' jobs easier. But city governments in Texas remain the most transparent, accessible, and pragmatic level of government in the state, and city officials remain well-positioned to continue building strong and vibrant communities on behalf of their residents. The League stands ready to help, both in understanding the impact of the new laws and in preparing for the next legislative session in 2025.

Let's not get ahead of ourselves, though. While the regular session has ended, the governor has already called the legislature back for a special session on school property tax relief and border-related legislation. Further, the governor has announced that he will call several special sessions to tackle unfinished business from the regular session. Look for updates from TML in these pages throughout the special sessions.

All city-related bills that passed during the 88th Regular Session are summarized in this edition of the *Legislative Update*. In the coming weeks, the League will provide more detailed analyses of the major legislation impacting cities in "Post Session Update" articles on specific topics.

## **Special Session Standoff Continues**

On Wednesday, the Senate passed three border security related bills, **1S.B. 2** (Birdwell), **1S.B. 8** (Birdwell) and **1H.B. 2** (Guillen/Flores). The Senate amended 1H.B. 2, meaning the bill will need House approval if it is to pass. With the House adjourned *sine die*, the prospect of that happening appears to be very slim.

During any special session, legislators may file bills related to any subject whether or not they are included on the governor's call. However, legislation that is not germane to the governor's call cannot be considered. For this reason, the League will monitor all bills filed but will not be summarizing city-related bills that are not included in the governor's call for this special session.

The League will continue to keep the membership updated as the special session continues.

## **City-Related Bills Passed**

(Editor's Note: You will find a master list of all city-related bills filed and passed this session online at <https://www.tml.org/319/Legislative-Information>.)

### **Property Tax**

**H.B. 260** (Murr/Perry) – **Appraisal of Open Space Land**: requires the chief appraiser to take into consideration the effect that the presence of a disease or pest, or the designation of an area as a wildlife or livestock disease or pest area, has on the net income from the land when calculating net to land of open-space land located in or adjacent to an area designated as a wildlife or livestock disease or pest area. (Effective January 1, 2024.)

**H.B. 456 (Craddick/King) – Property Tax Exemption:** exempts a royalty interest owned by certain charitable organizations from property taxation if the royalty interest has not been severed from the surface estate or was donated to the organization. (Effective January 1, 2024.)

**H.B. 1228 (Metcalf/Springer) – Electronic Communications and Property Appraisals:** this bill: (1) requires a tax official, including a city, to establish a procedure that allows a property owner to elect to exchange communications with the tax official; (2) prohibits a tax official from charging a fee to accept a communication delivered electronically; (3) requires a tax official to prominently display the information necessary for proper electronic delivery of communications on the tax official’s website, if the tax official maintains a website, and on each communication sent to the property owner; (4) requires a chief appraiser or private appraisal firm to provide to a property owner a copy of the supporting data used in appraising the owner’s property; and (5) prohibits a chief appraiser or private appraisal firm to charge a fee for providing information described in (4), above. (Effective January 1, 2024.)

**H.B. 2071 (Jetton/Bettencourt) – Public Facility Corporation Exemptions:** provides, among many other things, that: (1) a public facility corporation (PFC) or a sponsor may only finance, own, or operate a multifamily residential development located in the area of operation or jurisdictional boundaries of the sponsor; (2) in order to receive beneficial tax treatment for a multifamily development located in a city, a PFC must: (a) must meet certain minimum thresholds related to affordable housing availability; (b) give certain notice to the affected city; (c) obtain the consent of the city in certain circumstances; and (d) provide feasibility and other financial analyses related to the project; (3) certain protections are extended to tenants living in multifamily developments owned by PFCs; (4) all materials used to improve the real property of a PFC are exempt from sales and use taxes; (5) PFCs must make annual reports to the TDHCA and chief appraiser and make certain information publicly available on their websites; and (6) the Legislative Budget Board must conduct a study to assess the long-term effect the tax exemptions for qualifying multifamily development projects have on the state’s revenue. (Effective immediately.)

**H.B. 2121 (Paul/Springer) – Personal Property Rendition Statement:** provides that a person filling out a rendition or report form of personal property is not required to swear before an officer authorized by law to administer an oath that the report is true and accurate if the property owner estimates in good faith that the property is worth not more than \$150,000. (Effective January 1, 2024.)

**H.B. 2488 (Geren/Alvarado) – Appraised Value Appeals:** provides that in an appeal of the determination of appraised value, the burden of proof is on the appraisal district to support an increase in the appraised value of property if the value of that property was lowered under a tax protest at a trial on the merits in the preceding year. (Effective September 1, 2023.)

**H.B. 3273 (Thierry/Bettencourt) – Property Tax Notices:** requires: (1) the chief appraiser to include in the notice of appraised value a notice informing each owner that the estimated amount of taxes to be imposed on the owner’s property may be found in the appraisal district’s property tax database; (2) an appraisal district that maintains a website and the assessor for each taxing unit to post the notice in (1), above, on the entity’s website; (3) the chief appraiser to publish the

notice in (1), above, in a newspaper of general circulation, if available, or at the appraisal office for the district; and (4) each appraisal district that maintains a website to deliver e-mail notifications regarding updates to the property tax database if the owner registers on the website to receive such notifications. (Effective January 1, 2024.)

**H.B. 4077 (Noble/Eckhardt) – Property Tax Exemption:** provides that a person is entitled to receive and the chief appraiser shall allow a person to receive the tax exemption for a person 65 years of age or older in the year the person turns 65 years of age without requiring the person to apply for the exemption if the person’s age is shown by information in an application for a residence homestead exemption or information provided to the appraisal district by the Texas Department of Public Safety. (Effective January 1, 2024.)

**H.B. 4645 (Flores/Zaffirini) – Property Tax Exemption:** provides, among other things, that an organization that leases land under a ground lease is entitled to a property tax exemption for the improvements owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting certain income eligibility requirements. (Effective January 1, 2024.)

**S.B. 539 (Campbell/Craddick) – Delinquent Tax Roll:** provides that the tax collector for a taxing unit shall indicate on each delinquent tax roll for the taxing unit that a delinquent tax included on the roll is deferred or abated, if applicable. (Effective January 1, 2024.)

**S.B. 719 (Paxton/Thierry) – Property Tax Exemption:** exempts from property taxes property owned by a charitable organization that provides services related to the placement of a child in a foster or adoptive home or providing relief to women who are or may be pregnant and who are considering placing their unborn children for adoption. (Effective January 1, 2024.)

**S.B. 1145 (West/Talarico) – Property Tax Exemption:** this bill: (1) authorizes a city or county to adopt an exemption of a percentage of the appraised value of property used to operate a child-care facility if the owner or operator participates in the Texas Workforce Commission’s Texas Rising Star Program and at least 20 percent of the children enrolled receive subsidized child-care services through the Texas Workforce Commission; (2) provides that the percentage specified by the city or county under (1), above, may not be less than 50 percent; (3) provides that if the property is leased to a person to operate a child-care facility and the owner claims an exemption under (1), above, the owner must provide a disclosure statement to the child-care facility stating the amount by which the taxes on the property are reduced as a result of the exemption and the method the owner will implement to ensure that the rent charged fully reflects the reduction; and (4) requires that rent charged for the lease of property used as a child care facility reflects the reduction in taxes resulting from the exemption. (Effective January 1, 2024, but only if **S.J.R. 64** is approved at the election on November 7, 2023.)

**S.B. 1191 (Zaffirini/Hefner) – Open-Space Land:** provides: (1) that the chief appraiser must accept an application for appraisal as open-space land after the deadline if the land was appraised as open-space land in the preceding year, the ownership of the land changed due to the death of an owner, the application is filed not later than the delinquency date for the taxes, and the application is filed by a surviving spouse, a child, the executor or administrator of the estate, or a



fiduciary acting on behalf of a surviving spouse or child; and (2) that the penalty for a late application does not apply to a late application described in (1), above. (Effective immediately.)

**S.B. 1381 (Eckhardt/Hefner) – Application for Property Tax Exemption:** provides that the surviving spouse of an elderly person who qualified for a local option residence homestead exemption may continue to receive the exemption without applying if the appraisal district learns of the death of the individual and the surviving spouse is otherwise eligible for the exemption as shown by information in the appraisal district records or information provided to the appraisal district by the Department of Public Safety. (Effective January 1, 2024.)

**S.B. 1439 (Springer/Hefner) – Business Personal Property Tax Exemption:** provides that if a person owns income-producing tangible personal property and is a related business entity, the person’s property is aggregated with the property that is owned by each other related business enterprise that composes the same unified business enterprise to determine the taxable value of the property. (Effective January 1, 2024.)

**S.B. 1801 (Springer/Darby) – Review of Homestead Exemptions:** requires the chief appraiser to develop a program for the periodic review of residence homestead exemptions to confirm that the recipients still qualify. (Effective September 1, 2023.)

**S.B. 1998 (Bettencourt/Shine) – Property Tax Rate Calculation:** this bill requires: (1) a taxing unit to calculate adjustments made to the value of taxable property due to tax revenue the taxing unit pays into a tax increment reinvestment zone fund separately for each reinvestment zone in which the taxing unit participates; and (2) the designated officer or employee of a taxing unit to include a hyperlink to a document that evidences the accuracy of an entry in the tax rate calculation form for each entry on the form, other than an entry making a mathematical calculation. (Effective January 1, 2024.)

**S.B. 1999 (Bettencourt/Hefner) – Property Tax Rate Calculation:** this bill: (1) defines “foregone revenue amount” as the voter-approval tax rate minus the actual tax rate multiplied by the preceding year’s total value; and (2) redefines the “unused increment rate” as the sum of the preceding three years’ foregone revenue amount divided by current total value. (Effective January 1, 2024.)

**S.B. 2091 (West/Sherman) – Tax Foreclosure Sale:** this bill, among other things: (1) authorizes a taxing unit, including a city, to sell land foreclosed on due to delinquent taxes to an abutting property owner in a private sale if: (a) the property is offered at a public auction and a bid equal to the lesser of the market value or the taxes due is not received; and (b) the land is: (i) a narrow strip or other parcel that cannot be used independently under its current zoning classification; (ii) landlocked without direct access to a public road; or (iii) located in a floodplain or floodway; (2) requires a taxing unit to give notice to all abutting property owners if it intends to sell property under (1), above, stating that the city will sell the property to the highest bidder; and (3) authorizes a taxing unit to sell property under (1), above, without the consent of any taxing unit entitled to receive proceeds of the sale. (Effective September 1, 2023.)

**S.B. 2289 (Huffman/Bonnen) – Property Tax Exemption:** provides a property tax exemption for certain medical or biomedical property that is located in a medical or biomedical manufacturing facility; and (2) prohibits the governing body of a taxing unit, including a city, from providing for taxation of medical or biomedical property exempted under (1), above. (Effective January 1, 2024, but only if **S.J.R. 87** is approved at the election on November 7, 2023.)

**S.B. 2350 (Bettencourt/Shine) – Voter-Approval Tax Rate Calculation:** defines “voter-approval tax rate” for purposes of the unused increment rate calculation as a taxing unit’s voter-approval tax rate in the applicable preceding tax year, as adopted by the taxing unit during the applicable preceding tax year, less the unused increment rate for that preceding tax year. (Effective immediately.)

**S.J.R. 64 (West/Talarico) – Property Tax Exemption:** amends the Texas Constitution to authorize the legislature to authorize a city or county to exempt from property tax a percentage of the appraised value of property used to operate a child-care facility and provides that the percentage adopted under that provision may not be less than 50 percent. (Effective if approved at the election on November 7, 2023.)

**S.J.R. 87 (Huffman) – Property Tax Exemption:** amends the Texas Constitution to authorize the legislature to exempt from ad valorem taxation the tangible personal property held by a manufacturer of medical or biomedical products as a finished good or used in the manufacturing or processing of medical or biomedical products. (Effective if approved at the election on November 7, 2023.)

## **Public Safety**

**H.B. 3 (Burrows/Nichols) – School Safety Measures:** this bill: (1) requires the board of trustees of each school district to ensure that at least one armed security officer is present during regular school hours at each district campus; (2) allows the board of trustees of any school district to enter into a memorandum of understanding (MOU) with a city that is the employing political subdivision of commissioned peace officers for the purpose of providing school resource officers; (3) requires the MOU in (2), above, to: (a) be in the form of an interlocal contract; and (b) use a proportionate cost allocation methodology to address any costs or fees incurred by the school district or the city, as applicable; (4) allows a city to recoup direct costs incurred as result of the MOU in (2), above, but the city may not profit under the MOU; (5) allows a city to seek funding from federal, state, and private sources to support the cost of providing school resource officers; (6) requires each school district and open-enrollment charter school to provide DPS and all appropriate local law enforcement agencies and emergency first responders: (a) an accurate map of each district campus and school building that is developed and documented in accordance with the standards described in this bill related to developing site and floor plans, access control, and exterior door numbering; and (b) an opportunity to conduct a walk-through of each district campus and school building using the map described in (6)(a), above; (7) provides that in each county under 350,000 in population, the sheriff shall call and conduct semiannual meetings to discuss: (a) school safety; (b) coordinated law enforcement response to school violence incidents; (c) law enforcement capabilities; (d) available resources; (e) emergency radio

interoperability; (f) chain of command planning; and (g) other related subjects proposed by a person in attendance of the meeting; and (8) requires the following persons to attend a meeting called under (7), above: (a) the sheriff or designee; (b) the police chief or designee for any police department in the county; (c) each elected constable or designee in the county; (d) each school police department chief or security coordinator; (e) DPS personnel assigned to the county; (f) a person appointed to a command staff position at an emergency medical service in the county; (g) a representative of each other state agency with commissioned peace officers assigned to the county; (h) county and municipal EMS and fire command staff; (i) the superintendent or designee for each district in the county; (j) any federal law enforcement official serving in the county; and (k) any other person the sheriff considers appropriate. (Effective September 1, 2023.)

**H.B. 568 (Bowers/Menendez) – Peace Officer Training:** provides that, as part of the minimum curriculum requirements, peace officer training must include instruction on interacting with persons with Alzheimer’s disease and other dementias, including: (1) techniques for recognizing symptoms; (2) communicating effectively; (3) employing alternatives to physical restraints; and (4) identifying signs of abuse, neglect, or exploitation. (Effective September 1, 2023.)

**H.B. 624 (Cody Harris/Birdwell) – Emergency Medical Transport by Firefighters:** provides that: (1) a firefighter, regardless of licensure as an emergency medical services provider, may transport a sick or injured patient to a health care facility in a vehicle other than an emergency medical services vehicle if: (a) the appropriate emergency medical services provider is notified of the patient’s clinical condition and is unable to provide emergency medical services at the patient’s location; and (b) the medical treatment and transport operating guidelines for the patient’s apparent clinical condition authorize transport of the patient in a vehicle other than an emergency medical services vehicle; and (2) each trauma service area regional advisory council shall develop medical treatment and transport operating guidelines necessary for the implementation of (1)(b), above, for the area served by the council and provide notice of the guidelines to the emergency medical services providers and fire fighters in that area. (Effective September 1, 2023.)

**H.B. 660 (Cook/Zaffirini) – Protective Orders:** provides, among other things, that: (1) a law enforcement agency shall enter a protective order in the agency’s computer records of outstanding warrants as notice that the order has been issued and is currently in effect; and (2) on receipt of an original or modified protective order from the clerk of the issuing court, or on receipt of information pertaining to the date of confinement or imprisonment or date of release of a person subject to the protective order, a law enforcement agency shall immediately, but not later than the next business day after the date the order or information is received, enter the following information into the statewide law enforcement information system maintained by the Department of Public Safety: (a) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed; (b) any known identifying number of the person to whom the order is directed, including the person’s social security number or driver’s license number; (c) the name and county of residence of the person protected by the order; (d) the residence address and place of employment or business of the person protected by the order; (e) the child-care facility or school where a child protected by the order normally resides or which the child normally attends; (f) the relationship or former relationship

between the person who is protected by the order and the person to whom the order is directed; (g) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case; (h) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and (i) the date the order expires. (Effective September 1, 2023.)

**H.B. 898 (Stucky/Parker) – Increased Punishment for Passing Certain Vehicles:** increases the penalties for drivers who pass certain stopped emergency or utility vehicles on a roadway without slowing down or changing lanes. (Effective September 1, 2023.)

**H.B. 914 (Hefner/Whitmire) – Temporary Vehicle Tags:** creates a criminal offense for tampering with a temporary vehicle registration tag. (Effective September 1, 2023.)

**H.B. 969 (Cook/Middleton) – Child Custody Orders:** authorizes a city or county to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for interfering with child custody. (Effective September 1, 2023.)

**H.B. 1133 (Spiller/Flores) – Volunteer Security Services:** provides, among other things, that: (1) a peace officer providing volunteer security services at a place of religious worship or on the premises where an event sponsored by a public school is taking place may: (a) with the consent of the head of the employing or appointing law enforcement agency, wear the uniform of the agency, or (b) wear another uniform or badge that gives the person the appearance of being a peace officer; and (2) the reimbursement or payment of an insurance policy insuring a peace officer who provides volunteer security services for civil liability arising from acts occurring while providing those services is not considered compensation or reimbursement. (Effective September 1, 2023.)

**H.B. 1442 (A. Johnson/Bettencourt) – Reckless Driving Exhibitions:** this bill: (1) creates a criminal offense of intentionally establishing, maintaining, or participating in a combination of or in the profits of, or as a member of a criminal street gang to conspire to operate a motor vehicle while engaging in a reckless driving exhibition; and (2) deems any property, including real, personal, or tangible property, used in the commission of or conspiracy to operate a motor vehicle while engaging in a reckless driving exhibition as contraband, subject to seizure by law enforcement. (Effective September 1, 2023.)

**H.B. 1819 (Cook/Hughes) – Juvenile Curfew:** prohibits a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age, except for purposes of emergency management. (Effective September 1, 2023.)

**H.B. 2195 (Noble/Parker) – Fictitious License Plates:** increases the penalties for attaching or displaying a wrong, fictitious, altered, or obscured license plate. (Effective September 1, 2023.)

**H.B. 2660 (Oliverson/Hughes) – Missing Persons:** provides, among other things, that:

1. a law enforcement agency on receiving a report of a missing person, shall: (a) not later than 48 hours after receiving the report, electronically submit to each municipal or county

law enforcement agency within 200 miles the report and any information that may help determine the present location of the person; and (b) inform the person who filed the report that the information will be submitted to each municipal or county law enforcement agency within 200 miles;

2. a law enforcement agency on receiving a report of a missing child, regardless of the jurisdiction in which the child went missing, shall: (a) immediately start an investigation to determine the present location of the child; (b) immediately, but not later than two hours after receiving the report, enter the name of the child into the clearinghouse and the national crime information center missing person file if the child meets the center's criteria, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child; (c) immediately, but not later than two hours after the agency receives the report, enter the applicable information into the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by Department of Public Safety; (d) not later than 48 hours after receiving the report, electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child; (e) not later than the 30th day after the date the agency receives the report, enter the name of the child into the National Missing and Unidentified Persons System (NamUs), with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child; and (f) inform the person who filed the report of the missing child that the information will be: (i) entered into the clearinghouse, the national crime information center missing person file, and NamUs; and (b) submitted to each municipal or county law enforcement agency within 200 miles;
3. a law enforcement agency on receiving a report of a child missing under the circumstances involving custodial matters for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child;
4. on determining the location of the child in Number 3, above, if the law enforcement agency has reason to believe that the child is a victim of abuse or neglect, the agency shall notify the Department of Family and Protective Services (DFPS); and may take possession of the child;
5. information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and NamUs as a supplement to the original entry as soon as possible;
6. if a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall immediately enter the name and other descriptive information

of the person into the national crime information center wanted person file if the person meets the center's criteria;

7. the local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child and cross-reference this information with the information in the national crime information center missing person file;
8. immediately after the return of a missing child, the local law enforcement agency having jurisdiction of the investigation shall clear the entry in the national crime information center database and notify NamUs;
9. on determining the location of a child, other than a child who is subject to the continuing jurisdiction of a district court, a law enforcement officer shall take possession of the child and deliver or arrange for the delivery of the child to a person entitled to possession of the child;
10. if the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to the DFPS;
11. as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall establish a basic education and training program on missing children and missing person, including instruction on the associated reporting requirements;
12. a law enforcement officer shall complete the program not later than the second anniversary of the date the officer is licensed, unless the officer completes the program as part of the officer's basic training course; and
13. TCOLE shall make available to each law enforcement officer a voluntary advanced education and training program on missing children and missing persons and must include instruction on the associated reporting requirements.

(Effective September 1, 2023.)

**H.B. 2899 (Plesa/Hall) – Street Takeovers:** requires a peace officer to impound a vehicle used in the commission of the offenses of racing on or obstructing a highway. (Effective immediately.)

**H.B. 3125 (Gamez/Zaffirini) – Emergency Vehicle Equipment:** allows governmental entities to equip an authorized emergency vehicle with alternating or flashing white light signal lamps. (Effective September 1, 2023.)

**H.B. 3137 (Isaac/Springer) – Firearm Insurance:** this bill, among other things, prohibits a city from adopting or enforcing regulations requiring a firearm owner to obtain liability insurance for damages resulting from negligent or willful acts involving the use of the firearm. (Effective September 1, 2023.)

**H.B. 3290 (Guillen/Hancock) – Next Generation 9-1-1 Service Fund:** provides, among other things, that: (1) the comptroller shall transfer to the credit of the next generation 9-1-1 service fund any amount available from federal money provide to this state from the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) or from any other state or federal governmental source for purposes of this bill, including money appropriated or otherwise credited to the fund as soon as practicable following: (a) the receipt by the state of a sufficient amount of federal money for the transfer; or (b) the effective date of the most recent legislative appropriation for purposes of this bill; (2) the Commission on State Emergency Communications (CSEC) shall distribute to each emergency communication district that does not participate in the state system a portion of the money that bears the same proportion that the population of the area served by the district bears to the population of the state; (3) the remaining money appropriated to the CSEC for purposes of this bill that is not otherwise distributed shall be deposited to the 9-1-1 services fee account; and (4) all money in the fund from the SLFRF shall be distributed in accordance with this bill not later than August 31, 2024 and must be spent not later than December 31, 2026. (Effective September 1, 2023.)

**H.B. 3556 (Stucky/Parker) – Missing Children:** provides that on the request of a local law enforcement agency that knows a child is missing but has not verified the criteria under law for activation, and if the chief law enforcement officer of the local law enforcement agency believes that activation of the alert system is warranted, the Department of Public Safety shall: (1) activate the alert AMBER alert system only in the following areas: (a) within a 100-mile radius of the location from which the child is believed to have gone missing or the location in which the child was last seen, as applicable; and (b) in all counties adjacent to the county from which the child is believed to have gone missing or the county in which the child was last seen, as applicable; and (2) notify appropriate participants in the alert system, as established by rule. (Effective immediately.)

**H.B. 3660 (Vasut/Zaffirini) – Releasing Animals:** establishes a defense to prosecution for cruelty to non-livestock animals for a person who: (1) releases or returns a stray or feral animal pursuant to a Trap-Neuter-Return program; or (2) releases or returns a previously trapped wild animal in accordance with Texas wildlife laws and regulations. (Effective immediately.)

**H.B. 3858 (Frazier/Johnson) – Peace Officer Wellness Program:** provides, among other things, that: (1) a law enforcement agency may establish and maintain a wellness program for the agency's peace officers; (2) a law enforcement agency that establishes a wellness program must ensure the program complies with any requirements established by Texas Commission on Law Enforcement (TCOLE) and is available to each peace officer who has routinely responded to and may have been affected by a violent incident; (3) the program at a minimum must provide: (a) an initial phone call or other form of contact from a law enforcement agency representative to monitor the mental and physical well-being of a peace officer who may have been affected by a violent incident; and (b) information regarding mental health resources, including counseling and therapy services, to a peace officer who is struggling to cope with the effect on the officer of responding to a violent incident; and (4) TCOLE shall establish and administer a grant program to assist law enforcement agencies in establishing and maintaining peace officer wellness programs as required in (1), above. (Effective September 1, 2023.)

**H.B. 3981 (Paul/Middleton) – Peace Officers:** provides that fire marshals and any related officers, inspectors, or investigators of a municipality who hold a permanent peace officer license are peace officers. (Effective September 1, 2023.)

**H.B. 4073 (Lozano/Alvarado) – Expired Fire Protection Personnel Certificates:** provides that: (1) if a person’s fire protection personnel certificate issued by the Texas Commission on Fire Protection (TCFP) has been expired for more than five years, the person may not renew the certification; and (2) if a person’s fire protection personnel certificate issued by TCFP has been expired for more than one year but not more than five years, the person may renew the certificate in accordance with TCFP rules. (Effective September 1, 2023.)

**H.B. 4528 (Wilson/Whitmire) – Refusal to Consent:** repeals the requirement that a peace officer take possession of a person’s driver’s license following the person’s failure to pass or refusal to consent to a test for intoxication. (Effective September 1, 2023.)

**H.B. 4628 (Goldman/Huffman) – DNA Testing:** provides that:

1. an accredited crime laboratory that submits a DNA profile to the Department of Public Safety (DPS) to perform a database comparison shall monitor the crime laboratory’s database for any matches between the DNA profile submitted to DPS and the DNA profiles contained in the database;
2. if a match that may assist in the investigation of a criminal case is identified under Number 1, above, between biological evidence contained in an evidence collection kit and a DNA profile contained in a database, on request of the accredited crime laboratory that performed the analysis of the evidence collection kit, a law enforcement agency that submitted the evidence collection kit to the crime laboratory shall, not later than the fifth business day after the date the request is made, provide any additional information requested by the crime laboratory concerning the match;
3. not later than the 60th day after the accredited crime laboratory receives written notification that a match that may aid in the investigation of a criminal case has been identified under Number 2, above, written notification must be provided to the law enforcement agency that submitted the evidence collection kit of: (a) any case-to-case match that may assist in the investigation of a criminal case; and (b) any verified match that identifies a suspect or offender;
4. verification of a match identifying an offender may be expedited in cases involving a significant public safety concern;
5. not later than the fifth business day after receiving a notification under Number 3, above, the law enforcement agency shall acknowledge receipt of the notification;
6. not later than the 30th business day after the date a law enforcement agency receives a notification of a verified match, the law enforcement agency shall attempt to collect a



DNA sample from an identified suspect or offender and submit the sample to an accredited crime laboratory for analysis;

7. if, with respect to a sexual assault or other sex offense, a match is identified in Number 2, above, between biological evidence contained in an evidence collection kit and a DNA profile contained in a database, the law enforcement agency with jurisdiction over the offense shall, not later than the fifth business day after the law enforcement agency receives notification of the match, notify the survivor, as applicable, of: (a) the match, if disclosing the match would not interfere with the investigation or prosecution of the offense; or (b) the estimated date on which the match is expected to be disclosed, if disclosing the match would interfere with the investigation or prosecution of the offense; and
8. if a law enforcement agency is unable to notify the survivor in Number 7, above, within the required period of time, the agency shall continue to make reasonable efforts to notify the survivor.

(Effective September 1, 2023.)

**H.B. 4879 (Holland/Flores) – Crime Statistics Reporting:** provides that: (1) the Department of Public Safety (DPS) shall require all local law enforcement agencies to: (a) implement an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System of the FBI’s Uniform Crime Reporting Program; and (b) use the system described in (1)(a), above, to submit to DPS information and statistics concerning criminal offenses committed in the jurisdiction of the local law enforcement agency; (2) DPS by rule shall prescribe the form and manner for submitting information and statistics; (3) information and statistics submitted to DPS under this bill is confidential and not subject to disclosure under the Public Information Act; (4) DPS shall submit the information and statistics received under this bill to the FBI’s Uniform Crime Reporting Program, as required by that program; (5) DPS shall establish and maintain a computer-based Texas crime information system that includes all of the information and statistics submitted to DPS under this bill and shall restrict access to the system to authorized personnel of criminal justice agencies, as determined by DPS; and (6) DPS shall use the information included in the system to periodically publish reports regarding the nature and extent of criminal activities in the state on its Internet website and shall submit each report to the governor and each member of the legislature. (Effective September 1, 2023.)

**S.B. 133 (West/Hull) – Use of Chemical Irritant Spray:** provides that peace officers or school security personnel performing security-related duties on school property or at a school-sponsored activity may not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below unless the student poses a serious risk of harm to the student or another person. (Effective immediately.)

**S.B. 224 (Alvarado/Leach) – Catalytic Converter Theft:** among other things, creates: (1) a presumption that a person in possession of two or more catalytic converters unlawfully appropriated the catalytic converters, unless the actor: (a) is the owner of each vehicle from which the catalytic converters were removed; or (b) possessed the catalytic converters in the

ordinary course of business; and (2) a new criminal felony offense for possession of a catalytic converter if: (a) the person intentionally or knowingly possesses a catalytic converter that has been removed from a vehicle; and (b) the person: (i) is not the owner of the vehicle from which the catalytic converter was removed; or (ii) does not possess the catalytic converter in the ordinary course of business. (Effective immediately.)

**S.B. 252 (Alvarado/Guillen) – Licensing Veterans as Peace Officers:** provides that: (1) a political subdivision, including a city, that appoints or employs a person to hold a position that requires the person to be licensed by the Texas Commission on Law Enforcement (TCOLE) may appoint or employ a legal permanent resident of the United States to hold the position if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge and holds the appropriate license issued by TCOLE; (2) a political subdivision, including a city, may not appoint or employ a person in (1), above, to hold a supervisory position until the person becomes a United States citizen; and (3) TCOLE shall issue a license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer and TCOLE’s licensing rules; (b) is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge; and (c) presents evidence satisfactory to TCOLE that the person has applied for United States citizenship. (Effective September 1, 2023.)

**S.B. 267 (King/Burrows) – Law Enforcement Agency Accreditation:** provides, among other things, that: (1) the Texas Commission on Law Enforcement (TCOLE) shall adopt rules requiring each law enforcement agency that employs at least 20 peace officers to become accredited and maintain accreditation through or by (a) the Texas Police Chiefs Association Law Enforcement Agency Best Practices Accreditation Program; (b) the Commission on Accreditation for Law Enforcement Agencies, Inc.; (c) the International Association of Campus Law Enforcement Administrators; (d) an accreditation program developed by the Sheriff’s Association of Texas; or (e) an association or organization designated by TCOLE; (2) the rules adopted under (1), above, must require a law enforcement agency that is not already accredited to: (a) execute a contract with an approved accrediting entity not later than September 1, 2027; and (b) become accredited not later than September 1, 2029; (3) TCOLE shall implement a program to assist law enforcement agencies in becoming accredited; (4) TCOLE shall periodically review associations and organizations that establish standards of practice for law enforcement agencies and that offer accreditation to agencies that meet those standards; (5) a law enforcement agency shall annually report the agency’s accreditation status, including the applicable accrediting entity described in (1), above, to TCOLE; (6) TCOLE shall post on its website a list of all law enforcement agencies that are currently accredited or under contract with an accrediting entity; and (7) the comptroller shall establish and administer a grant program to provide financial assistance for purposes of becoming accredited as required by (1), above, to each law enforcement agency that employs fewer than 250 peace officers. (Effective September 1, 2023.)

**S.B. 386 (Hall/Harless) – Capital Murder of Peace Officer or Firefighter:** provides that an actor charged with capital murder of a peace officer or fireman is presumed to have known that the person murdered was a peace officer or fireman if the person: (1) was wearing a distinctive

uniform or badge indicating the person's employment as a peace officer or fireman; or (2) identified themselves as a peace officer or fireman to the actor. (Effective September 1, 2023.)

**S.B. 496 (Zaffirini/Guillen) – Emergency Dispatcher Training:** requires the Texas Commission on Law Enforcement, in consultation with the Texas A&M Engineering Extension Service, to conduct a study to identify potential improvements to training provided to 9-1-1 emergency service call takers and dispatchers. (Effective September 1, 2023.)

**S.B. 533 (Paxton/Shahen) – Peace Officer Training:** provides that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement shall require a peace officer to complete a training program on responding to and investigating child fatalities, including the protocols for reporting and investigating child fatalities, the differences between sudden unexpected infant death syndrome, and the relevant regulations applicable to child-care fatalities; and (2) a peace officer shall complete the program not later than the second anniversary of the date the officer is licensed unless they complete the program as part of the their basic training course. (Effective September 1, 2023.)

**S.B. 780 (Hughes/Hefner) – Abandoned Children:** adds fire departments and law enforcement agencies to the list of emergency infant care providers who must take possession of certain abandoned children. (Effective September 1, 2023.)

**S.B. 806 (Paxton/Manuel) – Notice to Victims of Family Violence:** provides, among other things, that: (1) a peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault shall provide to the victim a written notice containing information about crime victims' rights; (2) at the initial contact or at the earliest possible time, the peace officer shall: (a) provide to the victim a written referral to the nearest sexual assault program and information about the statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense; (b) offer to request a forensic medical examination on behalf of the victim; (c) coordinate with the local response team to provide continuing care to the victim or to further investigate the offense; and (d) provide to the victim written notice containing certain information required under this bill; (3) each law enforcement agency shall consult with a local sexual assault program or response team to develop the written notice required by (2), above, and shall update the notice at least each biennium; and (4) the notice in (2), above, must be in English and Spanish and include the current contact information for a victim assistance coordinator and a crime victim liaison. (Effective September 1, 2023.)

**S.B. 991 (Hinojosa/Leach) – Crime Lab Portal:** provides, among other things, that: (1) the Department of Public Safety (DPS) shall by rule establish and maintain a central computerized portal that facilitates the process for requesting crime laboratory records and transferring those records among crime laboratories, attorneys representing the state, and parties authorized to access records as part of discovery; (2) the portal in (1), above, may not be used as a central repository for crime laboratory records; (3) a crime laboratory that performs a forensic analysis for use in a criminal action shall participate, in accordance with DPS rule, in the transfer of crime laboratory records using the crime laboratory portal established in (1), above; (4) DPS by rule may exempt a crime laboratory from the requirements of this bill if it determines that the crime

laboratory is located outside of this state and performs an insufficient number of forensic analyses in criminal actions in this state to warrant participation in the crime laboratory portal; and (5) a crime laboratory that violates (3), above, is subject to disciplinary action by the Texas Forensic Science Commission in the same manner as if the laboratory had otherwise violated accreditation standards. (Effective September 1, 2023.)

**S.B. 997 (West/Leach) – Human Remains Photographs:** provides that: (1) an individual may not publish a photograph of human remains that the individual obtained while acting within the course and scope of the individual’s duties as an officer or employee of this state or a political subdivision of this state, including a city; (2) an individual who violates (1), above, is liable for a civil penalty in an amount not to exceed \$10,000 for each violation; (3) the attorney general or appropriate county or district attorney may sue to collect the civil penalty provided by (2), above, and may recover attorney’s fees and costs incurred in obtaining relief under this bill; (4) it is a defense to liability if: (a) the individual published the photograph of human remains for an official law enforcement, scientific, educational, research, or medical purpose, or as part of a civil proceeding; or (b) the photograph was published in a documentary film or television show with the approval of the chief medical examiner, coroner, or commissioners court, as applicable, and the remains are unidentifiable; and (5) a defendant may not assert official immunity as a defense in an action brought under this bill. (Effective September 1, 2023.)

**S.B. 1319 (Huffman/Turner) – Overdose Information:** provides that: (1) a local health authority or law enforcement agency shall enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses of one or more controlled substances for public safety purposes; (2) a local health authority or law enforcement agency shall provide certain overdose information to the entity with which the authority or agency has a participation agreement under (1), above, for purposes of entering the information into the computerized system; (3) a person who responds to an overdose incident shall report information about the incident as soon as possible to the local health authority or law enforcement agency, as applicable; (4) a report under this bill must include, if possible: (a) the date and time of the overdose incident; (b) the approximate location of the overdose incident; (c) whether an opioid antagonist was administered, and if so, the number of doses and the type of delivery; and (d) whether the overdose was fatal or nonfatal; (5) a person who reports information about an overdose incident in good faith is not subject to civil or criminal liability for making the report; (6) a law enforcement agency may only use information received from a report for mapping overdose locations for public safety purposes; and (7) information in a report described by (4), above, is confidential and not subject to disclosure under the Public Information Act. (Effective September 1, 2023.)

**S.B. 1325 (Alvarado/Goodwin) – Notice to Victims of Family Violence:** provides, among other things, that: (1) a peace officer who investigates an allegation of stalking, harassment, or terroristic threat shall advise any possible adult victim of all reasonable means to prevent the occurrence of further offenses, including by providing the written victim notification adopted by the Texas Health and Human Services Commission; and (2) in addition to the required victim notification in (1), above, a peace officer may provide any available information regarding local resources for victims of stalking, harassment, or terroristic threat. (Effective September 1, 2023.)

**S.B. 1346 (Miles/Bowers) – Littering:** creates a criminal offense for littering or illegal dumping of solid waste at a place that is not an approved solid waste site, including within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal waters of the state. (Effective September 1, 2023.)

**S.B. 1401 (Zaffirini/A. Johnson) – Sexual Assault Victim Notifications:** provides, among other things, that: (1) a law enforcement agency shall refer a victim of a sexual assault for a forensic medical examination, to be conducted if a sexual assault is reported to a law enforcement agency within 120 hours after the assault or, if the victim is a minor, regardless of when the sexual assault is reported; (2) a law enforcement agency may make the same referral with respect to any victim of a sexual assault who is not a minor and who does not report the sexual assault within the 120-hour period if the agency believes that a forensic medical examination may further a sexual assault investigation or prosecution; (3) a law enforcement agency or an office of the attorney representing the state may pay any costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of a forensic medical examination or the manner in which the examination was performed; and (4) the Department of Public Safety shall develop procedures for the transfer and preservation of evidence collected during a forensic medical examination for a sexual assault that was not reported to a law enforcement agency, including procedures for notifying the victim of the offense through the statewide electronic tracking system before a planned destruction of evidence. (Effective September 1, 2023.)

**S.B. 1402 (Zaffirini/Howard) – Sexual Assault Survivors’ Task Force:** this bill: (1) provides that the Texas Commission on Law Enforcement (TCOLE) shall, in consultation with the Sexual Assault Survivors’ Task Force, establish a basic education and training program consisting of at least eight hours of instruction on child sexual abuse and adult sexual assault, including the best practices and trauma-informed response techniques to effectively recognize, investigate, and document those cases; (2) provides that TCOLE shall require a peace officer to complete the training program in (1), above, unless the officer has completed the training or other training equivalent to the training program as determined by TCOLE; (3) provides that as part of the minimum curriculum requirements, TCOLE shall require a peace officer to complete the basic education and training program developed in (1), above; (4) requires a peace officer to complete the program, in (3), above, not later than the second anniversary of the date the peace officer is licensed unless the officer completes the program as part of the officer’s basic training course; and (5) repeals the expiration of the Sexual Assault Survivors’ Task Force. (Effective September 1, 2023.)

**S.B. 1413 (Johnson/Frazier) – Removal of Personal Property from Roadways:** provides that: (1) a fire department may remove personal property from a roadway or right-of-way if the fire department determines that the property blocks the roadway or endangers public safety; (2) the property owner shall reimburse the fire department for any reasonable costs of removal and disposition of the property; (3) a fire department is not liable for: (a) any damage to personal property removed from a roadway or right-of-way under (1), above, unless the removal is carried out recklessly or in a grossly negligent manner; or (b) any damage resulting from the failure to exercise the authority granted by (1), above; and (4) the governing body of a political subdivision, including a city, that has a fire department shall develop and implement a policy

concerning the fire department consulting with law enforcement agencies regarding removal of personal property from a roadway or right-of-way. (Effective September 1, 2023.)

**S.B. 1445 (Paxton/Goldman) – Texas Commission on Law Enforcement:** this is the Texas Commission on Law Enforcement (TCOLE) sunset bill. The bill, among other things, provides that:

1. TCOLE continue until 2031;
2. TCOLE, with the input from an advisory committee, shall by rule establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency;
3. TCOLE may compel by subpoena the production for inspection or copying of a record by an agency hiring a person to be an officer that is relevant to the investigation of an alleged violation of this bill or a TCOLE rule, and TCOLE acting through the attorney general, may bring an action to enforce a subpoena against a person who fails to comply with the subpoena; venue for an action is in a district court in Travis County or any county in which TCOLE may conduct a hearing;
4. TCOLE, with input from an advisory committee, shall adopt a model policy prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by a law enforcement agency to ensure the license holder or person is able to perform the duties for which the license is required, and each law enforcement agency in this state shall adopt the model policy or a substantively similar policy;
5. TCOLE shall establish a database containing, for each officer licensed under state law: (a) the officer's license status, including a record of any action taken against the officer by TCOLE; and (b) personnel files provided by each law enforcement agency that employs the officer;
6. TCOLE shall make available to a law enforcement agency on request any relevant information maintained in the database;
7. TCOLE shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check, and a database designated under this bill must be as comprehensive as possible;
8. TCOLE shall designate for purposes of this bill a national database that serves as a registry for the revocation of officer licenses in several jurisdictions based on misconduct committed by the officer;
9. TCOLE shall establish a public database containing personal service reports of each officer licensed, and a report must contain the following information with respect to each officer: (a) the date the officer completed the basic training course; (b) whether the

officer is in compliance with continuing education requirements and the continuing education courses completed; (c) the total hours of training the officer has completed; and (d) the date the officer's license was issued;

10. TCOLE shall adopt rules to exclude from the database personal service reports for certain officers if including the service report would create a safety risk for an undercover officer or an officer involved in an active sensitive operation;
11. before a law enforcement agency or governmental entity hires a person for whom a license is sought, the agency or entity must review any information relating to the person available: (a) in a database established under Number 6, above; (b) in a database designated under Number 9, above; and (c) if applicable, in a file provided to TCOLE under this bill;
12. a person who appoints an officer or a telecommunicator licensed by TCOLE shall notify TCOLE not later than the 30<sup>th</sup> day after the date of the appointment, and if the person appoints an individual who previously served as an officer or telecommunicator and the appointment occurs after the 180<sup>th</sup> day after the last date of service as an officer or telecommunicator, the person must have on file for the license holder in a form readily accessible to TCOLE, among other things, new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder;
13. TCOLE shall adopt a model policy establishing procedures applicable to a law enforcement agency: (a) investigating alleged misconduct by a license holder employed by the agency; and (b) hiring a license holder;
14. a law enforcement agency shall adopt the model policy described in Number 13, above, or a substantively similar policy;
15. TCOLE shall adopt a model policy regarding personnel files maintained with respect to a license holder, and a law enforcement agency shall adopt the model policy or a substantively similar policy;
16. a law enforcement agency shall provide a license holder's personnel file to TCOLE: (a) not later than the 30<sup>th</sup> day after the date the license holder separates from the agency; or (b) on request by TCOLE as part of an ongoing investigation relating to the license holder;
17. except with respect to an officer elected under the Texas Constitution, TCOLE shall revoke or suspend a law enforcement agency's authority to employ a license holder, place on probation an agency whose authority to employ a license holder has been suspended or reprimand a law enforcement agency for violating a TCOLE rule or state law with regard to law enforcement officers, or reporting requirements with regard to racial profiling.

(Effective September 1, 2023.)

**S.B. 1484 (Creighton/Holland) – Border Operations Training Program:** provides, among other things, that the Department of Public Safety, in coordination with local law enforcement agencies, shall establish and administer a border operations training program for peace officers employed by local law enforcement agencies that will prepare the officers to: (1) collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity in the Texas-Mexico border region; and (2) collaborate and cooperate with and assist district attorneys, county attorneys, the border prosecution unit, and other prosecutors in the investigation and prosecution of allegations of criminal activity in the Texas-Mexico border region. (Effective September 1, 2023.)

**S.B. 1551 (West/Frazier) – Failure to Identify:** creates a criminal offense if a person is operating a motor vehicle and is lawfully detained by a peace officer for an alleged violation of law and fails to provide or display the person’s driver’s license, or intentionally refuses to give the person’s name, driver’s license number, residence address, or date of birth on the officer’s request. (Effective September 1, 2023.)

**S.B. 1588 (Blanco/Morales) – EMS Staffing Variance:** provides that: (1) the Department of State Health Services (DSHS) shall grant to an emergency medical services provider, who is the sole provider for a service area, a variance from the minimum staffing standards for the provision of emergency medical services in that service area; and (2) an applicant for a variance in (1), above, must submit a letter to DSHS from the commissioners court of the county or the governing body of the municipality in which the provider intends to operate an emergency medical services vehicle in the provision of emergency medical services in a service area of the county or the municipality. (Effective September 1, 2023.)

**S.B. 1852 (Flores/Metcalf) – Peace Officer Training:** provides that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require a peace officer to complete a training program of not less than 16 hours on responding to an active shooter as developed by the Advanced Law Enforcement Rapid Response Training Center at Texas State University—San Marcos (RRTC); (2) a peace officer shall complete the program in (1), above, not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed unless the officer completes the program as part of the their basic training course; and (3) as part of the continuing education programs, a peace officer must complete not less than 16 hours of training on responding to an active shooter as developed by the RRTC. (Effective September 1, 2023.)

**S.B. 1900 (Birdwell/Guillen) – Foreign Terrorist Organizations:** provides, among other things, that: (1) a foreign terrorist organization that continuously or regularly associates in gang activities is a public nuisance; (2) if a court finds that a foreign terrorist organization constitutes a public nuisance, the court may enter an order enjoining a defendant or imposing other reasonable requirements to prevent the foreign terrorist organization from engaging in future gang activities; (3) a foreign terrorist organization is liable to the state or a governmental entity injured by the violation of a temporary or permanent injunctive order in (2), above; (4) a law enforcement agency in a municipality with a population of 50,000 or more or in a county with a population of



100,000 or more shall compile and maintain in a local or regional intelligence database certain criminal information relating to a foreign terrorist organization; (5) the agency must compile and maintain the information in (4), above, in accordance with criminal intelligence systems operating policies; and (6) the office of the attorney general shall establish an electronic gang resource system to provide criminal justice agencies and juvenile justice agencies with information about criminal street gangs and foreign terrorist organizations. (Effective September 1, 2023.)

**S.B. 2085 (Whitmire/Walle) – Crime Victim Notification System:** provides, among other things, that: (1) the governor’s criminal justice division shall establish and administer a grant program to provide financial assistance to a law enforcement agency for purposes of purchasing or developing a crime victim notification system; (2) a crime victim notification system for which a law enforcement agency seeks a grant under this bill must: (a) notify a victim or relative of a deceased victim by e-mail or text message of: (i) the names of investigators who are assigned to the case; (ii) the date an arrest is made; (iii) the date an affidavit alleging probable cause is presented to the attorney representing the state; and (iv) any other information relevant to the case; (b) interface with the law enforcement agency’s system of records; (c) provide configurable triggers to directly send messages; (d) provide the capability: (i) to attach informational brochures or other electronic attachments to the messages; and (ii) for a person to check the status of the case with the law enforcement agency; (d) monitor the number and types of messages sent and enable a user to visualize that data; and (e) provide a survey tool so the law enforcement agency can solicit feedback on victims services; (3) information in the crime victim notification system is confidential and is not subject to disclosure under the Public Information Act; and (4) as a condition of receiving a grant under this bill, a law enforcement agency shall periodically report to the criminal justice division the number and types of notifications sent using the crime victim notification system. (Effective September 1, 2023.)

**S.B. 2101 (Miles/Morales) – Crime Victims’ Rights:** provides that a judge, attorney representing the state, peace officer, or law enforcement agency that is required to notify, inform, or disclose certain information to a victim, guardian of a victim, or close relative of a deceased victim in accordance with a right granted by law shall provide the notification or information in the following manner: (1) electronically, including by text message, videoconference, or e-mail; (2) by mail; (3) through an anonymous, online portal; or (4) by contacting by telephone or otherwise making personal contact with the victim, guardian, or relative, as applicable. (Effective September 1, 2023.)

**S.B. 2429 (Hancock/Klick) – Missing Persons:** provides, among other things, that:

1. regardless of the jurisdiction in which the child went missing, a law enforcement agency, on receiving a report of a missing child, shall: (a) immediately start an investigation in order to determine the present location of a child; (b) immediately, but not later than two hours after receiving the report, enter the name of the child into the clearinghouse, the National Missing and Unidentified Persons System (NamUs), and the national crime information center missing person file if the child meets the center’s criteria, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available

information describing any person reasonably believed to have taken or retained the missing child; (c) immediately, but not later than two hours after the agency receives the report, enter the applicable information into the Texas Law Enforcement Telecommunication System or a successor system of telecommunication used by law enforcement agencies and operated by the Texas Department of Public Safety; and (d) inform the person who filed the report of the missing child that the information will be entered into the clearinghouse, the national crime information center missing person file, and NamUs;

2. a local law enforcement agency, on receiving a report of a child missing under the circumstances described in this bill for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child;
3. on determining the location of the child, if the law enforcement agency has reason to believe that the child is a victim of abuse or neglect, the agency shall notify the Department of Family and Protective Services (DFPS) and may take possession of the child;
4. DFPS, on receiving notice under Number 3, above, may initiate an investigation into the allegation of abuse or neglect and take possession of the child;
5. information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and NamUs as a supplement to the original entry as soon as possible;
6. if a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall immediately enter the name and other descriptive information of the person into the national crime information center wanted person file if the person meets the center's criteria;
7. the local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child;
8. the information shall be cross referenced with the information in the national crime information center wanted person file;
9. immediately after the return of a missing child, the local law enforcement agency having jurisdiction of the investigation shall clear the entry in the national crime information center database and notify NamUs;
10. on determining the location of a child, other than a child who is subject to the continuing jurisdiction of a District Court, a law enforcement officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to

possession of the child, but if the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to DFPS;

11. the Texas Commission on Law Enforcement (TCOLE) shall establish a basic education and training program on missing children and missing persons, including instructions on the associated reporting requirements, and a law enforcement officer shall complete the program not later than the second anniversary of the date the officer is licensed unless the officer completes the program as part of their basic training course; and
12. TCOLE shall make available to each officer a voluntary advanced education and training program on missing children and missing persons, which must include instruction on the associated reporting requirements under this bill.

(Effective September 1, 2023.)

**S.B. 2479 (Zaffirini/Moody) – Mental Illness or Intellectual Disability:** this bill, among other things: (1) requires that a sheriff or municipal jailer having custody of a defendant receives credible information that may establish probable cause that the defendant has a mental illness or intellectual disability, the sheriff or jailer shall provide notice to the magistrate; (2) if the magistrate determines there is reasonable cause to believe the defendant has a mental illness or intellectual disability, requires the magistrate to order the jail’s mental health or intellectual disability service provider to interview the defendant to determine to collect information regarding whether the defendant has a mental illness or intellectual disability, and provide the magistrate with a written report of this information, unless: (a) the defendant is no longer in custody; (b) has been previously interviewed within the past year; or (c) was only arrested or charged with a Class C misdemeanor; (3) provides that a peace officer who transports an apprehended person to a mental health facility is not required to remain at the facility while the person is being medically screened or treated, and may leave immediately after the person is taken into custody by appropriate facility staff; and (4) allows a physician or a mental health professional employed by a licensed local mental health authority to request an order for emergency detention and/or medical treatment, including authorizing the taking of a patient’s blood sample to conduct reasonable and medically necessary evaluations and laboratory tests to safely administer a psychoactive medication authorized by the order (Effective September 1, 2023.)

### **Sales Tax**

**S.B. 65 (Zaffirini/Noble) – Sales Tax Exemption:** exempts the furnishing of an academic transcript from sales taxes. (Effective October 1, 2023.)

**S.B. 379 (Huffman/Howard) – Sales Tax Exemption:** exempts from the sales tax certain wound care dressing products, adult or children’s diapers, feminine hygiene products, maternity clothing, breast milk pumping products, and baby bottles. (Effective September 1, 2023.)

**S.B. 1122 (Schwertner/Turner) – Sales Tax Exemption:** exempts from the sales tax a medical service performed to determine the appropriate level of workers’ compensation benefits. (Effective immediately.)

### **Community and Economic Development**

**H.B. 5 (Hunter/Schwertner) – Economic Development:** this bill provides a replacement economic development program for the former school property tax limitation program located in Chapter 313 of the Tax Code and, among other things, provides that: (1) a person may apply for approval of an agreement for a limitation on taxable value of property between the governor, a school district, and the applicant for an eligible economic development project; (2) the comptroller shall recommend an application for approval if the comptroller finds that the application meets certain criteria; and (3) the governor must determine whether to agree to entering into the agreement that is the subject of the application. (Effective January 1, 2024.)

**H.B. 14 (Cody Harris/Bettencourt) – Third Party Inspections and Review of Development Applications:** provides: (1) for a third-party review of certain development documents, permits, and inspections if a city fails to approve, conditionally approve, or disapprove the documents or conduct the inspection by the 15th day following the time prescribed by law for the review or inspection; (2) that a third-party document review may be performed by certain qualified persons, including: (a) a licensed engineer; or (b) a reviewer employed by the city or any other political subdivision, if the city approves the person; (3) that a third-party inspection may be performed by certain qualified persons, including: (a) a certified building inspector; (b) a licensed engineer; or (c) an inspector employed by the city or any other political subdivision, if the city approves the person; (4) that the city cannot collect an additional fee for the third-party review or inspection; (5) that the person performing the review or inspection must satisfy all applicable regulations and provide notice to the regulatory authority within 15 days of completion; and (6) that a person may appeal to the governing body of a political subdivision a decision to conditionally approve or disapprove a development document made by the regulatory authority for the political subdivision or a third party reviewer or inspector. (Effective September 1, 2023.)

**H.B. 73 (Murr/Springer) – Landowner Liability:** this bill, among other things, provides that a landowner or lessee is not liable for damages arising from any incident or accident involving their livestock due to an act or omission of a firefighter or a peace officer who has entered the landowner’s property with or without the permission of the landowner, regardless of where the damage occurs. (Effective September 1, 2023.)

**H.B. 586 (E. Thompson/Bettencourt) – Annexation of Roadways:** provides that: (1) a city may annex a road right-of-way (ROW) that: (a) is contiguous to the city’s boundary or to an area being simultaneously annexed by the city; (b) is either: (i) parallel to the boundary of the city or to an area being simultaneously annexed by the city; or (ii) connects the boundary of the city to an area being simultaneously annexed by the city or to another point on the city’s boundary; and (c) does not result in the city’s boundaries surrounding any area that was not already in the city’s extraterritorial jurisdiction (ETJ) immediately before the annexation of the ROW; (2) a city may annex a ROW under (1), above, only if: (a) the owner of the ROW or the governing body of the

political subdivision that maintains the ROW requests the annexation of the ROW in writing; or (b) both: (i) the city provides written notice of the annexation to the owner of the ROW or the governing body of the political subdivision that maintains the ROW not later than the 61st day before the date of the proposed annexation; and (ii) the owner or the governing body of the political subdivision that maintains the ROW does not submit a written objection to the city before the date of the proposed annexation; and (3) an annexation of ROW described by (1)(b)(ii), above, does not expand the city's ETJ. (Effective immediately.)

**H.B. 783 (Meza/West) – Cemeteries:** provides that in a city in a county with a population of more than 750,000 or a city in a county adjacent to a county with a population of more than 750,000: (1) an individual, corporation, partnership, firm, trust, or association may file a written application with the city council to establish or use a cemetery located inside the city limits; and (2) the city council by ordinance shall prescribe the information to be included in the application in (1), above, and may authorize the establishment or use of the cemetery if the city council determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare. (Effective September 1, 2023.)

**H.B. 1193 (Turner/Miles) – Housing Discrimination Prevention:** provides that a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from renting a dwelling to a person based on the person's method of payment. (Effective September 1, 2023.)

**H.B. 1381 (Hernandez/Alvarado) – Zoning Hearing:** requires a zoning commission to hold at least one public hearing on a preliminary report related to a proposed change in zoning classification before submitting a final report to the city's governing body, whereas current law requires multiple hearings. (Effective September 1, 2023.)

**H.B. 1515 (Clardy/Springer) – Texas Economic Development and Tourism Office:** this is the Texas Economic Development and Tourism Office (TEDTC) sunset bill. The bill, among other things, continues TEDTC until 2035. (Effective September 1, 2023.)

**H.B. 1526 (Cody Harris/Hughes) – Parkland Dedication:** provides, among other things, that in a city with a population of more than 800,000: (1) by January 1, 2024, the city must designate every area within the city as either suburban, urban, or central business district; (2) by January 1, 2024, the relevant appraisal district must calculate average land values for each district in the city; (3) a city that requires a landowner to dedicate a portion of the landowner's property for parkland use or pay a parkland fee under a development application may require the landowner to: (a) pay a fee in lieu of land dedication in accordance with a formula based on the average land values calculated in (2), above; (b) dedicate up to ten percent of the land subject to the development application for park use; or (c) require both a fee and a dedication of land in amounts calculated according to a formula, which can result, under certain circumstances, in the city paying money to the landowner; (4) a landowner may make a written request to the city requesting a determination of the dedication amount required by (3), above; (5) if the city fails to respond to the request from (4), above, within 30 days, the city may not require a parkland dedication or charge a fee-in-lieu of dedication; (6) a city cannot require a parkland dedication or fee for commercial development; (7) an alternative process for calculating parkland dedications

or fees-in-lieu for cities with low fees; and (8) an appeal process to allow the landowner to appeal a city's dedication requirement. (Effective immediately.)

**H.B. 1707 (Klick/Hughes) – Open-Enrollment Charter Schools:** provides, among other things, that: (1) to be considered a school district by a city for the purposes below, the governing body of an open-enrollment charter school must certify in writing to the city that no administrator, officer, or employee the school and no member of the governing body of the charter school or its charter holder derives any personal financial benefit from a real estate transaction with the charter school; (2) a city shall consider an open-enrollment charter school that qualifies under (1), above, a school district for purposes of, among other things, zoning, permitting, platting, subdivision, construction and site development, land development regulation, application processing and timelines, regulation of architectural features, business licensing, franchises, utility services, signage, the requirements for posting bonds or securities, contract requirements, and fees and assessments; (3) a city may not consider an open enrollment charter school a school district for the purpose of collection of impact fees; (4) a city may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; (5) the provisions above apply to property owned or leased by the charter school; and (6) charter schools are treated the same as school districts with regard to development agreements between a city and a school located in an area annexed for limited purposes. (Effective September 1, 2023.)

**H.B. 1750 (Burns/Perry) – Regulation of Agricultural Operation:** this bill, among other things:

1. expands the definition of “agricultural operation” to include: (a) producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, plantings seed or fiber; and (b) the raising or keeping livestock or poultry, including veterinary services;
2. provides that a city may not impose a governmental requirement that applies to agricultural operations located in the corporate boundaries of the city unless: (a) the city council makes a finding by resolution, based on a report described in Number 3, below, that there is clear and convincing evidence that the purposes of the requirement cannot be addressed through less restrictive means and that the requirement is necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the danger of: (i) the likelihood of an explosion; (ii) flooding; (iii) an infestation of vermin or insects; (iv) physical injury; (v) the spread of an identified disease that is directly attributable to the agricultural operation; (vi) the removal of lateral or subjacent support; (vii) an identified source of contamination of water supplies; (viii) radiation; (ix) improper storage of toxic materials; (x) crops planted or vegetation grown in a manner that will cause traffic hazards; or (xi) discharge of firearms or other weapons subject to local restrictions; (b) the governing body of the city makes a finding by resolution, based on the report described in Number 3, below, that the requirement is necessary to protect public health; and (c) the requirement is not otherwise prohibited by the statute governing limitations on city governmental requirements applicable within corporate boundaries;

3. provides that before making a finding described in Number 2, above, the city council must obtain and review a report prepared by the city health officer or a consultant that: (a) identifies evidence of the health hazards related to agricultural operations; (b) determines the necessity of regulation and the manner in which agricultural operation should be regulated; (c) states whether each manner of regulation under (3)(b), above, will restrict or prohibit a generally accepted agricultural practice; and (d) if applicable, includes an explanation why the report recommends a manner of regulation that will restrict the use of a generally accepted agricultural practice;
4. prohibits a city from imposing a governmental requirement that directly or indirectly: (a) prohibits the use of generally accepted agricultural practices listed in a manual prepared by the Texas A&M AgriLife Extension Service; (b) prohibits or restricts the growing or harvesting of vegetation for animal feed, livestock forage, or forage for wildlife management except as provided by Number 5, below; (c) prohibits the use of pesticides or other measures to control vermin or disease-bearing insects to the extent necessary to prevent an infestation; or (d) requires an agricultural operation be designated for an agricultural use or farm, ranch, wildlife management, or timber production under the Texas Constitution;
5. provides that a city may impose a maximum height for vegetation that applies to agricultural operations only if: (a) the maximum vegetation height is at least 12 inches; and (b) the requirement applies only to portions of an agricultural operation located no more than 10 feet from a property boundary that is adjacent to: (i) a public sidewalk, street, or highway, or (ii) a property that is owned by a person other than the owner of the agricultural operation and has a structure that is inhabited; and
6. provides that a governmental requirement of a city relating to the relating to the restraint of a dog that would apply to an agricultural operation does not apply to a dog used to protect livestock on property controlled by the property owner; and
7. provides that a city may require a person to provide a written management plan that meets certain specifications to establish that activities constitute an agricultural operation on the basis of being wildlife management activities.

(Effective September 1, 2023.)

**H.B. 2308 (Ashby/Perry) – Enforcement Against Agricultural Operations:** this bill, among other things, provides that: (1) the definition of “agricultural operation” includes producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber; and (b) raising or keeping livestock or poultry, including veterinary services; (2) the date an agricultural operation is established is the date on which an agricultural operation commenced; (3) a “substantial change” to an agricultural operation means a material alteration to the operation of or type of production at an agricultural operation that is substantially inconsistent with the operational practices since the established date of operation; (4) no action to restrain an agricultural operation may be brought against an operation that has

been in operation and substantially unchanged for at least one year; (5) remedies for an agricultural operator against whom an action is brought are expanded to include any damages found by the trier of fact; (6) an occupant of any land on which agricultural operations exist or take place is not liable to the state or a governmental unit for the construction or maintenance on the land of an agricultural improvement if the construction is not expressly prohibited by state statute in effect at the time the improvement is constructed; and (7) any other law is preempted to the extent of a conflict with the law governing governmental requirements on agricultural operations. (Effective September 1, 2023.)

**H.B. 2371 (Turner/Hancock) – Cemeteries:** this bill, among other things, provides: (1) that a city may make additional burial spaces available in a city cemetery if: (a) the city has had possession and control of the cemetery for at least 25 years; (b) the city holds a public hearing; (c) the cemetery has been consistently maintained in accordance with other law; and (d) selling of additional spaces will not endanger public health, safety, comfort, and welfare; and (2) for a process to determine whether a burial plot has been abandoned. (Effective September 1, 2023.)

**H.B. 2947 (Cain/Perry) – Agricultural Operation:** expands the definition of “agricultural operation” to include the commercial sale of poultry, livestock, and other domestic and wild animals for purposes of preempting certain nuisance actions and governmental requirements on preexisting agricultural operations. (Effective immediately.)

**H.B. 2956 (Shine/Flores) – Annexation Across Railway Right-of-Way:** this bill, among other things, allows a city that is annexing property under certain conditions to annex an additional area adjacent to railroad rights-of-way if the railroad right-of-way is: (1) contiguous, and runs parallel to the city’s boundaries; and (2) contiguous to the area being annexed. (Effective immediately.)

**H.B. 3323 (Goodwin/West) – Texas Food System Security and Resiliency Council:** this bill: (1) directs the Office of Food System Security and Resiliency within the Texas Department of Agriculture, or if not created, the Food and Nutrition Division of the Department of Agriculture, to establish the Texas Food System Security and Resiliency Council (TFSSRC); (2) directs the TFSSRC to collaborate with state agencies to develop a state food system security plan to: (a) provide for the orderly development and management of food system security throughout the state, to ensure sufficient food is available at a reasonable cost; (b) account for times of severe drought conditions, natural disaster, man-made disaster, or other calamities; and (c) make legislative recommendations to facilitate the resiliency and availability of food in the state; and (3) establish the Texas Food System Security Planning Fund to administer the TFSSRC. (Effective September 1, 2023.)

**H.B. 3514 (Burns/Birdwell) – Annexation of Property in Water or Sewer District:** allows a city with a population of 3,000 or less to annex an area within a water or sewer district if the governing body of the district consents. (Effective September 1, 2023.)

**H.B. 3526 (Raymond/Springer) – Solar Pergolas:** prohibits a city from applying a local building code to the construction of a solar pergola. (Effective September 1, 2023.)



**H.B. 3536 (Manuel/Paxton) – Landlord Repossession:** this bill, among other things, establishes that a landlord has a right to recover possession of leased premises if the tenant is using or allowing the premises to be used for operating, maintaining, or advertising a massage establishment that: (1) is not exempt from licensing requirements under state or federal law and: (a) has never been issued a license by the Texas Department of Licensing and Regulation (TDLR); or (b) the license for which was suspended, revoked, or refused renewal by TDLR after the establishment obtained a right of possession in the leased premises; or (2) was issued a citation, administrative penalty, civil penalty, or other civil or criminal sanction for: (a) violating a local ordinance relating to prostitution or trafficking of persons; (b) operating a sexually oriented business; or (c) violating state law relating to prohibited practices by a massage establishment. (Effective September 1, 2023.)

**H.B. 3699 (Wilson/Bettencourt) – Platting Shot Clock:** this bill, among other things, provides that:

1. subdivision development plans, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan are no longer subject to the 30-day review and approval shot clock;
2. the state statute governing city regulation of subdivisions may not be construed to restrict a city from establishing a submittal calendar to be used by an applicant to facilitate compliance with the shot clock for plat review;
3. a city council, by ordinance and after notice is published in a newspaper of general circulation in the city, may: (a) adopt reasonable specifications relating to the construction of each street or road based on the amount and kind of travel over each street or road in a subdivision; and (b) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices;
4. a landowner subdividing property must prepare a plat when the owner intends parts of the subdivided tract to be dedicated to public use;
5. a plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements to the city council or the municipal authority responsible for approving plats;
6. the city council or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law;
7. the city authority responsible for approving plats must approve a plat or replat that is required to be prepared pursuant to Subchapter A, Chapter 212 of the Local Government Code, and that subchapter may not be construed to convey any authority to a city

regarding the completeness of an application or the approval of a plat or replat that is not explicitly granted by the subchapter;

8. a city council or city planning commission may delegate the ability to approve, approve with conditions, or disapprove a plat to municipal officers or employees;
9. an applicant has the right to appeal a delegated plat application disapproval decision under Number 8, above, to the city council or the city planning commission;
10. by January 1, 2024, a city shall adopt and make available to the public a complete, written list of all documentation and other information that the city requires to be submitted with a plat application;
11. an application submitted to the city that contains all documents and other information on the list provided by Number 10, above, is considered complete;
12. a city that operates a website must publish and continuously maintain the list described by Number 10, above, on the website not later than the 30<sup>th</sup> day after the date the city adopts or amends the list;
13. a city that does not operate a website must publish the list described by Number 10, above, in a newspaper of general circulation in the city and a public place in the location in which the city council meets;
14. the statutory approval timeframes may be extended for multiple 30-day periods under certain circumstances;
15. the city authority responsible for approving plats may not require dedication of land within a subdivision for a future street or alley that is not: (a) intended by the owner of the tract; and (b) included in the city's capital improvement plan;
16. a city authority responsible for approving plats may not refuse to review a plat or to approve a plate for recordation for failure to identify a roadway corridor unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the city is located; and
17. if a city authority responsible for approving plats fails or refuses to approve a complying plat application, the owner of the tract may bring an action in district court for: (a) a writ of mandamus to compel the city to approve the plat; and (b) reasonable attorney fees and costs.

(Effective September 1, 2023.)

**H.B. 4051 (Goldman/Huffman) – Media Production Development Zone:** this bill provides that to be approved as a media production development zone, an area must be in a metropolitan statistical area, the principal city of which has adequate workforce, infrastructure, facilities, or

resources to support the production and completion of moving image projects. (Effective September 1, 2023.)

**H.B. 4539 (Goldman/Huffman) – Moving Image Industry Incentive Program:** this bill reduces the percentage of production crew, actors, and extras that must be Texas residents from 70 to 55 to qualify for a grant for the Moving Image Industry Incentive Program, unless the Music, Film, Television, and Multimedia Office determines and certifies in writing that a sufficient number of qualified crew, actors, and extras are not available to the company at the time principal photography begins. (Effective September 1, 2023.)

**H.J.R. 126 (Burns/Perry) – Right to Farming, Ranching, and Wildlife Management:** amends the Texas Constitution to, among other things: (1) protect the right of individuals in Texas to engage in farming, ranching, timber production, horticulture and wildlife management practices on their property; and (2) allow cities to regulate these activities if there is clear and convincing evidence that regulation is necessary to protect public health and safety from imminent danger. (Effective if approved at the election on November 7, 2023.)

**S.B. 186 (Miles/Reynolds) – Group Homes:** prohibits: (1) a hospital or other health facility from discharging or otherwise releasing a patient to the care of an unpermitted group home, boarding home, facility, or similar group-centered facility, unless: (a) there is no permitted group-centered facility located in the county in which the patient is discharged; or (b) the patient voluntarily elects to reside at the unpermitted facility; and (2) a local health authority from issuing an order authorizing a hospital or health facility to discharge or release a patient to a group-centered facility in a manner that violates (1), above. (Effective September 1, 2023.)

**S.B. 349 (Springer/Anderson) – Housing Authority:** requires any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs imposed under the Health and Safety Code. (Effective September 1, 2023.)

**S.B. 543 (Blanco/Ordaz) – Real Property for Economic Development:** this bill, among other things: (1) provides that a city that has entered into an economic development agreement authorized by Chapter 380 of the Local Government Code with an entity may transfer to the entity real property or an interest in real property for consideration if: (a) the agreement requires the entity to use the property in a manner that primarily promotes a public purpose relating to economic development; and (b) the agreement includes provisions under which the city is granted sufficient control to ensure that the public purpose is accomplished and the city receives the return benefit; (2) prohibits the city from transferring for consideration real property or an interest in real property the city owns, holds, or claims as a public square or park; (3) provides that before a city may transfer real property or an interest in real property under an agreement as provided by the bill, the city must provide notice to the public published in a newspaper of general circulation in the county in which the property is located or, if there is no such newspaper, by any means for the city to provide public notice authorized by statute or by ordinance of the city; (4) provides that the notice in (3), above, must: (a) include a description of the property, including its location; (b) be provided within 10 days before the date the property or an interest in the property is transferred; and (c) be published for two separate days within the period prescribed by (4)(b), above, if the notice is published in a newspaper; and (5) prohibits the

city from transferring real property for consideration if the property was acquired by the city from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority. (Effective immediately.)

**S.B. 580 (Zaffirini/T. King) – County Cancellation of Plats:** extends a county’s power to cancel a subdivision plat for undeveloped property to subdivisions located in a city’s extraterritorial jurisdiction (ETJ) if the city is not authorized to regulate plats and approve related permits in that area of the ETJ through an applicable agreement with the county. (Effective September 1, 2023).

**S.B. 929 (Parker/Rogers) – Nonconforming Use Compensation:** provides, among other things: (1) that in addition to other notices, a city shall provide written notice containing certain language of any public hearing regarding any proposed zoning change that could result in the creation of a nonconforming use; (2) that the notice required in (1), above, must: (a) be sent by mail to certain addresses; (b) contain the time and place of the hearing; and (c) include specific notice language; (3) a person using property in a manner considered to be a nonconforming use as a result of a change in an applicable zoning regulation may continue that nonconforming use unless required to stop by the city; (4) that a requirement to stop a nonconforming use includes: (a) an official action by the city; or (b) a determination by the city that the nonconforming use has an adverse effect or another necessary determination that the city must make prior to imposing a requirement to stop a nonconforming use; (5) that if a nonconforming use is required by a city to cease operation, the owner or the lessee of the property is entitled to receive a certain, calculated payment for damages associated with closing the operation or additional time to engage in the nonconforming use; and (6) for a process to appeal determinations to the board of adjustment, along with a process to seek judicial review of the final decision of the board of adjustment. (Effective immediately.)

**S.B. 1340 (Zaffirini/Meyer) – Incentive Agreement Database:** this bill, among other things: (1) requires information related to property tax abatement agreements to be included in the comptroller’s Local Development Agreement Database; (2) requires the database to include, for each local development agreement: (a) the name and contact information of any entity or the entity’s agent that entered into the agreement with the local government, including the business address and any assumed names of the entity; (b) the date on which the agreement went into effect and the date and terms on which the agreement expires; (c) the total monetary value of the agreement; and (d) the source of the money used or type of tax implicated by the agreement, including a sales and use tax, property tax, or hotel occupancy tax; (3) authorizes the comptroller to prescribe the form and manner in which a local government must submit required incentive agreement information; and (4) provides that a taxing unit that maintains an Internet website and that executes a property tax abatement agreement shall provide on the website a direct link to the location of the agreement information that is published on the comptroller’s Local Development Agreement Database. (Effective January 1, 2024.)

**S.B. 2038 (Bettencourt/C. Bell) – Extraterritorial Jurisdiction Release:** provides, among other things that:

1. the ability to pursue release from city’s extraterritorial jurisdiction (ETJ) by petition or election, as described below, does not apply to an area located: (a) within five miles of

- the boundary of a military base at which an active training program is conducted; (b) in an area that was voluntarily annexed into the ETJ that is located in a specific county; (c) within the portion of the ETJ of a specific city that is within 15 miles of the boundary of a military base; (d) in an area designated as an industrial district; or (d) in an area subject to a strategic partnership agreement;
2. the owner or owners of the majority in value of an area consisting of one or more parcels of land in a city's extraterritorial jurisdiction may file a written petition with the city to be released from the ETJ;
  3. a petition requesting release must be signed by: (a) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or (b) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district;
  4. a person filing a petition must satisfy the signature requirement in Number 3, above, not later than the 180th day after the date the first signature for the petition is obtained;
  5. a petition under Number 3, above, must include a map of the land to be released and describe the boundaries of the land to be released by metes and bounds or lot and block number, if there is a recorded map or plat;
  6. a petition requesting removal from the ETJ shall be verified by the city secretary or other person responsible for verifying signatures;
  7. a city shall notify the residents and landowners of the area described by the petition of the results of the petition;
  8. if a resident or landowner obtains the number of signatures on the petition required by Number 3, above, to release the area from the city's ETJ, the city shall immediately release the area from the ETJ;
  9. if a city fails to take action to release the area from the ETJ under Number 7, above, by the later of the 45th day after the date the city receives the petition or the next meeting of the city council that occurs after the 30th day after the date the city receives the petition, the area is released by operation of law;
  10. an area released from a city's ETJ by petition may not be included in the ETJ or the corporate boundaries of a city, unless the owner or owners of the area subsequently request that the area be included in the city's ETJ or corporate boundaries;
  11. a resident of an area in a city's ETJ may request the city to hold an election to vote on the question of whether to release the area from the city's ETJ by filing with the city a petition that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date;

12. a resident may not request another election on the question of releasing the same or substantially same area from the city's ETJ before the second anniversary of the date the city receives a petition under Number 11, above;
13. a petition under Number 11, above, must include a map of the land to be released and describe the boundaries of the land to be released by metes and bounds or lot and block number, if there is a recorded map or plat;
14. a city shall order an election on the question of whether to release an area from the city's ETJ to be held on the first uniform election date that falls on or after the 90<sup>th</sup> day after the date the city receives a petition under Number 11, above;
15. the city shall hold an election described by Number 14, above, in the area described by the petition at which the qualified voters of the area described by the petition may vote on the question of the release;
16. not later than 48 hours after the canvass of an election held under Number 14, above, the city shall notify the residents of the area proposed to be released from the city's ETJ of the results of the election;
17. if a majority of qualified voters of the area to be released from the ETJ approve the proposed release at the election held under Number 14, above, the city shall immediately release the area from the ETJ;
18. if a city fails to take action to release the area from the ETJ under Number 17, above, by the later of the next meeting of the city council or the 15<sup>th</sup> day after the canvass date for the election, the area is released by operation of law;
19. an area released from a city's ETJ by election may not be included in the ETJ or the corporate boundaries of a city, unless the owner or owners of the area subsequently request that the area be included in the city's ETJ or corporate boundaries;
20. instead of holding an election under Number 14, above, a city may voluntarily release an area for which the election is to be held from the city's ETJ before the date on which the election would have been held;
21. an annexation commenced after January 1, 2023 does not automatically expand a city's ETJ unless contemporaneously with the annexation the owner or owners of the area that would be included in the city's ETJ as a result of the annexation request that the area be included in the city's ETJ;
22. cities must take action to release any ETJ acquired from an annexation commenced after January 1, 2023, as necessary to comply with Number 21, above; and
23. if an area subject to an agreement reached between a city and a county authorizing the city to regulate subdivisions in the ETJ is removed from a city's ETJ, the agreement is

terminated as to the area and the county is the political subdivision authorized to regulate subdivisions in the removed area.

(Effective September 1, 2023.)

**S.B. 2440 (Perry/Burrows) – Certification of Groundwater Supply:** this bill: (1) requires certain plats for the subdivision of land to include proof of groundwater supply; and (2) allows a city to waive the requirement from (1), above, if: (a) the entire tract will be supplied with groundwater from certain aquifers; or (b) the tract is being subdivided into not more than 10 parts. (Effective January 1, 2024.)

**S.B. 2453 (Menendez/Hernandez) – Exceptions to Building Material Preemption:** allows a governmental entity, including a city, to adopt a regulation regarding the building the use or installation of a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if that product, material or method relates to: (1) certain energy codes adopted by the State Energy Conservation Office; (2) certain energy and water conservation design standards established by the State Energy Conservation Office; or (3) certain high-performance building standards approved by the board of regents of an institute of higher education. (Effective September 1, 2023.)

**S.B. 2493 (Middleton/Bryant) – Landlord Repairs:** this bill, among other things: (1) requires that repairs made in response to a tenant’s notice of intent to repair must be performed by an independent company, contractor, or repairman; and (2) provides that if the rental unit is located in a city requiring the company, contractor, or repairman to be licensed, the person or entity performing the repair must be licensed in accordance with the city’s requirements. (Effective September 1, 2023.)

### **Elections**

**H.B. 357 (Bucy/Hughes) – Runoff Elections:** the bill: (1) provides that a runoff election shall be held on a Saturday designated by the secretary of state instead of on a date during a different time period that is selected by the city; (2) provides that a date designated by the secretary of state under (1), above, for a runoff election: (a) must be not earlier than the 30th day after the date of the main election and not later than the 45th day after the date of the main election (current law allows the city to choose an election date as early as 20 days after the main election); and (b) may not be a national or state holiday or have an early voting period that includes a national or state holiday; (3) repeals the provision that provides that a runoff election date later than the period prescribed by state law may be prescribed by a home-rule city charter; and (4) provides that the online tool developed or provided by the secretary of state to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person’s application and ballot on the secretary’s website and on an applicable county’s website must require the voter to provide the following additional information, before permitting the voter to access the information: (a) the voter’s date of birth; and (b) the voter’s driver’s license number, personal identification card number or the last four digits of the voter’s social security number. (Effective September 1, 2023.)

**H.B. 1299 (Noble/Paxton) – Mail in Ballots:** provides that: (1) a voter, after marking a ballot voted by mail, must sign the certificate on the carrier envelope using ink on paper, and that an electronic signature or photocopied signature is not permitted; and (2) a person other than the voter who assists a voter by depositing the carrier envelope in the mail or with a common or contract carrier or who obtains the carrier envelope for that purpose must sign the envelope using ink on paper, and that an electronic signature or photocopied signature is not permitted. (Effective September 1, 2023.)

**H.B. 1434 (Buckley/Flores) – Staggered Terms:** provides that if the aldermen of the governing body of a Type A general law city are not serving staggered terms of office, the governing body, by majority vote, may establish staggered terms by requiring the aldermen to draw lots. (Effective immediately.)

**H.B. 2626 (Tepper/Paxton) – Political Reporting:** the bill: (1) provides that the clerk or secretary of a political subdivision’s governing body or, if the governing body does not have a clerk or secretary, the governing body’s presiding officer shall make a political contributions and expenditures report filed with the political subdivision by a candidate, officeholder, or specific-purpose committee available to the public on the political subdivision’s Internet website not later than the 10th business day after the date the report is received; (2) provides that before making a report available on the Internet as required by (1), above, the authority with whom the report is filed may remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report and the address information removed must remain available on the report maintained in the authority’s office; (3) provides that a report made available on an Internet website under (1), above, must be accessible on that website until the fifth anniversary of the date the report is first made available; and (4) repeals the provision that requires the clerk of a city with a population of 500,000 or more to make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee in connection with the office or mayor or councilmember available to the public on the city’s website. (Effective September 1, 2023.)

**H.B. 3372 (Thimesch/Parker) – Political Reports:** provides that: (1) a candidate or officeholder who accepts a political contribution made using a credit card shall: (a) for a political contribution for which a processing fee is deducted by the credit card issuer from the political contribution amount: (i) report as a political contribution the full amount, including the deducted amount; and (ii) report as a political expenditure the deducted amount; and (b) for a political contribution for which a processing fee is paid by the person making the political contribution in excess of the political contribution amount, report only as a political contribution the full amount the candidate or officeholder accepts, not including the amount paid in excess of the political contribution amount; and (2) a candidate or officeholder who accepts a political contribution described by (1)(b), above, is not required to report the excess amount paid as a processing fee by the person making the political contribution. (Effective September 1, 2023.)

**H.B. 3613 (Cain/Bettencourt) – City Elections:** provides that: (1) a city that is divided into districts, wards, or other areas from which members of its governing body are elected shall elect all members of the city council following each apportionment on the first uniform election date that allows sufficient time to comply with applicable requirements of the law; and (2) if members



of city council described in (1), above, serve staggered terms, the city shall adopt an equitable process to determine which members of the council serve shorter terms to accommodate an election following apportionment that accounts for the remaining time in each member’s term and whether the term of any member elected from a particular district, ward, or area was previously shortened. (Effective September 1, 2023.)

**H.B. 5180 (Wilson/Hughes) – Voted Ballots:** provides that: (1) beginning on the first day after the date the final canvass of an election is completed, the general custodian of election records shall make available for public inspection election records that are: (a) images of voted ballots, if a county maintains images of voted ballots; or (b) cast vote records; and (2) beginning on the 61st day after election day, the general custodian of election records shall make available for public inspection election records that are original voted ballots and shall adopt procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the voted ballot available for public inspection. (Effective September 1, 2023.)

**S.B. 477 (Zaffirini/Morales) – Disabled Voters:** provides, among other things, that: (1) an election officer shall accept a person with a mobility problem that substantially impairs a person’s ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person; (2) notice of the priority given to persons with a mobility problem that substantially impairs a person’s ability to ambulate shall be posted at each entrance to a polling place where it can be read by persons waiting to vote; (3) at each polling place an area for parking not smaller than the size of one parking space shall be reserved for voting; (4) the area described in (3), above, may not be designated specifically for persons with disabilities and must be clearly marked with a sign: (a) indicating that the space is reserved for use by a voter who is unable to enter the polling place; and (b) displaying, in large font that is clearly readable from a vehicle, a telephone number that a voter may call or text to request assistance from an election officer at the polling place; (5) as an alternative to displaying a telephone number under (4), above, a parking space may comply by providing the voter with a button or intercom that the voter may use to request assistance from an election officer; and (6) the early voting clerk: (a) shall post the official application form for an early voting ballot on the clerk’s Internet website, if the clerk maintains an Internet website, in a format that allows a person to easily complete the application directly on the website before printing; and (b) may use the application form provided by the secretary of state or the early voting clerk’s own application form. (Effective immediately.)

**S.B. 825 (Bettencourt/Cunningham) – Recount Petitions:** provides that: (1) a petition for an initial recount must be submitted by 5 p.m. of the third business day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the original election returns; (2) if the deadline for submitting a petition under (1), above, falls on a Saturday, Sunday, or legal state holiday, the deadline is extended to 10 a.m. of the next regular business day; and (3) for a recount in an election on an office in which a majority vote is required for nomination or election and votes were cast for more than two candidates, the deadline for submitting a recount petition is 2 p.m. of the second day after the date of the local canvass. (Effective September 1, 2023.)

**[S.B. 1052](#) (Springer/J. Gonzalez) – Compensation:** provides that an election judge or clerk may not be paid for more than two hours of work before the polls open. (Effective September 1, 2023.)

**[S.B. 1661](#) (Hughes/Smith) – Central Counting Stations:** provides that an authority operating a central counting station may only purchase or use a ballot scan system if the system is only capable of using a data transfer media device that: (1) once a cast vote record is written, is incapable of being modified without automatic: (a) detection of the modification; and (b) rejection of the cast vote record; and (2) does not allow for the process under (1), above, to be overridden or circumvented. (Effective September 1, 2023.)

### **Emergency Management**

**[H.B. 3097](#) (Leo-Wilson/Middleton) – Anticipation Notes:** authorizes a city located within 70 miles of the Gulf of Mexico to authorize the issuance of an anticipation note or other obligation in the event of an emergency notwithstanding certain credit rating requirements that that would normally apply. (Effective immediately.)

**[H.B. 3222](#) (Guillen/Kolkhorst) – Disaster Recovery Loan Program:** increases the number of days from 15 to 30 days that a governing body of a political subdivision, including a city, has to submit its operating budget for the most recent fiscal year as part of the application process to Texas Department of Emergency Management for a disaster recovery loan. (Effective September 1, 2023.)

**[S.B. 29](#) (Birdwell/Bettencourt) – COVID-19 Preventative Measures:** provides that a governmental entity may not implement, order, or otherwise impose a mandate requiring: (1) a person to wear a mask or other face covering to prevent the spread of COVID-19; (2) a person to be vaccinated against COVID-19; and (3) the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19. (Effective September 1, 2023.)

**[S.B. 2133](#) (Miles/Oliverson) – Dialysis Patient Transportation During Disaster:** requires an emergency medical services provider to adopt and implement a plan to provide dialysis patients who call 9-1-1 during a declared disaster an alternative mode of transportation to and from an outpatient end-stage renal disease facility if the patient’s normal and alternative modes of transportation cannot be used during the disaster. (Effective September 1, 2023.)

### **Municipal Courts**

**[H.B. 291](#) (Murr/Hughes) – Driver’s License Renewal:** this bill, among other things, requires that a city immediately notify the Department of Public Safety that there is no cause to continue to deny renewal of a person’s driver’s license for failure to appear or satisfy a judgment or on a finding by the court that the person is indigent and not required to pay a reimbursement fee. (Effective September 1, 2023.)

**[H.B. 1603](#) (Guillen/Hinojosa) – Appointing Prosecutors:** authorizes a justice or judge to appoint any competent attorney to represent the state in a criminal case if the state is not

represented by counsel when the case is called for trial and to pay a reasonable fee for such services. (Effective September 1, 2023.)

**H.B. 3186 (Leach/Zaffirini) – Youth Diversion Program:** this bill, among other things: (1) establishes a youth diversion program for juvenile defendants charged with a misdemeanor other than a traffic offense, punishable by fine only; (2) establishes program eligibility requirements, including the defendant and a defendant’s parent’s written consent to participate, the attorney representing the state’s consent, and court approval under certain circumstances; (3) requires each justice and municipal court to adopt a program plan under (1), above, that includes: (a) requiring a defendant to enter into a diversion agreement with the court outlining the program agreement terms and duration; (b) providing for the program’s diversion strategies, which may include: (i) paying restitution up to \$100; (ii) performing community service, participating in a court-approved teen court program, a school-related program, a community-based program, an educational program, a rehabilitation program, a self-improvement program, or similar third-party service provider programs; (iii) submitting to alcohol and drug testing, substantially comply with a course of a treatment prescribed by a physician or other licensed medical or mental health professional; and (iv) participating in mediation or other dispute resolution processes; (4) requires each justice and municipal court to maintain its youth diversion plan on file for public inspection; (5) authorizes a court or local government to adopt rules necessary to implement and coordinate the services described in (3), above, and enter into a contract with a third-party service provider to provide such services; (6) authorizes a court to designate a youth diversion coordinator or juvenile case manager to assist the court in implementing, coordinating, and monitoring the program described in (1), above; (7) provides for program procedures, including deadlines, consent requirements, hearing rules, recordkeeping requirements, and program-related agreements and order requirements; (8) allows a court to refer a defendant to criminal court for failure to comply with a diversion agreement or order; (9) allows the clerk or a justice or municipal court to impose a \$50 local youth diversion administrative fee, but prohibits making a defendant’s ability to participate in (1), above, contingent upon paying the fee, and allowing for fee waiver for financial hardship; (10) for cases involving an eligible defendant where the court has determined the evidence presented would support a finding of guilt, requires the court to allow a defendant and defendant’s parent to accept placement in (1), above, instead of entering a finding of guilt; (11) allows a city that does not employ or contract with a juvenile case manager, in consultation with the court, to direct the fees described in (10), above, to be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile criminal referrals to the court; and (12) requires each justice and municipal court to implement a youth diversion plan described in (1), above, by not later than January 1, 2025 and to apply the plan to offenses committed on or after January 1, 2025. (Effective January 1, 2024.)

**S.B. 338 (Hinojosa/Leach) – Hypnotically Induced Testimony:** provides that the statement of a person obtained by hypnotizing the person is not admissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial. (Effective September 1, 2023.)

**S.B. 372 (Huffman/Leach) – Confidentiality of Non-Judicial Work Product:** this bill: (1) creates a criminal offense if a person other than a justice or a judge knowingly discloses, wholly or partly, the contents of any non-judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, an employee of an agency of the Texas Judicial Council or Office of Court Administration, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding; and (2) establishes certain defenses to prosecution for violations. (Effective September 1, 2023.)

**S.B. 904 (Springer/Landgraf) – Handicapped Parking Restrictions:** this bill: (1) prohibits a political subdivision from dismissing a violation for a person parking in a space or area explicitly designated for persons with disabilities because the parking space marking did not comply with state law, if the parking space is in general compliance and compliance and clearly distinguishable as a designated accessible parking space for persons with disabilities; and (2) provides that a political subdivision may only issue a warning for unlawful parking in such a space if there is no above-grade sign as provided by law. (Effective September 1, 2023.)

### **Open Government**

**H.B. 30 (Moody/King) – Law Enforcement Records:** provides that information, records, or notations held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of a crime that did not result in a conviction or deferred adjudication may not be withheld under the Public Information Act if: (1) a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (2) each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation. (Effective September 1, 2023.)

**H.B. 3033 (Landgraf/Zaffirini) – Public Information:** provides, among other things, that:

1. for purposes of the Public Information Act (PIA): (a) a “business day” means a day other than a Saturday or Sunday, a national holiday or a state holiday; (b) the fact that an employee works from an alternative work site does not affect whether a day is considered a business day; (c) an optional holiday (days on which Rosh Hashanah, Yom Kippur, or Good Friday falls) is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday; (d) the Friday before or Monday after a national holiday or state holiday is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday; (e) a governmental body may designate a day on which the governmental body’s administrative offices are closed or operating with minimum staffing as a nonbusiness day, and such designation must be made by the executive director or other chief administrative officer; and (f) a governmental body may designate not more than 10 nonbusiness days under (1)(e), above, each calendar year;

2. the attorney general: (a) may require each public official of a governmental body to complete open records training if the attorney general determines that the governmental body has failed to comply with a requirement of the PIA; and (b) must notify each public official in writing of the attorney general's determination and the requirement to complete the training;
3. a public official who receives notice from the attorney general under (2), above, must complete the training not later than the 60th day after the date the official receives the notice;
4. the exception related to litigation involving a governmental body or an officer or employee of a governmental body does not apply to information requested under the PIA if: (a) the information relates to a general, primary, or special election; (b) the information is in the possession of a governmental body that administers elections; and (c) the governmental body is not a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;
5. a governmental body shall promptly release basic information about an arrested person, an arrest, or a crime responsive to a request unless the governmental body seeks to withhold the information as provided by another provision of the PIA, and regardless of whether the governmental body requests an attorney general decision regarding other information subject to the request;
6. for purposes of cost provisions regarding requests requiring a large amount of personnel time: (a) a requestor who has exceeded a limit established by a governmental body on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication without recovering its costs attributable to that personnel time may not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by the governmental body; (b) if a governmental body establishes a time limit on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication without recovering its costs attributable to that personnel, time may not include the amount of time spent preparing a written statement to the requestor unless the requestor's time limit for the period has been exceeded; (c) a governmental body may request photo identification from a requestor for the sole purpose of establishing that the requestor has not: (i) exceeded a limit established by the governmental body; and (ii) concealed the requestor's identity; (d) a request for photo identification under (c), above, must include a written estimate of the total cost applicable to the requestor who has exceeded a limit established by the governmental body and a statement that describes each specific reason why (c), above, may apply to the requestor; (e) the governmental body shall accept as proof of a requestor's identification

physical presentment of photo identification or an image of the photo identification that is transmitted electronically or through the mail; (f) a requestor from whom a governmental body has requested photo identification under (c), above, may decline to provide identification and obtain the requested information by paying the charge assessed in the statement;

7. a governmental body that requests an attorney general decision must submit the request through the attorney general's designated electronic filing system unless: (a) the governmental body requesting the decision: (i) has fewer than 16 full-time employees; or (ii) is located in a county with a population of less than 150,000; (b) the amount or format of responsive information at issue in a particular request makes use of the attorney general's electronic filing system impractical or impossible; or (c) the request is hand delivered to the office of the attorney general;
8. a governmental body shall as soon as practicable but within a reasonable period of time after the date the attorney general issues an opinion regarding requested information: (a) provide the requestor of the information an itemized estimate of charges for production of the information if an estimate is required; (b) if the requested information is voluminous: (i) take the following actions if the governmental body determines that it is able to disclose the information in a single batch: (A) provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time; (B) include in the notice the date and hour that the governmental body will disclose the information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and (C) produce the information at the date and time included in the notice; or (ii) take the following actions if the governmental body determines that it is unable to disclose the information in a single batch: (A) provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time and in a single batch; (B) include in the notice the date and hour that the governmental body will disclose the first batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; (C) provide a written certified notice to the requestor and the attorney general when each subsequent batch of information is disclosed to the requestor of the date and hour that the governmental body will disclose the next batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and (D) produce the requested information at each date and time included in a notice; (c) produce the information if it is required to be produced; (d) notify the requestor in writing that the governmental body is withholding the information as authorized by the opinion; or (e) notify the requestor in writing that the governmental body has filed suit against the attorney general regarding the information;

9. a governmental body is presumed to have complied with the requirements of Number 8, above, if the governmental body takes an action regarding information that is the subject of an opinion issued by the attorney general not later than the 30th day after the date the attorney general issues the opinion; and
10. the office of the attorney general shall make available on the office's Internet website an easily accessible and searchable database: (a) consisting of information identifying each request for an attorney general decision and the attorney general's opinion issued for the request; (b) that at a minimum allows a person to search for a request or opinion by the name of the governmental body making the request and the exception that a governmental body asserts in the request; and (c) that allows a person to view the current status of a request and an estimated timeline indicating the date each stage of review of the request will be started and completed.

(Effective September 1, 2023.)

**H.B. 3130 (Guerra/Zaffirini) – Withholding Information:** provides that: (1) a governmental body may not sell or otherwise release the name, home or business address, place of employment, telephone number, electronic mail address, social security number, date of birth, driver's license or state identification number, passport number, emergency contact information, or numeric identifier of a person who: (a) holds, previously held, or is an applicant for a license issued by the governmental body; and (b) notifies the governmental body on a form provided by the office of the attorney general or the governmental body that the person: (i) is a current or former client of a family violence shelter center, victims of trafficking shelter center, or sexual assault program or is a survivor of family violence, domestic violence, or sexual assault; and (ii) chooses to restrict public access to the information; and (2) a governmental body may redact information described by (1), above, from a response to a request for a list or directory of license holders, former license holders, or license applicants without the necessity of requesting a decision from the attorney general. (Effective September 1, 2023.)

**H.B. 3440 (Canales/Hinojosa) – Agenda Posting:** provides that certain governmental bodies, including a city or economic development corporation, must concurrently post an agenda and notice of the meeting of the body on the website of the governmental body. (Effective September 1, 2023.)

**H.B. 4759 (Campos/Menendez) – Dangerous Dogs:** this bill, among other things, provides that the identifying information of a witness who gives a sworn statement relating to a dangerous dog attack: (1) is confidential and not subject to disclosure under the Public Information Act; and (2) may be disclosed for purposes of enforcing state law related to dangerous dog determinations to the governing body of a city or county in which the incident occurred, as applicable, and any other governmental or law enforcement agency. (Effective September 1, 2023.)

**S.B. 435 (Middleton/Bonnen) – Medical Examiner Report:** provides, among other things, that: (1) a prosecutor may permit a person to view the following evidence of a crime that resulted in the death of a person and that occurred in the prosecutor's jurisdiction: (a) a medical

examiner’s report (including an autopsy report and toxicology report, but excluding a photograph or medical image contained in a report), if the person viewing the report is a family member of the person who is the subject of the report and the person who is the subject of the report was a victim of the crime; and (b) video evidence of the crime, if the person viewing the video is a victim of the crime or a family member of a victim of the crime; and (2) a permitted viewing of a medical examiner’s report or video evidence under (1), above, is not a voluntary disclosure under the Public Information Act, and a governmental body, by providing information under (1), above, that is confidential or otherwise excepted from required disclosure, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future. (Effective immediately.)

**S.B. 943 (Kolkhorst/Hunter) – Online Public Notices:** provides, among other things, that: (1) a newspaper that publishes a notice shall, at no additional cost to a governmental entity placing the notice: (a) publish the notice on one or more webpages on the newspaper’s website, if the newspaper maintains a website, that are: (i) clearly designed for notices; and (ii) accessible to the public at no cost; and (b) deliver the notice to the Texas Press Association (TPA) for publication on a TPA-controlled website, if, the TPA maintains such a website as a statewide repository of public notices; (2) if the TPA maintains a website described in (1), above, the TPA must ensure that the website: (a) is accessible to the public at no cost; (b) is updated as notices are received; (c) is searchable and sortable by subject matter and/or location; and (d) offers an e-mail notification service to which a person may electronically subscribe to receive notifications that a notice has been published on the website and that allows the subscriber to limit the notifications by subject matter and/or location; and (3) any entity required to publish a public notice on a website under (1), above, shall archive the notice on its website in its entirety, including the notice publication date. (Effective September 1, 2023.)

**S.B. 983 (Paxton/Holland) – Utility Competitive Matters:** the bill: (1) expands the definition of “competitive matters” to allow for withholding from public disclosure under the Public Information Act (PIA) the following: (a) utility-related matter, including for an entity described in (b), below, a cable, Internet, or broadband service matter, that is related to the public power utility’s competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors; (b) a matter reasonably related to information involving the provision of cable, Internet, or broadband services by a municipally owned utility (MOU) that provided electricity services and cable, Internet, or broadband services on or before January 1, 2003, including: (i) a capital improvement plan; (ii) an expense related to the installation of a facility to provide those services; (iii) bidding and pricing information for installation of the facility; (iv) risk management information, contracts, and strategies; (v) plans, studies, proposals, and analyses for: (A) system improvements, additions, or sales; or (B) establishing pricing for providing those services; and (vi) customer billing, contract, and usage information; (2) requires a MOU that provides electricity and broadband services and that provided electricity services and cable, Internet, or broadband services on or before January 1, 2003 to: (a) maintain separate books and records of broadband service operations; and (b) ensure that the rates charged for provision of electric service do not include any broadband service costs or any other costs not related to the provision of electric service; and (3) provides that information included in the separate books and records required to be kept as described by (2),



above, is not “competitive matters” that may be withheld under the PIA. (Effective September 1, 2023.)

**S.B. 1495 (Johnson/Davis) – Airport Parking Facility:** provides that: (1) the following information collected by a local government, including a city, is confidential and not subject to public disclosure if the information collected is in relation to a person’s use of an airport parking facility that includes: (a) the person’s name, address, e-mail address, phone number, and zip code; (b) the person’s license plate number, toll tag number, and credit, debit or other payment card number; or (c) the dates the person’s vehicle was parked at the facility, the date the person’s vehicle exited the facility, and the amount the person paid to park in the facility; and (2) the information described in (1), above, collected by a joint board for which the constituent public agencies are home-rule cities with a population of more than 400,000 is confidential and not subject to public disclosure. (Effective September 1, 2023.)

### **Other Finance and Administration**

**H.B. 4 (Capriglione/Hughes) – Data Privacy:** among other things, expressly preempts any local ordinance, resolution, rule, or other regulation regarding the processing of personal consumer data but also exempts political subdivisions from such regulations. (Effective July 1, 2024.)

**H.B. 59 (Goodwin/Zaffirini) – Child Water Safety Requirements:** this bill: (1) provides that an organization, including a school, preschool, kindergarten, nursery school, day camp, or youth camp that takes a child in its care or under its supervision to a body of water (including a pool) or otherwise allows a child access to a body of water shall: (a) determine whether the child is able to swim or is at risk when swimming; and (b) if the organization does not own or operate the body of water, provide the owner or operator of the body of water a written or electronic disclosure that clearly identifies each child who is unable to swim or is at risk when swimming; and (2) requires the organization, during the time each child who is unable to swim or is at risk when swimming has access to a body of water, to: (a) provide the child an approved personal flotation device; and (b) ensure the child is wearing the appropriate personal flotation device and the device is properly fitted for the child. (Effective September 1, 2023.)

**H.B. 1038 (Cain/Sparks) – Bond Review Board Assistance:** this bill, among other things, requires cities to submit any information to the Bond Review Board necessary for the board’s preparation of the Biennial Report on State Lending and Credit Support Programs to the legislature. (Effective September 1, 2023.)

**H.B. 1550 (Goldman/Springer) – Office of State-Federal Relations Sunset:** this bill, among other things, extends the operation of the Office of State-Federal Relations until September 1, 2035. (Effective September 1, 2023.)

**H.B. 1740 (Leach/Hancock) – State Park Entrance Fees:** waives state park entrance fees for active-duty U.S. armed services members, honorably discharged veterans, and surviving spouses, parents, children, and siblings of a person who died while serving in the U.S. armed services. (Effective September 1, 2023.)

**H.B. 1922 (Dutton/Bettencourt) – Reauthorization of Building Permit Fees:** abolishes a city fee charged as a condition to constructing, renovating, or remodeling a structure on the 10th anniversary after the date the fee is adopted or most recently reauthorized unless the governing body of the city holds a public hearing and reauthorizes the fee by a vote of the governing body. (Effective January 1, 2024.)

**H.B. 2127 (Burrows/Creighton) – Preemption:** this bill, known as the Texas Regulatory Consistency Act, preempts certain city and county regulatory authority in specific fields of regulation. Specifically for cities, the bill:

1. may not be construed to prohibit: (a) a city from building or maintaining a road, imposing a tax, or carrying out any authority expressly authorized by statute; or (b) a home-rule city from providing the same services and imposing the same regulations that a general-law city is authorized to provide or impose;
2. does not affect the authority of a city to: (a) adopt, enforce, or maintain an ordinance or rule that relates to the control, care, management welfare, or health and safety of animals, except as expressly provided by the bill; (b) conduct a public awareness campaign; (c) enter into or negotiate terms of a collective bargaining agreement with its employees or adopt a policy related to its employees; and (d) repeal or amend an existing ordinance, order, or rule that violates provisions of the bill for the limited purpose of bringing that ordinance, order, or rule in compliance with the bill;
3. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Agriculture Code;
4. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Business and Commerce Code;
5. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Finance Code, except that a city may enforce or maintain an ordinance regulating a credit services organization or a credit access business if the city adopted the ordinance before January 1, 2023 and the ordinance would have been valid under the law as it existed before the enactment of the bill;
6. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Insurance Code;

7. provides that: (a) unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Labor Code; and (b) a field occupied by a provision of the Labor Code includes employment leave, hiring practices, breaks, employment benefits, scheduling practices, and any other terms of employment that exceed or conflict with federal or state law for employers other than a city;
8. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Natural Resources Code;
9. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Occupations Code, though city authority to regulate a massage establishment is not preempted;
10. provides that: (a) unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Property Code; and (b) a field occupied by a provision of the Property Code includes an ordinance regulating evictions or otherwise prohibiting, restricting, or delaying delivery of notice to vacate or filing a suit to recover possession of the premises;
11. provides that an ordinance, order, or rule that violates Numbers 3 through 10, above, is void, unenforceable, and inconsistent with the specified code;
12. prohibits a city from adopting, enforcing, or maintaining an ordinance or rule that restricts, regulates, limits, or otherwise impedes: (a) a business involving the breeding, care, treatment, or sale of animals or animal products, including a veterinary practice, or the business's transactions if the person operating the business holds a license for the business that is issued by the federal government or a state; or (b) the retail sale of dogs or cats, except that a city may enforce or maintain an ordinance or rule adopted before April 1, 2023, that restricts, regulates, limits, or otherwise impedes the retail sale of dogs or cats until the state adopts statewide regulations for the retail sale of dogs or cats, as applicable;
13. provides that a city council may adopt, enforce, or maintain an ordinance or rule only if the ordinance or rule is consistent with the laws of the state;
14. provides that any person or trade association representing a person who has sustained an injury in fact, actual or threatened, from a city ordinance, order, or rule adopted in violation of Numbers 3 through 12, above, may bring an action against the city, and governmental immunity to suit and from liability is waived to the extent of any liability;

15. provides that a claimant is entitled to recover declaratory and injunctive relief and costs and reasonable attorney's fees in an action brought under Number 14, above;
16. provides that a city is entitled to recover costs and reasonable attorney's fees in an action brought under Number 14, above, if the court finds the action to be frivolous;
17. entitles a city to receive notice of a claim against it under Number 14, above, not later than three months before the date a claimant files an action, and the notice must reasonably describe the injury claimed and the ordinance, order, or rule that is the cause of the injury;
18. provides that a claimant may bring an action against a city under Number 14, above, in the county in which all or a substantial party of the events giving rise to the cause of action occurred or in a county in which the city is located; and
19. prohibits an action from being transferred to a different venue without the written consent of all parties.

(Effective September 1, 2023.)

**H.B. 2334 (Burns/Paxton) – Plumbers:** this bill provides that: (1) a person is not required to be licensed under the plumbing licensing law to perform plumbing work consisting of installing, servicing, or repairing service mains or service lines that provide water, sewer, or storm drainage services on private property in an area that extends from a public right-of-way or public easement to not less than five feet from a building or structure; and (2) the exemption to licensure in (1), above, does not apply to plumbing work performed on private property designated for use as a one-family or two-family dwelling. (Effective September 1, 2023.)

**H.B. 2464 (Price/Hughes) – TMRS Optional Cost of Living Adjustment:** provides that: (1) the city council of a participating Texas Municipal Retirement System (TMRS) city may adopt an ordinance providing for increased annual annuities for certain retirees and beneficiaries effective January 1 of 2024, 2025, or 2026; and (2) the provisions of (1), above, only apply to: (a) a participating TMRS city that as of January 1, 2023: (i) does not provide by ordinance an annual annuity increase because the city passed an ordinance before January 1, 2023, that rescinded a previous ordinance authorizing annual increases or has not passed an ordinance authorizing annual increases; or (ii) does provide by ordinance an annual annuity increase if the city council elects to provide increased annuities recomputed in accordance with (1), above, for purposes of maintaining or increasing the amount of the annuity increase otherwise authorized by the ordinance; and (b) the annuity of: (i) a retiree who retired not later than the last day of December of the year that is 13 months before the effective date of the ordinance providing the increase; or (ii) a beneficiary of a deceased retiree whose death occurred not later than the last day of December of the year that is 13 months before the effective date of the ordinance providing the increase. (Effective immediately.)

**H.B. 3065 (Bailes/Perry) – Wildlife:** this bill, among other things, provides that: (1) an employee of the Texas Parks and Wildlife Department (TPWD) acting within the scope of the employee’s authority may discharge a firearm on a public road or right-of-way if the wildlife is mortally injured or behaving in a manner consistent with the wildlife being diseased; and (2) a person or agent of the person, other than an employee of TPWD, may take wildlife on the person’s property if the person: (a) has written authorization from the TPWD; and (b) is participating under the supervision of a TPWD employee in a program or event designated by the director as being conducted for the diagnosis, management, or prevention of a disease in wildlife. (Effective September 1, 2023.)

**H.B. 3492 (Stucky/Springer) – Value-Based Fees:** this bill, among other things: (1) prohibits cities from considering the cost of constructing or improving public infrastructure for a subdivision, lot, or related property development in determining the amount of an application, review, engineering, inspection, acceptance, administrative, or other fee imposed by the city related to the processing of engineering or construction plans or for the inspection of improvements for construction of a subdivision or lot or a related improvement required in conjunction with that construction; (2) provides that a city shall determine a fee described in (1), above, by considering the city’s actual cost to review and process the engineering or construction plan or to inspect the public infrastructure improvement; (3) provides that, in determining the city’s actual cost for reviewing and processing an engineering or construction plan or inspecting a public infrastructure improvement, a city may consider: (a) the fee that would be charged by a qualified, independent third-party entity for those services; (b) the hourly rate for the estimated actual direct time of the city’s employees performing those services; or (c) the actual costs assessed to the city by a third-party entity that provides those services to the city; (4) prohibit a city from requiring the disclosure of information related to the value of or cost of constructing or improving a residential dwelling or the public infrastructure improvements for a subdivision, lot, or related property development as a condition of obtaining approval for subdivision construction or for the acceptance of public infrastructure improvements except as required by the federal Emergency Management Agency for participation in the National Flood Insurance Program; and (5) require a city that imposes a fee for reviewing or processing an engineering or construction plan or inspecting a public infrastructure improvement to annually publish the fee and the hourly rate and estimated direct time incurred by city employees under (3)(b), above, on the city’s website or if the city does not maintain a website, in a newspaper of general circulation in the county in which the city is located. (Effective September 1, 2023.)

**H.B. 3579 (Bumgarner/King) – Massage Establishments:** provides that:

1. the statutes governing massage therapy do not affect a local regulation that relates to: (a) zoning requirements, including conditional use permits; (b) hours of operation; or (c) other similar regulations for massage establishments;
2. except as provided for in state law governing city and county authority to regulate sexually oriented business, a political subdivision may not adopt a regulation of the type described by Number 1, above, that is more restrictive for massage therapists than for other health care professionals;

3. a political subdivision may not adopt a regulation of the type described by Number 1, above, that is more restrictive for massage establishments than for other health care establishments, except that a more restrictive regulation may be adopted: (a) as provided by state law governing city and county authority to regulate sexually oriented business; or (b) if the regulation relates to the location, ownership, hours of operation, or operation of a massage establishment: (i) where three or more arrests have occurred or citations in lieu of arrest have been issued for certain offenses that were committed at the massage establishment; (ii) where certain offenses were committed that resulted in a conviction; (iii) that is operating at a location where another massage establishment against which a sanction was imposed for a violation of this chapter previously operated; or (iv) that is operating at a location where another massage establishment owned or operated by an individual against whom a sanction was imposed for a violation of this chapter previously operated;
4. the owner or operator of a massage establishment that is operating at a location where another massage establishment against which a sanction was imposed previously operated subject may submit a request to the applicable political subdivision for an exemption from the regulation;
5. the governing body of a political subdivision that receives a request under Number 4, above, shall: (a) consider, but is not required to approve, the requested exemption at the governing body's next regularly scheduled meeting to be held on a date after the date on which the request is received and that allows sufficient time to comply with the Open Meetings Act in certain circumstances; or (b) approve the requested exemption as soon as practicable after the date on which the request is received in certain circumstances; and
6. the executive director of the Texas Department of Licensing and Regulation (TDLR) shall issue an emergency order halting the operation of a massage establishment if: (a) a law enforcement agency gives notice to TDLR or TDLR otherwise learns that the law enforcement agency is investigating the massage establishment for an offense for trafficking of persons; or (b) TDLR has reasonable cause to believe that an offense of trafficking of persons is being committed at the massage establishment.

(Effective September 1, 2023.)

**H.B. 3727 (Anderson/Birdwell) – Hotel Occupancy Tax:** this bill, among other things: (1) amends the definition of “convention center facilities” to include parking facilities only if the facility is located within 1,500 feet of the convention center; (2) defines “tourist” to include an individual who travels for business; (3) adds a definition of “multiuse facility” to the chapter governing hotel occupancy tax; (4) changes the date on which a city’s annual hotel occupancy tax report is due to the comptroller from February 20 to March 1 and adds several reporting requirements; (5) provides that a city may use a portion of hotel occupancy tax revenue for the costs incurred in providing the report under (4), above; (6) prohibits a city from using hotel occupancy tax revenue on a visitor information center that is not exclusively used to distribute tourism-related information to tourists; (7) requires that a shuttle system associated with a convention center project on which the city uses hotel occupancy tax revenue be used primarily

by tourists; (8) requires a city with a population of less than 200,000 to allocate for advertising at least the amount of revenue received from the hotel occupancy tax at a rate of one percent of the cost of a room; (9) repeals the authority of a city to adopt an ordinance to allocate 15 percent of its hotel occupancy tax revenue to historical restoration and preservation projects and provides a grandfather clause for cities with existing ordinances; (10) provides a recapture provision for a city to remit to the comptroller certain lost state sales and use tax and hotel occupancy tax revenue that a city is entitled to receive in association with a qualified hotel or convention center project; and (11) requires the comptroller to prepare a report on qualified hotel and convention center projects. (Effective immediately.)

**H.B. 4082 (Goldman/Bettencourt) – Local Debt:** provides that a “public work” for purposes of a certificate of obligation issued by a city or county: (1) means the following public improvements: (a) a street, road, highway, bridge, sidewalk, or parking structure; (b) a landfill; (c) an airport; (d) a utility system, water supply project, water treatment plant, wastewater treatment plant, or water and wastewater conveyance facility; (e) a wharf or dock; (f) a flood control and drainage project; (g) a public safety facility, including a police station, fire station, emergency shelter, jail, or juvenile detention facility; (h) a judicial facility; (i) an administrative office building housing the governmental functions of the city or county; (j) an animal shelter; (k) a library; or (l) a park or recreation facility that is generally accessible to the public and is part of the city or county park system; (2) means the rehabilitation, expansion, reconstruction, or maintenance of an existing stadium, arena, civic center, convention center, or coliseum that is owned and operated by the city or county or by an entity created to act on behalf of the city or county; and (3) does not include: (a) a facility for which more than 50 percent of the average annual usage is or is intended to be for professional or semi-professional sports; (b) a new stadium, arena, civic center, convention center, or coliseum that is or is intended to be leased by a single for-profit tenant for more than 180 days in a single calendar year; or (c) a hotel. (Effective September 1, 2023.)

**H.B. 4559 (Darby/Huffman) – Population Brackets:** modifies the population brackets for political subdivisions throughout the statutes to conform to the most recent census data. (Effective September 1, 2023.)

**S.B. 12 (Hughes/Shahen) – Sexually Oriented Performances:** this bill, among other things: (1) defines “sexually oriented performance” as a visual performance that features a nude performer or any other performer who engages in sexual conduct and appeals to the prurient interest in sex; (2) establishes a civil penalty for a person who controls the premises of a commercial enterprise for allowing a sexually oriented performance to be presented on the premises in the presence of an individual younger than 18 years of age; (3) creates a criminal offense for a person who engages in a sexually oriented performance: (a) on public property at a time, in a place, and in a manner that could reasonably be expected to be viewed by a child; or (b) in the presence of an individual younger than 18 years of age; (4) authorizes a city or county to regulate sexually oriented performances as the city or county considers necessary to promote public health, safety, or welfare; and (5) prohibits a city or county from authorizing a sexually oriented performance on public property or in the presence of an individual younger than 18 years of age. (Effective September 1, 2023.)

**S.B. 26 (Kolkhorst/Jetton) – Mental Health Early Intervention Grant Program:** provides, among other things, that a city is eligible to receive a grant awarded under the Innovation Matching Grant Program for Mental Health Early Intervention and Treatment to fund community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. (Effective September 1, 2023.)

**S.B. 232 (Hinojosa/Geren) – Removal From Office:** this bill, among other things: (1) provides that a person who holds an elected or appointed office of a political subdivision is automatically removed from and vacates the office on the earlier of the date the person enters a plea of guilty or nolo contendere, receives deferred adjudication, or is convicted of one of the following offenses: (a) bribery; (b) theft of public money; (c) perjury; (d) coercion of public servant or vote; (e) tampering with governmental record; (f) misuse of official information; (g) abuse of official capacity; or (h) conspiracy or the attempt to commit any of the offenses in (a) – (g); (2) requires the governing body of a political subdivision at the first regularly scheduled meeting of the governing body for which notice is required under the Open Meetings Act following the date an officer is removed from office under (1), above, to: (a) order an election on the question of filling the vacancy to be held on the first day that allows sufficient time to comply with other requirements of law, if an election is required to fill the vacancy; or (b) fill the vacancy in the manner provided by law, if an election is not required; and (3) provides that, for an offense described in (1), above, an appeal does not supersede the order of removal if the removed officer appeals the judgment. (Effective September 1, 2023.)

**S.B. 271 (Johnson/Shahen) – Local Government Security Incidents:** this bill provides that: (1) a local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a security incident: (a) comply with the notification requirements of the Identify Theft Enforcement and Protection Act, to the same extent as a person who conducts business in Texas; (b) not later than 48 hours after the discovery of the security incident, notify: (i) the Department of Information Resources (DIR), including the chief information security officer; or (ii) if the security incident involves election data, the secretary of state; and (c) comply with all DIR rules relating to security incidents; (2) not later than the 10th business day after the date of the eradication, closure, and recovery from a security incident, a local government shall notify the DIR, including the chief information security officer, of the details of the security incident and include in the notification an analysis of the cause of the security incident; and (3) numbers (1) and (2), above, do not apply to a security incident that a local government is required to report to the independent organization certified for the ERCOT power region. (Effective September 1, 2023.)

**S.B. 569 (Springer/Stucky) – Responding to Third-Party Subpoenas:** provides that: (1) a city may impose a fee in the same amount and manner as provided by the Public Information Act for providing a copy of public information or produce a record in response to a subpoena, request for production, or other instrument issued under the authority of a tribunal relating to a civil action to which the city is not a party; and (2) that the city custodian of a record who produces records under (1), above, but who is not required to appear in court, is not entitled to a witness fee. (Effective September 1, 2023.)



**S.B. 577 (Springer/Cody Harris) – Food Regulation:** this bill, among other things, provides: (1) a city or public health district of which the city is a member may not conduct an inspection to determine compliance with an ordinance the municipality adopts that differs from state law or department rules or orders before the 60th day following the date the municipality or district submits a copy of the ordinance to the department for inclusion in the registry under (3), below; (2) the Department of State Health Services (DSHS), a county, a city, or a public health district, including an authorized agent or employee, that conducts an inspection may not take disciplinary action against or otherwise penalize a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment for failing to adhere to easily cleanable surface requirements for wall and ceiling surfaces, decorative items, or attachments in a consumer area, provided the surfaces, items, or attachments are kept clean; (3) DSHS shall establish and maintain on DSHS’s Internet website a registry for municipal ordinances submitted under (1), above; (4) a county or a city with a public health district that requires the payment of a fee for issuing or renewing certain permits for a premises permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge certain fees under the Alcoholic Beverage Code for an alcoholic beverage permit or license issued for premises located in the county or city; (5) DSHS, a county, a city, or a public health district may not restrict the type or quantity of packaging, utensils, or straws a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment provides to customers; and (6) a local health jurisdiction may not require a food manager who holds a food manager certificate issued under this subchapter to hold a local food manager card or charge a fee for issuance of the certificate. (Effective September 1, 2023.)

**S.B. 621 (Parker/Capriglione) – Cybersecurity:** this bill, among other things: (1) requires the Department of Information Resources to employ a chief information security officer to oversee cybersecurity matters for Texas; and (2) provides that the chief information officer shall collaborate with state agencies, local governmental entities, and other entities operating or exercising control over state information systems or state-controlled data to strengthen Texas’s cybersecurity and information security policies, standards, and guidelines. (Effective September 1, 2023.)

**S.B. 643 (Zaffirini/S. Thompson) – Charitable Bingo:** requires, among other things, a licensed authorized organization or unit that collects a prize fee for a bingo game conducted in a city or county that was entitled to receive a portion of a bingo prize fee as of January 1, 2019, to remit 50 percent of the amount collected as the prize fee to the Texas Lottery Commission and: (1) remit 50 percent of the amount collected to the county if the location at which the bingo game is conducted is not within the city limits and the county voted to impose the prize fee by November 1, 2019; (2) remit 50 percent of the amount collected as the prize fee in equal shares to the city and county if the bingo game is conducted within a county and within the city limits of a city that both voted before November 1, 2019 to impose the prize fee; or (3) if the county in which the bingo game is conducted did not vote before November 1, 2019 to impose the prize fee and the location at which the bingo game is conducted is within the boundaries of a city that voted before November 1, 2019 to impose the prize fee, remit 25 percent of the amount collected to the city and deposit the remaining amount in the general charitable fund of the organization organizations conducting the bingo game. (Effective September 1, 2023.)

**S.B. 1097 (Parker/Stucky) – Municipal Hospitals:** this bill: (1) limits the total of all available damages in a breach of contract suit against a municipal hospital authority located in a county with a population under 70,000 involving the sale of a municipal hospital authority-owned hospital to the amount due and owing under the contract; (2) allows the municipal hospital authority to indemnify the hospital purchaser under the contract; and (3) waives governmental immunity for (1), above. (Effective immediately.)

**S.B. 812 (Zaffirini/Cortez) – Food Allergen Awareness:** this bill, among other things: (1) requires a food service establishment to display a poster relating to food allergen awareness in an area of the establishment regularly accessible to the establishment’s food service employees; (2) prohibits a county, city, or public health district from adopting or enforcing an order, ordinance, rule, or other measure that is inconsistent with or exceeds the requirements under (1), above; and (3) prohibits that a county, city, or public health district from adopting or enforcing an order, ordinance, rule, or other measure related to food allergens that is inconsistent with or exceeds the requirements of state law on public health measures relating to food. (Effective September 1, 2023.)

**S.B. 1420 (Birdwell/Anderson) – Hotel Occupancy Tax:** this bill, among other things: (1) amends the definition of “convention center facilities” to include parking facilities only if the facility is located within 1,500 feet of the convention center; (2) defines “tourist” to include an individual who travels for business; (3) adds a definition of “multiuse facility” to the chapter governing hotel occupancy tax; (4) changes the date on which a city’s annual hotel occupancy tax report is due to the comptroller from February 20 to March 1 and adds several reporting requirements; (5) provides that a city may use a portion of hotel occupancy tax revenue for the costs incurred in providing the report under (4), above; (6) prohibits a city from using hotel occupancy tax revenue on a visitor information center that is not exclusively used to distribute tourism-related information to tourists; (7) requires that a shuttle system associated with a convention center project on which the city uses hotel occupancy tax revenue be used primarily by tourists; (8) requires a city with a population of less than 200,000 to allocate for advertising at least the amount of revenue received from the hotel occupancy tax at a rate of one percent of the cost of a room; (9) repeals the authority of a city to adopt an ordinance to allocate 15 percent of its hotel occupancy tax revenue to historical restoration and preservation projects and provides a grandfather clause for cities with existing ordinances; (10) provides a recapture provision for a city to remit to the comptroller certain lost state sales and use tax and hotel occupancy tax revenue that a city is entitled to receive in association with a qualified hotel or convention center project; and (11) requires the comptroller to prepare a report on qualified hotel and convention center projects. (Effective immediately.)

**S.B. 1766 (Creighton/Paul) – Appraiser Indemnity:** this bill: (1) mandates that a contract for appraiser services for real property (Appraiser Contract) require that a licensed appraiser perform the contract services: (a) with the professional skill and care ordinarily provided by competent appraisers under the same or similar circumstances and professional license; and (b) as expeditiously as is prudent considering the ordinary professional skill and care of a competent appraiser; (2) allows a governmental entity to require the reimbursement of its reasonable attorney’s fees in proportion to an appraiser’s liability, name the governmental agency as an

additional insured on, and assert any defense provided by, the appraiser's liability insurance policy; (3) renders a provision of or promise in connection with an Appraiser Contract void and unenforceable if: (a) the provision requires a licensed appraiser to indemnify or hold harmless the governmental agency harmless against liable for damage under such contract, except to the extent that the damages are caused by or result from negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor, supplier, consultant, or other person or entity over which the appraiser exercises control; (b) the provision requires a licensed appraiser to defend a person against a claim based wholly or partly on the negligence or fault of, or breach of contract by the governmental agency or its employees, agents, or other persons or entities over whom the governmental entity exercises control outside of the appraiser; or (c) contains a different standard of care than that provided in (1), above; and (4) does not apply to including in and enforcing a provision in an Appraiser Contract relating to project scope, fees, and scheduling. (Effective September 1, 2023.)

**S.B. 1893 (Birdwell/Anderson) – TikTok Ban:** this bill, among other things, requires a city to adopt a policy prohibiting the installation or use and requiring the removal of TikTok or any successor application, or any other social media application specified by the Department of Information Resources and Department of Public Safety, on any city-owned or leased electronic device, subject to certain exceptions for law enforcement or information security purposes. (Effective immediately.)

**S.B. 1916 (Parker/Shine) – Public Improvement Districts:** requires a city: (1) to post a copy of a public improvement district ("PID") service plan and certain other information on the city's website within seven days of approving, amending, or updating the plan; (2) to submit an assessment roll for each city PID to each appraisal district in which property subject to assessment is located within seven days of levying the assessment; and (3) to post on its website certain information about city PIDs. (Effective January 1, 2024.)

**S.B. 2035 (Bettencourt/Capriglione) – Local Debt:** this bill: (1) prohibits the governing body of an issuer, including a city council, from authorizing an anticipation note to pay a contractual obligation to be incurred if a bond proposition to authorize bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved; (2) provides an exception to (1), above, if: (a) the governing body of an issuer is issuing the note for: (i) a case of public calamity if it is necessary to act promptly to relieve the necessity of the residents or to preserve the property of the issuer; (ii) a case in which it is necessary to preserve or protect the public health of the residents of the issuer; or (iii) a case of unforeseen damage to public machinery, equipment, or other property; (b) to finance the cleanup, mitigation, or remediation of a natural disaster; (c) to comply with a federal court order; and (d) to comply with a state or federal law, rule, or regulation if the issuer has been officially notified of noncompliance with the law, rule, or regulation; and (3) prohibits the governing body of an issuer, including a city council, from authorizing certificate of obligation to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved. (Effective September 1, 2023.)

**S.B. 2476 (Zaffirini/Oliverson) – Municipal Ambulance Billing:** this bill, among other things: (1) allows a political subdivision to submit fixed rates that insurers must pay for certain

emergency medical services to the Texas Department of Insurance (TDI); (2) establishes a base rate for certain emergency medical services if the political subdivision does not submit such rates to TDI, which is the lesser of the provider's billed charge or 325 percent of the current Medicare rate plus any applicable extenders or multipliers; and (3) provides that the changes in (1) and (2), above, only apply to emergency medical services performed on or after January 1, 2024. (Effective September 1, 2023, city-related sections expire September 1, 2025.)

## **Personnel**

**H.B. 471 (Patterson/Schwertner) – Illness or Injury Leave:** provides, among other things, that: (1) a political subdivision, including a city, shall provide to a firefighter (including a fire chief), a police officer (including a police chief) or emergency medical services personnel leave of absence for an illness or injury related to the person's line of duty; (2) the leave shall be with full pay for a period commensurate with the nature of the line of duty illness or injury and if necessary, the political subdivision shall continue the leave for at least one year; (3) at the end of the leave of absence under (2), above, the governing body of the political subdivision may extend the leave of absence at full or reduced pay; (4) if the firefighter, police officer, or emergency medical services personnel is temporarily disabled by a line of duty injury or illness and the leave of absence and any extension granted by the governing body has expired, the person may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave; (5) if the leave of absence and any extension granted by the governing body has expired, a firefighter, police officer, or emergency medical services personnel who requires additional leave described by this section shall be placed on temporary leave; (6) if able, a firefighter, police officer, or emergency medical services personnel may return to light duty while recovering from a temporary disability and, if medically necessary, the light duty assignment may continue for at least one year; (7) after recovery from a temporary disability, a firefighter, police officer, or emergency medical services personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave; (8) another firefighter, police officer, or emergency medical services personnel may voluntarily do the work of the injured firefighter, police officer, or emergency medical services personnel until the person returns to duty; (9) workers' compensation benefits shall be offset, to the extent applicable, by any amount for incapacity received as provided by (1) through (7), above; and (10) a collective bargaining, meet and confer, or other similar agreement that provides a benefit for an ill or injured employee must provide a benefit that, at a minimum, complies with the provisions of this bill. (Effective immediately.)

**H.B. 567 (Bowers/Miles) – Hair Discrimination:** provides, among other things, that: (1) discrimination because of race or on the basis of race in employment includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle (braids, locks, and twists) commonly or historically associated with race; and (2) an employer, including a city, commits an unlawful employment practice if the employer adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. (Effective September 1, 2023.)

**H.B. 915 (Craddick/Parker) – Workplace Violence Hotline:** provides that: (1) each employer, including a city, shall post a notice to employees of the contact information for reporting

instances of workplace violence or suspicious activity to the Department of Public Safety (DPS); (2) the notice must be posted: (a) in a conspicuous place in the employer's place of business; (b) in sufficient locations to be convenient to all employees; and (c) in English and Spanish, as appropriate; and (2) the Texas Workforce Commission, in consultation with DPS, by rule shall prescribe the form and content of the notice required under (1), above. (Effective September 1, 2023.)

**H.B. 1486 (Gerdes/Whitmire) – Mental Health Leave Policy:** provides that: (1) each law enforcement agency, and each state agency or political subdivision, including a city, that employs a full-time telecommunicator, shall develop and adopt a policy allowing the use of mental health leave by a full-time telecommunicator employed by the agency who experienced a traumatic event in the scope of that employment; (2) the mental health leave policy adopted under (1), above, must: (a) provide clear and objective guidelines establishing the circumstances under which a telecommunicator is granted and may use mental health leave; (b) entitle a telecommunicator to mental health leave without a deduction in salary or other compensation; (c) enumerate the number of mental health leave days available to a telecommunicator; and (d) detail the level of anonymity for a telecommunicator who takes mental health leave; and (3) the mental health leave policy adopted under (1), above, may provide a list of mental health services available to telecommunicators in the area of the law enforcement or employing agency. (Effective September 1, 2023.)

**H.B. 1661 (Burns/King) – Police Maximum Hiring Age:** repeals the provision that prohibits a person who is 45 years of age or older from being certified for a beginning position in a police department. (Effective September 1, 2023.)

**H.B. 2468 (Burrows/Perry) – Workers' Compensation:** this bill, among other things, provides that a first responder who sustains a serious bodily injury in the course and scope of the employee's employment or volunteer services as a first responder that renders the employee permanently unemployable is entitled to receive lifetime income benefits paid until the employee's death for the employee's injury. (Effective September 1, 2023.)

**H.B. 3335 (Canales/Kolkhorst) – Scope of Employment:** provides that for purposes of workers' compensation, the travel of a peace officer en route to an emergency call is considered to be in the course and scope of the peace officer's employment. (Effective immediately.)

**H.B. 4227 (Goldman/Hancock) – Civil Service Repeal:** provides that if the governing body of a city with a population of less than 950,000 that has operated under civil service for its police officers or firefighters for at least one year receives a petition requesting an election to repeal civil service that is signed by at least 10 percent of the qualified voters of the city, the governing body shall order an election submitting to the voters the question on whether civil should be repealed. (Effective September 1, 2023.)

### **Purchasing**

**H.B. 679 (K. Bell/Schwertner) – Soliciting and Awarding Construction Contracts:** provides that: (1) with respect to a contract: (a) an offer to contract may not contain a term requiring a

person to have a specified experience modifier in order to accept the offer; and (b) a contract solicitation may not require a person to have a specified experience modifier in order to submit a response to the contract solicitation; (2) a contract or an agreement collateral to or affecting a contract may not require the contractor to have a specified experience modifier; (3) provides that a contract solicitation, an offer, a contract, or an agreement collateral to or affecting a contract that violates (1) or (2), above, is voidable as against public policy; and (4) defines “experience modifier” as a factor expressed as a value that: (a) is assigned to an employer seeking to purchase a workers’ compensation insurance policy in this state; (b) affects the premium amount for the policy; and (c) is based on the employer’s past loss experience. (Effective September 1, 2023.)

**H.B. 1440 (Button/Hall) – Contract Change Orders:** this bill: (1) allows a city council in a city with a population of 240,000 or more (previously 300,000 or more) to grant general authority to a city administrative official to approve a change order for a public works contract if it involves a decrease or an increase of \$100,000 or less; and (2) provides generally that the change order procedures apply only to a contract awarded through a competitive procedure. (Effective September 1, 2023.)

**H.B. 1817 (Capriglione/Hancock) – Contract Disclosure:** provides that a governmental entity or state agency contract that requires an action or vote by the governing body before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist is voidable for failure to provide the required disclosure of interested parties if: (1) the governmental entity or state agency submits to the business entity written notice of the business entity’s failure to provide the required disclosure; and (2) the business entity fails to submit the required disclosure on or before the 10th business day after the date the business entity receives the written notice in (1), above. (Effective September 1, 2023.)

**H.B. 2007 (Martinez/Parker) – Certificate of Merit:** provides that a third-party plaintiff that is a design-build firm or a design-build team, or an architect, engineer, or other member of a design-build firm or design-build team, is not required to file a certificate of merit in connection with filing a third-party claim or cross-claim against a licensed or registered professional if the action or arbitration proceeding arises out of a design-build project in which a governmental entity contracts with a single entity to provide both design and construction services for the construction, expansion, extension, rehabilitation, alteration, or repair of a facility, a building or associated structure, a civil works project, or a highway project. (Effective September 1, 2023.)

**H.B. 2518 (K. Bell/Nichols) – Public Work Contracts:** provides, among other things, that: (1) a lease between a governmental entity, including a city, and another person regarding public property must contain lease terms requiring the person to: (a) include in each contract for the construction, alteration, or repair of an improvement to the leased property a condition that the contractor: (i) execute a payment bond; and (ii) execute a performance bond in an amount equal to the amount of the contract for the protection of the governmental entity and conditioned on the faithful performance of the contractor’s work in accordance with the plans, specifications, and contract documents; and (b) provide to the governmental entity a notice of commencement at least 90 days before the date the construction, alteration, or repair of any improvement to the leased property begins; (2) a notice of commencement under (1)(b), above, must: (a) identify the

public property where the work will be performed; (b) describe the work to be performed; (c) state the total cost of the work to be performed; (d) include copies of the performance and payment bonds; and (e) include a written acknowledgement signed by the contractor stating that copies of the required performance and payment bonds will be provided to all subcontractors not later than the fifth day after the date a subcontract is executed; (3) on or before the tenth day after the date a governmental entity receives a notice of commencement for the construction, alteration, or repair of an improvement to leased property, the governmental entity may notify the leaseholder that the construction, alteration, or repair may not proceed; (4) a person commits a Class A misdemeanor if the person materially misrepresents information in a notice of commencement; (5) a governmental entity is not liable as a surety if a person leasing property from the governmental entity fails to submit to the governmental entity the notice of commencement required in (1)(b), above. (Effective September 1, 2023.)

**H.B. 2965 (Vasut/Creighton) – Construction Liability Waiver:** this bill: (1) provides that the state law governing certain claims for damages arising from damage to, or loss of, real or personal property caused by an alleged construction defect that is a public building or public work does not apply to certain civil works projects; and (2) prohibits the waiver of this process when contracting between governmental entities and contractors, subcontractors, suppliers, or design professionals. (Effective September 1, 2023.)

**H.B. 3485 (K. Bell/Johnson) – Unsigned Change Orders:** this bill: (1) allows a contractor or subcontractor performing work under a government contract elect to not to proceed with a request for additional work if: (a) the contractor or subcontractor has not received a written, fully-executed change order; or (b) the aggregate actual or anticipated value of the additional work requested without a change order exceeds ten percent of the original contract amount; and (2) exempts a contractor or subcontractor for damages associated with (1), above. (Effective September 1, 2023.)

**H.B. 4553 (Longoria/Johnson) – Department of Information Resources:** provides, among other things, that if the executive director of the Department of Information Resources (DIR) determines that participation is in the best interest of the state, cities, volunteer fire departments, and city-owned public hospitals, among other entities, are eligible customers for certain DIR services, including: (1) network security services; (2) regional cybersecurity support and network security services; (3) the availability of commodity items for purchase; and (4) consolidated telecommunication systems. (Effective September 1, 2023.)

## **Transportation**

**H.B. 718 (Goldman/West) – Temporary License Plates:** this bill, among other things: (1) authorizes the Texas Department of Public Safety to issue a temporary one-trip or 30-day license plate in lieu of registration for a vehicle subject to registration that is not authorized to travel on a public highway because of the lack of state registration or lack of reciprocity with the state or country in which the vehicle is registered; (2) allows federal, state, or local governmental agencies to issue a temporary license plate for a surplus vehicle sold or disposed of under state law; and (3) creates criminal offenses for: (a) operating a vehicle displaying a dealer-issued license plate in violation of the Transportation Code; and (b) selling or distributing a dealer-

issued license plate if the person is not a dealer issuing such plates in connection with the sale of a vehicle. (Effective July 1, 2025.)

**H.B. 1885 (Canales/Nichols) – Variable Speed Limit Program:** provides, among other things, that: (1) the Texas Transportation Commission may establish a variable speed limit program allowing the temporary lowering of a speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit; and (2) a speed limit established under the program: (a) must be based on an engineering and traffic investigation; (b) may not be more than 10 miles per hour below the existing prima facie speed limit for the roadway; (c) may be effective for all or part of the highway for any period of day or night as Texas Department of Transportation determines necessary; and (d) is only effective when notice of the speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the new speed limit begins. (Effective September 1, 2023.)

**H.B. 3444 (Canales/Hinojosa) – Transportation Districts:** directs the Texas Transportation Commission to establish criteria for classifying each transportation district as metropolitan, urban, or rural, with a transportation district with a population of more than one million classified as metropolitan. (Effective September 1, 2023.)

**S.B. 505 (Nichols/Canales) – Additional Electric Vehicle Registration Fee:** provides that applicants for registration or renewal of registration for an electric vehicle shall pay an additional fee of \$400 for an initial two-year registration and an additional fee of \$200 for one-year registration or renewals with these fees to be deposited into the state highway fund. (Effective September 1, 2023.)

**S.B. 1023 (Nichols/Canales) – Notice of Maximum Bridge Load Capacity:** provides that if required or authorized under federal law, the Department of Transportation, after inspecting a city bridge, determines that the bridge qualifies for a lower maximum load than is currently posted, the department may post notice of the maximum load permitted, on the road or highway approaching the bridge. (Effective immediately.)

**S.B. 1260 (Creighton/Romero) – Airport Infrastructure Contracts:** this bill (1) prohibits a city or a person operating an airport on a city’s behalf from entering into an airport infrastructure or equipment contract with an entity that a federal court has determined has misappropriated another entity’s intellectual property or trade secrets and is: (a) owned in whole or part by, is controlled by, or receives subsidies from a government of a priority foreign country under the Trade Secrets Act of 1974; (b) subject to monitoring by the Office of the U.S. Trade Representative; or (c) under common ownership with, or is a successor to an entity described in (1)(a) or (b), above; (2) requires that any contract for airport infrastructure or equipment goods or services entered into by a city or city airport operator contain a written statement by the contractor verifying that it is not an entity described under (1)(a) through (c), above, and renders any contract without such verification or where such verification is found to be false voidable by the city or city airport operator; and (3) extends the possible term of an agreement between a city and city airport operator from 40 years to 99 years. (Effective immediately.)



**S.B. 1716 (Zaffirini/Gerdes) – Airport Operator and Lease Agreements:** extends the term limits for: (1) a local government contract with a qualified person or entity to operate, or a lease involving, a local government-owned or controlled airport or air navigation facility from 40 years to 50 years; and (2) a local government lease for nonaeronautical property on an airport with active federal government aircraft operations on federal government property. (Effective September 1, 2023.)

**S.B. 2144 (Parker/Cook) – Advanced Air Mobility Committee:** this bill, among other things: (1) creates an advisory committee including representatives from various industries, local government, and the general public, to assess state law and make recommendations for implementing advanced air mobility technology in Texas; and (2) requires the Texas Department of Transportation to: (a) review aviation standards and guidelines to ensure they are applicable to the new technology; (b) develop a statewide plan for vertiports and associated infrastructure; and (c) provide resources and assistance to local governments and industry. (Effective September 1, 2023.)

### **Utilities and Environment**

**H.B. 9 (Ashby/Huffman) – Broadband Funding:** this bill, among other things: (1) establishes the Broadband Equity, Access, and Deployment (BEAD) program and Broadband Infrastructure Fund (BIF); (2) provides for eligible uses of BIF funds, which include: (a) creating statewide broadband service access map; (b) broadband service access-related infrastructure projects; (c) 9-1-1 and next generation 9-1-1 service centers; (d) universal service fund-eligible expenditures; and (e) improving public safety telecommunications connectivity; and (3) directs the comptroller to adopt necessary BEAD and BIF rules. (Effective January 1, 2024.)

**H.B. 1500 (Holland/Schwertner) – Public Utility Commission:** this is the Public Utility Commission (PUC) sunset bill. The bill, among other things:

1. continues the PUC until 2029;
2. requires the PUC to prepare a written report on the scope of competition in the electric and telecommunications markets;
3. requires the PUC to adopt rules to require a provider of electric generation service to provide to the independent organization certified for the Electric Reliability Council of Texas (ERCOT) power region the reason for each unplanned service interruption;
4. provides that for certain generators in the ERCOT power region, not later than December 1 of each year, an owner or operator of an electric generation facility, other than a battery energy storage resource, shall demonstrate to the PUC the ability of the owner or operator's portfolio to operate or be available to operate when called on for dispatch at or above the seasonal average generation capability during the times of highest reliability risk, as determined by the PUC, due to low operation reserves, as determined by the PUC;

5. provides that the PUC may not require retail customers or load-serving entities in the ERCOT power region to purchase credits designed to support a required reserve margin or other capacity or reliability requirement unless the PUC ensure certain requirements are met;
6. provides that the PUC, in consultation with the independent organization for the ERCOT power region, shall prepare and submit to the legislature an electric industry report not later than January 15 of each odd-numbered year;
7. provides that the PUC shall file a report on dispatchable and non-dispatchable generation facilities with the legislature each year;
8. provides that each retail electric provider that offers electricity for sale shall report to the PUC: (a) its annual retail sales in this state; (b) the annual retail sales of its affiliates by number of customers, kilowatts per hour sold, and revenue from kilowatts per hour sold by customer class; and (c) any other information the PUC requires relating to affiliations between retail electric providers;
9. provides that the PUC may adopt rules requiring renewable power facilities to have reactive power control capabilities or any other feasible technology designed to reduce the facilities' effects on system reliability;
10. repeals the provisions requiring the PUC to prepare a report including a statement of: (a) the number of telephone numbers included on the Texas no-call list; (b) the number of no call lists distributed; and (c) the amount collected for requests to place telephone numbers and renew entries on the list and for distribution of the list; and
11. repeals the statute encompassing the goal for renewable energy and phases out the program by September 1, 2025.

(Effective September 1, 2023.)

**H.B. 1565 (Canales/Perry) – Texas Water Development Board:** this is the Texas Water Development Board (TWDB) sunset bill. The bill, among other things: (1) continues the TWDB until 2035; and (2) provides that the TWDB may adopt procedures allowing the use of different standards of review and approval of design criteria for plans and specifications for sewerage collection, treatment, and disposal systems that require an individualized assessment that applies risk-based considerations to each project associated with the plans and specifications. (Effective September 1, 2023.)

**H.B. 1598 (Darby/Perry) – Solid Waste Facilities:** this bill, among other things, provides that: (1) an applicant for a permit under the Solid Waste Disposal Act is not required to obtain a permit for the siting, construction, or operation of a municipal solid waste facility from a local government or other political subdivision of the state as a prerequisite to a permit being issued by the Texas Commission on Environmental Quality (TCEQ); (2) a local government or other political subdivision may not adopt an order that conflicts with or is inconsistent with: (a) the

requirements for hazardous waste management or municipal solid waste facilities as specified by: (i) the rules of TCEQ; or (ii) a permit issued by TCEQ; or (b) the requirements for a municipal solid waste facilities; (3) the bill may not be construed to prevent or limit the right of: (a) a county or city to exercise the authority granted under state law to prohibit the processing or disposal of municipal solid waste; (b) a county to exercise the authority granted state law to prohibit the disposal of municipal solid waste; or (c) a local government or other political subdivision to adopt or enforce a rule, order, or ordinance under the authority of the National Flood Insurance Program governing permits or other approvals for the development of land in areas prone to floods or mudslides; (4) numbers (1) through (3), above, apply only to an order, ordinance, or other regulation related to the siting or location of a solid waste disposal facility adopted by a local government or other political subdivision after the effective date of the bill; and (5) an order, ordinance, or other regulation related to the siting or location of a solid waste disposal facility adopted before the effective date of the bill is governed by the law in effect on the date it was adopted, and the former law is continued in effect for that purpose. (Effective immediately.)

**H.B. 1845 (Metcalf/Perry) – Public Water Systems:** provides that for a Class D license for wastewater operators or public water system operators, the Texas Commission on Environmental Quality by rule shall establish a provisional certification program by which a person who does not possess a high school diploma or its equivalent may act as a provisional operator if the person: (1) has completed all commission-required training associated with the license; (2) has passed any commission-required examinations associated with the license; and (3) acts under the direct supervision of a license holder. (Effective September 1, 2023.)

**H.B. 2073 (Price/Schwertner) – Electricity Costs:** this bill, among other things: (1) requires the Public Utility Commission (PUC) to adopt rules to provide for the timely adjustment of an electric utility’s fuel factor without a hearing that ensures that: (a) the utility collects as contemporaneously as reasonably possible the electric fuel and purchased power costs that the utility incurs and the PUC determines are eligible; (b) the total of the utility’s eligible electric fuel and purchased power costs, including any under-collected or over-collected amounts to be recovered through an interim fuel adjustment, is allocated among customer classes based on actual historical calendar month usage; (c) any material balance of amounts under-collected or over-collected for eligible electric fuel and purchased power costs is collected from or refunded to customers through an interim fuel adjustment: (i) not later than the 90th day after the date the balance is accrued; or (ii) if the adjustment would result in a total bill increase of ten percent or more compared to the total bill in the month before implementation, not later than a date ordered by the PUC which must be after the 90th day after the date the balance is accrued; and (d) an affected party will receive notice and have the opportunity to request a hearing before the PUC; (2) provides that the PUC is not required to hold a hearing on the adjustment of an electric utility’s fuel factor under the bill; (3) provides that a customer of the electric utility, a municipality with original jurisdiction over the utility, or the office may protest a fuel factor established under the bill and the sole issue of the protest that may be considered is whether the factor reasonably reflects costs the electric utility will incur so that the utility is not substantially over-collecting or under-collecting the utility’s reasonably stated fuel and purchased power costs on an ongoing basis; and (4) requires the PUC to hold a hearing on a protest of an interim fuel adjustment under (3), above, if the adjustment would result in a total bill increase of ten percent

or more as described or if the adjustment results from extraordinary electric fuel and purchased power costs. (Effective September 1, 2023.)

**H.B. 2263 (Darby/Hughes) – Natural Gas Energy Conservation Programs:** this bill, among other things: (1) provides that a local distribution company may offer to customers and prospective customers and provide to customers an energy conservation program; (2) provides that the Railroad Commission (RRC) has exclusive original jurisdiction over energy conservation programs implemented by local distribution companies; (3) provides that a political subdivision served by a local distribution company that implements an energy conservation program approved by the RRC under the bill may not limit, restrict, or otherwise prevent an eligible customer from participating in the energy conservation program based on the type or source of energy delivered to the customer; (4) provides that a local distribution company may recover costs of energy conservation programs if approved by the RRC; and (5) requires the RRC to adopt rules that require local distribution company that implements an energy conservation program under the bill to submit to the railroad commission an annual report. (Effective immediately.)

**H.B. 2442 (Guillen/Flores) – Certificates of Convenience and Necessity:** this bill, among other things, provides that, for a municipally owned utility (MOU) that applies to obtain a certificate of convenience and necessity for newly incorporated or annexed areas, on the day a MOU submits an application for single certification to the Public Utility Commission, the MOU shall send, via certified mail or hand-delivery, a copy of the application to the retail public utility that provides water or sewer service to all or part of the area pursuant to a certificate of convenience and necessity. (Effective September 1, 2023.)

**H.B. 2460 (T. King/Perry) – Water Availability Models:** provides that not later than December 1, 2026, the Texas Commission on Environmental Quality shall obtain or develop updated water availability models for the Guadalupe, Lavaca, Nueces, San Antonio, San Jacinto, and Trinity River basins. (Effective September 1, 2023.)

**H.B. 2555 (Metcalf/Schwertner) – Electricity Resiliency Planning and Cost Recovery:** this bill, among other things, provides that: (1) an electric utility may file, in a manner authorized by Public Utility Commission (PUC) rule, a plan to enhance the resiliency of the utility's transmission and distribution system through at least one of the following methods: (a) hardening electrical transmission and distribution facilities; (b) modernizing electrical transmission and distribution facilities; (c) undergrounding certain electrical distribution lines; (d) lightning mitigation measures; (e) flood mitigation measures; (f) information technology; (g) cybersecurity measures; (h) physical security measures; (i) vegetation management; or (j) wildfire mitigation and response; (2) an electric utility may file with a plan an application for a rider to recover the electric utility's distribution investment that is made to implement a plan and is used and useful to the electric utility in providing service to the public; (3) if the PUC approves or modifies the plan in (1), above, the PUC shall determine the appropriate terms of the rider in the approval order; (4) the PUC may approve the rider application before the electric utility places into service the distribution investment to implement an approved plan; (5) if an electric utility that files a plan with the PUC does not apply for a rider under (2), above, the utility may defer all or a portion of the distribution-related costs relating to the implementation of the plan for future

recovery as a regulatory asset, including depreciation expense and carrying costs at the utility's weighted average cost of capital established in the PUC's final order in the utility's most recent base rate proceeding in a manner consistent with state law, and use PUC authorized cost recovery alternatives or another general rate proceeding; and (6) plan costs considered by the PUC to be reasonable and prudent may include only incremental costs that are not already being recovered through the electric utility's base rates or any other rate rider and must be allocated to customer classes pursuant to the rate design most recently approved by the PUC. (Effective immediately.)

**H.B. 2664 (Tepper/Perry) – Customer Information:** provides that a government-operated utility may disclose personal information in a customer's account record to: (1) another entity as necessary to facilitate the transition of customers among retail electric providers or to comply with rules, guidelines, and procedures established by an independent organization certified for the Electric Reliability Council of Texas (ERCOT) power region; or (2) a retail electric provider. (Effective immediately.)

**H.B. 2774 (E. Thompson/Nichols) – Water Rate Proceedings:** this bill, among other things, provides that for the purposes of rate proceedings for water and sewer utilities: (1) if an expense is allowed to be included in utility rates or an investment is included in the utility rate base, the related income tax benefit must be included in the computation of income tax expense to reduce the rates; (2) if an expense is not allowed to be included in utility rates or an investment is not included in the utility rate base, the related income tax benefit may not be included in the computation of income tax expense to reduce the rates; and (3) the amount of income tax that a consolidated group of which a utility is a member saves, because the consolidated return eliminates the intercompany profit on purchases by the utility from an affiliate, shall be applied to reduce the cost of the property or service purchased from the affiliate. (Effective September 1, 2023.)

**H.B. 2815 (Jetton/Creighton) – Water Districts:** this bill, among other things: (1) provides that a city may only remove a board member of a municipal management district appointed by the city for misconduct or failure to carry out the director's duties on petition by a majority of the remaining directors; (2) provides that the board of a water district, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed real property in the district, may adopt an order dividing the district; (3) provides that city consent to the creation of the water district and to the inclusion of land in the district acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district; (4) provides that an agreement between a city and a municipal utility district is an allocation agreement only if: (a) the agreement strictly complies with the requirements of state law governing city consent for inclusion of land in a district that is initially located wholly or partly outside the corporate limits of the city; and (b) the agreement is specifically designated by the parties to the agreement as an "allocation agreement" under state law; (5) provides that on the petition of a municipal utility district regarding road powers, if the Texas Commission on Environmental Quality issues an order approving the petition, the municipal utility district may undertake a road project if: (a) the municipality or county with platting jurisdiction has approved the plans and specifications of the road project; or (b) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state is to operate and maintain

the road; and (6) repeals the hearing requirement for the creation of a municipal management district. (Effective immediately.)

**H.B. 2847 (Darby/Sparks) – Hydrogen Storage:** this bill: (1) grants the Railroad Commission of Texas jurisdiction over pipeline transportation and underground storage of hydrogen; (2) establishes the Texas Hydrogen Production Policy Council (THPPC); and (3) directs the THPPC to: (a) study the development of hydrogen industries in the state; (b) monitor regional efforts to develop a regional clean hydrogen hub authorized under the federal Infrastructure Investment and Jobs Act (IIJA) or other federal law; and (c) develop a state plan for hydrogen production oversight and make recommendations to the legislature about such plan (Effective September 1, 2023.)

**H.B. 4742 (J. Lopez/LaMantia) – Flood Infrastructure Fund:** authorizes the Texas Water Development Board to study issues faced by communities with artificial drainage systems by January 1, 2025. (Effective September 1, 2023.)

**H.B. 3060 (E. Thompson/Hancock) – Recycling:** this bill, among other things: (1) provides that the Texas Commission on Environmental Quality (TCEQ) or another political subdivision of the state that establishes goals or requirements for recycling or the use of recycled material must base those goals or requirements on the definitions and principles established as a waste reduction program; and (2) provides that (1), above, does not apply to a computer equipment recycling program or a television equipment recycling program. (Effective immediately.)

**H.B. 3390 (Hunter/Schwertner) – Distributed Generation Resources:** this bill, among other things, provides that: (1) the independent organization for the Electric Reliability Council of Texas (ERCOT) power region may require a person who owns or operates a distributed generation facility interconnected to a utility system operating in the power region served by ERCOT, or who seeks to interconnect such a facility, to provide to the interconnecting transmission and distribution utility, municipally owned utility, or electric cooperative information about the distributed generation facility that ERCOT determines is necessary for maintaining system reliability; (2) the independent organization certified for the ERCOT power region may establish protocols to require a transmission service provider operating in the power region served by the independent organization to report to the independent organization, in aggregate by delivery point, information the independent organization determines is necessary for maintaining system reliability regarding distributed generation facilities and distribution-connected loads that: (a) are not registered with the independent organization; and (b) are connected to the utility systems served by the transmission service provider; and (3) the independent organization for the ERCOT power region may require a transmission and distribution utility, municipally owned utility, or electric cooperative that is not required to report load information directly to the independent organization regarding the delivery points interconnected with its facilities to provide information to the utility's or cooperative's transmission service provider for purposes of the report in (2), above. (Effective immediately.)

**H.B. 3582 (Cody Harris/Perry) – Flood Infrastructure Fund:** this bill: (1) defines “rural political subdivision” as, among others, a municipality: (a) with a population of 10,000 or less no part of the service area of which is located in an urban area with a population of 50,000 or more;

or (b) located wholly in a county in which no urban area has a population of more than 50,000; (2) provides that the Texas Water Development Board (TWDB) may use the flood infrastructure fund only to, among other things, make a grant or loan at or below market interest rates to an eligible political subdivision for a flood project to serve a rural political subdivision in order to ensure that the flood project is implemented; (3) provides that with certain exceptions, after the adoption of the initial state flood plan, the TWDB may use the infrastructure fund to provide financing only for flood projects included in the state flood plan; (4) provides that money from the infrastructure fund may be awarded to several eligible political subdivisions for a single flood project; and (5) provides that the remaining balance in the Hurricane Harvey Account on September 2, 2031 is transferred to the flood infrastructure fund. (Effective September 1, 2023.)

**H.B. 3810 (Landgraf/Perry) – Public Water Systems:** provides that an owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes water for public or private use or a wastewater system that provides wastewater services for public or private use shall maintain internal procedures to notify the Texas Commission on Environmental Quality immediately of an unplanned condition that has caused a public water supply outage or the public water supply system to issue a do-not-use advisory, do-not-consume advisory, or boil water notice if the system is a nonindustrial public water supply system. (Effective September 1, 2023.)

**H.B. 4087 (Kuempel/Zaffirini) – Temporary Sewage Disposal Permits:** this bill: (1) allows a city, under certain circumstances to issue a permit for the use of a temporary on-site sewage disposal system that operates in conjunction with pumping and hauling of wastewater produced by the system; and (2) limits the term of the permit of six months from the date of issuance and prohibits renewal. (Effective September 1, 2023.)

**H.B. 4385 (Guillen/Alvarado) – Sewer Service:** provides that the Public Utility Commission may by rule allow a city or utility or water supply corporation to render retail sewer service without a certificate of public convenience and necessity if the city has given notice under state law for single certification in incorporated or annexed areas that it intends to provide retail sewer service to an area, or if the utility or water supply corporation has less than 15 potential connections and is not within the certificated area of another retail public utility. (Effective September 1, 2023.)

**H.J.R. 125 (Ashby/Huffman) – Broadband Funding:** amends the Texas Constitution to: (1) establish the Broadband Infrastructure Fund (BIF) to be administered by the comptroller to provide financing for projects to develop and improve broadband and telecommunications services, including the construction, reconstruction, and expansion of broadband and telecommunications infrastructure or services, the operation of broadband and telecommunications infrastructure, and the provision of such services, as determined by the comptroller and the Public Utility Commission; and (2) direct the appropriation of up to \$5 billion from the economic stabilization fund to the BIF. (Effective if approved at the election on November 7, 2023.)

**S.B. 28 (Perry/T. King) – Water Supply Financial Assistance:** this bill, among other things: (1) establishes the new water supply for Texas fund; (2) requires the Texas Water Development

Board (TWDB) by rule to finance projects through the new water supply for Texas fund that will lead to the acquisition or creation of seven million acre-feet of new water supplies by December 31, 2033; (3) provides that the new water supply for Texas fund may be used to, among other things, provide financial assistance to political subdivisions and wholesale water providers to develop water supply projects that create new water sources for the state including: (a) desalination projects, including marine and brackish water desalination; (b) produced water treatment projects; (c) aquifer storage and recovery projects; and (d) the development of infrastructure to transport water made available by a qualified project; (4) establishes the Texas water fund; (5) requires the TWDB to use the Texas water fund to transfer money to various water funds administered by TWDB, including the new water supply for Texas fund; and (6) requires the TWDB to ensure that a portion of the money transferred from the fund is used for: (a) water infrastructure projects, prioritized by risk or need, for rural political subdivisions and cities with a population of less than 150,000; (b) projects for which all required state or federal permitting has been substantially completed; (c) the statewide water public awareness program; (d) water conservation strategies; and (e) water loss mitigation projects. (Effective January 1, 2024, but only if **S.J.R. 75** is approved at the November 7, 2023 election.)

**S.B. 365 (Zaffirini/Landgraf) – Electricity:** provides that when the utility applies for a certificate of convenience and necessity (CCN) to construct a transmission line that connects to the utility’s existing transmission facilities to a substation or metering point, an electric utility must provide written notice of each substation proposed to be authorized by a CCN to each owner of: (1) property adjacent to the property on which the substation will be located; and (2) property located directly across a highway, road, or street that is adjacent to the property on which the substation will be located. (Effective September 1, 2023.)

**S.B. 469 (Springer/T. King) – Water Infrastructure:** this bill: (1) defines “rural political subdivision” as, among others, a municipality: (a) with a population of 10,000 or less no part of the service area of which is located in an urban area with a population of 50,000 or more; or (b) located wholly in a county in which no urban area has a population of more than 50,000; and (2) provides that of the money disbursed from the State Water Infrastructure Fund for Texas during the five-year period between the adoption of a state water plan and the adoption of a new plan, the Texas Water Development Board (TWDB) shall undertake to apply not less than: (a) 10 percent to support projects that are for: (i) rural political subdivisions; or (ii) agricultural water conservation; and (b) 20 percent to support projects, including agricultural irrigation projects, that are designed for water conservation or reuse; and (3) provides that the TWDB may direct the comptroller to transfer amounts from the financial assistance account to the rural water assistance fund to provide financial assistance to rural political subdivisions. (Effective September 1, 2023.)

**S.B. 594 (Zaffirini/Lozano) – Public Drinking Water:** this bill, among other things, requires: (1) each public drinking water supply system to have a water supply that must provide a quantity of water or capacity of water sufficient to serve the number of connections served by the public drinking water supply system; and (2) the Texas Commission on Environmental Quality to establish by rule connection equivalency values for each meter size used to serve a recreational vehicle park for use in determining the number of connections served by a public drinking water supply system that provides service through meters. (Effective September 1, 2023.)



**S.B. 784 (Birdwell/Landgraf) – Greenhouse Gas:** this bill: (1) provides that to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions in Texas; and (2) preempts a city or other political subdivision from enacting or enforcing an ordinance or other measure that directly or indirectly regulates greenhouse gas emissions. (Effective September 1, 2023.)

**S.B. 785 (Birdwell/Darby) – Geothermal Energy Rights:** provides that: (1) except as otherwise provided by a conveyance, contract, deed, reservation, exception, limitation, lease, or other binding obligation, a landowner owns the geothermal energy and associated resources below the surface of the landowner's land as real property; and (2) a landowner and the landowner's lessee, heir, or assign is entitled to drill for and produce the geothermal energy and associated resources below the surface of the landowner's land. (Effective immediately.)

**S.B. 893 (Zaffirini/T. King) – Water Certificate of Public Convenience and Necessity:** provides that: (1) the executive director of the Public Utility Commission (PUC), at the discretion of the executive director or at the request of the certificate holder, may make a correction to a certificate of public convenience and necessity, without observing formal amendment procedures, by reissuing the certificate or issuing an endorsement to the certificate; (2) the executive director shall notify the certificate holder that the correction has been made and ensure that the reissued certificate or endorsement is recorded in the PUC's records; (3) the executive director may make a correction under (1), above, only: (a) to correct a clerical or typographical error; (b) to change the name of an incorporated certificate holder on a certificate if: (i) an amendment to the certificate holder's articles of incorporation or certificate of formation, as applicable, is filed with the secretary of state that only changes the name of the certificate holder; and (ii) the certificate holder provides verification from the secretary of state to the PUC that the amendment only changed the name of the certificate holder; (c) to correct a mapping error in a certificate to reflect the metes and bounds of the certificated area; or (d) to correct another similar non-substantive error or matter if authorized by the PUC by rule; (4) the executive director of the PUC may not make a correction under (3)(c), above, unless the certificate holder: (a) submits to the executive director of the PUC a written agreement between the certificate holder and any other retail water or sewer service provider whose service area is directly affected by the correction; and (b) provides notice of the correction to any water or sewer service customers whose retail service is directly affected by the correction; and (5) the notice and hearing requirements to not apply to a correction under (1), above. (Effective immediately.)

**S.B. 947 (King/Hunter) – Criminal Offense for Damaging Critical Infrastructure:** this bill: (1) creates a criminal offense if, without the effective consent of the owner or operator of a critical infrastructure facility, the person: (a) intentionally or knowingly damages, destroys, vandalizes, or impairs the function of any critical infrastructure facility; and (b) as a result of the conduct described by (1)(a), above, causes an extended power outage; (2) provides that an offense under (1), above, is a felony of the second degree, except that the offense is a felony of the first degree if: (a) the amount of pecuniary damage to the critical infrastructure facility is \$100,000 or more; or (b) the actor uses a firearm, drone, cyber-attack, or explosive weapon in the commission of the offense; and (3) provides that it is a felony of the first degree for

manslaughter if it is shown on the trial of the offense that the defendant committed an offense under (1), above, and that conduct caused the death of an individual. (Effective September 1, 2023.)

**S.B. 1002 (Schwertner/Hernandez) – Electric Vehicle Charging Outside ERCOT:** this bill, among other things: (1) provides that (2) through (6), below, apply only to an electric utility that operates solely outside of the Electric Reliability Council of Texas (ERCOT); (2) provides that, with limited exceptions, an electric utility may not provide electric vehicle charging service directly to a customer; (3) provides that an electric utility may be affiliated with an entity that provides electric vehicle charging service from a public electric vehicle charging station if the affiliate: (a) is not subject to regulation by the Public Utility Commission (PUC); and (b) is subject to prohibitions on market power abuse, cross-subsidizations, co-branding, and preferential treatment between regulated and competitive activities; (4) requires the PUC to determine whether the provision of electric vehicle charging service under a proposal submitted by an electric utility to provide electric vehicle charging service directly to a customer is in the public interest because the service is adequate for the needs of the area; (5) provides that the PUC may adopt rules to establish a distance that constitutes reasonable proximity to a type of location for the purposes of (4), above; (6) requires the PUC to set the rates the electric utility may charge for electric vehicle charging service; (7) provides that a municipality that is a customer of an electric utility may enter into an agreement with the utility under which: (a) the utility owns and operates a public electric vehicle charging station and provides electric vehicle charging service on the municipality’s property; and (b) none of the costs of constructing, financing, operating, or maintaining the public electric vehicle charging station described in (a), above, are recovered from the other customers of the utility; and (8) provides that a transmission and distribution utility: (a) may not directly own, operate, or provide electric vehicle charging service from a public electric vehicle charging station; (b) may not include costs of a public electric vehicle charging station for recovery through rates approved by the PUC; (c) may be affiliated with a competitive affiliate that provides electric vehicle charging service from a public electric vehicle charging station through a separate entity or third party only in certain circumstances; and (d) shall offer the same nondiscriminatory rates, terms, and conditions offered to the affiliate described in (c), above, to other electric vehicle charging providers in the transmission and distribution utility’s service area for the operation of public electric vehicle charging stations. (Effective September 1, 2023.)

**S.B. 1015 (King/Spiller) – Electric Utility Rates:** this bill, among other things, removes regulatory authorities (including cities) from the electricity rate-making process for periodic rate adjustments. (Effective immediately.)

**S.B. 1016 (King/Dean) – Electric Utility Rates:** this bill: (1) defines “employee compensation and benefits” to include base salaries, wages, incentive compensation, and benefits, but not pension or other postemployment benefits, or incentive compensation for an officer of an electric utility related to attaining financial metrics or metrics adverse to customers’ interests as determined by the Public Utility Commission; and (2) provides that, when establishing an electric utility’s rates, the regulatory authority, including a city, shall presume that employee compensation and benefits expenses are reasonable and necessary if the expenses are consistent

with recent market compensation studies not earlier than three years before the initiation of the proceedings to establish the rates. (Effective immediately.)

**S.B. 1017 (Birdwell/Landgraf) – Engine and Energy Source Regulations:** provides that a political subdivision may not: (1) adopt or enforce an ordinance, order, regulation, or similar measure that: (a) limits access to or effectively prohibits the use of, an energy source wholesaler, retailer, or producer, including a retail service station, that is necessary to provide to a specific energy source, subject to exceptions for siting requirements involving certain geographic areas; and (2) directly or indirectly, prohibit or restrict the use, sale, or lease of an engine based on its fuel source, unless the action does not effectively prohibit or restrict, the use, sale, or lease of the engine and is not preempted by state or federal law, subject to a political subdivision’s agreement with the Texas Commission on Environment Quality regulating motor vehicle idling, or compliance with the federal Clean Air Act. (Effective September 1, 2023.)

**S.B. 1093 (Schwertner/Metcalf) – Electricity Supply Chain:** this bill: (1) requires each electric utility, transmission and distribution utility, electric cooperative, and municipally owned utility to provide the utility’s service area boundary map, using good faith efforts, in a geographic information system format to the Public Utility Commission; (2) adds to the definition of “electricity supply chain” roads necessary to access facilities in the electricity supply chain; (3) provides that a reference to the “electricity supply chain” includes water and wastewater treatment plants; (4) adds the executive director of the Texas Department of Transportation to the Texas Electricity Supply Chain Security and Mapping Committee (Committee); and (5) provides that, on request, the Committee shall provide view-only access to the electricity supply chain map to: (a) an electric utility, a transmission and distribution utility, an electric cooperative, or a municipally owned utility; (b) an operator of a gas supply chain facility; or (c) an operator of a gas pipeline facility. (Effective immediately.)

**S.B. 1170 (Perry/Tepper) – Customer Choice:** this bill, among other things: (1) provides that a municipally owned utility (MOU) that opts for customer choice and does not sell electric energy to retail customers is not required to bill directly for distribution, transmission, and generation services provided to retail electric customers located in its certificated service area and a retail electric provider may provide billing services for distribution, transmission, and generation services provided to those customers; (2) repeals existing law that authorizes certain MOU customers to opt into being billed directly by each service provider or to receive a single bill for distribution, transmission, and generation services; (3) provides that on its initiation of customer choice, a MOU may designate itself or one or more other entities as the provider or providers of last resort for customers within the MOU’s certificated service area as that area existed on the date of the utility’s initiation of customer choice; (4) provides that the MOU shall fulfill the role of default provider of last resort in the event no other entity is available to act in that capacity if the MOU continues to sell electric energy to retail customers after the initiation of customer choice; and (5) provides that if customer is unable to obtain service from a retail electric provider or a MOU or electric cooperative offering customer choice, on request by the customer, the applicable provider of last resort shall offer the customer the standard retail service package for the appropriate customer class, with no interruption of service, at a fixed, non-discountable rate that is at least sufficient to cover the reasonable costs of providing that service, as approved by the governing body of the MOU that has the authority to set rates. (Effective immediately.)

**S.B. 1243 (Huffman/Ashby) – Broadband Service Franchise Tax Exemptions:** provides that a taxable entity: (1) for franchise tax purposes shall exclude from its total revenue certain broadband grant proceeds; (2) may include as a cost of goods sold any expense paid using qualifying broadband grant proceeds for broadband deployment; and (3) may include as compensation any expense paid using qualifying broadband grant proceeds for broadband deployment. (Effectively immediately.)

**S.B. 1238 (Nichols/Ashby) – Broadband Service Funding:** this bill, among other things: (1) defines “broadband service” as: (a) service of at least 25 mbps for a download and 3 mbps for an upload, and; (b) network round-trip latency less than or equal to 100 milliseconds based on 95 percent of speed measurements; (2) authorizes the comptroller to adopt FCC broadband speed standards by rule if different than (1), above; (3) defines unserved areas, underserved areas, and served areas for the comptroller’s broadband development office’s (BDO) broadband development map for funding eligibility purposes; (4) authorizes the BDO to award grants, low-income loans, and other financial incentives to applicants to deploy eligible broadband infrastructure projects in unserved and underserved areas, and certain parts of served areas; (5) authorizes the BDO to award grants to applicants to deploy non-broadband infrastructure projects that expand the adoption, accessibility, or affordability, of broadband service, including education, training, community outreach, remote learning, telehealth facilities, equipment purchases, or other permitted uses; (6) prohibits the BDO from awarding grants, loans, or other financial incentives to applicants to deploy last-mile broadband service to a location already subject to a federal commitment to deploy qualifying broadband service, except under certain circumstances; and (7) directs the BDO to prioritize broadband infrastructure projects that connect each end-user location using end-to-end fiber optic cable. (Effective immediately.)

**S.B. 1289 (Perry/T. King) – Reclaimed Wastewater:** this bill: (1) provides that a wastewater treatment facility or reclaimed water production facility that treats domestic wastewater for reuse may dispose of the treated wastewater without a permit for an alternative means of disposal if the facility: (a) disposes of the treated wastewater through a wastewater collection system; and (b) has the consent of the operator of: (i) the wastewater collection system that will receive the treated wastewater; and (ii) any wastewater treatment facility that will further treat the treated wastewater; (2) provides that the owner of a reclaimed water production facility that meets the requirements of (1), above, may not be required to be the owner of an associated domestic wastewater treatment facility that is permitted by the Texas Commission on Environmental Quality (TCEQ); and (3) requires TCEQ to adopt rules to implement and enforce the bill. (Effective immediately.)

**S.B. 1397 (Schwertner/K. Bell) – Texas Commission on Environmental Quality:** this is the Texas Commission on Environmental Quality (TCEQ) sunset bill. The bill, among other things:

1. continues TCEQ until 2035;
2. creates a new standard permit for temporary concrete plants that provides that TCEQ shall issue a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project;

3. provides that a plant operating under Number 2, above: (a) may not support a project that is not related to the public works project; and (b) must be located in or contiguous to the right-of-way of the public works project;
4. requires TCEQ to provide outreach and education to the public on participating in the permitting process under the air, waste, and water programs within the TCEQ's jurisdiction;
5. requires TCEQ to establish an enforcement diversion program for small businesses and local governments that must include, among others: (a) compliance assistance training; and (b) on-site technical assistance and training performed by TCEQ staff;
6. provides that before TCEQ initiates an enforcement action for a violation committed by a small business or local government, TCEQ may enroll the business or government into the enforcement diversion program in Number 4, above;
7. provides that TCEQ may not initiate against a small business or local government an enforcement action for a violation that prompted enrollment in the enforcement diversion program after the business or government has successfully completed the program;
8. provides that a small business or local government is not eligible to enroll in the enforcement diversion program if the small business or local government: (a) committed a violation that: (i) resulted in an imminent threat to public health; or (ii) was a major violation; or (b) was enrolled in the program in the two years preceding the date of the violation;
9. provides that if TCEQ holds a public meeting for a permit application in certain circumstances, TCEQ shall hold open the public comment period for the permit application for at least 36 hours after the end of the meeting;
10. provides that TCEQ by rule shall provide for each public notice issued or published by TCEQ or by a person under the jurisdiction of TCEQ as required by law or by TCEQ rule to include to the extent applicable, the name of the permit applicant, the type of permit applied for, and the address of each proposed or existing site subject to the proposed permit;
11. requires TCEQ to develop and make accessible on TCEQ's Internet website recommended best management practices for aggregate production operations that operate under the jurisdiction of the TCEQ, which must include operational issues related to: (a) dust control; (b) water use; and (c) water storage;
12. requires TCEQ to post on its website at the time a permit application becomes administratively complete: (a) the permit application and any associated materials; and (b) for a permit application for a permit to use state water, any map accompanying the permit application;

13. provides that TCEQ shall require each applicant for a permit, permit amendment, or permit renewal that requires notice be published to include in the notice the address of the website where the public can access information about the permit as described by Number 10, above;
14. sets requirements for programs and permits arising under the air, waste, or water programs within TCEQ's jurisdiction, including: (a) in addition to any other notice requirement, TCEQ shall of a permit application on TCEQ's website and may provide additional electronic notice through other means, including direct e-mail; and (b) TCEQ shall consider and accommodate residents of each area affected by a proposed permit, permit amendment, or permit renewal who may need assistance accessing notice published by electronic means because of a lack of access to Internet services, particularly when there is a heightened public interest or in response to public comment; and
15. provides that periodically, the environmental flows advisory group shall review the environmental flow standards for each river basin and bay system adopted by TCEQ.

(Effective September 1, 2023.)

**S.B. 1399 (Schwertner/K. Bell) – Renewal of Air Quality Permits:** this bill applies to certain concrete plants that perform wet batching, dry batching, or central mixing and provides that: (1) the Texas Commission on Environmental Quality (TCEQ) shall at least once every six years conduct a protectiveness review of the permit regarding the operation of a permanent concrete plant, including by reviewing available background concentrations of air pollutants; (2) if TCEQ amends the permit after a protectiveness review, TCEQ shall allow facilities authorized to emit air contaminants under the permit as it read before the amendment to continue to operate until a date provided by TCEQ; and (3) each authorization to use a permit is subject to review at least once every six years to determine whether the authority to operate the facility authorized by the permit should be renewed. (Effective September 1, 2023.)

**S.B. 1425 (Perry/Smithee) – Small and Rural Incumbent Local Exchange Companies:** this bill, among other things, extends monthly payments to small and rural local telephone exchange companies under the Small and Rural Incumbent Local Exchange Company Universal Service Plan through September 1, 2033. (Effective immediately.)

**S.B. 1699 (Johnson/Hunter) – ERCOT Market Participation:** this bill, among other things: (1) allows a retail electric provider to aggregate distributed energy resources; (2) entitles electric customers to participate in available provider demand response programs and receive emergency energy alerts; and (3) directs the PUC to establish by rule goals to reduce average total residential energy load, including adopting a program that: (a) provides demand response participation to residential customers where reasonably available; (b) promotes the use of smart metering technology; (c) is capable of responding to an emergency energy alert about low operating reserves; (d) ensures the program does not impact the critical needs of vulnerable populations; and (e) facilitates widespread deployment of smart responsive appliances and devices

in a manner that enables enrollment in provider demand response program. (Effective September 1, 2023.)

**S.B. 1710 (Perry/Burrows) – Universal Service Fund:** this bill, among other things: (1) extends universal service funding for local rural telecommunications exchange carriers on a reducing tiered basis of 75 percent support in 2024, 50 percent support in 2025, 25 percent support in 2026, and 0 percent support in 2027; (2) extends deadlines for an exchange carrier to petition to challenge reduced funding; (3) provides that Health and Human Services Commission shall review and adjust funding standards and criteria by no later than September 1 of every fourth year; and (4) authorizes reducing support to exchange carriers if before December 31, 2022, support to the exchange carrier had been reduced to 25 percent of the support the company or cooperative was eligible to receive. (Effective immediately.)

**S.B. 1778 (Alvarado/Rogers) – Water and Sewer Service:** provides that a retail public utility, including a municipally owned utility, may initiate, transfer, or terminate a customer’s retail water or sewer service on receipt of a customer request by mail, by telephone, through an Internet website, or another electronic transmission. (Effective September 1, 2023.)

**S.B. 1860 (Hughes/Craddick) – Climate Provisions in City Charters:** provides that a city may not hold an election for voter approval of a charter provision or charter amendment establishing a comprehensive rule or policy statement that purports to address climate change or the city’s environmental impact, including water and energy use and air pollution, unless the legislature adopts a resolution approving the proposed provision or amendment. (Effective September 1, 2023.)

**S.B. 1965 (Alvarado/S. Thompson) – Purchase of Water and Sewer Systems:** provides that, for the purposes of a utility or a water supply or sewer service corporation purchasing, acquiring, leasing, or renting a water or sewer system owned by an entity that is required by law to possess a certificate of public convenience and necessity, the Public Utility Commission shall approve the transaction if the owner has abandoned operation of the facilities that are the subject of the transaction and cannot be located or does not respond to an application filed for the transaction, among other things. (Effective September 1, 2023.)

**S.B. 2627 (Schwertner/Hunter) – Electricity:** this bill creates the Texas Energy Fund to be administered by the Public Utility Commission to provide grants and loans to support the construction, maintenance, modernization, and operation of electric generating facilities. (Effective November 7, 2023, but only if **S.J.R. 93** is approved at the election on November 7, 2023.)

**S.B. 2119 (Schwertner/Hunter) – Broadband Service Maps:** directs the comptroller’s Broadband Development Office (BDO) and the Public Utility Commission to: (1) jointly create, publish, and annually update a map showing areas that are: (a) eligible for BDO broadband funding; (b) served by an eligible broadband service provider that receives support from the state universal service fund; and (c) qualify under both (a) and (b); and (2) provide an annual report making recommendations for withdrawing support from areas under (1)(c), above, through a reasonable transition period. (Effective September 1, 2023.)

**S.J.R. 75 (Perry/T. King) – Texas Water Fund:** amends the Texas Constitution to establish the Texas water fund to be administered by the Texas Water Development Board. (Effective if approved at the election on November 7, 2023.)

**S.J.R. 93 (Schwertner/Hunter) – Electricity:** amends the Texas Constitution to create the Texas Energy Fund to support the construction, maintenance, modernization, and operation of electric generating facilities. (Effective if approved at the election on November 7, 2023.)

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## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Public Hearing to Consider The Adoption of An Ordinance Amending Chapter 156, "Building Regulations; Construction" Section 156.058 "Above Ground Pools", of The Code of Ordinances, City of Woodcreek, Texas, , For The Purpose of Allowing Above Ground Pools.

**AGENDA ITEM SUMMARY:**

Public Hearing for Above Ground Pools

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/6/2023 11:40:46 AM

## CHAPTER 7

## ONGROUND STORABLE RESIDENTIAL SWIMMING POOLS

SECTION 701  
GENERAL

**701.1 Scope.** This chapter describes certain criteria for the design, manufacturing, and testing of *onground storable pools* intended for *residential* use. This includes portable pools with flexible or nonrigid side walls that achieve their structural integrity by means of uniform shape, support frame or a combination thereof, and that can be disassembled for storage or relocation. This chapter includes what has been commonly referred to in past standards or codes as onground or above-ground pools.

**701.1.1 Permanent inground residential swimming pool.** This chapter does not apply to permanent inground *residential* pools, as defined in Chapter 8.

**701.2 General.** In addition to the requirements of this chapter, onground storable *residential* swimming pools shall comply with the requirements of Chapter 3.

**701.3 Floor slopes.** Floor slopes shall be uniform and in accordance with Sections 701.3.1 through 701.3.4.

**701.3.1 Shallow end.** The slope of the floor from the shallow end wall towards the deep area shall not exceed 1 unit vertical in 7 units horizontal (14-percent slope) to the point of the first slope change.

**701.3.2 Transition.** The slope of the floor from the point of the first slope change towards the deepest point shall not exceed 1 unit vertical in 3 units horizontal (33-percent slope).

**701.3.3 Adjacent.** The slope adjacent to the shallow area shall not exceed 1 unit vertical in 3 units horizontal (33-percent slope) and the slope adjacent to the side walls shall not exceed 1 unit vertical in 1 unit horizontal (100-percent slope).

**701.3.4 Change point.** The point of the first slope change shall be defined as the point at which the shallow area slope exceeds 1 unit vertical in 7 units horizontal (14-percent slope) and is not less than 6 feet (1889 mm) from the shallow end wall of the pool.

**701.4 Identification.** For onground storable *residential* pools with a vinyl liner, the manufacturer's name and the liner identification number shall be affixed to the liner. For onground storable *residential* pools without a liner, the manufacturer's name and identification number shall be affixed to the exterior of the pool structure.

**701.5 Installation.** *Onground storable pools* shall be installed in accordance with the manufacturer's instructions.

SECTION 702  
LADDERS AND STAIRS

**702.1 Ladders and stairs.** Pools shall have a means of entry and exit consisting of not less than one ladder or a ladder and staircase combination.

**702.2 Type A and Type B ladders.** Type A, double access, and Type B, limited access, A-frame ladders shall comply with Sections 702.2.1 through 702.2.7. See Figure 702.2.

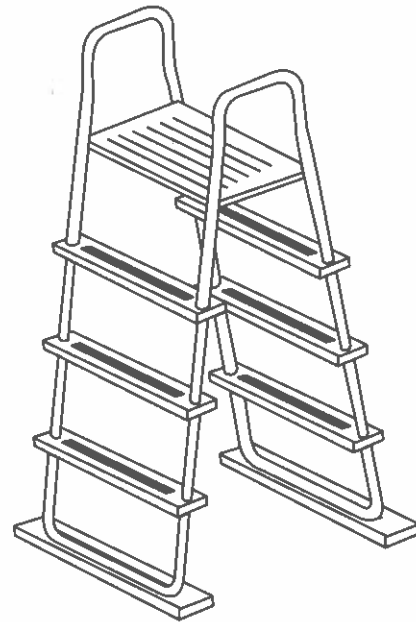


FIGURE 702.2  
TYPICAL A-FRAME LADDER, TYPES A AND B

**702.2.1 Barrier required.** Ladders in the pool shall have a physical barrier to prevent children from swimming through the riser openings or behind the ladder.

**Exception:** Barriers for ladders shall not be required where the ladder manufacturer provides a certification statement that the ladder complies with the ladder entrapment test requirements of APSP 4.

**702.2.2 Platform.** Where an A-frame ladder has a platform between the handrails, the platform shall have a width of not less than 12 inches (305 mm) and a length of not less than 12 inches (305 mm). The platform shall be at or above the highest ladder tread. The walking surface of the platform shall be slip resistant.

**702.2.3 Handrails or handholds.** A-frame ladders shall have two handrails or handholds that serve all treads. The height of the handrails and handholds shall be not less than 20 inches (508 mm) above the platform or uppermost tread, whichever is higher.

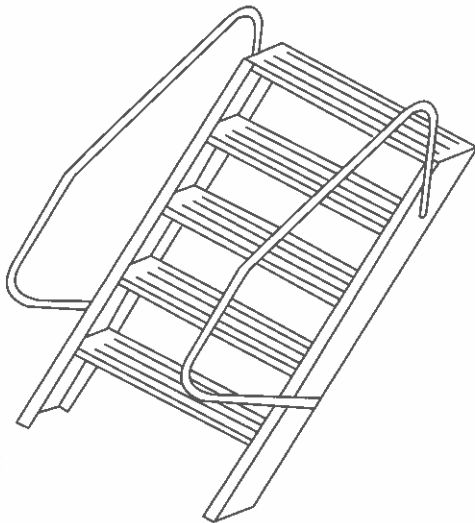
**702.2.4 Diameter.** The outside diameter of handrails and handholds shall be not less than 1 inch (25 mm) and not greater than 1.9 inches (48 mm).

**702.2.5 Clear distance.** The clear distance between ladder handrails shall be not less than a space of 12 inches (305 mm).

**702.2.6 Treads.** Ladder treads shall have a horizontal uniform depth of not less than 2 inches (51 mm).

**702.2.7 Riser height.** Risers, other than the bottom riser, shall be of uniform height that is not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The bottom riser height shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The vertical distance from the platform or top of the pool structure to the uppermost tread shall be the same as the uniform riser heights.

**702.3 Type C staircase ladders (ground to deck).** Type C staircase ladders shall comply with Sections 702.3.1 through 702.3.6. See Figure 702.3.



**FIGURE 702.3**  
TYPICAL STAIRCASE LADDER, TYPE C

**702.3.1 Handrails or handholds.** Staircase ladders shall have not less than two handrails or handholds that serve all treads. The height of the handrails and handholds shall be not less than 20 inches (508 mm) above the platform or uppermost tread, whichever is higher.

**702.3.2 Diameter.** The outside diameter of handrails and handholds shall be not less than 1 inch (25 mm) and not greater than 1.9 inches (48 mm).

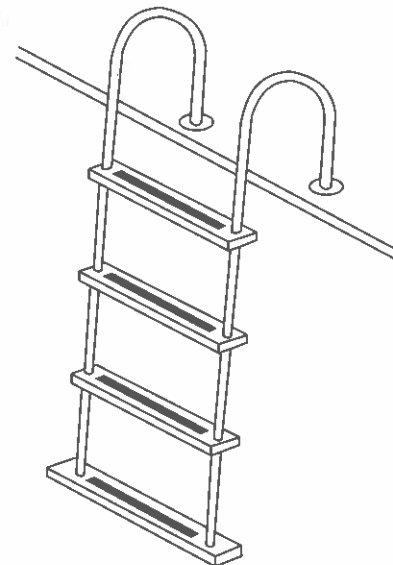
**702.3.3 Treads.** Ladder treads shall have a horizontal uniform depth of not less than 4 inches (102 mm).

**702.3.4 Riser height.** Risers, other than the bottom riser, shall be of uniform height that is not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The bottom riser height shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The vertical distance from the platform or top of the pool structure to the uppermost tread shall be the same as the uniform riser heights.

**702.3.5 Top step.** The top step of a staircase ladder shall be flush with the deck or 7 inches (178 mm) to 12 inches (305 mm) below the deck level.

**702.3.6 Width.** Steps shall have a minimum unobstructed width of 19 inches (483 mm) between the side rails.

**702.4 Type D in-pool ladders.** Type D in-pool ladders shall be in accordance with Sections 702.4.1 through 702.4.7. See Figure 702.4.



**FIGURE 702.4**  
TYPICAL IN-POOL LADDER, TYPE D

**702.4.1 Clearance.** There shall be a clearance of not less than 3 inches (76 mm) and not greater than 6 inches (152 mm) between the pool wall and the ladder.

**702.4.2 Handrails or handholds.** Ladders shall be equipped with two handrails or handholds that extend above the platform or deck not less than 20 inches (508 mm).

**702.4.3 Clear distance.** The clear distance between ladder handrails shall be not less than 12 inches (305 mm).

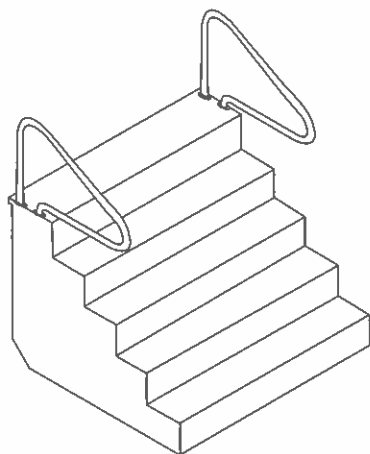
**702.4.4 Diameter.** The outside diameter of handrails and handholds shall be not less than 1 inch (25 mm) and not greater than 1.9 inches (48 mm).

**702.4.5 Riser height.** Risers, other than the bottom riser, shall be of uniform height that is not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The bottom riser height shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm).

**702.4.6 Top tread.** The vertical distance from the pool coping, deck, or step surface to the uppermost tread shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm) and uniform with other riser heights.

**702.4.7 Tread depth.** Ladder treads shall have a horizontal uniform depth of not less than 2 inches (51 mm).

**702.5 Type E protruding in-pool stairs.** Type E protruding in-pool stairs shall be in accordance with Sections 702.5.1 through 702.5.7. See Figure 702.5.



**FIGURE 702.5**  
TYPICAL IN-POOL STAIRCASE TYPES, E AND F

**702.5.1 Barrier required.** In-pool stairs shall have a physical barrier to prevent children from swimming through the riser openings or behind the in-pool stairs.

**702.5.2 Handrails or handholds.** In-pool stairs shall be equipped with not less than one handrail or handhold that serves all treads with a height of not less than 20 inches (508 mm) above the platform or uppermost tread, whichever is higher.

**702.5.3 Removable handrails.** Where handrails are removable, they shall be installed such that they cannot be removed without the use of tools.

**702.5.4 Leading edge distance.** The leading edge of handrails shall be 18 inches (457 mm) ± 3 inches (± 76 mm), horizontally from the vertical plane of the bottom riser.

**702.5.5 Diameter.** The outside diameter of handrails and handholds shall be not less than 1 inch (25 mm) and not greater than 1.9 inches (48 mm).

**702.5.6 Tread width and depth.** Treads shall have an unobstructed horizontal depth of not less than 10 inches (254 mm) and an unobstructed surface area of not less than 240 square inches (0.15 m<sup>2</sup>).

**702.5.7 Uniform riser height.** Risers, other than the bottom riser, shall be of uniform height that is not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The bottom riser height shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The verti-

cal distance from the pool coping, deck or step surface to the uppermost tread of the stairs shall be the same as the uniform riser heights.

**702.6 Type F recessed in-pool stairs.** Type F recessed in-pool stairs shall be in accordance with Sections 702.6.1 through 702.6.7. See Figure 702.5.

**702.6.1 Barrier required.** In-pool stairs shall have a physical barrier to prevent children from swimming through the riser openings or behind the in-pool stairs.

**702.6.2 Handrails or handholds.** In-pool stairs shall be equipped with not less than one handrail or handhold that serves all treads with a height of not less than 20 inches (508 mm) above the platform or uppermost tread, whichever is higher.

**702.6.3 Removable handrails.** Where handrails are removable, they shall be installed such that they cannot be removed without the use of tools.

**702.6.4 Leading edge distance.** The leading edge of handrails shall be 18 inches (457 mm) ± 3 inches (± 76 mm), horizontally from the vertical plane of the bottom riser.

**702.6.5 Diameter.** The outside diameter of handrails and handholds shall be not less than 1 inch (25 mm) and not greater than 1.9 inches (48 mm).

**702.6.6 Tread width and depth.** Treads shall have an unobstructed horizontal depth of not less than 10 inches (254 mm) at all points and an unobstructed surface area of not less than 240 square inches (0.15 m<sup>2</sup>).

**702.6.7 Uniform riser height.** Risers, other than the bottom riser, shall be of uniform height that is not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The bottom riser height shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm). The vertical distance from the pool coping, deck or step surface to the uppermost tread of the stairs shall be the same as the uniform riser heights.

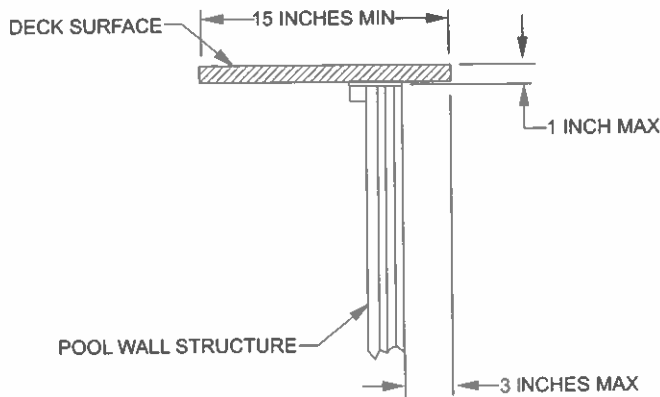
## SECTION 703 DECKS

**703.1 General.** Decks provided by the pool manufacturer shall be installed in accordance with the manufacturer's instructions. Decks fabricated on-site shall be in accordance with the *International Residential Code*.

**703.2 Cantilevered.** The top surface of a cantilevered deck shall be not greater than 1 inch (25 mm) higher than the top of the pool wall. See Figure 703.4. The top surface of a noncantilevered deck shall be not higher than the top of the pool wall.

**703.3 No gaps.** Decks that are installed flush with the top rail of the pool shall have all gap openings between the deck and top rails closed-off or capped.

**703.4 Extension over pool.** Where a deck extends inside the top rail of the pool, it shall extend not more than 3 inches (76 mm) beyond the inside of the top rail of the pool in accordance with Figure 703.4 and shall have a smooth finish.

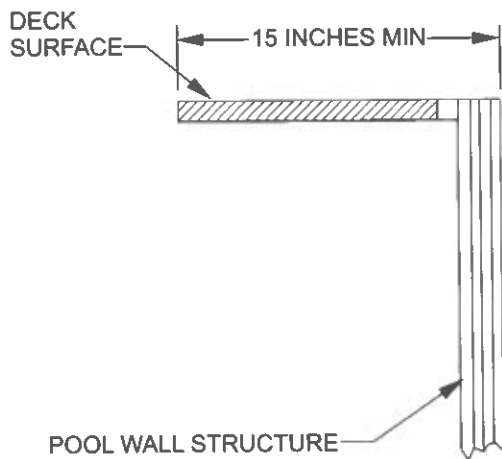


For SI: 1 inch = 25.4 mm.

**FIGURE 703.4**  
**TYPICAL CANTILEVERED DECK SUPPORT**

**703.5 Slip resistant.** The deck walking surface shall be slip resistant.

**703.6 Walk-around decks.** Walk-around decks shall have a level walking surface of not less than 15 inches (381 mm) in width, as measured from the inside edge of the pool top rail to the outside of the pool walk-around. See Figure 703.6.



For SI: 1 inch = 25.4 mm.

**FIGURE 703.6**  
**WALK-AROUND DECK WIDTH**

**SECTION 704**  
**CIRCULATION SYSTEM**

**704.1 General.** A circulation system consisting of pumps, hoses, tubing, piping, return inlets, suction outlets, filters and other related equipment that provides for the circulation of water throughout the pool shall be located so that such items cannot be used by young children as a means of access to the pool.

**704.2 Installation and support.** Circulation equipment shall be installed, mounted and supported in accordance with the manufacturer's instructions.

**704.3 Draining the system.** In climates subject to freezing, circulation system equipment shall be designed and fabricated to drain the pool water from the equipment and exposed piping, by removal of drain plugs and manipulating valves or by other methods in accordance with the manufacturer's instructions.

**704.4 Turnover.** A pump including a motor shall be provided for circulation of the pool water. The equipment shall be sized to provide a turnover of the pool water not less than once every 12 hours. The system shall be designed to provide the required turnover rate based on the manufacturer's specified maximum flow rate of the filter, with a clean media condition of the filter. The system flow shall not exceed the filter manufacturer's maximum filter flow rate.

**704.5 Piping and fittings.** The process piping of the circulation system, including but not limited to hoses, tubing, piping, and fittings, shall be made of nontoxic material and shall be capable of withstanding an internal pressure of not less than 1½ times the rated pressure of the pump. Piping on the suction side of the pump shall not collapse when flow into such piping is blocked.

**704.6 Filters.** Pressure-type filters shall have an automatic internal means or a manual external means to relieve accumulated air pressure inside the filter tank. Filter tanks composed of upper and lower tank lids that are held in place by a perimeter clamp shall have a perimeter clamp that provides for a slow and safe release of air pressure before the clamp disengages the lids.

**704.6.1 Automatic internal air relief.** Filter tanks incorporating an automatic internal air relief as the principal means of air release shall be designed with a means to provide for a slow and safe release of pressure.

**704.6.2 Separation tank.** A separation tank used in conjunction with a filter tank shall have a manual air release or the tank shall be designed to provide for a slow and safe release of pressure when the tank is opened.

**704.7 Pumps.** Pool pumps shall be tested and certified by a nationally recognized testing laboratory in accordance with UL 1081.

**704.7.1 Cleanable strainer.** Where a pressure-type filter is installed, a cleanable strainer or screen that captures materials such as solids, debris, hair and lint shall be provided upstream of the circulation pump.

**704.7.2 Accessible pumps and motors.** Pumps and motors shall be accessible for inspection and service in accordance with the pump and motor manufacturer's instructions.

**704.7.3 Pump shutoff valves.** An accessible means of shut off of the suction and discharge piping for the pump shall be provided for maintenance and removal of the pump.

**704.8 Outlets and return inlets.** Outlets or suction outlets and return inlets shall be provided and arranged to produce

uniform circulation of water so that sanitizer residual is maintained throughout the pool. Where installed, submerged suction outlets shall conform to APSP 16.

**704.9 Surface skimmer systems.** The surface skimming system provided shall be designed and constructed to skim the pool surface when the water level is maintained between the minimum and maximum fill level of the pool.

**704.9.1 Coverage where used as a sole outlet.** Where surface skimmers are used as the only pool water outlet system, not less than one skimmer shall be provided for each 800 square feet (74.3 m<sup>2</sup>), or fraction thereof, of the water surface area.

**704.9.2 Coverage where used in combination with other outlets.** Where surface skimmers are not the only outlet for pool water, they shall be considered to cover only that fraction of the 800 square feet (74.3 m<sup>2</sup>).

**704.9.3 Location and venting.** Skimmers shall be equipped with a vent that serves as a vacuum break.

### SECTION 705 SAFETY SIGNS

**705.1. Signs to be installed prior to final inspection.** Safety signage such as “NO DIVING” signs and other safe use instruction signs that are provided by the pool and ladder manufacturer shall be posted in accordance with the manufacturer’s instructions prior to final inspection.

**705.2 Safety signs for ladders.** Safety signage for ladders shall be in accordance with Sections 705.2.1 through 705.2.3.2.

**705.2.1 A-frame ladders.** Safety signage for A-frame ladders shall be in accordance with Sections 705.2.1.1 through 705.2.1.4.1. The words on the signage shall be readable by persons standing in the pool and standing outside of the pool as applicable for the required location of each sign.

**705.2.1.1 No diving warning.** A-frame ladders shall have the following words posted on the in-pool side of the ladder and on the pool entry side of the ladder: “NO DIVING.” The location of the words shall be above the elevation of the design water level of the pool.

**705.2.1.2 Entrapment warning.** A-frame ladders shall have the following words posted on the pool side of the ladder: “TO PREVENT ENTRAPMENT OR DROWNING DO NOT SWIM THROUGH, BEHIND, OR AROUND LADDER.”

**705.2.1.3 Type A, A-frame ladders.** Type A double access A-frame ladders shall have the following words posted on the ladder: “REMOVE AND SECURE LADDER WHEN POOL IS NOT OCCUPIED.”

**705.2.1.4 Type B, A-frame ladders.** Type B limited access A-frame ladders shall have the following words posted on the ladder: “SECURE LADDER WHEN POOL IS NOT OCCUPIED.”

**705.2.1.4.1 Swing up or slide up secured ladders.** Type B limited access A-frame ladders that utilize

swing-up or slide-up sections for limiting access to the pool shall have the following words posted on the ladder as applicable for the type of securing method:

1. “WHEN POOL IS NOT OCCUPIED, SWING UP AND SECURE.”
2. “WHEN POOL IS NOT OCCUPIED, LIFT OFF.”
3. “WHEN POOL IS NOT OCCUPIED, SLIDE UP AND SECURE.”

**705.2.2 Type C staircase ladders.** Type C staircase ladders that swing up to limit access to the pool or that are removed to limit access to the pool shall have the following words posted on the ladder: “WHEN NOT IN USE SWING UP AND SECURE OR REMOVE.”

**705.2.3 Type D in-pool ladder.** Safety signage for Type D in-pool ladders shall be in accordance with Sections 705.2.3.1 and 705.2.3.2. The words on the signage shall be readable by persons standing in the pool or standing outside the pool as applicable for the required location of each sign.

**705.2.3.1 No diving warning.** Type D in-pool ladders shall have the following words posted on the in-pool side of the ladder and on the pool entry side of the ladder: “NO DIVING.” The location of the words shall be above the elevation of the design water level of the pool.

**705.2.3.2 Entrapment warning.** Type D in-pool ladders shall have the following words posted on the ladder: “WARNING: TO PREVENT ENTRAPMENT OR DROWNING, DO NOT SWIM THROUGH, BEHIND, OR AROUND LADDER.”

**ORDINANCE NO. 22-XXX**

**CITY OF WOODCREEK, TEXAS**

**AMENDMENT TO CHAPTER 156 OF THE CODE OF ORDINANCES LAND USAGE ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XV ("LAND USAGE"), CHAPTER 156.058 ("Above-Ground Pools"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS**, the Ordinances of the City should be amended to better provide an attractive living environment and to protect the health, safety and welfare of the present and future residents of the City;

**WHEREAS**, the citizens and citizen groups have been afforded time to provide comment and make recommendations on the provisions and content of this Ordinance;

**WHEREAS**, the content and provisions of this Ordinance have been considered at a multiple public meetings at which citizen review and comment was solicited;

**WHEREAS**, the Planning and Zoning Commission recommended the foregoing Ordinance to the City Council after having first given notice and held Public Hearings as required by Chapter 211, Tex. Loc. Government Code;

And

**WHEREAS**, the City Council having given notice and held Public Hearings in compliance with Chapter 211, finds the terms and provisions of this Ordinance are advocated and supported by the citizens of the City, and are reasonable and necessary to accomplish the intended and legitimate public purpose;

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:**

**2. FINDINGS OF FACT**

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

**2. ENACTMENT**

Chapters 156.058 (“Above-Ground Pools”) of the Code of Ordinances of the City of Woodcreek is amended so as to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

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.

**4. SEVERABILITY**

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.

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 156.058 as amended by this Ordinance, in the City's Code of Ordinances.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27.

**PASSED & APPROVED this, the \_\_\_ day of \_\_\_\_\_ 2023, by a vote of \_\_\_\_\_ (ayes) to \_\_\_\_\_ (nays) and \_\_\_\_\_ (abstentions) of the City Council of Woodcreek, Texas.**

**City of Woodcreek:**

**Attest** \_\_\_\_\_

**Jeff Rasco, Mayor**

\_\_\_\_\_

**Suzanne Mac Kenzie, City Secretary**



**Attachment "A"**  
**City of Woodcreek**  
**CODE OF ORDINANCES**  
**TITLE XV: LAND USAGE**  
**CHAPTER 156.058: ABOVE-GROUND POOLS**

**§ 156.058 Above-Ground Pools**

- (A) Permits are required for all above-ground swimming pools.
- (B) An above-ground pool permit is required to complete an initial inspection upon installation and is subject to a final inspection after two (2) years.
- (C) Filling a newly installed pool or refilling an existing pool over 15% of its capacity must be performed using water sources outside of the City. Pool water filling receipts must be provided for the City's approval of the permit or renewal.
- (D) Above-ground pools must comply with the following requirements:
  - 1) Subject to Impervious Coverage requirements under §50.37(c)(6);
  - 2) Subject to Water Quality rules in outlined in Chapter 50;
  - 3) Subject to the requirements of the most recently adopted copy of the International Swimming Pool and Spa Code. Located in the office of the City Secretary; and
  - 4) Subject to applicable City Ordinances and state laws.
- (E) Pools in disrepair, damaged or without water must be dismantled and fully removed from the premises.
- (F) Above-ground pools may not be located within the front yard of any property and must abide by the applicable property setbacks.

**From:** [Debra Hines](#)  
**To:** [roger@rogergordonlaw.com](mailto:roger@rogergordonlaw.com); [Jeff Rasco](#); [Manager](#); [City Secretary](#); [Louis Davenport](#)  
**Subject:** Pool code update attached  
**Date:** Wednesday, April 12, 2023 7:35:04 PM  
**Attachments:** [New pool code proposal \(1\).pdf](#)  
[Outlook-i4hrenai.png](#)

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Hello all,

Attached you will find the proposed changes to the pool code sent to P&Z from Council.

PDF attached. Here is the link from my files for those with City access:  [New pool code proposal.docx](#)

Motion:

Recommend that Council accept the proposed changes to the code of ordinances by striking section 156.058 as it stands, incorporating the new proposed ordinance regulations, to be sent to Planning and Zoning.

Debra Hines

Councilmember  
City of Woodcreek  
512-461-4363  
[Debra.Hines@woodcreektx.gov](mailto:Debra.Hines@woodcreektx.gov)



# NEW ABOVE GROUND SWIMMING POOL ORDINANCE PROPOSAL

## Strike Current Code:

---

### **§ 156.058 ABOVE-GROUND POOLS.**

Above-ground pools are not permitted in any zoning district.

## New Proposed Change:

156.058 Above-ground pools.

- (A) Permitted in any zoning district with a valid permit.
- (B) The City shall issue permits to any who apply so long as the installation of the above ground pool will not increase impervious coverage beyond that which is allowed. The permit shall be valid for two years and can be renewed with inspection of the pool to ensure it is in good repair, holding water, and has the proper safety protections in place. A permit will not be issued nor renewed for pools that are not in use, do not hold water, and/or lack proper safety features.
- (C) Subject to impervious coverage calculations and count as 100% coverage.
- (D) Must follow Water Quality rules outlined in Chapter 50 for swimming pools.
- (E) This does not apply to hot tubs or kiddie pools as defined by the International Swimming Pool and Spa Code. These are defined regulated in other sections of the Woodcreek Code of Ordinances.
- (F) Installation of safety features and fencing as outlined in the Internation Swimming Pool and Spa Code are required and must be in place at all times.
- (G) Filling of newly installed pools or refilling of existing pools over 15% of capacity must not be from groundwater sources such as a hose or faucet attached to the dwelling. Pool fills and refills must be from water sources outside of the City of Woodcreek that are purchased and brought in on water trucks. Pool filling receipts must be provided for the approval of the permit or renewal.
- (H) Pools in disrepair, disuse, damaged, or without water must be dismantled and fully removed from the premises.
- (I) Decking and privacy screening around pools is allowed and encouraged so long as it does not increase impervious coverage beyond that which is allowed.
- (J) Installation of above ground pools on patios is permitted and will not count against impervious coverage.
- (K) Installation of above ground pools on existing decking is permitted but will increase impervious coverage calculations and may be subject to inspection for structural integrity and risk of collapse of the deck due to the weight of water. Above ground pools installed on existing decking will be subject to a more intensive permit and inspection process to ensure safety and compliance with necessary structural improvements to the existing decking should they be recommended by a third-party engineering review.
- (L) Above ground pools cannot be placed in the front yard.

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Possible Action on Scheduling a Public Hearing Concerning Proposed STR Amendments to the Code of Ordinances Land Use Regulations Addressing Short-Term Rentals (STRs)

**AGENDA ITEM SUMMARY:**

Discuss and Take Possible Action on Scheduling a Public Hearing Concerning Proposed Amendments to the Code of Ordinances Land Use Regulations Addressing Short-Term Rentals (STRs)

**FINANCIAL IMPACT:**

Cost of mailing notices

**SUBMITTED BY:**

Brent Pulley

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

5/31/2023 3:09:25 PM



*Woodcreek's*  
**Planning & Zoning  
 Commission**

**Report to City Council  
 regarding STR  
 Recommendations.**

**RATIONALE FOR STR RECOMMENDATIONS BY P&Z**

Greetings City Council,

At our March 1st P&Z meeting, our commission concluded work on Short Term Rentals (STRs) within the City of Woodcreek and submitted our recommendations to you for consideration. Council took up our recommendations at your meeting on March 8, 2023, but immediately went into executive session and returned only to make a motion instructing staff/city attorney to "set up a regulatory permitting process for residential short term rentals". Though we have no knowledge of your executive session, we too have had multiple executive sessions with two City Attorney's and can imagine the discussions were likely similar. Regardless, your response to our recommendation was unexpected and our concern is that we may not have provided you sufficient background to adequately express the rationale for our recommendations and for the documents we've created. To remedy this we've done our best to summarize our sentiment here. We ask that you review this supplemental information and to then reconsider your course of action, to be certain it is the best course for long-term management of STRs in Woodcreek.

**Summary of Recommendations**

It may have been our lack of experience formulating motions, but what we intended to recommend does not seem to have translated correctly into what was actually recommended and acted upon by City Council.

We intended the following:

1. Recommend that City Council amend current City Code §156.062 & §156.064 as per the Proposed Amendment dated 10/30/22.
2. Recommend that City Council finalize DRAFT - STR Ordinance 230113 as written by P&Z.
3. Recommend that City Council finalize the 1) STR Application, 2) STR FAQs, 3) STR Inspection Checklist, and 4) STR Maps drafted by P&Z.
4. Recommend that City Council prioritize enforcement plans and measures (establishing a municipal court) to enforce all city ordinances.

Of the six documents we prepared for you, it appears as though only one may actually have been presented / included in your Agenda Packet. We include all six with this report for your review.

### **Process Logic**

We are all acutely aware that everything about STRs is contentious and prone to legal action. To that end we started our process with the assumption that our product would be legally challenged. Our premise then, was to create the most “legally robust” and “legally defensible” product for the long-term. We determined the best way for us (with limited legal experience) to go about this would be to review instances where STR regulations worked and instances where they failed. For the ones that failed, we should understand the issues that cause them to fail and then mitigate those issues in our product as best possible. There may be other issues, but at least we can defend against the ones that are known to have caused other cities to fail. And for the ones that worked, we should use those as a model to create our own.

### **A Model that Works**

The model we chose for one that’s been working since 2019 is Arlington, Texas.

- Court upholds Arlington ban on most Airbnb and other short-term rentals (<https://www.dallasnews.com/news/2021/07/23/court-upholds-arlington-ban-on-most-airbnb-and-other-short-term-rentals/>)
- RAWNDA DRAPER, MARK SCOTT, MEGAN SCOTT, JEREMY FENCEROY, AND BRADLEY HERBERT, Appellants V. CITY OF ARLINGTON, TEXAS, AND W. JEFF WILLIAMS, MAYOR OF THE CITY OF ARLINGTON, Appellees (<https://search.txcourts.gov/SearchMedia.aspx?MediaVersionID=8a441c34-f0a5-4b39-a1c6-b6112520cfac&coa=coa02&DT=Opinion&MediaID=4cf743a9-fb56-4bc8-8667-ba77d5333b09>)

Indeed, you’ll see that our products looks strikingly similar (i.e. copied directly and then tweaked to meet the needs of Woodcreek) to those created by Arlington! This is a model that has worked, is currently working, and has survived legal challenge.

([https://www.arlingtontx.gov/city\\_hall/departments/planning\\_development\\_services/land\\_development/commercial\\_site\\_plan\\_public\\_improvements/short\\_term\\_rentals](https://www.arlingtontx.gov/city_hall/departments/planning_development_services/land_development/commercial_site_plan_public_improvements/short_term_rentals))

### **Models that did NOT Work**

City Attorney Gordon addressed us at our P&Z meeting in January 2023. He indicated his hesitancy about prohibiting STRs. He provided us two cases from the Second and Third Court of Appeals that were favorable to STRs. At the same time, he conceded that our circuit court had not yet addressed the issue, it’s possible they could agree with our model, and that he’d be happy to “fight the good fight with us” if that was our recommendation (at least that’s the message I heard).

- From the Third Court of Appeals, the 2019 opinion in Ahmaad Zataari vs. City of Austin (<https://cases.justia.com/texas/third-court-of-appeals/2019-03-17-00812-cv.pdf?ts=1574860549>):
  - The Texas Constitution prohibits retroactive laws. The State contends that the ordinance provision terminating all type-2 operating licenses is retroactive because it “takes away the fundamental and settled property right” to lease one’s real estate under the most desirable terms. While disagreeing on the effect, the City conceded the ordinance retroactively cancels existing leases. Not all retroactive laws are

unconstitutional. The Court held the regulation operates to eliminate well-established and settled property rights that existed before the ordinance's adoption.

- **If we allow STRs now, we will have the same issue with “retroactive laws” and “retroactively canceling existing leases”.**
- **As of now, “well-established and settled property rights that existed before the ordinance’s adoption” does not apply to us as there are no STRs.**
- Further, for four years the City did not issue a single citation to a licensed short-term rental owner or guest for violating the City’s noise, trash, or parking ordinances. The purported public interest served by the ordinance’s ban on type-2 short-term rentals cannot be considered compelling.
  - **We must have enforcement**
  - **We have no citations/complaints because it is understood (by most) that STR’s are not currently allowed.**
- Based on the practices performed in Austin over the years, short-term rentals have a settled interest and place in the City. The City’s ordinance eliminates the right to rent property short term if the property owner does not occupy the property. As a result, the regulations are unconstitutionally retroactive.
  - **If we allow STRs now, we will face this same problem in the future when STRs here have a “settled interest in the place in the city”.**
- From the Second Court of Appeals, the 2019 opinion in City of Grapevine v. Ludmilla B. Muns, et al (<https://law.justia.com/cases/texas/second-court-of-appeals/2021/02-19-00257-cv-0.html>):
  - the City argued that STRs do not fit within the definition of a “single-family detached dwelling” under its zoning code because STRs are not occupied by a single-family but are occupied by groups of people. However, the City’s code defines the word “family” in such a way that it does not require that the people living as a “single housekeeping unit” be related by blood or marriage. It also has no duration of occupancy limit. As a result, by its own wording, the code does not prohibit STRs as long as the occupancy fall within the common and ordinary meaning of “family.”
    - **We have definitions in our code currently: 156.009 (see Definitions below)**
      - **Our definitions seem better prepared for a defense but could/should be refined with STRs in mind.**
  - This, along with the fact the court found that STRs were not expressly prohibited by the wording of the ordinance, creates a fact issue...
    - **The wording in our ordinance expressly ALOWS STR’s in SF4 and is meant to IMPLY that they are not allowed in other zones. Clearly this is legally insufficient which is why we need to expressly prohibit them now as was asked of us in April 2022.**

## Definitions

- Definitions (<https://www.epa.gov/smartgrowth/codes-support-smart-growth-development>)
  - Unified Development Code — A single document that includes all development-related regulations, including zoning and subdivision regulation. We don't have this, but we should (instead of having definitions scattered in various ordinances).
  - Zoning Overlay — A set of zoning ordinances, optional or required, specifying land use and/or design standards for a designated portion of the underlying zoning within a defined district; typically used to keep architectural character and urban form consistent, make adjacent uses compatible, or accelerate the conversion of non-conforming land uses. (See Texas State Code Sec. 211.005 below.)
  - **We HAVE definitions.** § 156.009 - DEFINITIONS.
    - Dwelling (Single-Family) - A detached building having accommodations for occupancy by not more than one family.
    - Family - Any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage, adoption or guardianship, and occupying a dwelling unit.
    - District - A zoned section or sections of the City for which regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
    - Short Term Rental - A rental of a residential structure or part of a residential structure for fewer than 30 consecutive days.
    - Single-Family Dwelling - A building designed for or occupied exclusively by one household. See Single-Family, Detached.
  - § 110.02 - DEFINITIONS
    - Hotel - Any building or buildings in which members of the public may, for a consideration, obtain sleeping accommodations, including hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, bed and breakfast or other buildings where rooms are furnished for a consideration. The term does not include hospitals, sanitariums, nursing homes or dormitories or housing facilities owned or leased and operated by an institution of higher education or a private or independent institution of higher education, as defined by the State Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution.
  - Our Draft STR Ordinance
    - **Short-term rental (STR)** means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) consecutive days. The definition of short-term rental does not include a **Bed and Breakfast** as defined in the Unified Development Code as, "A private, owner-occupied residence that offers sleeping accommodations to not more than 10 lodgers. A bed and breakfast home is not a single-family house".
  - We reference: "allowed by the most current copy of the International Residential Code on file in the office of the City Secretary" - we have a 2015 copy.



- International Residential Code® (IRC®)
  - Internationally, code officials recognize the need for a modern, up-to-date residential code addressing the design and construction of one- and two-family dwellings and townhouses not more than three stories above grade. The International Residential Code is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities, large and small.
  - This comprehensive, stand-alone residential code establishes minimum regulations for one- and two-family dwellings and townhouses using prescriptive provisions. It is founded on broad-based principles that make possible the use of new materials and new building designs.

### **Texas State Code**

We were reminded several times that “State code overrides local codes”. We were also advised to reference State Code section 211 (<https://statutes.capitol.texas.gov/SOTWDocs/LG/htm/LG.211.htm>).

Specifically: Sec. 211.005. DISTRICTS.

(b) Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district. The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

- **This was one of the justifications for restricting STRs to zones while disallowing them in others. If we allow one STR in SF1 (for example), we can't not allow another. If we allow NONE in SF1, but any in SF4, we are justified. This is what the City of Arlington did and it works (for them).**

### **Zoning Considerations (where STRs are and are not allowed)**

We started out considering a complete ban on STRs everywhere. However, given that STRs are and have been allowed in SF4, disallowing them retroactively could present a “chink in the armor” of our legal defense. Furthermore, it was suggested to us that we would have a stronger legal defense by having selected zone(s) in the city where STRs are allowed as opposed to a blanket city-wide ban with no recourse for someone wanting to own an STR in Woodcreek. Just like Arlington.

The Woodcreek Apartment complex was selected to allow STRs with intention. To clarify this, allow me to use a home in SF4 as an example first. The owner of a home in SF4 may live in their home and/or lease their home. Should they elect to lease their home, they may select a long term lease or a short term lease and the owner becomes the Lessor. The Lessor signs a Lease Agreement with the Lessee (the tenant, or person leasing the home) detailing the terms of the lease. This Lease Agreement almost certainly has a clause that forbids the Lessee from leasing out the home themselves (subletting) to someone else. The OWNER may lease the property (as an STR), but by the terms of the Lease Agreement, the tenant may not lease the property to someone else (as an STR or otherwise).

This is the same for the Woodcreek Apartments. The Lease Agreement signed by the tenants living in the apartment forbids the tenant from leasing out the apartment to someone else. Here’s the clause:

Woodcreek Apartment Lease Agreement Excerpt:

17. Assignments and Subletting. You may not assign this Lease or sub- let your apartment. You agree that you won’t rent, offer to rent or license all or any part of your apartment to anyone else unless other- wise agreed to in advance by us in writing. You agree that you won’t accept anything of value from anyone else for the use of any part of your apartment. You agree not to list any part of your apartment on any lodging or short-term rental website or with any person or service that advertises dwellings for rent.

However, the OWNER of the apartment absolutely may lease out their unit(s) as an STR. This is exactly what they did in 2019. Business was slow, not all of the units were filled, so the owner designated one of their units as an STR and brought in a management company to oversee it. Once business picked back up they discontinued the STR and all units are currently listed for long-term rentals. But allowing STRs in the Woodcreek Apartments allows the owners to again elect to list their units as STRs should they want/need. It also bolsters the City of Woodcreek’s openness to allowing STRs, albeit in specified zones and under solid (and enforced!) regulation. Disallowing STR’s there could present an additional legal obstacle.

**Amend current City Code §156.062 & §156.064 Now**

Having “short-term rentals allowed” under the definition of SF4 within City Code §156.062 (as it is currently) implies (to everyone common person I’ve asked) that STRs must not be allowed in the other zones. Legal has told us that this interpretation is not correct: STRs ARE allowed in all zones unless the code specifies “short-term rentals are not allowed”.

There is NOTHING stopping STRs right now other than the erroneous assumption that STRs are not allowed anywhere except SF4.

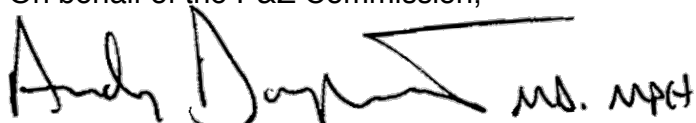
- Were I interested in my property being an STR’s I would establish myself as one right now and register for the hotel occupancy tax. This action would “settle my property right” as of now which would then have to be retroactively undone. I would advise everyone else to do the same so that they’ll “have the option” down the road if regulations ever do manifest.
- There is no rule that says this can’t be done now.
- There is no enforcement of any rules.

This was the basis for our recommendation to go ahead and change the wording now. At least it would then be clear.

**SUMMARY**

P&Z has been working on STR solutions for our city since at least 2019 (likely earlier!). Our current commission has made this issue our priority focus for the past 11 months. What we have produced and recommended to you has been put together thoughtfully, methodically, with legal consultation, with public input, and has been done to the best of our abilities. It is our opinion that these recommendations establish a clear and definitive position and process for STRs in Woodcreek that is as legally robust as possible. It is our hope that providing you some background information and rationale will allow you to reconsider your position or at least provide you the information to make an informed decision despite our recommendations.

On behalf of the P&Z Commission,

  
Louis A. Davenport, MD, MPH  
P&Z Chairman



*Woodcreek's*  
**Planning & Zoning  
 Commission**

STR History with P&Z  
 230324

**HISTORY OF SHORT TERM RENTAL PROCEEDINGS WITH P&Z**

On September 12, 2019 the City Council discussed and took appropriate action on an Ordinance of the City Council of the City of Woodcreek, Texas repealing ordinance No. OO-65P Special Use Permit #4 – Island House and revoking the Special Use Permit of 155 Champions Circle (Woodcreek Section 4-A, Lot 1 8), Removing all references in the City of Woodcreek Zoning Code authorizing a Special Use Permit for 155 Champions Circle (Woodcreek Section 4-A, Lot 18), Providing for severability, Providing an effective date, and Providing for proper notice and an Open Meeting. This action concluded the only legally-sanctioned STR within the City of Woodcreek.

On October 12, 2021 the Planning and Zoning Commission discussed and took appropriate action on a referral from the City Council of the City of Woodcreek for Discussion and Take Appropriate Action on a Short-Term Rental Ordinance. After discussion, a motion was made by Vice-Chairperson Maldonado to refer this item to the City Council for them to do an official proposal and hear from citizens on this issue.

On April 20, 2022 the Planning and Zoning Commission was tasked to, "Discuss and Take Appropriate on the First Draft of Short Term Rental Regulations and Application Document". The topic was tabled and sent back to City Council asking for legal input.

On October 5, 2022 the Planning and Zoning Commission requested the presence of the City Attorney to provide the legal input requested at their 4/20/22 meeting. The City Attorney called in and would only speak in Executive Session. The Planning and Zoning Commission was directed to draft appropriate STR documents that were legally defensible and in coordination with legal review, to obtain Ordinance Review Committee input for conflict and integration to existing ordinances, and to hold a public hearing for input in order to then draft a "final" proposal to submit to City Council.

On November 2, 2022 the Planning and Zoning Commission undertook discussions and consideration on a proposal to amend the City's Code of Ordinances concerning the use of short-term rentals (STR), including consideration of draft documents created by P&Z including a revision to current City Code §156.062 & §156.064, STR regulatory Ordinance, STR Application, STR Inspection Checklist ,STR Map, and STR Frequently Asked Questions (FAQs),

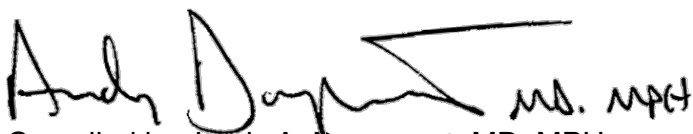
On December 1, 2022, City Engineer Brandon Melland of K. Friese & Assoc. submitted a report with feedback on proposed revisions to the Code of Ordinances concerning STRs and minimum lot sizes.

On January 4, 2023 the Planning and Zoning Commission held further discussions and consideration on proposed changes to the Code of Ordinances concerning STRs. City staff was instructed to prepare all necessary documents for the Commission to discuss and take possible action on a recommendation to City Council at the next regular meeting.

On February 8, 2023 the Planning and Zoning Commission received a report from the Ordinance Review Committee concerning minimum lot sizes and short-term rental regulations. The Commission heard, discussed and considered a proposed calendar for scheduling of public hearings by the Planning and Zoning Commission to be held Wednesday, March 1, 2023, and a final hearing by the City Council prior to the effective date of any proposed changes. The Commission voted to proceed with the public hearing after which a Final Report will be prepared recommending the proposed STR regulations/documents to the City Council for consideration.

On March 1, 2023 the Planning and Zoning Commission held a Public Hearing on the proposed regulation of short term rentals. Following the Public Hearing and discussion, the Commission voted to submit our recommendations unchanged but with an amendment requesting an expedited process for enforcement of all ordinances to City Council for consideration.

On March 8, 2023 City Council, upon reaching our recommendation, retired to Executive Session and returned with a motion that instructed staff/city attorney to "set up a regulatory permitting process for residential short term rentals". City Attorney Gordon made a brief statement that he's recommending against P&Z's proposal of prohibiting STRs anywhere at this time, and instead advising a step-by-step process that begins with creating regulations, allowing short term rentals everywhere, and gathering additional data. This plan was unanimously agreed upon by City Council.

A handwritten signature in black ink that reads "Andy Davenport" followed by "MD, MPH". The signature is stylized and cursive.

Compiled by: Louis A. Davenport, MD, MPH  
P&Z Chairman

CITY LOGO REMOVED

**PLANNING & ZONING (P&Z) COMMISSION  
§ 156.062 & § 156.064 PROPOSED AMENDMENT**

**§ 156.062 CHART 1: RESIDENTIAL ZONING DISTRICTS.**

(A) *General.*

- (1) All floor space is calculated exclusive of garage, porches, patios, driveways, terraces and other similar additions. Maximum building height for all structures is 30 feet.
- (2) Bi-level buildings shall have a minimum living area as calculated at the midpoint between the requirements of one and two stories.

(B) *Districts.*

- (1) *SF-1, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:
  - (a) Minimum square feet living area:
    1. One story: 1,500 square feet; and
    2. Second story: 500 square feet,
  - (b) Minimum setbacks:
    1. Front and back: 25 feet
    2. Interior sides: seven and one-half feet; and
    3. Side street: ten feet.
  - (c) Two-car garage, not less than 400 square feet (20x20).
  - (d) Short-term rentals are not allowed.**
- (2) *SF-2, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:
  - (a) Minimum square feet living area:
    1. One story: 1,000 square feet:
    2. Second story: 500 square feet
  - (b) Minimum setbacks:
    1. Front: 25 feet;
    2. Interior sides: seven and one-half feet; and
    3. Side street: ten feet.
  - (c) Two-car garage, not less than 400 square feet (20x20)
  - (d) Short-term rentals are not allowed.**
- (3) *SF-3, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:

- (a) Minimum square feet living area:
  - 1. One story: 1,000; and
  - 2. Second story: 200 square feet.
- (b) Minimum setbacks:
  - 1. Front: ten feet;
  - 2. Rear: 15 feet;
  - 3. Interior lot lines: zero;
  - 4. Side street: five feet.
- (c) Two-car garage, not less than 400 square feet (20x20)
- (d) Short-term rentals are not allowed.**
- (4) *SF-4, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:
  - (a) Minimum square feet living area: 900;
  - (b) Minimum setbacks: zero lot lines;
  - (c) No garage required; and
  - (d) Short-term rentals allowed.
- (5) *SF-5, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:
  - (a) Minimum square feet living area: 1,000;
  - (b) Minimum setbacks:
    - 1. Front: 20 feet;
    - 2. Rear: 15 feet;
    - 3. Side: seven and one-half; and
    - 4. Side street: ten feet.
  - (c) One-car garage not less than 200 square feet (10x20).
  - (d) Short-term rentals are not allowed.**
- (6) *SF-6, Single-Family Residence.* One-family dwelling with no more than one residence per lot occupied by no more than one family:
  - (a) Minimum square feet living area: 1,000;
  - (b) Minimum setbacks:
    - 1. Front: 25 feet;
    - 2. Rear: 25 feet;
    - 3. Side: five feet; and
    - 4. Side street: ten feet.
  - (c) Two-car garage not less than 400 square feet (20x20).

**(d) Short-term rentals are not allowed.**

(7) *TH/C, Townhouse and Condominium Residence.* Multiple-dwelling units with one family per dwelling unit. Zoning can include single-family dwelling, duplex, townhouses, condominiums:

- (a) Minimum square feet living area:
  1. One story: 1,000 feet; and
  2. Two story: 1,200 feet.
- (b) Minimum setbacks:
  1. Front and back: 25 feet;
  2. Interior lot lines: seven and one-half feet; and
  3. Side street: 15 feet.
- (c) Two-car garage not less than 400 square feet (20x20).

**(d) Short-term rentals are not allowed.**

(8) *DU-1, Two-Family Duplex.* Two single-family dwelling units limited to no more than one building per lot occupied by no more than two families. Zoning can include single-family dwelling or two-family duplex:

- (a) Minimum square feet living area per individual unit:
  1. One story: 1,000 feet; and
  2. Two story: 1,200 feet.
- (b) Minimum setbacks:
  1. Front and back: 25 feet;
  2. Interior: seven and one-half feet; and
  3. Side street: 15 feet.
- (c) One car garage not less than 200 square feet (10x20) per individual unit

**(d) Short-term rentals are not allowed.**

(9) *4PLX, Four-Plex.* Four single-family dwelling units limited to no more than one building per lot occupied by no more than four families. Zoning can include single-family dwelling, two-family dwelling or four-family four-plex:

- (a) Minimum square feet living area per individual unit: 800;
- (b) Minimum setbacks:
  1. Front and back: 25 feet;
  2. Interior lot lines: seven and one-half feet; and
  3. Side street: 15 feet.
- (c) One-car garage per individual unit not less than 200 square feet (10x20).

**(d) Short-term rentals are not allowed.**

(10) *Multi-Family Residences.* (See § 156.064 of this chapter for additional information on multi-family residences.)

(11) *MF-1, Multi-Family Residence.* Maximum units per acre: 14.



- (13) *MF-2, Multi-Family Residence*. Maximum units per acre: 16.
- (14) *RR, Rural Residence District*. One-family dwelling with no more than one residence per lot occupied by no more than one family:
- (a) Minimum lot: one acre;
  - (b) Minimum square feet living area:
    1. One story: 1,500; and
    2. Two story: 2,000.
  - (c) Minimum setbacks:
    1. Front and back: 25 feet;
    2. Interior sides: seven and one-half; and
    3. Side street: 15 feet.
  - (d) Two-car garage not less than 400 square feet (20x20).
- (d) Short-term rentals are not allowed.**
- (15) *PUD, Planned Unit Development*. Planned unit development with planned diverse land uses, such as housing, recreation and shopping in one contained development, and allowing for cluster development and alternative design standards. Minimum site areas: inside City, ten acres recommended.
- (16) *MH-1, Manufactured Housing Subdivision*.
- (a) Minimum lot: 7,200 feet;
  - (b) Minimum square feet living area: 1000;
  - (c) Minimum setbacks:
    1. Front and back: 25 feet;
    2. Interior lot lines: seven and one-half feet; and
    3. Side street: 15 feet.
  - (d) Property and areas of the City zoned MH-1 may be planned, used, approved, platted and occupied as a manufactured housing subdivision with lots sold and conveyed to individual lot owners. Land and areas of the City zoned MH-1 and having an approved subdivision plan may be used for manufactured housing.
- (e) Short-term rentals are not allowed.**
- (17) *Personal care facility*. See § 156.065 of this chapter.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

**§ 156.064 CHART 3: MULTI-FAMILY REQUIREMENTS, MF-1 AND M-2 ZONES.**

(A) *Purpose.*

- (1) To provide a buffer use between the high traffic of RR12, which makes development of land abutting RR12 unattractive for single-family housing, and the single-family development of interior land; and
- (2) To permit higher density development of property not suitable for single-family development, but to protect adjacent single-family development from any negative impact of the higher density use.

(B) *Permitted uses.*

- (1) Single-family homes, duplex units, four-plex units or apartment complexes meeting the minimum requirements of this zone. All uses within this zone shall require approval of a site plan by the Planning and Zoning Commission and City Council prior to the issuance of a building permit; and
- (2) Use of the land for purposes secondary to the primary residential use, such as swimming pools, basketball courts or similar uses, shall require that adjacent property be sheltered from noise and light resulting from said uses. Review of said shelter shall be a part of the site review required before a building permit is granted.

**(3) Short-term rentals allowed.**

- (C) *Requirements.* The intent of the following requirements is to require yard setbacks which are directly related to the height of the buildings developed on the property and thereby to mitigate the effect of higher buildings upon adjacent single-family properties.

% masonry required	55%
Front yard (on primary access street)	25' or the height of the closest building on the property, whichever is greater
Maximum density	
MF-1	14 units per acre
MF-2	16 units per acre
Maximum height	2 stories or 30', whichever is less
Maximum impermeable coverage	55%
Minimum floor area per unit	
1 BR	500 sq. ft.
2BR	850 sq. ft.
3 BR	1,000 sq. ft.
Parking spaces required/units	
1 BR	1.5
2 BR	2.5
Rear yard (abutting single-family residential property)	25' or the height of the closest building on the property, whichever is greater

Rear yard (not abutting single-family residential property)	25' or ½ the height of the closest building on the property, whichever is greater
Side yard (abutting single-family residential property)	15' or the height of the closest building on the property, whichever is greater
Side yard (abutting street)	15' or the height of the closest building on the property, whichever is greater
Side yard (not abutting single-family residential property)	7.5' or ½ the height of the closest building on the property, whichever is greater

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

DRAFT



*Woodcreek's*  
**Planning & Zoning  
 Commission**

DRAFT - STR Ordinance  
 230113

Ordinance No. XX-XXXX

**An ordinance creating the “Short-term Rental” Regulation within Chapter 156: Zoning, of the Code of Ordinances City of Woodcreek Texas, 2022 (156:066 - Short Term Rentals); providing regulations for residential property rented for time periods of less than a month; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date**

WHEREAS, the increase in the number of persons or entities desiring to rent their residential properties has led to the proliferation of transient and vacation rental uses within neighborhoods previously planned, approved and constructed for use as single-family residences; and

WHEREAS, the use of single-family residences by individuals for short periods of time may negatively impact the residential character of many neighborhoods by reducing communication and accountability between permanent residents by partially substituting permanent residents with transient visitors; and

WHEREAS, the regulation of the use and operation of such “short-term rental” property is intended to prevent the further erosion of pre-existing and stable single-family Zoning Districts, and further advance the City Council’s objective of

championing great neighborhoods; and

WHEREAS, the rise of substitute land uses for residential property contributes to the shortage of affordable housing, both ownership and long-term rental; and

WHEREAS, the Residential Requirements and Limitations did not allow the use of property zoned residential to be used for transient, short-term stays for less than 30 days in any zone excepting SF-4; and

WHEREAS, the enforcement of land use regulations in residential property poses unique enforcement difficulties and merits a stand-alone ordinance to provide clear rules for such rentals; and

WHEREAS, the City Council reviewed and studied a variety of possible regulations for short-term rentals, and determined that said temporary use should be restricted to nonresidential, mixed-use and multi-family zoning use districts (Multi-Family), and to the single-family zoning use district (SF-4) designed specifically to support the Quicksand at Woodcreek Golf Resort of the City of Woodcreek; and

WHEREAS, the requirement of an annual short-term rental permit that could be suspended or revoked in the event of repeated nuisance violations related to noise, trash, parking, etc.; and

WHEREAS, City Council finds that regulating the short-term rental of residential property is necessary for the health, safety and welfare of the general public, the promotion of consistent land uses and development, and the protection of landowners and residents of the City of Woodcreek;

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

1.

That the **“Short-term Rental”** Regulation within Chapter 156: Zoning, of the Code of Ordinances City of Woodcreek Texas, 2022 (156:066 - Short Term Rentals), is hereby established and shall read as follows:

## ARTICLE I GENERAL PROVISIONS

### **Section 1.01 Title**

This Regulation within Chapter 156: Zoning, of the Code of Ordinances City of Woodcreek Texas, 2022 (156:066 - Short Term Rentals) is hereby designated and shall be known and referred to as the “Short-term Rental” Regulation of the Code of Ordinances City of Woodcreek.

### **Section 1.02 Purpose**

The purpose of this Regulation is to safeguard the life, health, safety, welfare, and property of the occupants of residential dwelling units, the neighbors of said occupants, and the general public, through the regulation of short-term rental residential property. The intent of this Section is to preserve the neighborhood character of residential zones within the City of Woodcreek and to minimize adverse impacts to the housing supply caused by the conversion of residential units to tourist or transient use.

### **Section 1.03 Applicability**

The provisions of this Regulation shall apply to all existing and future residential properties, both primary and accessory structures, and any portions thereof.

Short-term Rentals shall only be permitted in Zones SF-4, and “Multi-Family”. Short-term Rentals are prohibited in any floodway located within the city limits, regardless of zoning district.

## ARTICLE II DEFINITIONS

### **Section 2.01 Definitions**

***Administrator*** means the Director of the department designated by the City Manager to enforce and administer this Regulation, including the Director’s designees.

***Advertise*** means the act of drawing the public’s attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

***Bedroom*** means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code.

***Booking Service*** means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between an Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

**Hosting Platform** means a person or entity that participates in the short-term rental business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform that allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the Owner or to the Hosting Platform.

**Occupant** means any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract or other legal document to be considered an occupant.

**Owner** means any person, agent, operator, firm, trust, corporation, partnership, or any other legal entity who has a legal or equitable interest in the property; or who is recorded in the official records of the county as holding title to the property; or who otherwise has control of the property, including the guardian of the estate of any such person, and the executor of the estate of such person if ordered to take possession of real property by a court.

**Premises** means property, a lot, plot or parcel of land, including any structures or portions of structures thereon.

**Short-term rental (STR)** means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) consecutive days. The definition of short-term rental does not include a Bed and Breakfast as defined in the Unified Development Code as, “A private, owner-occupied residence that offers sleeping accommodations to not more than 10 lodgers. A bed and breakfast home is not a single-family house”.



## ARTICLE III

### GENERAL REGULATIONS

#### **Section 3.01 Unpermitted short-term rentals prohibited**

- A. It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise permit or allow any residential premises to be operated or used as an unpermitted Short-term Rental.
- B. It shall be an affirmative defense to a violation of this Regulation that the occupant is a party to the sale of the premises and was occupying the premises pursuant to a written post-closing occupancy agreement.

#### **Section 3.02 Requirements for hosting platforms**

- A. All Hosting Platforms shall provide the following information in a notice to any owner listing a Short-term Rental located within the City of Woodcreek through the Hosting Platform's service. The notice shall be provided prior to the owner listing the premises and shall include the following information: THE "SHORT-TERM RENTAL" REGULATION OF THE WOODCREEK CITY CODE PROHIBITS THE SHORT-TERM RENTAL OF RESIDENTIAL PREMISES WITHIN THE CITY OF WOODCREEK WITHOUT AN ACTIVE SHORT-TERM RENTAL PERMIT.
- B. Notwithstanding any other provision of this Regulation, nothing shall relieve any owner, person, occupant, or Hosting Platform of the obligations imposed by the applicable provisions of state law and the Woodcreek City Code, including but not limited to, those obligations imposed by the Tax Code. Further, nothing in this Regulation shall be construed to limit any remedies available under the applicable provisions of state law and the Woodcreek City Code.

### **Section 3.03 Short-term rental permit required**

An owner who desires to use its premises as a short-term rental must have a valid, active short-term rental permit from the city prior to using, allowing the use of, or advertising the use of said premises as a short-term rental. Upon application to the City, a short-term rental permit shall be approved by Administrator, or designee, if the application satisfies all the conditions of this Regulation, the “Taxation” Chapter, the “General Design Principles and Objectives” Chapter, and all pertinent Chapters of the Woodcreek City Code. The Administrator may place reasonable conditions on a short-term rental permit to ensure compliance with the provisions of this Regulation.

### **Section 3.04 Expiration of permit; renewals**

A short-term rental permit shall expire on the last day of the month one year after the date of issuance. No short-term rental permit may be renewed without a completed renewal application submitted by the owner and payment of the renewal fee. If the renewal application satisfies all the conditions of this Regulation and all other applicable City Code provisions, an application for the renewal of a short-term rental permit shall be approved by the Administrator, or designee. The Administrator may place reasonable conditions on a short-term rental renewal permit to ensure compliance with the provisions of this Regulation.

### **Section 3.05 Requirements of application**

- A. Except as provided in this Regulation, every complete application for a short-term rental permit shall include the following information with such detail and in a form approved by the Administrator:
1. The name, address, contact information and authenticated signature for the owner of the premises;
  2. The name, address and contact information of the operator, agent if any, and designated local responsible party as required in Section 3.06;

3. The City registration number for Hotel Occupancy Tax;
  4. A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental;
  5. A dimensioned floor plan of the proposed short-term rental identifying bedrooms, other living spaces and emergency evacuation routes;
  6. Proof of insurance as required in Section 3.07;
  7. The name and contact information for the property owner's association, if any, of which the premises is covered by the dedicatory instruments;
  8. A copy of the proposed host rules for the short-term rental; and
  9. Such certifications deemed necessary and proper to ensure compliance with this Regulation.
- B. An application for a short-term renewal permit may be filed beginning thirty (30) days prior to expiration of a current permit. Every complete application for a short-term rental renewal permit shall include updates, if any, to the information contained in the original permit application or any subsequent renewals. The permit holder shall sign a statement affirming that there is either no change to such information, or that any updated information is accurate and complete. The Administrator may require such certifications deemed necessary and proper to ensure continuing compliance with this Regulation.
- C. An application for a short-term rental renewal permit submitted after the expiration of the most immediate permit for the premises shall be treated as an application for a new permit as described in subsection A of this Regulation.
- D. If a complete application for a short-term renewal permit is submitted less than thirty (30) days prior to expiration of the current permit, the Administrator in his or her sole discretion may grant a

one-time extension of the current permit not to exceed ten (10) days.

### **Section 3.06 Designation of local responsible party required**

An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to and shall be present at the premises within one (1) hour of call. A local responsible party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release owner of any liability under this Regulation.

### **Section 3.07 Proof of insurance required**

It shall be unlawful for the owner of premises operating as a short-term rental to operate without host protection or other liability insurance commensurate with the operations of the short-term rental that provides coverage of up to \$1 million per occurrence. A certificate of insurance must be on file with the Administrator. Proof of insurance shall be required at the time of application and notice of cancelation of insurance must be made to the Administrator within 30 days.

### **Section 3.08 Inspection required**

No permit or renewal permit shall be approved for a short-term rental until the City has inspected the premises and found the premises to be in compliance with minimum health and safety requirements for use and occupancy. If a premises fails to pass an inspection, a re-inspection fee may be charged for each subsequent inspection in accordance with the fee established by resolution.

**Section 3.09 Permit fees**

A fee established by resolution of the City Council will be charged to reimburse the City for all costs associated with the administration of this Regulation.

**Section 3.10 Hotel occupancy taxes; Request for occupancy history**

It shall be unlawful for an owner of premises used for a short-term rental to fail to pay hotel occupancy taxes required under State law and the Taxation Chapter of the Woodcreek City Code. Upon request of the Administrator or the City Manager of the City of Woodcreek, the owner of a premises used as a short-term rental shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for a person to fail to provide said information requested in a timely manner.

**Section 3.11 Short-term rental permit nontransferable**

A short-term rental permit is non-transferable and shall not be assigned nor transferred to another person or entity. Any attempt to transfer a permit or attempt to use another person's permit may be grounds for revocation of said permit.

**Section 3.12 Restrictions on number of occupants**

- A. It shall be unlawful for an owner or person to rent, allow, provide, or advertise for more than two (2) persons per bedroom, plus two (2) additional persons, when using the premises as a short-term rental.
- B. Regardless of the number of bedrooms at the premises, it shall be unlawful:
  - 1. For more than ten (10) persons (including children), to occupy a short-term rental at any one time; or
  - 2. For the owner or operator to allow, suffer or permit the number of occupants living, sleeping within or possessing a

short-term rental to exceed the maximum occupancy shown on the short-term rental permit or renewal permit.

- C. A visual inspection of more than ten (10) persons by a city employee at the premises either in person or through recorded media is prima facie evidence of and shall be probable cause to issue a citation for a violation of this Regulation.

### **Section 3.13 Parking restrictions**

The maximum amount of motor vehicles allowed at a short-term rental shall be limited to the number of available off-street parking spaces. It shall be unlawful for an owner or person to permit, allow or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface. It shall be unlawful for an occupant of a short-term rental to park a motor vehicle on a residential street near a short-term rental. It shall be unlawful for an occupant of a short-term rental, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, commercial vehicle, or otherwise prohibited motor vehicle on the premises of a short-term rental or on a residential street near a short-term rental. Existing Parking Ordinances shall apply to and supersede this Regulation.

### **Section 3.14 Minimum stay required**

It shall be unlawful for an owner to rent or lease a short-term rental for a period of less than 24 hours.

### **Section 3.15 Physical conversion of premises prohibited**

- A. It shall be unlawful for an owner or person to convert a garage to living space, remodel, renovate, enlarge or otherwise modify premises to add additional bedrooms for use as a Short-term Rental.

2. It shall be unlawful for an owner or person to pave or otherwise cover pervious soil to create additional on-premise parking without prior approval from the City of Woodcreek.

### **Section 3.16 Noise restrictions**

Excessive noise or other disturbance outside the short-term rental is prohibited in accordance with § 97.03 - GENERAL PROHIBITIONS; QUIET HOURS. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.

It shall be unlawful for an owner or occupant of a short-term rental to use or allow the use of amplified sound equipment in accordance with § 97.04 - RESTRICTIONS ON AMPLIFIED SOUND.

### **Section 3.17 On-premise curfew requirements**

It shall be unlawful for an owner or person to allow the congregation of occupants outside at the premises between the hours of 10:00 p.m. and 9:00 a.m. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.

### **Section 3.18 Trash pickup requirements**

It shall be unlawful for an owner or occupant to place, or allow to be placed, trash on the premises before 7:00 PM the evening prior to scheduled pickup or on a day not scheduled for pickup by the City or its authorized solid waste transportation vendor.

### **Section 3.19 Advertising, promoting or allowing of special events prohibited**

- A. It shall be unlawful for an owner or occupant to advertise or promote a special event, or allow the advertising and promotion of a special event (e.g. banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e.

utilize the premises as a ‘banquet hall’ as defined in the Unified Development Code).

- B. It shall be unlawful for an owner or occupant to allow, suffer or permit a banquet hall or special event as described to be held on the premises.

### **Section 3.20 Notice to occupants of short-term rentals**

An owner or person operating a short-term rental shall provide a notice of instructions (also known as “host rules”) to occupants staying at the premises in a form developed by the Administrator. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals. These include, but are not limited to:

- (A) Maximum number of occupants.
- (B) Location of required off-street parking, other available parking, and prohibition of parking on landscaped areas.
- (C) Quiet hours, curfews, and noise restrictions.
- (D) Restrictions of outdoor facilities.
- (E) 24-hour designated local contact person and phone number.
- (F) Property cleanliness requirements.
- (G) If pets are allowed, a pet policy that includes responsibility for noise, waste removal and disposal, and damages.
- (H) Trash pick-up requirements, including location of trash cans.
- (I) Flooding hazards and evacuation routes. Including information on the emergency siren system.
- (J) Emergency numbers.
- (K) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.
- (L) Other useful information about the community.



**Section 3.21 Permit to be displayed**

A copy of the approved short-term rental permit shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental.

**Section 3.22 Use of assigned permit number required**

It shall be unlawful for an owner or person to advertise a short-term rental in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application without including the current permit number assigned by the Administrator.

**Section 3.23 Use of unauthorized permit number prohibited**

It shall be unlawful for an owner or person to use, advertise or promote or allow the use, advertisement or promotion of a short-term rental using a permit number not assigned to the owner or person, or to a different address, or to a different dwelling unit.

**ARTICLE IV****ADMINISTRATIVE PROCEDURES****Section 4.01 Revocation of permit**

- A. Grounds. Any permit issued hereunder may be revoked by the Administrator if the permit holder has:
- (1) received more than two citations for violations of this Regulation or any other provision of this Code of Ordinances within the preceding 12-month time period; or
  - (2) failed or refused to comply with an express condition of the permit and remains in non-compliance ten (10) days after being notified in writing of such non-compliance; or

- (3) knowingly made a false statement in the application; or
  - (4) otherwise become disqualified for the issuance of a permit under the terms of this Article.
- B. Notice. Notice of the revocation shall be given to the permit holder in writing, with the reasons for the revocation specified in the notice, served either by personal service or by certified United States mail to their last known address. The revocation shall become effective the day following personal service or if mailed, three (3) days from the date of mailing.
- C. Appeal; hearing. The permit holder shall have ten (10) days from the date of such revocation in which to file notice with the Administrator of their appeal from the order revoking said permit. The Administrator shall provide for a hearing on the appeal in accordance with the provisions of this Article.
- D. One-Year Waiting Period. In the event an owner's short-term rental permit is revoked by the Administrator, no second or additional permit shall be issued for a short-term rental on the premises for at least one year of the date such permit was revoked.

**Section 4.02 Administrative appeals of denial or revocation of permit**

- A. Upon denial or revocation of a permit, the Administrator, or his designee, shall notify the applicant or permit holder, in writing, of the reason for which the permit is subject to denial or revocation. To contest the denial or revocation of a permit, the applicant or permit holder shall file a written request for a hearing with the Administrator within ten (10) days following service of such notice. If no written request for hearing is filed within ten (10) days, the denial or revocation is sustained.

- B. The appeal shall be conducted within twenty (20) days of the date on which the notice of appeal was filed with the Administrator.
- C. The hearings provided for in this Regulation shall be conducted by the Administrator or a designated hearing officer at a time and place designated by the Administrator or the hearing officer. Based upon the recorded evidence of such hearing, the Administrator or the designated hearing officer shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing decision shall be furnished to the applicant or permit holder requesting the hearing.
- D. After such hearing, an applicant or permit holder whose permit was denied or revoked by the Administrator may appeal to the City Appeal Officer or Commission designated by the City Manager to hear such appeals.
- E. An appeal shall not stay the denial or suspension of the permit unless otherwise directed by the Administrator.

#### **Section 4.03 Appeals of Administrator decision**

- A. All appeals to the City Appeal Officer or Commission must be made in writing and received no less than ten (10) days after any final decision made by the Administrator or the designated hearing officer in accordance with above.
- B. The City Appeal Officer or Commission shall schedule the appeal hearing within twenty (20) days from receipt of the appellant or permit holder's appeal request.
- C. If the City Appeal Officer or Commission finds by preponderance of the evidence that the denial or revocation of the permit was necessary to protect the health, safety, or welfare of the general public, the City Appeal Officer or Commission shall affirm the denial or revocation of appellant's application or permit.

- D. The City Appeal Officer or Commission may consider any or all of the following factors when reaching a decision on the merits of the appeal:
1. The number of violations, convictions, or liability findings;
  2. The number of previous permit revocations;
  3. The number of repeat violations at the same location;
  4. The degree to which previous violations endangered the public health, safety or welfare; and
  5. Any pending action or investigation by another agency.
- E. After the hearing, the City Appeal Officer or Commission shall issue a written order. The order shall be provided to the appellant by personal service or by certified mail, return receipt requested.
- F. The City Appeal Officer or Commission may affirm or reverse the denial or revocation of the permit. If affirmed, the order issued must state that the appellant is not eligible to receive a new permit for a short-term rental on the premises sooner than one year after the date of the order. If reversed, the permit shall be reinstated immediately, in the case of a revocation, or the permit shall be issued within three (3) business days, in the case of a denial.
- G. The determination of the City Appeal Officer or Commission shall be final on the date the order is signed.
- H. An appeal to the City Appeal Officer or Commission does not stay the effect of a denial or revocation or the use of any enforcement measure unless specifically ordered by the Administrator or the City Appeal Officer or Commission.

## ARTICLE V

### ENFORCEMENT

#### Section 5.01 Discontinuance

- A. The owner of a short-term rental use that was not registered with the City of Woodcreek for hotel occupancy tax prior to January 01, 2023, and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this Regulation, shall discontinue the short-term rental use no later than July 1, 2023.
- B. The owner of a short-term rental use that was registered with the City of Woodcreek for hotel occupancy tax prior to January 01, 2023, and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this Regulation, shall discontinue the short-term rental use no later than April 30, 2023.
- C. If the permit for a short-term rental use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.

### **Section 5.02 Penalties**

- A. A person who violates any provision of this Regulation by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist shall be a separate offense.
- B. If the definition of an offense under this Regulation does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

- C. If the definition of an offense under this Regulation prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).
- D. Prima facie proof of violation of this section is established if it is shown that visual inspection was made by a code enforcement officer, building inspector, fire inspector or police officer at a unit. Establishment of a prima facie level of proof in this subsection does not preclude a showing of violations of a dwelling by a person in any other manner.

1.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Woodcreek; and this ordinance shall not operate to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Woodcreek in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Woodcreek in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Woodcreek.

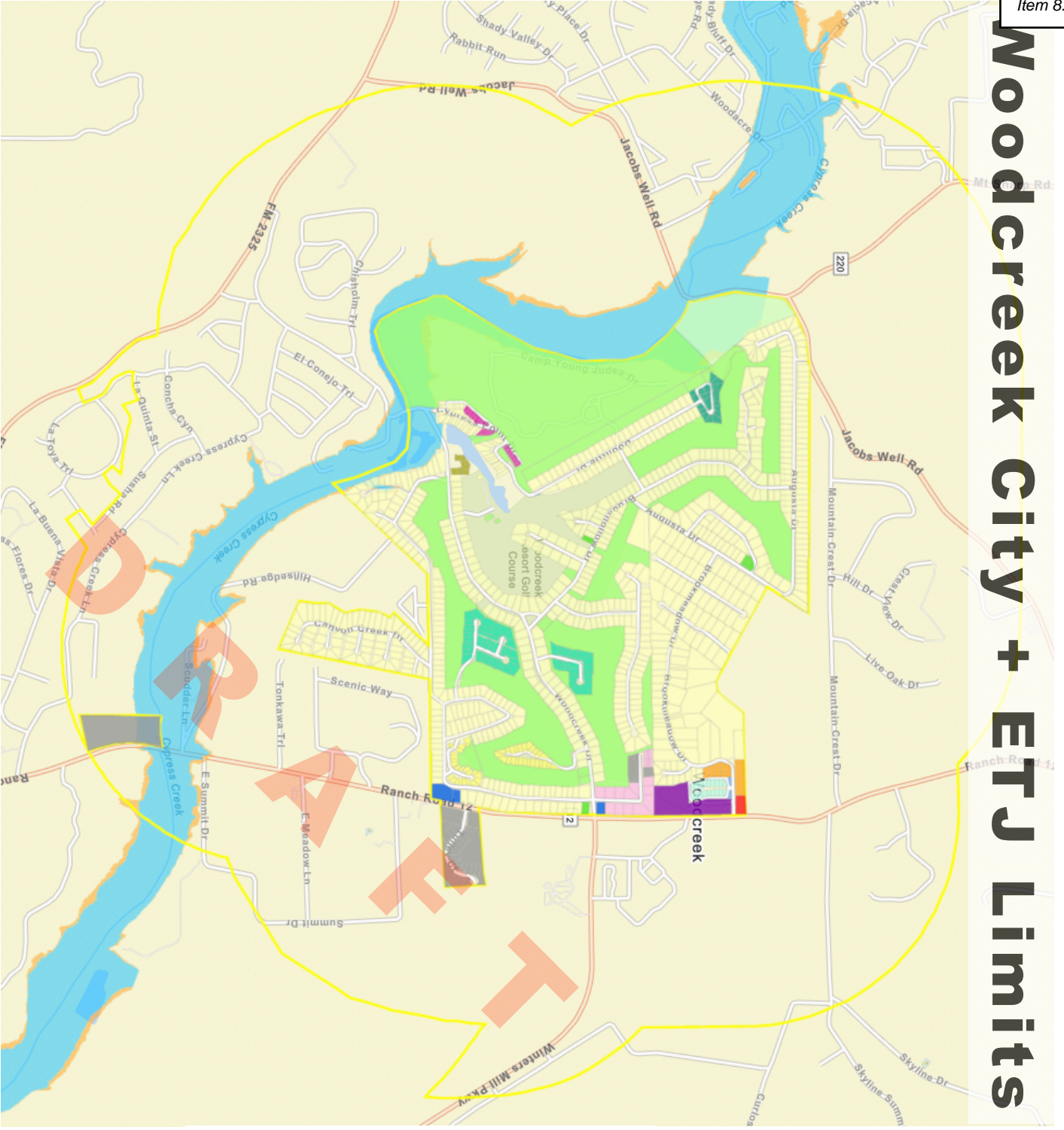
6.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Woodcreek, Texas, in compliance with the provisions of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective on January 1, 2023.

# Woodcreek City + ETJ Limits



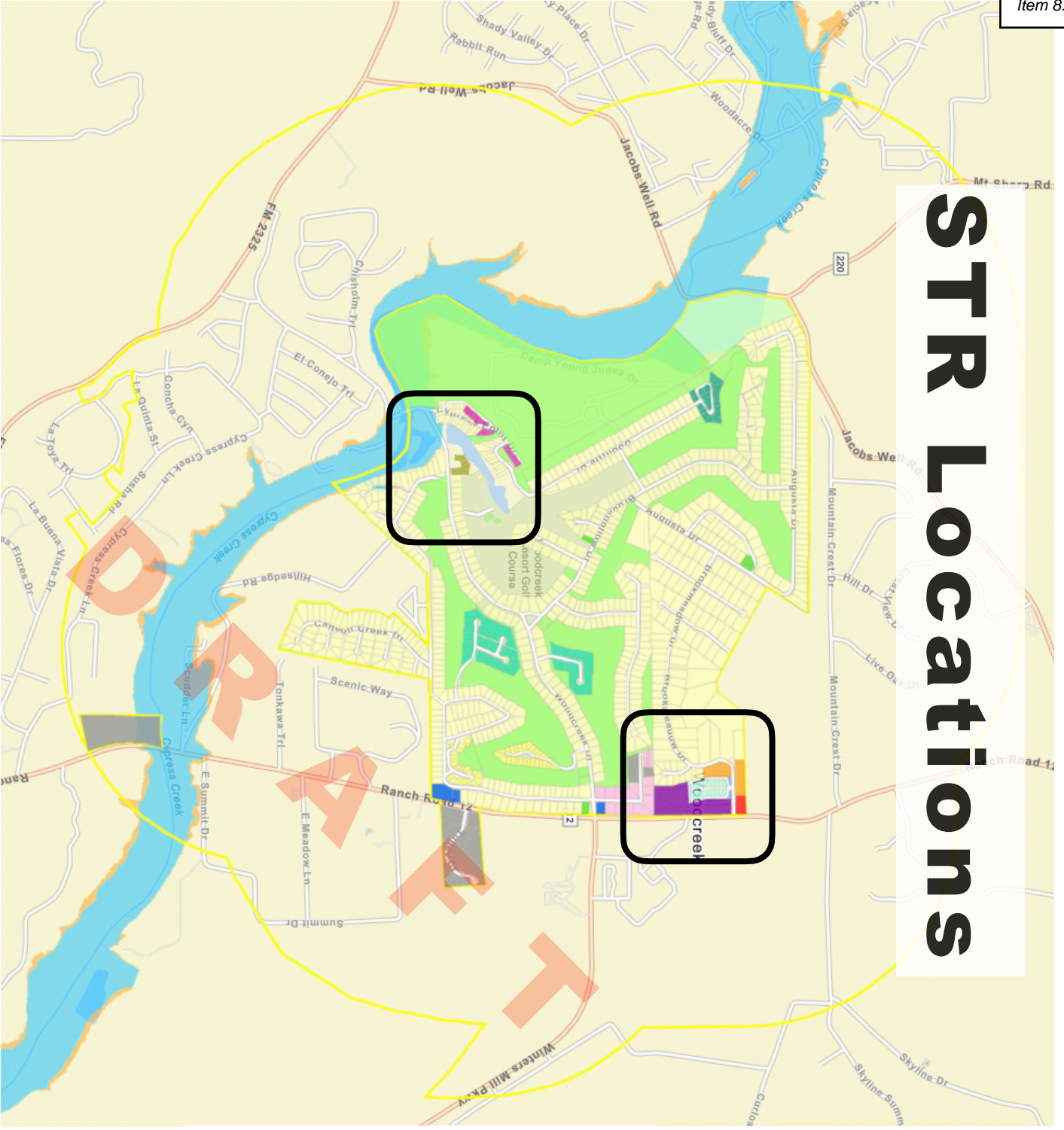
City of Woodcreek City Limits





























City of Woodcreek Zoning 2019

- Single Family 1
- Single Family 2
- Single Family 3
- Single Family 6
- Townhouse/Condo
- Four Plex
- Planned Development District
- Recreational
- Single Family 5
- Single Family 4
- Two-Family Duplex
- Utility
- Government
- Multi-Family
- Public Park
- Greenbelt
- Natural Preserve
- Neighborhood Comm.
- City of Woodcreek ETJ Boundary
- Proposed Cypress & Blanco Rivers 100 and 500 year FEMA Flood Zones (ABFE layer)
- 100
- 500

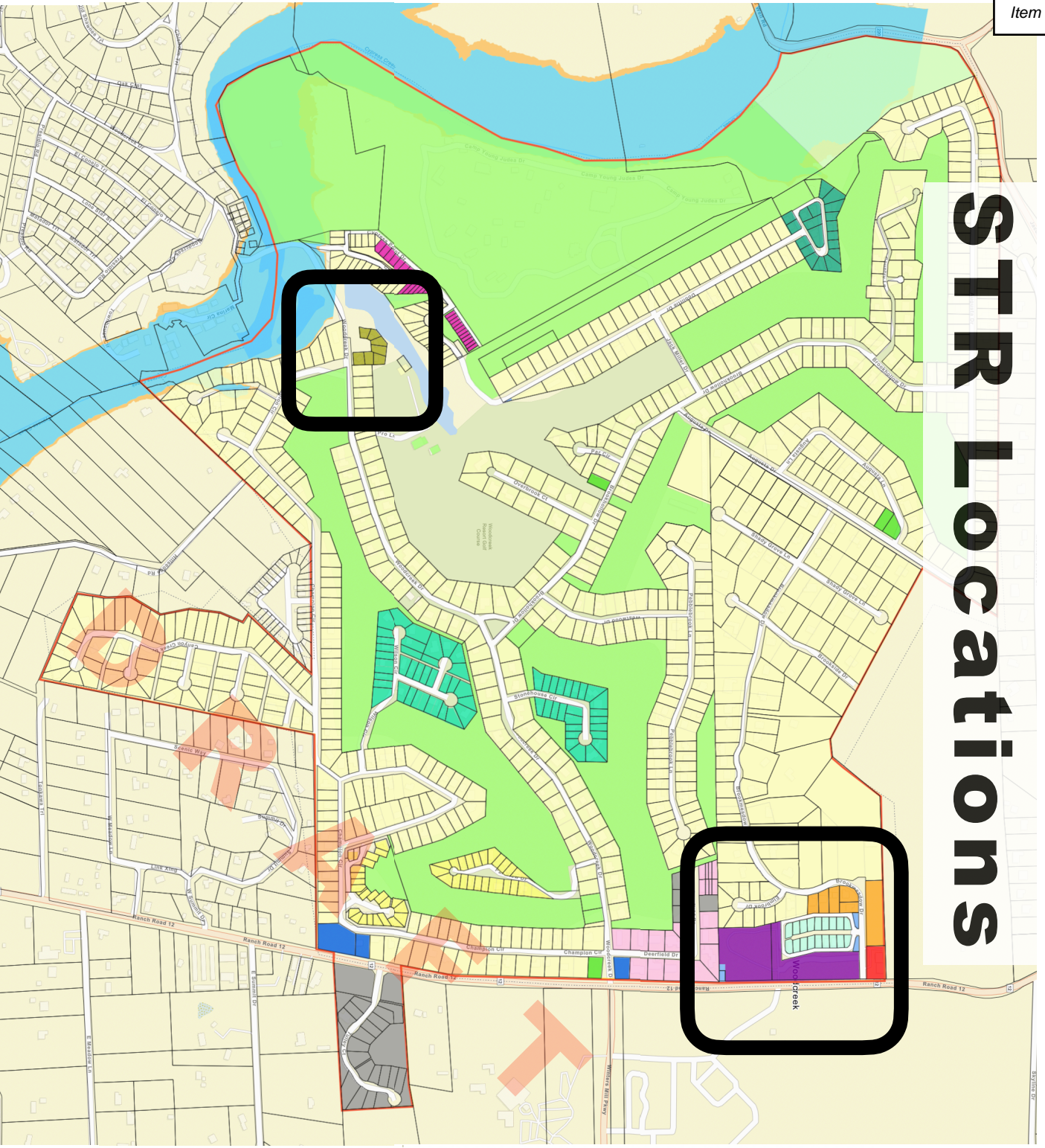


# STR Locations



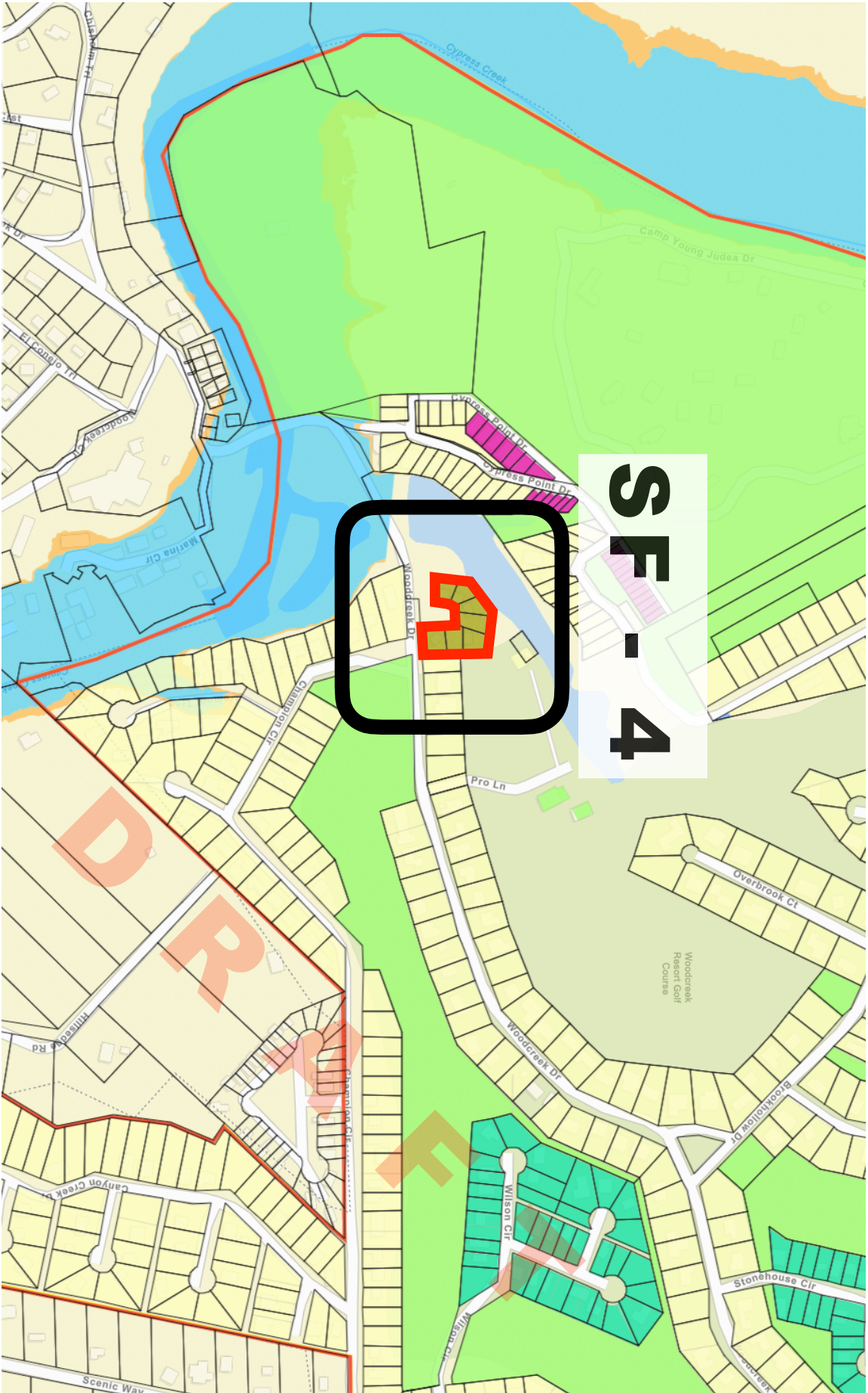
-  City of Woodcreek City Limits
-  City of Woodcreek Zoning 2019
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-  100
-  500

# STR Locations



-  City of Woodcreek City Limits
-  City of Woodcreek Zoning 2019
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-  Neighborhood Comm.

# STR Locations







PLANNING & ZONING (P&Z) COMMISSION  
DRAFT - STR APPLICATION - 221017

**Application must be completed fully, signed, and submitted with all required documents and fees attached.**

Requirements Checklist

- No External Signage
- Working Smoke Alarms
- Working Carbon Monoxide Alarms
- Working Fire Suppression System (Sprinkler)
- Working Fire Extinguisher (5lbs., ABC rated)
- 24/7 Contact Individual
- Proof of Hotel Occupancy Tax Compliance<sup>1</sup>
- Sample Informational Brochure
- General Liability Insurance<sup>2</sup>
- Maximum Number of Occupants Permitted<sup>3</sup>
- Floor Sketch Plan with Room Dimensions / Evacuation routes
- Site Plan or Survey Showing Parking Areas/ Spaces<sup>4</sup>
- Pet Policy

1. *V.T.C.A., Tax Code Chapter 351*
2. *Commercial General Liability Insurance Policy with limits of \$1,000,000 per occurrence.*
3. *Occupancy limit – no more than two adults per bedroom plus two additional adults with a maximum of 10 person’s total, including adults and children.*
4. *Vehicle limits: There shall be no more than four vehicles, without encroaching onto streets, sidewalks or alleys; other public rights-of-way or public property.*

Property Address \_\_\_\_\_  
of the Short-Term Rental: \_\_\_\_\_  
\_\_\_\_\_

**Property Owner Information**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone # \_\_\_\_\_ Cellphone # \_\_\_\_\_

24-Hour Contact # \_\_\_\_\_

Email Address \_\_\_\_\_

**Operator/Designated Local Individual - 24-hour/day Contact**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone # \_\_\_\_\_ Cellphone # \_\_\_\_\_

24-Hour Contact # \_\_\_\_\_

Email Address \_\_\_\_\_

**I certify that I am the property owner or authorized Agent. I will provide an informative brochure to guests that includes my 24-hour contact information and a local 24-hour contact number who can be on site within 1 hour, pertinent neighborhood information (such as noise and curfew restrictions, trash collection schedules) and information to assist guests in case of emergencies. I understand that I shall include the correct limits of guests and vehicles when advertising the property as a short-term rental based on the Ordinance and will include the prohibition against the use of the property for having a party in any advertisement, listing or other publication offering the premises for rent and will include the permit number assigned to the property by the City of Woodcreek as a short-term rental in all advertisements. I understand that a Certificate of Occupancy will be issued upon completion of the inspection. I confirm that I have met and will continue to comply with the standards and other requirements of the City's STR ordinance \_\_\_\_\_. I understand that my application is not complete until I have submitted the completed application form, all required documents, paid all applicable fees, and passed all necessary inspections.**

\_\_\_\_\_  
Date of Application Signature

CITY LOGO REMOVED

PLANNING & ZONING (P&Z) COMMISSION  
DRAFT - INSPECTION CHECKLIST - 221017

Short-term rentals (STRs) are regulated by the City of Woodcreek through Ordinance XX-XXXX. Prior to operation, the owner of an STR must have a valid permit from the City, and a City inspection will be performed once an application for permit has been submitted. The following items will be used as a checklist during the performance of this inspection. Additional information regarding STRs may be found on the City's website at [https://library.municode.com/tx/woodcreek/codes/code\\_of\\_ordinances?nodet=TITXVLAUS\\_CH156ZO](https://library.municode.com/tx/woodcreek/codes/code_of_ordinances?nodet=TITXVLAUS_CH156ZO).

### LIFE SAFETY:

1. All exterior egress doors must be fully functioning. Locks that require a key or special knowledge to unlock from the inside are prohibited (such as a double cylinder deadbolt). *Section R311.2, International Residential Code (IRC)*
2. At least one window or exterior door from each bedroom must be operable for emergency escape and rescue purposes. The window opening shall be at least 5.0 sq. ft. on the ground floor and at least 5.7 sq. ft. on all other floors. *Section R310, IRC*
3. Smoke alarms are required in each bedroom, in the immediate vicinity outside of each bedroom, and on all habitable floors. Smoke alarms may be powered by the main electrical system or battery powered. Smoke alarms must not have exceeded manufacturer's life expectancy. *Section R314, IRC*
4. If the STR contains gas appliances or has an attached garage, carbon monoxide alarms are required outside of each bedroom. Carbon monoxide alarms shall be powered

by the main electrical system or battery powered. *Section R315, IRC*

5. A properly maintained and fully charged fire extinguisher (minimum 2A:10B:C) shall be provided in a readily visible location. *Section 906, International Fire Code*
6. If fire sprinklers are installed, they must be properly functioning and have been inspected and labeled within the past 12 months by an approved fire sprinkler contractor. *Chapter 4, NFPA 25*
7. All stairs and handrails (both exterior and interior) must be maintained, in good working order, and defect free. *Section R311.7, IRC*

#### **MECHANICAL, ELECTRICAL, AND PLUMBING:**

1. The electrical panel shall be complete (no missing breakers, filler plates, or cover) and properly fused and labeled. The panel shall be readily visible and not concealed in any manner. A clear working space of 30" wide by 36" deep is required around the panel from the floor to a height of 6'-6". *Section E3405.2, IRC*
2. No temporary wiring may be used (other than approved extension cords), all outlet covers shall be in place, and no electrical wiring may be exposed. *Section E3909.1, IRC; Section E4002.13, IRC*
3. Receptacles in bathrooms and kitchens shall be GFCI protected. *Section E3902.1, IRC; E3902.6, IRC*
4. The temperature & pressure relief valve on all water heaters shall discharge to the exterior of the building or other approved location. *Section P2804.6.1, IRC*



5. Water heaters shall not be located in any bedroom or bathroom. *Section M2005.2, IRC*
6. Every habitable room shall be provided with heating facilities capable of maintaining a temperature of at least 68° F. Space heaters are not allowed to be used to meet this requirement. *Section R303.10, IRC*

### **OPERATION:**

1. The property address must be posted in a location visible from the street with each number not less than 4" in height. *Section R319, IRC*
2. A floor plan indicating fire exits and escape routes must be posted in a visible location. *Section 3.05, Ordinance XX-XXXX*
3. The name and contact information of the local responsible party who can be contacted at all times while occupants are on the premises shall be provided. *Section 3.06, Ordinance XX-XXXX*
4. A copy of the host rules shall be displayed on site in a readily available location. At a minimum, host rules shall include:
  - Restrictions on the number of occupants
  - Limits on parking
  - Trash pickup days and rules
  - Prohibitions on special events
  - Limits on noise
  - Curfew times (Section 3.20, Ordinance XX-XXXX)
5. Property must be free of any outstanding property maintenance violations.

CITY LOGO REMOVED

PLANNING & ZONING (P&Z) COMMISSION  
DRAFT - FAQs - 221017

## Frequently Asked Questions

# SHORT-TERM RENTALS

1. **What is a short-term rental?**

A short-term rental, or STR, is any portion of a residential premises used for lodging accommodations for occupants for a period of less than thirty (30) consecutive days. It may include the entire dwelling unit, one room in the dwelling unit, or just a bed or couch within the unit. An STR does not include a Bed and Breakfast as defined in the Unified Development Code.

2. **Do I need a permit to operate a short-term rental in Woodcreek?**

Yes. Starting January 1, 2023, the owner/operator of a short-term rental must apply for and obtain a permit to operate the STR.

3. **Is there a fee for a short-term rental permit?**

A non-refundable fee of \$500 is paid at the time you submit a permit application or apply for a renewal permit. Your application will not be reviewed until the fee is paid.

4. **Are there any restrictions on where short-term rentals can be located?**

Yes. Ordinance No. XX-XXX authorizes an STR as an allowed land use only within the following zoned districts: SF-4 (single-family), Multi-Family, non-residential, and mixed-use zoned districts. STRs are prohibited in all other zoned districts within the City.

- 5. My proposed short-term rental is located within a Planned Development (PD) zoning district. Are STRs allowed in a PD?**

Most residential planned developments have low housing densities and are not appropriate locations for a short-term rental. However, if the ordinance that established the PD allows for a housing density of 12 units per acre or greater, an STR will be permitted.
- 6. Since STRs are allowed in non-residential zoning districts, does that mean I can conduct a short-term rental in my office building or warehouse?**

No. A short-term rental must be conducted within a residential structure. In addition, a new residential structure cannot be built in a non-residential zoning district for the purpose of conducting an STR.
- 7. I began operating a short-term rental before the City of Woodcreek adopted the STR ordinances. Do I still need to obtain an STR permit?**

Yes. Short-term rentals existing prior to the January 1, 2023 effective date are not “grandfathered.” All the requirements for permitting, location and rules of operation apply to both new and existing STRs.
- 8. My STR is also my principal residence. Do the short-term rental ordinances still apply to me?**

Yes. Unlike some cities, the short-term rental ordinances in Woodcreek do not distinguish between an owner-occupied STR and an investor-owned STR. It doesn’t matter whether you live in your STR, or you are an absentee owner living in another state, or you are a corporation that buys homes for the sole purpose of operating them as STRs. The location, permitting and operational rules apply equally to all situations.
- 9. How do I apply for a short-term rental permit?**

All applications for STR permits will be processed at City Hall. There you can apply and provide documents necessary for the City to review

your application.

**10. I live in an apartment. Can I use my apartment as a short-term rental?**

An apartment may be used as an STR if the landlord agrees and it meets all other requirements of City ordinances. During the application process, you will be asked to declare whether the proposed short-term rental is a single-family unit or a multi-family unit. If the proposed STR is part of a multi-family building, you will be required to provide documentation that the landlord consents to the use of the premises for a short-term rental. The apartment must be located within Woodcreek's Multi Family zone where STR's are authorized.

**11. Why does the City need to see a copy of the host rules for my STR?**

Although the City has adopted regulations related to STR operation, it is your responsibility as the host to convey those regulations and other information to your guests. Host rules for every STR must include contact information for the Local Responsible Party and provide occupants with notice of the City's regulations on parking, noise, curfew, and trash, and the penalties for violating those regulations.

**12. Is there a cap on the number of short-term rental permits that the City will issue?**

No. All properties in the eligible zoning districts have the same opportunity to receive a short-term rental permit. There is no maximum on the number of STR permits that may be approved in a neighborhood, census tract or any other geographical area within the city, provided the area is within the eligible zoning districts.

**13. I notice that my STR permit is valid for only one year. How do I renew my permit?**

Thirty to sixty days prior to the expiration of your STR permit, you will

receive a reminder from the City that it is time to renew. To renew, return to City Hall and complete a renewal application. You will be asked to provide the same documents as the initial application, with updates, if any. The fee for a renewal permit is \$500.

**14. My hosting platform offers liability insurance coverage for my STR operation. Is that coverage acceptable?**

Yes, provided it satisfies the requirement to maintain coverage of \$1 million per occurrence and the insurer is licensed to conduct business in the State of Texas. To be accepted, a certificate of coverage is required. Promotional materials or screenshots from the hosting platform's website are not sufficient. The certificate must include the name of the carrier, limits of liability, and effective dates, and the certificate must be submitted with all other documentation at the time of application.

**15. I received a notice that my insurance coverage has lapsed. What should I do?**

You are required to maintain liability coverage while your STR permit is active. You should present to City Hall to update information about your insurance renewal and provide the renewal certificate of coverage. Failure to provide current insurance information may result in revocation of the STR permit.

**16. Since I own the property where my STR is located, don't I have the right to conduct a short-term rental regardless of the City's ordinances, rules and regulations?**

The ordinances adopted by the City Council regulating STRs, draw a reasonable balance between the rights of property owners who wish to conduct an STR and the rights of nearby property owners who may be impacted by operations of the STR. This is no different than every other parcel of land in the City. Depending upon where the parcel is located, some uses are appropriate, while others are not.

**17. How many persons may occupy my short-term rental unit at one time?**

A maximum occupancy will be established during the review of your permit application. Occupancy is a factor of the number of bedrooms and is calculated as follows: Two persons per bedroom, plus two additional persons. For example, a three-bedroom STR would have a maximum occupancy of (2 persons x 3 bedrooms) + 2 persons = 8 persons maximum. Regardless of the size of the STR, the maximum occupancy cannot exceed 10 persons. Allowing more persons to occupy the STR than the maximum will subject the owner/operator to a citation.

**18. Is my short-term permit transferable in the event I sell my house or move my STR operation to another location?**

No. An STR permit is both owner and location specific. The permit is non-transferable and non-assignable. A new permit will be required for the new owner of the house and you must obtain a new permit for a different location. Any attempt to transfer a permit or attempt to use another person's permit may be grounds for revocation of a permit.

**19. Why does the City of Woodcreek require an inspection of the premises to receive a permit?**

The City is concerned for the safety of your guests and wants to be sure guests are aware of the rules for operating an STR. All short-term rentals must be equipped with basic emergency systems such as smoke detectors, multiple ways to exit rooms in the event of fire, and a fire extinguisher. The STR must be free of potential hazards like exposed electrical wiring or unapproved modifications to a breaker box. The Code Compliance Officer inspecting the premises will also expect to see a copy of your host rules posted for your guests to let them know about restrictions on noise, parking, curfew, and trash disposal. A complete STR inspection checklist can be provided by City Hall.

20. **If I cannot use my premises for a short-term rental unit, may I lease it for longer than 30 days?** The City of Woodcreek does not regulate the long-term leasing of residential premises. No permit is required. However, as with a short-term rental, be sure to review all city ordinances for any special covenants and restrictions that govern the use of your premises.
21. **The host platform that I use for listing my short-term rental already collects hotel occupancy tax when someone books my unit. Do I still need to register with the City of Woodcreek for hotel occupancy tax?** Yes. Some of the host platforms such as Airbnb have contracts with the State of Texas to collect and remit hotel occupancy tax on behalf of STR operators. However, none of the platforms have a contract with the City of Woodcreek. It is the responsibility of the STR operator to register with, and submit tax reports to, the City of Woodcreek for the City's 9 percent hotel occupancy tax.
22. **I currently operate a short-term rental, but I am unable to obtain a permit due to the location of my STR or other reasons. May I continue to operate, and if so, for how long?** Ordinance No. XX-XXX provides a grace period to January 31, 2023, for the owner of an existing STR that was registered with the City of Woodcreek for hotel occupancy tax prior to April 30, 2022, but who is unable to obtain a permit. During that time, the owner should wind down operations of the STR. Existing STRs that registered for hotel occupancy tax after April 30, 2022 must discontinue operations by January 1, 2023, unless they are able to obtain a permit. There is no grace period for unregistered STRs, and they must cease operations once they have exhausted their opportunity to apply for a permit, but in no case later than January 1, 2023.
23. **Is the information I submit for my permit a matter of public record?** Most, but not all, of the information you provide when obtaining an STR

permit is public record. The City maintains an interactive map of all approved permits, which includes basic data such as the name of the permittee, the location, date of issuance, and the number of approved parking spaces. The map is viewable by anyone requesting access. Also, the City often receives open records requests from members of the public seeking data on specific STRs. The City is required by law to respond to those requests but does not provide data that is protected from public disclosure.

**24. I received an Order of Revocation in the mail. What does that mean, and what rights do I have if I disagree with the Order?**

An STR permit may be revoked for any of the following reasons if the permit holder:

- i. Received more than two citations for violations of the short-term rental ordinances or any other ordinance of the City within the preceding 12-month time period; or
- ii. Failed or refused to comply with an express condition of the permit and remains in non-compliance ten (10) days after being notified in writing of the non-compliance; or
- iii. Knowingly made a false statement in the permit application; or
- iv. Otherwise becomes disqualified for issuance of a permit under terms of the STR ordinances.

An Order of Revocation takes effect three days after mailing. If you disagree with the reasons stated in the Order, you must act quickly to preserve your right to appeal. Within ten days, present to City Hall for filing an appeal. You will be notified of a hearing date. At the hearing, you will have the opportunity to present testimony or other evidence to demonstrate that the reasons given in the Order are incorrect. The hearing officer will either sustain, modify, or rescind the Order of Revocation. You may have further rights, which the hearing officer will explain at the time of the hearing.



## APPLICATION FOR SHORT-TERM RENTAL (STR) PERMIT

City of Woodcreek, 41 Champions Cir., Woodcreek, TX 78676 O: 512.847.9390 E: [permit@woodcreektx.gov](mailto:permit@woodcreektx.gov)

### 1. APPLICANT INFORMATION

<b>Applicant's Name:</b>	
<b>Trade Name:</b>	
<b>Applicant's Address:</b>	
<b>Telephone:</b>	<b>Email:</b>

OWNER INFORMATION *Same as Applicant*

<b>Owner's Name:</b>	
<b>Owners' Address:</b>	
<b>Telephone:</b>	<b>Email:</b>

PROVIDE NAMES AND ADDRESSES OF ALL REGISTERED AGENTS SHOULD OWNER BE A BUSINESS ENTITY. PROVIDE PROOF OF OWNERSHIP (e.g., DEED), WITH YOUR APPLICATION. IF THE PROPERTY IS OWNED BY AN ORGANIZATION OR ENTITY, PLEASE SUBMIT, WITH THIS APPLICATION, THE COMPANY FORMATION DOCUMENTS REGISTERED WITH THE APPROPRIATE SECRETARY OF STATE.

LIST ALL ON SEPARATE PAGE IF NECESSARY.

OWNER INFORMATION *Additional*

<b>Owner's Name:</b>	
<b>Owners' Address:</b>	
<b>Telephone:</b>	<b>Email:</b>

OPERATOR'S INFORMATION *Same as Applicant*

<b>Operator's Name:</b>	
<b>Operator's Address:</b>	
<b>Telephone:</b>	<b>Email:</b>

LOCAL CONTACT PERSON'S INFORMATION

<b>Local Contact Person's Name:</b>	
<b>Local Contact Person's Address:</b>	
<b>24 Hour Telephone:</b>	<b>Email:</b>



**Applicant/Owner states that to the best of their knowledge, the Property meets the requirements of the City of Woodcreek for a Short-Term Rental**

*(Please initial each applicable statement as evidence of fact and compliance)*

- \_\_\_\_\_ The designated operator shall be available by phone at all times the Short-Term Rental is in use.
- \_\_\_\_\_ The unit has a working smoke detector and carbon monoxide detector in or outside of sleeping areas, and on all habitable floors.
- \_\_\_\_\_ The unit has a properly maintained, charged, and inspected "2A:10BC" fire extinguisher
- \_\_\_\_\_ The unit provides a posting and/or information providing emergency contact information and a floor plan indicating fire exits and escape routes, which shall be posted prominently
- \_\_\_\_\_ Every sleeping area has at least one operable emergency escape and rescue opening
- \_\_\_\_\_ There is no overnight sleeping in outdoor areas (i.e., no camping)
- \_\_\_\_\_ The Short-Term Rental has a registered account with the State of Texas Comptroller for the purpose of collection of hotel-occupancy taxes required by law
- \_\_\_\_\_ The unit provides a posting and/or information of any off-site and off-site parking spaces
- \_\_\_\_\_ Certification of the presence of full-sized trash containers with information on pick-up dates
- \_\_\_\_\_ Submit a sketch floor-plan of the Short-Term Rental with dimension layout
- \_\_\_\_\_ Submit a site plan / survey of the property showing the maximum number of vehicles that may be legally parked without encroaching onto the street, sidewalks, alleys, or other public rights-of-way/public property
- \_\_\_\_\_ Owner must submit a complete and current list of all rentals within the City of Woodcreek with advertising on publicly-available websites (ex: AirBnB, VRBO, etc)

**I hereby certify under penalty of perjury that the information included in this application is true to the best of my knowledge, and I have checked to confirm that no deed restrictions or restrictive covenants apply to this property that conflict with this request.**

\_\_\_\_\_  
**Applicant(s) Printed Name**

\_\_\_\_\_  
**Applicant(s) Signature**

\_\_\_\_\_  
**Operator(s) Printed Name**

\_\_\_\_\_  
**Operator(s) Signature**

\_\_\_\_\_  
**Owner(s) Printed Name**

\_\_\_\_\_  
**Owner(s) Signature**

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Possible Action on the 2023 Woodcreek Roads Project RFP

**AGENDA ITEM SUMMARY:**

**FINANCIAL IMPACT:**

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/8/2023 2:07:25 PM



# PLATINUM ROADS PANEL Report to City Council Recommendation

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**Meeting Date:** June 8, 2023  
**Item for Recommendation:** RFP for 2023 Woodcreek Roads Project

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**SUMMARY:**


The Platinum Roads Panel submits this report to the Woodcreek City Council with recommendations on acceptance and approval of the May 2023 Request For Proposal developed by K. Friese and Associates titled "City of Woodcreek Residential Mill & Overlay Project". The Platinum Roads Panel recommends that the City Council approve this Request For Proposal for public distribution and solicitation of bids from qualified contractors.

**RECOMMENDATION:**

**APPROVAL OF RESIDENTIAL MILL & OVERLAY PROJECT Request For Proposal**

The Platinum Roads Panel recommends that the City Council accept and approve the May 2023 Request for Proposal titled "City of Woodcreek Residential Mill & Overlay Project" produced and submitted by K. Friese and Associates. The purpose of these Request For Proposal documents is to publicly announce the project, clearly define the scope of the project, and to solicit bids from qualified contractors to perform the work delineated in the Contract Documents.

Submitted by:

  
\_\_\_\_\_  
*John Cody Abney, Platinum Roads Panel Chairperson*

Date of Submission: 06/09/2023

Received By:

  
\_\_\_\_\_

Title of Receiver: CITY MANAGER

Date of Receipt: 6/9/23

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

POS Bond Documents (waiting for Orrick to send Language and documents)

**AGENDA ITEM SUMMARY:**

**FINANCIAL IMPACT:**

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/6/2023 11:45:50 AM

**CERTIFICATE FOR RESOLUTION**

The undersigned officer of the City of Woodcreek, Texas (the “City”) hereby certifies as follows:

1. The City Council convened a regular meeting on June 14, 2023 at the regular designated meeting place, and the roll was called of the duly constituted members of said City Council, to-wit:

- |                                |                        |
|--------------------------------|------------------------|
| Jeff Rasco, Mayor              | Chrys Grummert, Member |
| Brent H. Pulley, Mayor Pro Tem | Bob Hambrick, Member   |
| Linnea R. Bailey, Member       | Debra Hines, Member    |

and all of such persons were present, [except \_\_\_\_\_,] thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

**RESOLUTION APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO THE CITY OF WOODCREEK, TEXAS GENERAL OBLIGATION BONDS, SERIES 2023; AUTHORIZING DISTRIBUTION AND PUBLICATION OF SUCH PRELIMINARY OFFICIAL STATEMENT AND OTHER MATTERS RELATED TO THE ISSUANCE OF THE BONDS**

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that such Resolution be passed; and, after due discussion, such motion, carrying with it the passage of such Resolution, prevailed and carried by the following vote:

AYES \_\_ NOES \_\_ ABSTENTIONS \_\_

2. That a true, full and correct copy of such Resolution passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that such Resolution has been duly recorded in such City Council’s minutes of such meeting; that the above and foregoing paragraph is a true, full and correct excerpt from such City Council’s minutes of such meeting pertaining to the passage of such Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance of the time, place and purpose of such meeting, and that such Resolution would be introduced and considered for passage at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; and that such meeting was open to the public, and public notice of the time, place and purpose of such meeting was given all as required by Chapter 551, Texas Government Code, as amended.

*[Signature page follows.]*

SIGNED AND SEALED this \_\_\_\_\_, 2023.

---

City Secretary  
Woodcreek, Texas

(SEAL)



**RESOLUTION APPROVING THE FORM OF A PRELIMINARY OFFICIAL STATEMENT RELATING TO THE CITY OF WOODCREEK, TEXAS GENERAL OBLIGATION BONDS, SERIES 2023; AUTHORIZING DISTRIBUTION AND PUBLICATION OF SUCH PRELIMINARY OFFICIAL STATEMENT AND OTHER MATTERS RELATED TO THE ISSUANCE OF THE BONDS**

**WHEREAS**, City of Woodcreek, Texas (the “City”), acting through its governing body (the “City Council”), has authorized the preparation of a Preliminary Official Statement (the “Preliminary Official Statement”) related to the issuance of the City’s General Obligation Bonds, Series 2023 (the “Bonds”);

**WHEREAS**, the City Council has reviewed the form and content of a Preliminary Official Statement; and

**WHEREAS**, the City Council deems it appropriate to approve the form of the Preliminary Official Statement and authorize the use of the Preliminary Official Statement in the offering and sale of the Bonds as further set forth below.

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

**Section 1. APPROVAL AND DISTRIBUTION OF PRELIMINARY OFFICIAL STATEMENT.** The City Council hereby approves the form and content of the Preliminary Official Statement, as presented at this meeting, with such changes, additions or deletions as directed in accordance with Section 2 below. Stifel, Nicolaus & Company, Inc., the District’s financial advisor, is hereby authorized and directed to submit the Preliminary Official Statement to one or more nationally recognized securities rating agencies for a preliminary rating review of the Bonds and to distribute the Preliminary Official Statement and to do all things necessary to market the Bonds, including making application for ratings and bond insurance, if applicable.

**Section 2. OTHER MATTERS.** The City Manager is hereby authorized to do all things proper and necessary to carry out the intent hereof, including the approval of appropriate changes, additions or deletions to the Preliminary Official Statement. The Mayor is hereby authorized to sign and file or caused to be filed the Preliminary Official Statement with the Depository Trust Company.

**Section 3. EFFECTIVENESS.** This Resolution shall take immediate effect upon passage and shall remain in effect until rescinded or otherwise modified by subsequent action of the City Council.

*[Signature page follows]*

PASSED AND APPROVED this June 14, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

(SEAL)

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discussion, Consideration, and Take Appropriate Action on the Receipt and Acceptance of the Audited Basic Financial Statements and Supplemental Schedules and Independent Auditors Report by ABIP, PC for the Fiscal Year Ended September 30, 2022 (Rule))

**AGENDA ITEM SUMMARY:**

**FINANCIAL IMPACT:**

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/6/2023 1:36:05 PM

# CITY OF WOODCREEK, TEXAS

FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED  
SEPTEMBER 30, 2022

*The City of*  
**Woodcreek**  
IN THE MIDST OF THE TEXAS HILL COUNTRY

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September 30, 2022

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*The City of*  
**Woodcreek**  
IN THE MIDST OF THE TEXAS HILL COUNTRY

**FINANCIAL SECTION**



*The City of*  
**Woodcreek**  
IN THE MIDST OF THE TEXAS HILL COUNTRY

## INDEPENDENT AUDITOR'S REPORT

To the Honorable Mayor and  
Members of the City Council  
City of Woodcreek, Texas

### ***Opinion***

We have audited the accompanying financial statements of the governmental activities and each major fund of the City of Woodcreek, Texas (the "City") as of and for the year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the City, as of September 30, 2022, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### ***Basis for Opinions***

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

### ***Responsibility of Management for the Financial Statements***

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

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

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

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

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

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

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

### ***Required Supplementary Information***

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

***Supplementary Information***

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

San Antonio, Texas  
June 14, 2023

**MANAGEMENT’S DISCUSSION AND ANALYSIS (MD&A)**

**For the year ended September 30, 2022**

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

**Financial Highlights**

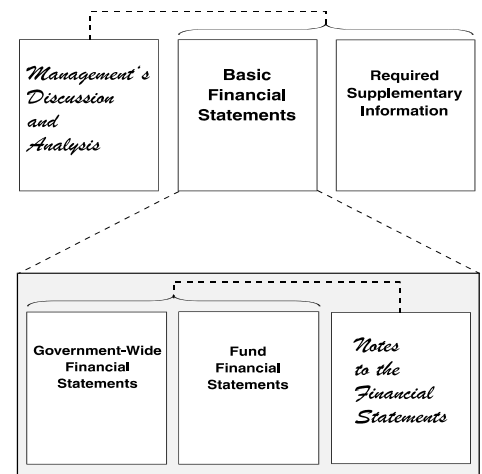
- The assets and deferred outflows of the City exceeded its liabilities and deferred inflows at September 30, 2022 by \$3,105,693 after the restatement. Of this amount \$1,604,593 (unrestricted net position), may be used to meet the City’s ongoing obligations to citizens and creditors.
- The City’s total cost of all City activities was \$677,511 for the fiscal year. The net expense after charges for services and operating grants and contributions was \$220,645.
- During the year, the City’s general fund expenditures exceeded revenue by \$135,521.
- At September 30, 2022 the City’s governmental funds reported combined ending fund balances of \$1,623,881, a net increase of \$206,354, after the restatement.
- At September 30, 2022 the unassigned fund balance for the general fund was \$1,585,058 which represents over a year and a half of general fund expenditures.

**OVERVIEW OF THE FINANCIAL STATEMENTS**

This annual report consists of three parts—*management’s discussion and analysis* (this section), the *basic financial statements*, and *required supplementary information*. The basic financial statements include two kinds of statements that present different views of the City:

- The first two statements are *government-wide financial statements* that provide both *long-term* and *short-term* information about the City’s overall financial status.
- The remaining statements are *fund financial statements* that focus on *individual parts* of the government, reporting the City’s operations in more detail than the government-wide statements.
- The *governmental funds* statements tell how *general government* services were financed in the *short-term* as well as what remains for future spending.

**Figure A-1, Required Components of the City’s Annual Financial Report**



Summary ↔ Detail

The financial statements also include notes that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of *required supplementary information* that further explains and supports the information in the financial statements. Figure A-1 shows how the required parts of this annual report are arranged and related to one another.

This discussion and analysis is intended to serve as an introduction to the City of Woodcreek's basic financial statements. The City's basic financial statements consist of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the basic financial statements. This report also contains supplementary information intended to furnish additional detail to support the basic financial statements themselves.

### **GOVERNMENT-WIDE FINANCIAL STATEMENTS**

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

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

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

The Statement of Net Position and the Statement of Activities present the City's financials as one class of activities:

- **Governmental Activities** – The City's basic services, for general government, are reported here. Property tax, sales tax, and franchise taxes finance most of these activities.

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

### **FUND FINANCIAL STATEMENTS**

A fund is a group of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance related legal reporting requirements. The one category of City funds is governmental.

#### **Governmental Funds**

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

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

The City maintains two governmental funds. Information is presented separately in the governmental funds balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances. The general fund is always considered a major fund for reporting purposes.

The City adopts an annual appropriated budget for its general fund and debt service fund. A budgetary comparison schedule has been provided for the general fund and debt service fund to demonstrate compliance with this budget.

### **Notes to the Financial Statements**

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

### **Other Information**

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

The other supplementary information referred to earlier in connection with the basic financial statements is presented immediately following the required supplementary information.

### **GOVERNMENT-WIDE FINANCIAL ANALYSIS**

As noted earlier, net position may serve over time as a useful indicator of the City's financial position. Assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$2,354,539 at year end. A portion of the City's net position, 41%, reflects its investments in capital assets (e.g. land and City Hall, etc.) less any debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending.

**Statement of Net Position:**

The following table reflects the condensed Statement of Net Position:

TABLE 1  
CITY OF WOODCREEK'S NET POSITION

	GOVERNMENTAL ACTIVITIES	
	2022	2021
Assets:		
Current and other assets	\$ 1,684,246	\$ 1,463,974
Net pension asset	36,004	2,201
Capital assets, net	1,899,107	1,597,823
Total assets	3,619,357	3,063,998
Deferred outflows of resources:		
Deferred outflows of resources - pensions	15,329	14,777
Deferred outflows of resources - OPEB	750	1,768
Total deferred outflows of resources	16,079	16,545
Liabilities:		
Other current liabilities	267,597	242,545
Long-term liabilities	217,830	450,554
OPEB liability	21,758	26,474
Total liabilities	507,185	719,573
Deferred inflows of resources - pension	2,807	473
Deferred inflows of resources - OPEB	19,751	5,958
Total deferred inflows of resources	22,558	6,431
Net position:		
Investment in capital assets	1,462,277	953,993
Restricted	38,823	30,950
Unrestricted	1,604,593	1,369,596
Total net position	\$ 3,105,693	\$ 2,354,539

A portion of the City's net position, \$1,462,277 or 47% represents the City's current investment in capital assets. A portion of the City's net position, \$38,823, or 1%, represents amounts restricted for court security, court technology, street repair, and governmental access channels ("PEG"), and debt service. The remaining balance of net position, \$1,604,593 or 52%, is unrestricted and may be used to meet the City's ongoing obligations to its citizens and creditors.



**Statement of Activities:**

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

TABLE 2  
CITY OF WOODCREEK'S CHANGES IN NET POSITION

	GOVERNMENTAL ACTIVITIES	
	2022	2021
REVENUES:		
Program revenues:		
Charges for services	\$ 29,645	\$ 77,188
Operating grants and contributions	427,221	12,883
General revenues:		
Property taxes	574,750	554,151
Sales taxes	90,058	88,351
Franchise and local taxes	212,001	134,967
Investment income	9,339	1,259
Other revenues	14,430	26,820
Total revenues	1,357,444	895,619
EXPENSES:		
General government	667,916	665,923
Interest fees on debt	9,595	12,553
Total expenses	677,511	678,476
Change in net position	679,933	217,143
NET POSITION, BEGINNING	2,354,539	2,137,396
RESTATEMENT OF NET POSITION	71,221	-
NET POSITION, ENDING	\$ 3,105,693	\$ 2,354,539

For the year ended September 30, 2022, revenues from governmental activities totaled \$1,357,444. Overall, governmental revenues increased by 52% mainly due to the spending of the COVID-19 grant revenues.

For the year ended September 30, 2022, expenses for governmental activities totaled \$677,511, which is a decrease of \$965. This decrease is mainly due to reductions of interest expense related to the outstanding debt.

## FINANCIAL ANALYSIS OF THE CITY'S FUNDS

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

### Governmental Funds

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

The City reported the general fund and the debt service fund as major governmental funds. The general fund is the chief operating fund of the City. At the end of the current year, unassigned fund balance of the general fund was \$1,599,221, while total fund balance reached \$1,623,881. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance represents 158% of total general fund expenditures, while total fund balance represents 159% of that same amount.

The City's governmental funds reflects a total fund balance of \$1,623,881. Of the total governmental fund balance, \$147 is restricted for street repairs; \$19 and \$26 is restricted for court security and court technology, respectively; \$13,971 is restricted for Public, Educational, and Governmental Access channels ("PEG"); \$24,660 is restricted for debt service, and the remaining balance of \$1,585,058 is unassigned.

### GENERAL FUND BUDGETARY HIGHLIGHTS

For the year, the general fund had a positive budget variance of \$917,471 from the final budget. This variance was primarily due to the City spending less than budgeted for area care/maintenance and capital outlay. The City's actual revenues were more than budgeted revenues by \$28,501 with the largest variances in franchise fees, sales taxes, property taxes and investment income.

### DEBT SERVICE FUND BUDGETARY HIGHLIGHTS

For the year, the debt service fund had a negative budget variance of (\$388) from the final budget. This variance was primarily due to property tax collections.

### CAPITAL ASSETS

At the end of 2022, the City's governmental activities had invested \$1,899,107 in a variety of capital assets (net of accumulated depreciation). This represents a net increase of \$301,284 compared to last year.

Major capital asset events during the year included the following:

- Improvements

More detailed information about the City's capital assets is presented in note 3 to the financial statements.

## **LONG TERM DEBT**

At the end of the current year, the City had total tax notes outstanding of \$436,830. This balance is related to the Series 2017 tax notes that the City issued at the end of the 2017 fiscal year.

More detailed information about the City's long-term debt is presented in note 3 to the financial statements.

## **ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES**

- The fiscal year 2022-2023 adopted appropriations for the general fund is \$691,510. The adopted appropriations for the debt service fund is \$451,793.

## **CONTACTING THE CITY'S FINANCIAL MANAGEMENT**

This financial report is designed to provide a general overview of the City of Woodcreek's finances and to show the City's accountability to its taxpayers. Questions concerning this report or requests for additional financial information should be directed to the City Manager, City of Woodcreek, 41 Champion Circle, Wimberly, Texas 78676; telephone (512) 847-9390.

## **BASIC FINANCIAL STATEMENTS**

## STATEMENT OF NET POSITION

September 30, 2022

	<u>Primary Government</u> <u>Governmental</u> <u>Activities</u>
ASSETS	
Current assets:	
Cash and cash equivalents	\$ 1,553,381
Receivables (net of allowance for uncollectibles)	<u>130,865</u>
Total current assets	<u>1,684,246</u>
Noncurrent assets:	
Net pension asset	36,004
Nondepreciable capital assets	37,850
Net depreciable capital assets	<u>1,861,257</u>
Total noncurrent assets	<u>1,935,111</u>
Total assets	<u>3,619,357</u>
DEFERRED OUTFLOWS OF RESOURCES	
Deferred outflows related to pensions	15,329
Deferred outflows related to OPEB	<u>750</u>
Total deferred outflows of resources	<u>16,079</u>
LIABILITIES	
Current liabilities:	
Accounts payable	45,731
Accrued wages	2,866
Noncurrent liabilities:	
OPEB liability	21,758
Long-term liabilities due within one year	219,000
Long-term liabilities due in more than one year	<u>217,830</u>
Total liabilities	<u>507,185</u>
DEFERRED INFLOWS OF RESOURCES	
Deferred inflows related to pensions	19,751
Deferred inflows related to OPEB	<u>2,807</u>
Total deferred outflows of resources	<u>22,558</u>
NET POSITION	
Investment in capital assets	1,462,277
Restricted:	
Court security	19
Court technology	26
PEG funds	13,971
Street repair	147
Debt service	24,660
Unrestricted	<u>1,604,593</u>
Total net position	<u>\$ 3,105,693</u>

The accompanying notes are an integral part of these financial statements.

STATEMENT OF ACTIVITIES

For the year ended September 30, 2022

Functions/Programs	Expenses	Program Revenues		Net (Expense) Revenue and Changes in Net Position Governmental Activities
		Charges for Services	Operating Grants and Contributions	
Primary government				
Governmental activities:				
General government	\$ 667,916	\$ 29,645	\$ 427,221	\$ 211,050
Interest and fiscal charges	<u>9,595</u>	<u>-</u>	<u>-</u>	<u>9,595</u>
Total governmental activities	<u>\$ 677,511</u>	<u>\$ 29,645</u>	<u>\$ 427,221</u>	<u>220,645</u>
	General revenues			
	Taxes:			
	Property taxes			574,750
	Sales tax			90,058
	Franchise and local taxes			212,001
	Investment income			9,339
	Other revenue			<u>14,430</u>
	Total general revenues			900,578
	Change in net position			679,933
	Net position - beginning			<u>2,354,539</u>
	Restatement of net position at beginning of year			71,221
	Net position at beginning of year, as restated			<u>2,425,760</u>
	Net position - ending			<u>\$ 3,105,693</u>

The accompanying notes are an integral part of these financial statements.

## BALANCE SHEET – GOVERNMENTAL FUNDS

September 30, 2022

	Major Funds		Total Governmental Funds
	General Fund	Debt Service Fund	
<b>ASSETS</b>			
Cash and cash equivalents	\$ 1,553,381	\$ -	\$ 1,553,381
Taxes receivable, net of allowances for uncollectibles	8,394	3,374	11,768
Sales tax receivable	14,770	-	14,770
Franchise fees receivable	104,327	-	104,327
Due from general fund	<u>-</u>	<u>24,660</u>	<u>24,660</u>
 Total assets	 <u>\$ 1,680,872</u>	 <u>\$ 28,034</u>	 <u>\$ 1,708,906</u>
<b>LIABILITIES</b>			
Accounts payable	\$ 45,731	\$ -	\$ 45,731
Accrued wages	2,866	-	2,866
Due to debt service fund	<u>24,660</u>	<u>-</u>	<u>24,660</u>
Total liabilities	<u>73,257</u>	<u>-</u>	<u>73,257</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Unavailable revenue - property taxes	<u>8,394</u>	<u>3,374</u>	<u>11,768</u>
Total deferred inflows of resources	<u>8,394</u>	<u>3,374</u>	<u>11,768</u>
<b>FUND BALANCE</b>			
Restricted:			
Court security	19	-	19
Court technology	26	-	26
PEG funds	13,971	-	13,971
Street repair	147	-	147
Debt service	-	24,660	24,660
Unassigned	<u>1,585,058</u>	<u>-</u>	<u>1,585,058</u>
Total fund balance	<u>1,599,221</u>	<u>24,660</u>	<u>1,623,881</u>
 Total liabilities, deferred inflows of resources and fund balance	 <u>\$ 1,680,872</u>	 <u>\$ 28,034</u>	 <u>\$ 1,708,906</u>

The accompanying notes are an integral part of these financial statements.

**RECONCILIATION OF BALANCE SHEET-  
GOVERNMENTAL FUNDS TO THE STATEMENT OF NET POSITION**

**September 30, 2022**

Total fund balance - governmental funds balance sheet	\$	1,623,881
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Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not current financial resources and, therefore, are not reported in the governmental fund.

Capital assets - nondepreciable	\$ 37,850	
Capital assets - net depreciable	<u>1,861,257</u>	
		1,899,107

Property taxes receivable unavailable to pay current expenses are deferred in the funds.		11,768
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Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.

Net pension asset	36,004	
OPEB liability	(21,758)	
Deferred outflows - pensions	15,329	
Deferred inflows - pensions	(19,751)	
Deferred outflows - OPEB	750	
Deferred inflows - OPEB	(2,807)	
Compensated absences	-	
Noncurrent liabilities due in one year	(219,000)	
Noncurrent liabilities due in more than one year	<u>(217,830)</u>	
		<u>(429,063)</u>

Net position of governmental activities - statement of net position	\$	<u>3,105,693</u>
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**STATEMENT OF REVENUES, EXPENDITURES, AND  
CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS**

**For the year ended September 30, 2022**

	Major Funds		Total Governmental Funds
	General Fund	Debt Service Fund	
REVENUES			
Taxes:			
Property taxes	\$ 357,677	\$ 216,207	\$ 573,884
Sales tax	90,058	-	90,058
Franchise and local taxes	212,001	-	212,001
Grant revenue	427,221	-	427,221
Investment income	9,339	-	9,339
Charges for services	29,645	-	29,645
Other revenue	<u>14,430</u>	-	<u>14,430</u>
Total revenues	<u>1,140,371</u>	<u>216,207</u>	<u>1,356,578</u>
EXPENDITURES			
Current:			
General government	587,217	-	587,217
Capital outlay	417,633	-	417,633
Debt service:			
Principal	-	207,000	207,000
Interest and fiscal charges	<u>-</u>	<u>9,595</u>	<u>9,595</u>
Total expenditures	<u>1,004,850</u>	<u>216,595</u>	<u>1,221,445</u>
Net change in fund balances	135,521	(388)	135,133
Fund balance - beginning	<u>1,392,479</u>	<u>25,048</u>	<u>1,417,527</u>
Restatement of fund balance	<u>71,221</u>	<u>-</u>	<u>71,221</u>
Fund balance - beginning, as restated	<u>1,463,700</u>	<u>25,048</u>	<u>1,488,748</u>
Fund balance - ending	<u>\$ 1,599,221</u>	<u>\$ 24,660</u>	<u>\$ 1,623,881</u>

The accompanying notes are an integral part of these financial statements.

**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUND  
TO THE STATEMENT OF ACTIVITIES**

**For the year ended September 30, 2022**

Net change in fund balances - total governmental funds \$ 135,133

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

Governmental funds report all capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.

Capital outlay	417,633
Depreciation expense	(116,349)

Revenues that are deferred in governmental activities because they do not provide current financial resources are not deferred in the statement of activities. This is the change in deferred revenues from the prior year.

866

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

Net pension expense	20,562
OPEB expense	1,364
Compensated absences	13,724

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

Tax notes payment	207,000
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Change in net position of governmental activities - statement of activities \$ 679,933

The accompanying notes are an integral part of these financial statements.

*The City of*  
**Woodcreek**  
IN THE MIDST OF THE TEXAS HILL COUNTRY

**NOTES TO BASIC FINANCIAL STATEMENTS**

*The City of*  
**Woodcreek**  
IN THE MIDST OF THE TEXAS HILL COUNTRY

## NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(1) Summary of significant accounting policiesReporting entity

The City of Woodcreek, Texas (the “City”) was incorporated under the laws of the State of Texas on August 11, 1984. The City is a general law type-A city that operates under a council-mayor form of government. The City Council is the principal legislative body of the City.

The City provides the following services: street maintenance, area beautification, code enforcement, building inspection and general administrative services.

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

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

Description of government-wide and fund financial statements

Government-wide financial statements report information on all of the activities of the primary government. The effect of interfund activity has been removed from these statements.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenue. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenue includes (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment, and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenue are reported instead as general revenue.

## NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(1) Summary of significant accounting policies (continued)

The fund financial statements provide information about the City's funds. Separate statements for each fund category, governmental, are presented. The emphasis of fund financial statements is on major governmental funds, each displayed in a separate column.

The City reports the following governmental funds:

The **general fund** is used to account for all financial transactions not properly includable in other funds. The principal sources of revenues include local property taxes and sales and franchise taxes. Expenditures include general governmental activity. The general fund is always considered a major fund for reporting purposes.

The **debt service fund** accounts for the resources accumulated and payments made for principal and interest on long-term debt of the governmental funds.

Measurement focus and basis of accounting

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

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

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

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

## NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(1) Summary of significant accounting policies (continued)Assets, liabilities, deferred outflows and inflows of resources, and net position/fund balance

- **Cash and cash equivalents.** The City's cash and cash equivalents are considered to be cash on hand, demand deposits, and short-term investments with original maturities of three months or less from the date of acquisition.
- **Investments.** State statutes authorize the City to invest in (a) obligations of the United States or its agencies and instrumentalities; (b) direct obligations of the State of Texas or its agencies; (c) other obligations, the principal and interest of which are unconditionally guaranteed or insured by the State of Texas or the United States; (d) obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than AAA or AAA-m or its equivalent; (e) certificates of deposit by state and national banks domiciled in this state that are (i) guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor; or, (ii) secured by obligations that are described by (a) – (d). Statutes also allow investing in local government investment pools organized and rated in accordance with the Interlocal Cooperation Act, whose assets consist exclusively of the obligations of the United States or its agencies and instrumentalities and repurchase assessments involving those same obligations.

Investments except for certain investment pools, commercial paper, money market funds, and investment contracts, are stated at fair value and categorized by using the fair value hierarchy established by generally accepted accounting principles. The fair value framework uses a hierarchy that prioritizes the inputs to the valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (level 1 measurement) and the lowest priority to unobservable inputs (level 3 measurements). The three levels of the fair value hierarchy are described below:

Level 1 - Inputs to the valuation methodology are unadjusted quoted prices for identical assets or liabilities in active markets that the City has the ability to access.

Level 2 - Inputs to the valuation methodology include:

- Quoted prices for similar assets or liabilities in active markets.
- Quoted prices for identical or similar assets or liabilities in inactive markets.
- Inputs other than quoted prices that are observable for the asset or liability.
- Inputs that are derived principally from or corroborated by observable market data by correlation or other means.

If the asset or liability has a specified (contractual) term, the level 2 input must be observable for substantially the full term of the asset or liability.

Level 3 - Inputs to the valuation methodology are unobservable and significant to the fair value measurement.



NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(1) Summary of significant accounting policies (continued)

Assets, liabilities, deferred outflows and inflows of resources, and net position/fund balance (continued)

The asset's or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

The valuation methodologies described above may produce a fair value calculation that may not be indicative of net realizable values or reflective of future fair values. Furthermore, while the City believes its valuation methods are appropriate and consistent with those of other market participants, the use of different methodologies or assumptions to determine the fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

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

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

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

- **Capital assets.** Capital assets, which include property, plant, and equipment, are reported in the applicable governmental activities column in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of three (3) years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

Major outlays for capital assets and improvements are capitalized as projects are constructed. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property and equipment of the City are depreciated using the straight-line method over the following estimated useful years.

Asset Description	Estimated Useful Life
Building improvements	10 to 40 years
Machinery and equipment	3 to 7 years

## NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(1) Summary of significant accounting policies (continued)Assets, liabilities, deferred outflows and inflows of resources, and net position/fund balance (continued)

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

In addition to liabilities, the statement of financial position and fund level balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time.

- **Long-term obligations.** In the government-wide financial, long-term debt and other long-term obligations are reported as liabilities. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method, if material. Bonds payable are reported net of the applicable bond premium or discount.

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

- **Net position flow assumptions.** Sometimes the City will fund outlays for a particular purpose from both restricted (e.g., restricted debt or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted net position and unrestricted net position in the government-wide financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted net position to have been depleted before unrestricted net position is applied.
- **Fund balance flow assumptions.** Sometimes the City will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned and unassigned fund balance in the governmental fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.
- **Fund balance policies.** Fund balances of governmental funds are reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. The City itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance).

## NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(1) Summary of significant accounting policies (continued)Assets, liabilities, deferred outflows and inflows of resources, and net position/fund balance (continued)

Amounts that cannot be spent because they are either not in spendable form or legally or contractually required to be maintained intact are classified as nonspendable fund balance. Amounts that are externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions are classified as restricted. The committed fund balance classification includes amounts that can be used only for specific purposes determined by a formal action of the City's highest level of decision-making authority. The City Council is the highest level of decision-making authority for the City that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

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

- **Use of estimates.** The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.
- **Pension/OPEB.** For purposes of measuring the net pension liability (asset), OPEB liability, deferred outflows of resources and deferred inflows of resources related to pensions and OPEB, pension and OPEB expense, information about the fiduciary net position of the Texas Municipal Retirement System (TMRS) and additions to/deductions from TMRS's fiduciary net position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.
- **Program revenues.** Amounts reported as *program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services or privileges provided by a given function or segment and 2) grants and contributions (including special assessments) that are restricted to meeting the operational or capital requirements of a particular function or segment. All taxes, including those dedicated for specific purposes, and other internally dedicated resources are reported as general revenues rather than as program revenues.
- **Property taxes.** Property taxes are levied during October of each year and are due upon receipt of the City's tax bill. Taxes become delinquent, with an enforceable lien on property, on February 1 of the following year.

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(1) Summary of significant accounting policies (continued)

Assets, liabilities, deferred outflows and inflows of resources, and net position/fund balance (continued)

- Implementation of New Accounting Principle.** The City adopted the provisions of GASB Statement No. 87, *Leases*. The objective of this Statement is to better meet the information needs of financial statement users by improving accounting and financial reporting for leases by governments. The statement requires recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. A lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources.

The City has no leases under the new accounting principle.

(2) Stewardship, compliance and accountability

The City follows these procedures in establishing the budgetary data reflected in the financial statements:

The City Manager submits to the Council a proposed budget. The Council holds a public hearing on the budget submitted, and all interested persons are given an opportunity to be heard for or against any item or the amount of any item contained therein. After the conclusion of the public hearing, the Council may insert new items or may increase or decrease the items of the budget, except items in proposed expenditures fixed by law, but where it increases the total proposed expenditures, it also provides for an increase in the total anticipated revenue to at least equal such total proposed expenditures, it also provides for an increase in the total anticipated revenue to least equal such total proposed expenditures. The budget is adopted by a majority vote of the members of the whole Council. The budget must be adopted no later than the 15<sup>th</sup> of September. Should the Council take no final action on or prior to such day, the budget as submitted by the City Manager shall be deemed to have been finally adopted by the Council. The City Manager may, at any time, transfer any unencumbered appropriation balance or portion thereof between general classifications or expenditures within an office, department, or fund. Therefore, expenditures should not exceed appropriations at the fund level. The Council may transfer any unencumbered appropriation balance or portion thereof from one office, department, or fund to another through formal budget amendments. Unencumbered appropriations lapse at year end. An annual budget is prepared for the general fund and debt service fund.

(3) Detailed notes on all funds

Deposits and investments

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

<u>Investment Type</u>	<u>Value</u>	<u>Weighted Average Maturity (Days)</u>
Texas CLASS	\$ <u>481,283</u>	31

## NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(3) Detailed notes on all funds (continued)Deposits and investments (continued)

Credit risk – The City’s policy requires that investment pools must be rated no lower than “AAA” or “AAA-m”. As of September 30, 2022, the City’s investments in Texas CLASS was rated AAA-m by Standard & Poor’s.

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

Interest rate risk - This is the risk that changes in interest rates will adversely affect the fair value of an investment. The City manages its investment time horizons by averaging investment maturities and chooses to present its exposure to interest rate changes using the weighted average maturity method. In accordance with its investment policy and state law, the City manages its interest rate risk by limiting the weighted average maturity of any investment owned by the City to the maximum of one year. Eligible investment pools must have a weighted average maturity of no greater than 60 days. The City’s exposure to interest rate risk at September 30, 2022 is summarized in the preceding table as the weighted average days to maturity.

## Texas CLASS

The Texas Cooperative Liquid Assets Securities System Trust – Texas (“CLASS”) is a public funds investment pool under Section 2256.016 of the Public Funds Investment Act, Texas Government Code, as amended. CLASS is created under an amended and restated trust agreement, dated as of December 14, 2011 (the “Agreement”), among certain Texas governmental entities investing in CLASS (the “Participants”), with Public Trust Advisors, LLC as program administrator and Wells Fargo Bank Texas, NA as custodian. CLASS is not SEC registered and is not subject to regulation by the State of Texas. Under the Agreement, however, CLASS is administered and supervised by a seven-member Board of Trustees (the “Board”), whose members are investment officers of the Participants, elected by the Participants for overlapping two-year terms. In the Agreement and by resolution of the Board, CLASS has contracted with Public Trust Advisors, LLC to provide for the investment and management of the public funds of CLASS. Separate financial statements for CLASS may be obtained from CLASS’ website at [www.texasclass.com](http://www.texasclass.com). The fair value of the investments in this type have been determined using the NAV per share of the investments.

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

Capital assets

A summary of changes in capital assets for governmental activities for the year ended September 30, 2022, is as follows:

	Primary Government			
	Beginning Balance	Increases	(Decreases)	Ending Balance
<u>Governmental Activities</u>				
Capital assets not being depreciated:				
Land	\$ 37,850	\$ -	\$ -	\$ 37,850
Construction in progress	<u>62,879</u>	<u>421,433</u>	<u>(484,312)</u>	<u>-</u>
Total capital assets not being depreciated	<u>100,729</u>	<u>421,433</u>	<u>(484,312)</u>	<u>37,850</u>
Capital assets being depreciated:				
Buildings and improvements	1,832,962	480,512	-	2,313,474
Machinery and equipment	<u>57,004</u>	<u>-</u>	<u>-</u>	<u>57,004</u>
Total capital assets being depreciated	<u>1,889,966</u>	<u>480,512</u>	<u>-</u>	<u>2,370,478</u>
Less accumulated depreciation:				
Buildings and improvements	(351,610)	(112,477)	-	(464,087)
Machinery and equipment	<u>(41,262)</u>	<u>(3,872)</u>	<u>-</u>	<u>(45,134)</u>
Total accumulated depreciation	<u>(392,872)</u>	<u>(116,349)</u>	<u>-</u>	<u>(509,221)</u>
Total capital assets being depreciated, net	<u>1,497,094</u>	<u>364,163</u>	<u>-</u>	<u>1,861,257</u>
Governmental activities capital assets, net	<u>\$ 1,597,823</u>	<u>\$ 785,596</u>	<u>\$ (484,312)</u>	<u>\$ 1,899,107</u>

Depreciation expense of \$116,349 was charged to the general government function.

Long-term liabilities

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

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

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Due Within One Year
Governmental activities:					
Bonds payable					
Tax Note Series 2017	\$ 643,830	\$ -	\$ (207,000)	\$ 436,830	\$ 219,000
Total	<u>\$ 643,830</u>	<u>\$ -</u>	<u>\$ (207,000)</u>	<u>\$ 436,830</u>	<u>\$ 219,000</u>

Long-term liabilities due in more than one year \$217,830.

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(3) Detailed notes on all funds (continued)

Long-term liabilities (continued)

Future maturities of the bonds are as follows:

<u>Fiscal Year</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
2023	219,000	5,793	224,793
2024	217,830	1,982	219,812
	<u>\$ 436,830</u>	<u>\$ 7,775</u>	<u>\$ 444,605</u>

Federal arbitrage

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

(4) Other information

Risk management

The City is exposed to various risks of loss related to torts; theft of and damage to property, and destruction of assets; errors and omissions; and natural disasters. The City contracts with the Texas Municipal League Intergovernmental Risk Pool, a public entity risk pool currently operating as a common risk management and insurance program providing insurance coverage in the following areas: general liability, automobile liability and physical damage, worker’s compensation, real and personal property, and errors and omissions liability. The agreement for formation of the Texas Municipal League Intergovernmental Risk Pool provides that the pool will be self-sustaining through member premiums and will be adjusted annually through an experience modifier. The City has not significantly reduced insurance coverage or had settlements that exceeded coverage amounts for the past three fiscal years.

Contingent liabilities

Amounts received or receivable from granting agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amounts of expenditures that may be disallowed by the grantor cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

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

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Pension plan - Texas Municipal Retirement System

The City participates as one of 901 plans in the defined benefit cash-balance pension plan administered by the Texas Municipal Retirement System (TMRS). TMRS is a statewide public retirement plan created by the State of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the TMRS Act) as an agent multiple-employer retirement system for employees of Texas participating cities. The TMRS Act places the general administration and management of the system with a six-member, Governor appointed Board of Trustees; however, TMRS is not fiscally dependent on the State of Texas. TMRS issues a publicly available annual comprehensive financial report (Annual Report) that can be obtained at [www.tmr.com](http://www.tmr.com).

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

Benefits provided

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

At retirement, the member’s benefit is calculated based on the sum of the member’s contributions, with interest, and the City-financed monetary credits with interest, and their age at retirement and other actuarial factors. The retiring members may select one of seven monthly benefit payment options. Members may also choose to receive a portion of their benefit as a lump sum distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the total member’s contribution and interest.

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS. Members are eligible to retire at age sixty (60) and above with five (5) or more years of service or with twenty (20) years of service regardless of age. A member is vested after five (5) years. The contribution rate for the employees is 7%, and the City matching percent is currently 2 to 1.

Employees covered by benefit terms

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

Inactive employees currently receiving benefits	2
Inactive employees entitled to but not yet receiving benefits	1
Active employees	<u>4</u>
Total	<u><u>7</u></u>

Contributions

The contribution rates for members in TMRS are either 5%, 6%, or 7% of member’s total compensation, and the City matching ratios are either 1:1, 1.5:1, or 2:1, both as adopted by the governing body of the City. Under the state law governing TMRS, the contribution rate for each city is determined annually by the actuary, using the entry age normal (EAN) actuarial cost method.



NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Pension plan - Texas Municipal Retirement System (continued)

Contributions (continued)

The City’s contribution rate is based on the liability created from the benefit plan options selected by the City and any changes in benefits or actual experience over time.

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

Employees for the City were required to contribute 5% of their annual compensation during the fiscal year. The contribution rates for the City were 10.41% and 7.26% in calendar years 2022 and 2021, respectively. The City’s contributions to TMRS for the year ended September 30, 2022, were \$20,633, and were \$1,579 more than the \$19,054 required contributions.

Net pension liability (asset)

The City’s net pension asset (NPA) was measured as of December 31, 2021, and the total pension liability (TPL) used to calculate the net pension asset was determined by an actuarial valuation as of that date.

Actuarial assumptions

The total pension asset in the December 31, 2021 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% per year
Overall payroll growth	2.75% per year, adjusted down for population declines, if any
Investment rate of return*	6.75%

\* presented net of pension plan investment expense, including inflation

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

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Pension plan - Texas Municipal Retirement System (continued)

Actuarial assumptions (continued)

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

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

The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation	Long-Term Expected Real Rate of Return (Arithmetic)
Global Equity	35.00%	7.55%
Core Fixed Income	6.00%	2.00%
Non-Core Fixed Income	20.00%	5.68%
Real Return	12.00%	7.22%
Real Estate	12.00%	6.85%
Absolute Return	5.00%	5.35%
Private Equity	10.00%	10.00%
Total	100.00%	

Discount rate

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

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Pension plan - Texas Municipal Retirement System (continued)

Changes in net pension liability

The schedule below presents the changes in the net pension liability (asset) as of December 31, 2021:

	Increase (Decrease)		
	Total Pension Liability	Plan Fiduciary Net Position	Net Pension Liability (Asset)
	(a)	(b)	(a) - (b)
Balance at December 31, 2020	\$ 179,304	\$ 181,505	\$ (2,201)
Changes for the year:			
Service cost	33,438	-	33,438
Interest	12,689	-	12,689
Change of benefit terms	-	-	-
Difference between expected and actual experience	(22,476)	-	(22,476)
Change of assumptions	-	-	-
Contributions - employer	-	20,270	(20,270)
Contributions - employee	-	13,924	(13,924)
Net investment income	-	23,368	(23,368)
Benefit payments, including refunds of employee contributions	(16,075)	(16,075)	-
Administrative expenses	-	(109)	109
Other changes	-	1	(1)
Net changes	7,576	41,379	(33,803)
Balance at December 31, 2021	\$ 186,880	\$ 222,884	\$ (36,004)

Sensitivity of the net pension liability to changes in the discount rate

The following presents the net pension liability of the City, calculated using the discount rate of 6.75% as well as what the City's net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower (5.75%) or 1-percentage point higher (7.75%) than the current rate:

	1% Decrease in Discount Rate (5.75%)	Discount Rate (6.75%)	1% Increase in Discount Rate (7.75%)
City's net pension liability (asset)	\$ (19,605)	\$ (36,004)	\$ (50,324)

Pension plan fiduciary net position

Detailed information about the pension plan's fiduciary net position is available in a separately-issued TMRS financial report. That report may be obtained on the internet at [www.tmr.com](http://www.tmr.com).

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Pension plan - Texas Municipal Retirement System (continued)

Pension expense and deferred outflows of resources and deferred inflows of resources related to pensions

For the fiscal year ended September 30, 2022, the City recognized pension expense of \$259.

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

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Difference between expected and actual economic experience	\$ -	\$ 8,340
Difference between projected and actual investment earnings	-	11,411
Contributions made subsequent to the measurement date	<u>15,330</u>	<u>-</u>
Total	<u>\$ 15,330</u>	<u>\$ 19,751</u>

The City reported \$15,330 as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability (asset) for the fiscal year ending September 30, 2023. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

<u>Fiscal Year Ended</u>	
2023	\$ (10,515)
2024	(4,566)
2025	(2,449)
2026	(2,221)
2027	-
Thereafter	<u>-</u>
Total	<u>\$ (19,751)</u>

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Other postemployment benefits (OPEB) plan

Plan description

The City participates in a single-employer defined benefit plan, which operates like a group-term life insurance plan, operated by TMRS known as the Supplemental Death Benefits Fund (SDBF). The City elected, by ordinance, to provide group-term life insurance coverage to both current and retired employees. The City may terminate coverage under and discontinue participation in the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1.

Benefits payments

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

Contributions

The City contributes to the SDBF at a contractually required rate as determined by an annual actuarial valuation. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. The intent is not to pre-fund retiree term life insurance during employees’ entire careers.

The contribution rate for the City was 0.50% and 0.36% for calendar years 2022 and 2021, respectively. The City’s contributions to TMRS for the year ended September 30, 2022 was \$906 and was equal to the required contributions.

Employees covered by benefit terms

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

Inactive employees currently receiving benefits	2
Inactive employees entitled to but not yet receiving benefits	1
Active employees	<u>4</u>
Total	<u><u>7</u></u>

OPEB liability

The City’s OPEB liability of \$21,758 was measured as of December 31, 2021, and was determined by an actuarial valuation as of that date.

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Other postemployment benefits (OPEB) plan (continued)

Actuarial assumptions:

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

Methods and assumptions used to determine contribution rates:

Inflation	2.5%
Salary increases	3.5% to 11.5% including inflation
Discount rate*	1.84%
Retirees share of benefit-related costs	\$0
Administrative expenses	All administrative expenses are paid through the Pension Trust and accounted for under reporting requirements under GASB Statement No. 68.
Mortality rates - service retirees	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality rates - disabled retirees	2019 Municipal Retirees of Texas Mortality Tables with a 4 year set-forward for males and a 3 year set-forward for females. In addition, a 3.5% and 3% minimum mortality rate will be applied to reflect the impairment of younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by scale UMP to account for future mortality improvements subject to the floor.

\* The discount rate was based on the Fidelity Index’s “20-Year Municipal GO AA Index” rate as of December 31, 2021.

The actuarial assumptions used in the December 31, 2021 valuation were based on the results of an actuarial experience study for the period December 31, 2014 to December 31, 2018.

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Other postemployment benefits (OPEB) plan (continued)

Changes in the OPEB liability:

	2021
OPEB liability:	
Service cost	\$ 1,989
Interest on the OPEB liability	546
Changes in benefit terms	
Difference between expected and actual experience	(7,565)
Change of assumptions	612
Benefit payments	(298)
Net change in OPEB liability	(4,716)
OPEB liability - beginning	26,474
OPEB liability - ending	\$ 21,758

Sensitivity of the total OPEB liability to changes in the discount rate:

The following presents the total OPEB liability of the City, calculated using the discount rate of 1.84%, as well as what the City's total OPEB liabilities would be if it were calculated using a discount rate that is 1-percentage-point lower (0.84%) or 1-percentage-point higher (2.84%) than the current rate:

	1% Decrease in Discount Rate 0.84%	Discount Rate 1.84%	1% Increase in Discount Rate 2.84%
City's OPEB liability	\$ 26,331	\$ 21,758	\$ 18,199

NOTES TO FINANCIAL STATEMENTS

September 30, 2022

(4) Other information (continued)

Other postemployment benefits (OPEB) plan (continued)

OPEB expense and deferred outflows of resources and deferred inflows of resources related to OPEB

For the year ended September 30, 2022, the City recognized OPEB gain of (\$1,065).

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

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ -	\$ 2,807
Changes in actuarial assumptions	227	-
Contributions made subsequent to the measurement date	523	-
Total	\$ 750	\$ 2,807

The City reported \$523 as deferred outflows of resources related to OPEB resulting from contributions subsequent to the measurement date will be recognized as a reduction of the OPEB liability for the year ending September 30, 2023. Other amounts reported as deferred outflows and inflows of resources related to OPEB will be recognized in OPEB expense as follows:

	Year Ended September 30,
2023	\$ (2,580)
Total	\$ (2,580)

(5) Restatement of fund balance and net position

The City increased the beginning net position and fund balance in the general fund by \$71,221. The increase was for franchise fees owed to the City that was not accrued as of September 30, 2021. The net position and fund balance of the general fund as of September 30, 2021 was restated to \$2,425,760 and \$1,488,748, respectively.



*The City of*  
**Woodcreek**  
IN THE MIDST OF THE TEXAS HILL COUNTRY

**REQUIRED SUPPLEMENTARY INFORMATION**

*The City of*  
**Woodcreek**  
IN THE MIDST OF THE TEXAS HILL COUNTRY

**REQUIRED SUPPLEMENTARY INFORMATION**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND**  
**BALANCE – BUDGET AND ACTUAL**  
**GENERAL FUND**

**For the year ended September 30, 2022**

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
<b>Revenues</b>				
Property taxes	\$ 349,000	\$ 349,000	\$ 357,677	\$ 8,677
Sales tax	80,000	80,000	90,058	10,058
Franchise and other taxes	194,700	197,200	212,001	14,801
Charges for services	51,760	46,510	29,645	(16,865)
Investment income	1,300	1,000	9,339	8,339
Grant revenue	430,200	431,380	427,221	(4,159)
Other revenue	8,780	6,780	14,430	7,650
Total revenues	<u>1,115,740</u>	<u>1,111,870</u>	<u>1,140,371</u>	<u>28,501</u>
<b>Expenditures</b>				
Current:				
General government:				
Personnel services	262,200	262,200	238,772	23,428
Professional services	171,000	179,160	173,477	5,683
Area care / maintenance	221,150	221,150	49,928	171,222
Office expenses	56,100	61,100	37,503	23,597
Municipal court	9,550	10,050	2,322	7,728
Utilities	13,950	13,950	11,644	2,306
Insurance	4,500	4,600	4,792	(192)
Other operating expense	62,210	66,410	68,779	(2,369)
Contingency reserve	50,000	50,000	-	50,000
Capital outlay	<u>1,025,200</u>	<u>1,025,200</u>	<u>417,633</u>	<u>607,567</u>
Total expenditures	<u>1,875,860</u>	<u>1,893,820</u>	<u>1,004,850</u>	<u>888,970</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(760,120)</u>	<u>(781,950)</u>	<u>135,521</u>	<u>917,471</u>
Net change in fund balance	(760,120)	(781,950)	135,521	917,471
Fund balance, beginning	<u>1,392,479</u>	<u>1,392,479</u>	<u>1,392,479</u>	<u>-</u>
Restatement of fund balance	<u>-</u>	<u>-</u>	<u>71,221</u>	<u>-</u>

**REQUIRED SUPPLEMENTARY INFORMATION  
SCHEDULE OF CHANGES IN NET PENSION LIABILITY (ASSET)  
AND RELATED RATIOS – TEXAS MUNICIPAL RETIREMENT SYSTEM**

**For the measurement year ended December 31,**

**\*Last 10 years**

	2021	2020	2019	2018	2017	2016	2015	2014
<b>Total pension liability</b>								
Service cost	\$ 33,438	\$ 29,618	\$ 19,555	\$ 19,253	\$ 12,114	\$ 9,829	\$ 7,223	\$ 5,994
Interest (on the total pension liability)	12,689	11,014	9,357	8,094	7,149	6,268	6,100	5,516
Change in benefit terms	-	1,174	-	-	765	-	-	-
Difference between expected and actual experience	(22,476)	(5,036)	(3,762)	1,175	1,124	1,117	(4,509)	2,304
Change of assumptions	-	-	892	-	-	-	1,661	-
Benefit payments, including refunds of employee contributions	<u>(16,075)</u>	<u>(9,316)</u>	<u>(6,065)</u>	<u>(13,855)</u>	<u>(6,065)</u>	<u>(6,065)</u>	<u>(6,065)</u>	<u>(6,104)</u>
Net change in total pension liability	7,576	27,454	19,977	14,667	15,087	11,149	4,410	7,710
Total pension liability - beginning	<u>179,304</u>	<u>151,850</u>	<u>131,873</u>	<u>117,206</u>	<u>102,119</u>	<u>90,970</u>	<u>86,560</u>	<u>78,850</u>
Total pension liability - ending (a)	<u>\$ 186,880</u>	<u>\$ 179,304</u>	<u>\$ 151,850</u>	<u>\$ 131,873</u>	<u>\$ 117,206</u>	<u>\$ 102,119</u>	<u>\$ 90,970</u>	<u>\$ 86,560</u>
<b>Plan fiduciary net position</b>								
Contributions - employer	\$ 20,270	\$ 14,140	\$ 11,819	\$ 11,470	\$ 3,920	\$ 3,561	\$ 2,665	\$ 1,547
Contributions - employee	13,924	8,804	7,705	7,586	7,076	6,097	4,486	4,225
Net investment income	23,368	11,670	18,952	(3,674)	14,329	6,320	136	5,019
Benefit payments, including refunds of employee contributions	(16,075)	(9,316)	(6,065)	(13,855)	(6,065)	(6,065)	(6,065)	(6,104)
Administrative expense	(109)	(77)	(108)	(71)	(74)	(71)	(83)	(52)
Other	<u>1</u>	<u>(3)</u>	<u>(3)</u>	<u>(4)</u>	<u>(4)</u>	<u>(4)</u>	<u>(4)</u>	<u>(4)</u>
Net change in plan fiduciary net position	41,379	25,218	32,300	1,452	19,182	9,838	1,135	4,631
Plan fiduciary net position - beginning	<u>181,505</u>	<u>156,287</u>	<u>123,987</u>	<u>122,535</u>	<u>103,353</u>	<u>93,515</u>	<u>92,380</u>	<u>87,749</u>
Plan fiduciary net position - ending (b)	<u>\$ 222,884</u>	<u>\$ 181,505</u>	<u>\$ 156,287</u>	<u>\$ 123,987</u>	<u>\$ 122,535</u>	<u>\$ 103,353</u>	<u>\$ 93,515</u>	<u>\$ 92,380</u>
Net pension liability (asset) (a) - (b)	<u>\$ (36,004)</u>	<u>\$ (2,201)</u>	<u>\$ (4,437)</u>	<u>\$ 7,886</u>	<u>\$ (5,329)</u>	<u>\$ (1,234)</u>	<u>\$ (2,545)</u>	<u>\$ (5,820)</u>
Plan fiduciary net position as a percentage of total pension liability	119.27%	101.23%	102.92%	94.02%	104.55%	101.21%	102.80%	106.72%
Covered payroll	<u>\$ 198,919</u>	<u>\$ 176,089</u>	<u>\$ 154,099</u>	<u>\$ 151,715</u>	<u>\$ 141,523</u>	<u>\$ 121,945</u>	<u>\$ 89,729</u>	<u>\$ 84,492</u>
Net pension liability (asset) as a percentage of total covered payroll	<u>-18.10%</u>	<u>-1.25%</u>	<u>-2.88%</u>	<u>5.20%</u>	<u>-3.77%</u>	<u>-1.01%</u>	<u>-2.84%</u>	<u>-6.89%</u>

\*GASB 68 requires 10 fiscal years of data to be provided in this schedule. This is the eighth year of implementation of GASB 68. The City will develop the schedule prospectively.

**REQUIRED SUPPLEMENTARY INFORMATION  
SCHEDULE OF CONTRIBUTIONS - PENSION  
TEXAS MUNICIPAL RETIREMENT SYSTEM**

**For the year ended September 30,**

**\*Last 10 fiscal years**

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Actuarially determined contributions	\$ 19,054	\$ 15,005	\$ 13,130	\$ 10,277	\$ 4,777	\$ 3,931	\$ 3,200	\$ 2,665
Contributions in relation to the actuarially determined contribution	<u>20,633</u>	<u>19,255</u>	<u>13,382</u>	<u>11,925</u>	<u>9,471</u>	<u>3,931</u>	<u>3,200</u>	<u>2,665</u>
Contribution deficiency (excess)	<u>\$ (1,579)</u>	<u>\$ (4,250)</u>	<u>\$ (252)</u>	<u>\$ (1,648)</u>	<u>\$ (4,694)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Covered payroll	<u>\$ 199,205</u>	<u>\$ 190,271</u>	<u>\$ 168,327</u>	<u>\$ 156,039</u>	<u>\$ 147,742</u>	<u>\$ 140,063</u>	<u>\$ 109,241</u>	<u>\$ 89,729</u>
Contributions as a percentage of covered payroll	<u>10.36%</u>	<u>10.12%</u>	<u>7.95%</u>	<u>7.64%</u>	<u>6.41%</u>	<u>2.81%</u>	<u>2.93%</u>	<u>2.97%</u>

\*GASB 68 requires 10 fiscal years of data to be provided in this schedule. This is the eighth year of implementation of GASB 68. The City will develop the schedule prospectively

**REQUIRED SUPPLEMENTARY INFORMATION  
SCHEDULE OF CHANGES IN OTHER POSTEMPLOYMENT BENEFITS LIABILITY  
(OPEB) AND RELATED RATIOS - TEXAS MUNICIPAL RETIREMENT SYSTEM**

**For the measurement year ended December 31,**

**\*Last 10 years**

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
OPEB liability:					
Service cost	\$ 1,989	\$ 1,655	\$ 1,464	\$ 1,547	\$ 1,316
Interest on the OPEB liability	546	636	683	619	582
Changes in benefit terms				-	-
Difference between expected and actual experience	(7,565)	(1,179)	(849)	(1,133)	-
Change of assumptions	612	3,106	3,408	(1,202)	1,358
Benefit payments	<u>(298)</u>	<u>(88)</u>	<u>(77)</u>	<u>(76)</u>	<u>(85)</u>
Net change in OPEB liability	<u>(4,716)</u>	<u>4,130</u>	<u>4,629</u>	<u>(245)</u>	<u>3,171</u>
OPEB liability - beginning	<u>26,474</u>	<u>22,344</u>	<u>17,715</u>	<u>17,960</u>	<u>14,789</u>
OPEB liability - ending	\$ <u>21,758</u>	\$ <u>26,474</u>	\$ <u>22,344</u>	\$ <u>17,715</u>	\$ <u>17,960</u>
Covered-employee payroll	\$ <u>198,919</u>	\$ <u>176,089</u>	\$ <u>154,099</u>	\$ <u>151,715</u>	\$ <u>141,523</u>
OPEB liability as a percentage of covered payroll	<u>10.94%</u>	<u>15.03%</u>	<u>14.50%</u>	<u>11.68%</u>	<u>12.69%</u>

\*GASB 75 requires 10 fiscal years of data to be provided in this schedule. This is the fifth year of implementation of GASB 75. The City will develop the schedule prospectively.

**REQUIRED SUPPLEMENTARY INFORMATION  
SCHEDULE OF CONTRIBUTIONS - OTHER POSTEMPLOYMENT BENEFITS (OPEB)  
TEXAS MUNICIPAL RETIREMENT SYSTEM**

**For the year ended September 30,**

**\*Last 10 fiscal years**

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>
Actuarially determined contributions	\$ 906	\$ 843	\$ 1,180	\$ 1,034	\$ 772
Contributions in relation to the actuarially determined contribution	<u>906</u>	<u>843</u>	<u>1,180</u>	<u>1,034</u>	<u>772</u>
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Covered payroll	<u>\$ 199,205</u>	<u>\$ 190,271</u>	<u>\$ 168,327</u>	<u>\$ 156,039</u>	<u>\$ 147,742</u>
Contributions as a percentage of covered payroll	<u>0.45%</u>	<u>0.44%</u>	<u>0.70%</u>	<u>0.66%</u>	<u>0.52%</u>

\*GASB 75 requires 10 fiscal years of data to be provided in this schedule. This is the fifth year of implementation of GASB 75. The City will develop the schedule prospectively.



NOTES TO REQUIRED SUPPLEMENTARY INFORMATION

September 30, 2022

(1) Budget information

The budget for the general fund and debt service fund are adopted on a basis consistent with generally accepted accounting principles. Annual appropriations lapse at fiscal year end.

The original budget for the general fund and debt service fund are adopted by the City Council by September 30. Budgetary preparation and control is exercised at the department level. Both the original and final budget is included.

(2) Schedule of contributions – net pension liability (asset)

Valuation date:

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

Methods and assumptions used to determine contribution rates:

Actuarial cost method	Entry age normal
Amortization method	Level percentage of payroll, closed
Remaining amortization period	23 years
Asset valuation method	10 year smoothed market, 15% soft corridor
Inflation	2.5%
Salary increases	3.5% to 11.5% including inflation
Investment rate of return	6.75%
Retirement Age	
	Experience-based table of rates that are specific to the City's plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period 2014 - 2018.
Mortality	Post-retirement: 2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP. Pre-retirement: PUB (10) mortality tables, with the Public Safety table used for males and the General Employee table used for females. The rates are projected on a fully generational basis with scale UMP.

Other information:

There were no benefit changes during the year.

**OTHER SUPPLEMENTARY INFORMATION**

*The City of*  
*Woodcreek*  
IN THE MIDST OF THE TEXAS HILL COUNTRY

**OTHER SUPPLEMENTARY INFORMATION  
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND  
BALANCE – BUDGET AND ACTUAL  
DEBT SERVICE FUND**

**For the year ended September 30, 2022**

	Budgeted Amounts		Actual Amounts	Variance with Final Budget- Positive (Negative)
	Original	Final		
Revenues				
Property taxes	\$ 216,595	\$ 216,595	\$ 216,207	\$ (388)
Total revenues	216,595	216,595	216,207	(388)
Expenditures				
Principal	207,000	207,000	207,000	-
Interest	9,595	9,595	9,595	-
Total expenses	216,595	216,595	216,595	-
Net change in fund balance	-	-	(388)	(388)
Fund balance, beginning	25,048	25,048	25,048	-
Fund balance, ending	\$ 25,048	\$ 25,048	\$ 24,660	\$ (388)

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Possible Action Regarding Development Work and the Acquisition and Placement of Equipment, Structures and Incidentals for Various Woodcreek Parks.

**AGENDA ITEM SUMMARY:**

**FINANCIAL IMPACT:**

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/6/2023 1:50:50 PM

# A New Start for Parks in Woodcreek

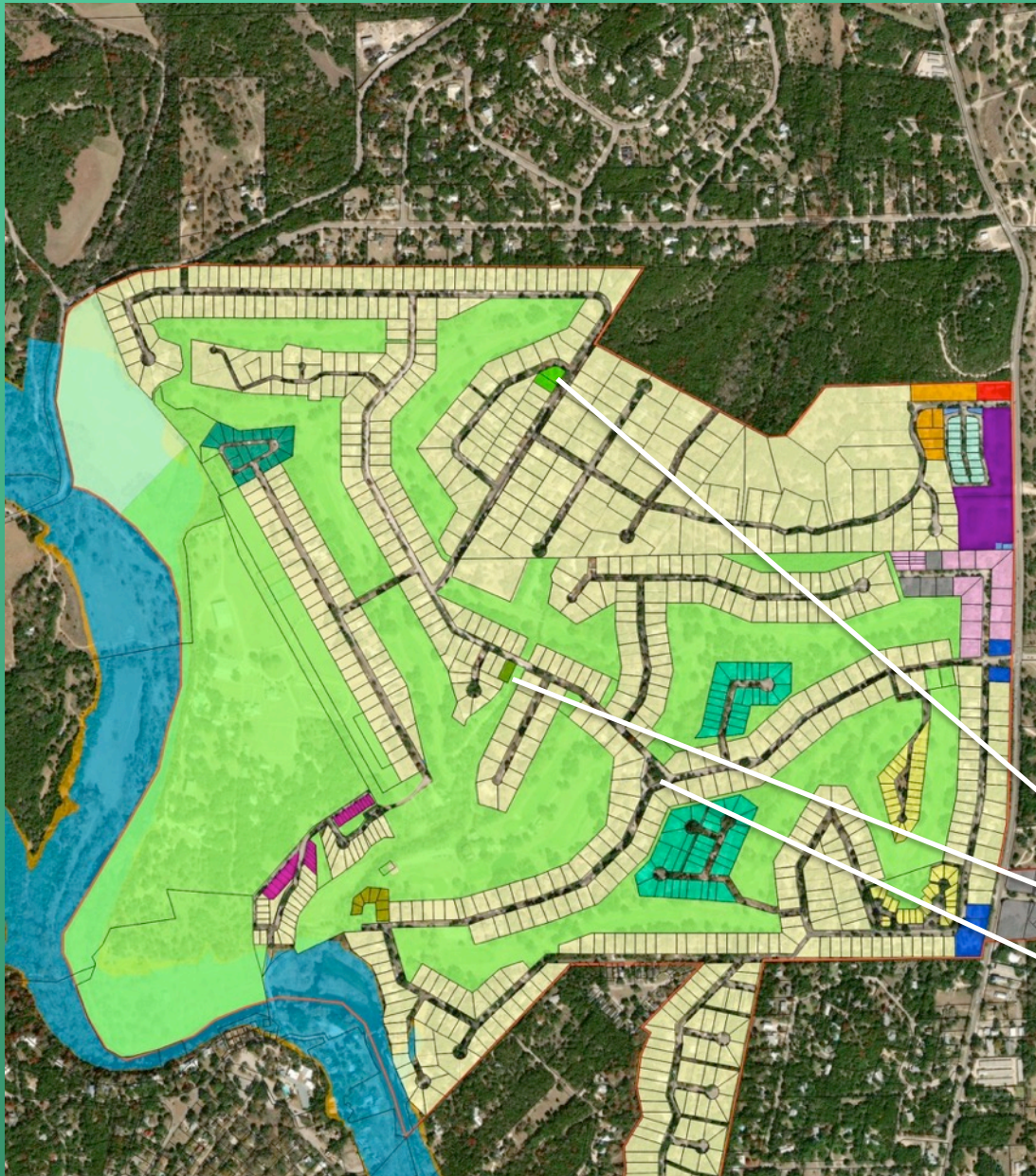
A Presentation by the Parks and Recreation Board to  
The Woodcreek City Council  
June 14, 2023



# A Multifaceted Approach Item 12.

Limited land availability for parks in Woodcreek has created a need to spread the resources to several areas. No one location can support the level of recreational resources one would find in an average small city park. Instead, the city has decided to spread the equipment to three locations:

1. Augusta Park
2. Creekside Park
3. The Triangle



## *The Triangle*

A gathering place for the community. The 20' diameter octagonal gazebo provides a shaded place for community celebrations, games, rest, meetings, and even reading. It has 3 benches around the interior.

## *Creekside Park*

This new pocket park will have an innovative playscape aimed at children from 5-12. It will have Consumer Product Safety Commission-certified climbing, sliding, and exploring features. This park will also have swings for toddlers through adults. Additional natural play elements will be present as well. The entire area will be fenced for safety.

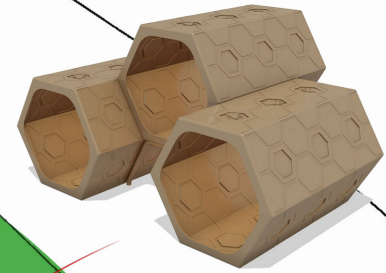
## *Augusta Park*

The largest of the 3 parks at 1 acre will have diverse features for all ages. In addition to the existing bocce ball court, there will be an outdoor table tennis table and corn hole games. This park will also have various natural and manufactured play features.

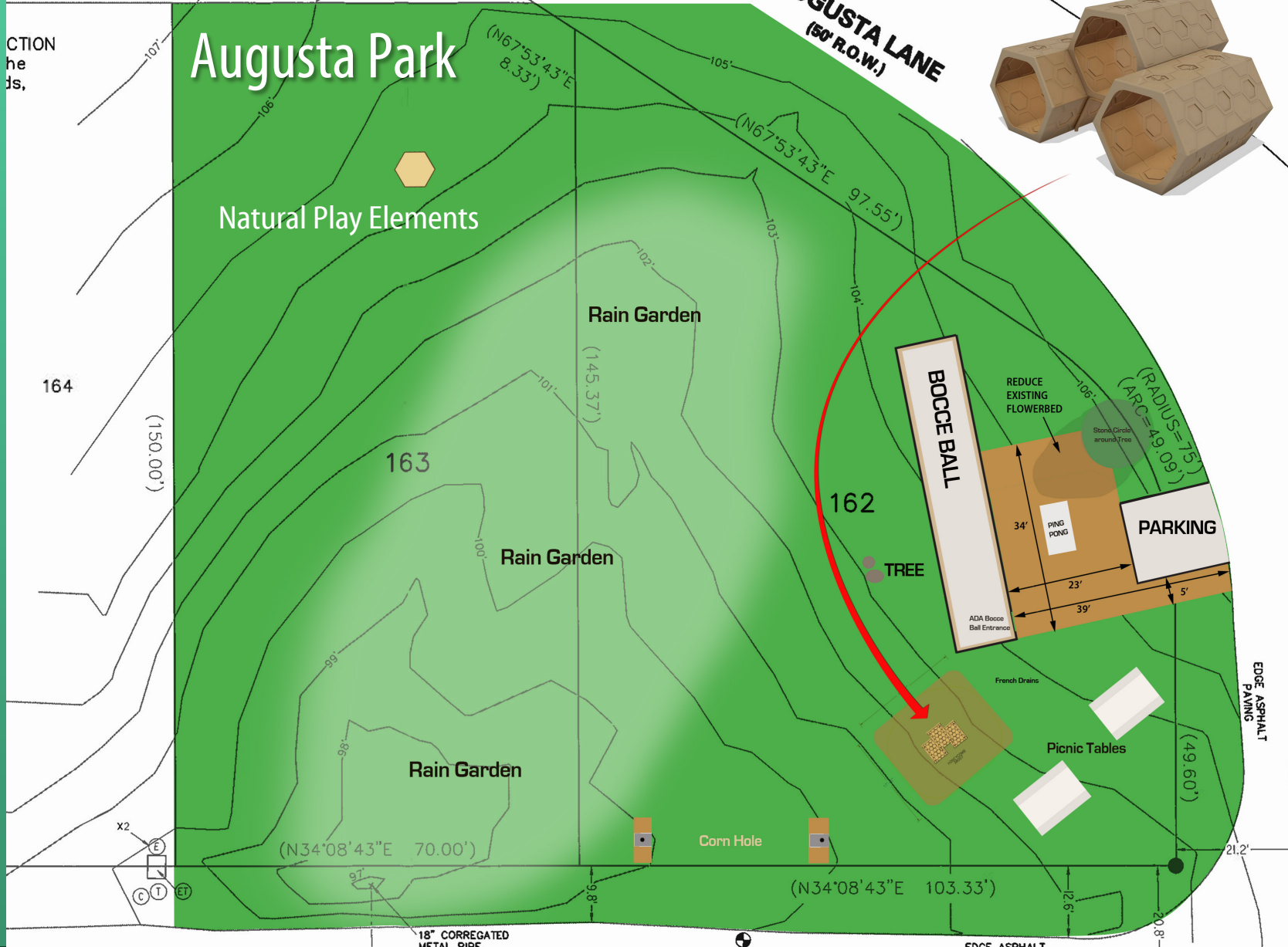


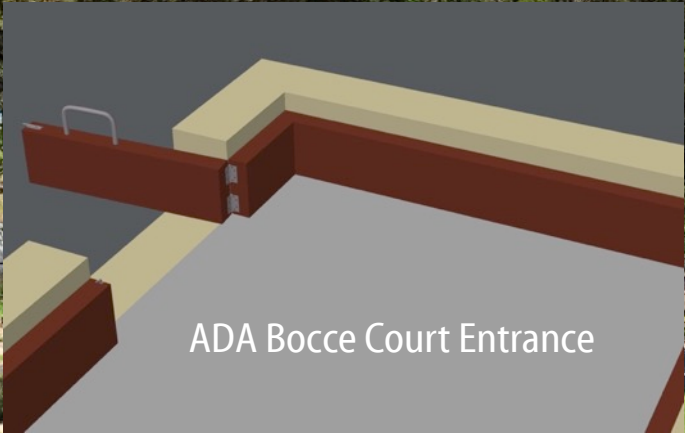
# Augusta Park

**AUGUSTA LANE**  
(50' R.O.W.)



Item 12.





# New Augusta Park Elements

Item 12.



Outdoor Table Tennis



Honeycomb Tunnels



Corn Hole

All low maintenance and  
virtually indestructible

# New Natural Augusta Park Elements

Item 12.



Balance log



Small Climbing log



Loose Parts



Park will also have signage to educate about the Rain Garden and labels for various Native trees and plants

# The Triangle



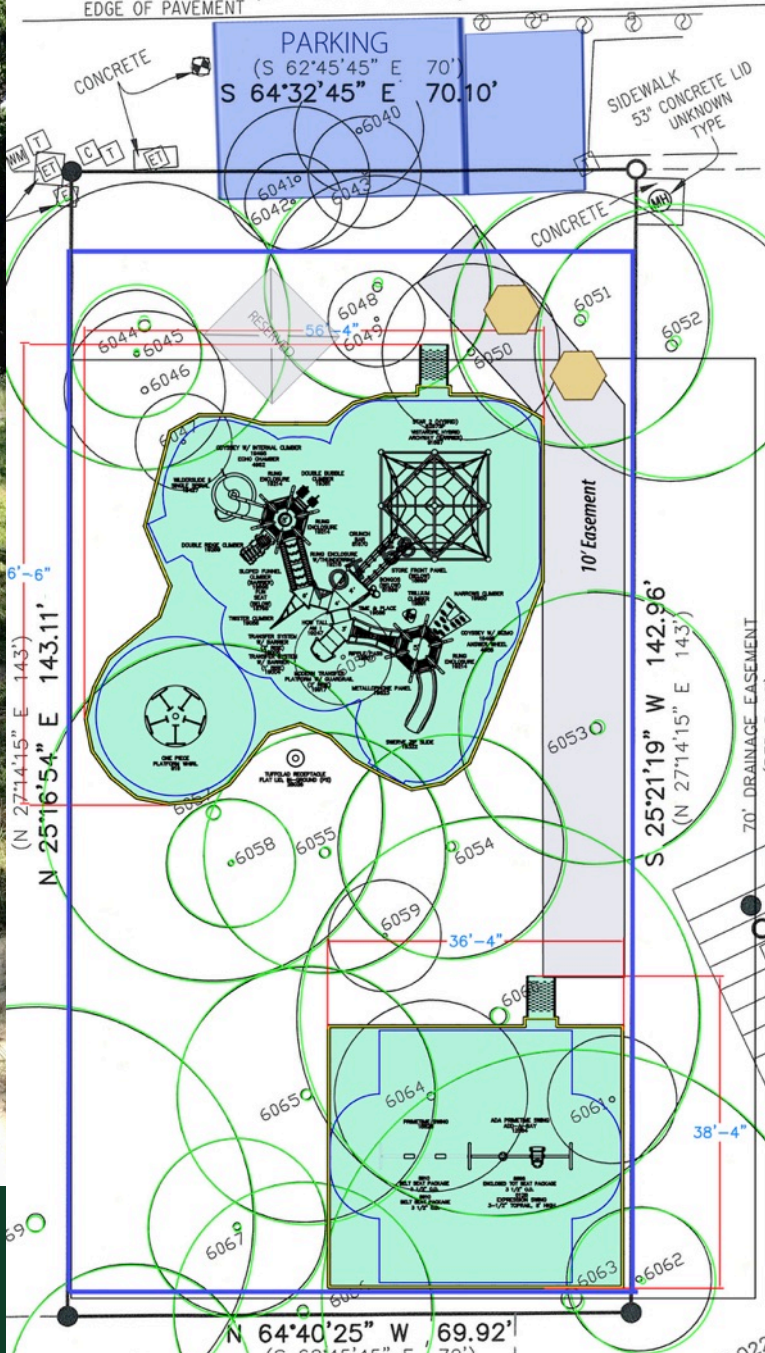
# The Triangle Gazebo Location

Opening will be facing this shaded area for spectators with lawn chairs if there is an event



# BROOKHOLLOW DRIVE

(50' PUBLIC R.O.W.)



Item 12.

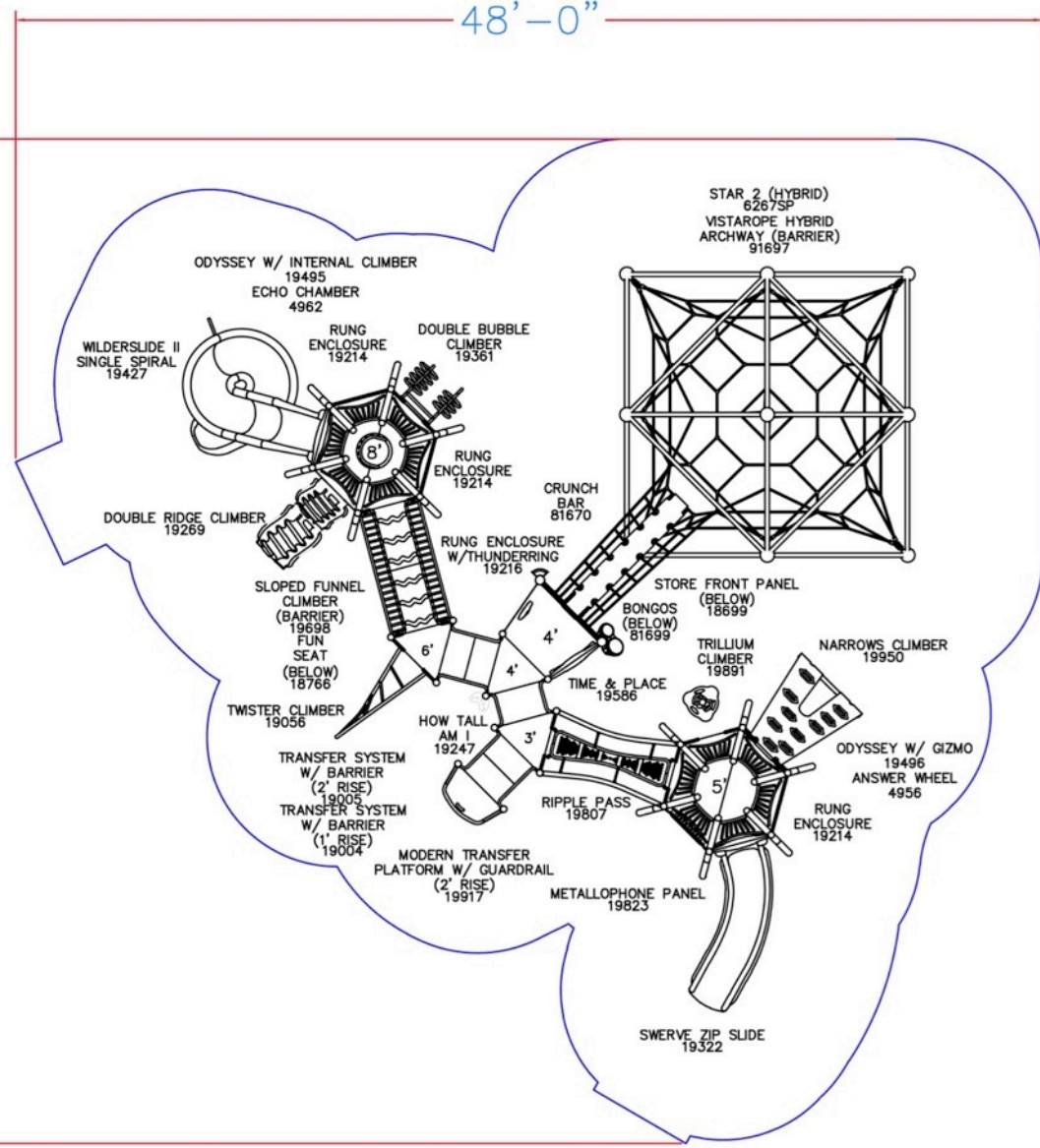
## Creekside Park Site Layout



# Creekside Park Playscape Schematic

46'-11"

48'-0"





# Rope Flower Playscape



Color Palette: *Bedrock*

## Swings



## Expression Swing

Expression Swing is a GameTime exclusive and the industry's first playground swing that promotes intergenerational play as adults and children swing together. The patented face-to-face design features a bucket seat for children under five and a comfortable adult swing seat that allows a parent and child (or grandparent and grandchild) to interact with each other and experience...

### Features and Benefits:

- See Eye to Eye - Patent-pending face-to-face design positions adult and child at eye level with one another so they can interact
- Swing in Comfort - Exclusive platform swing seat is ergonomically designed for adults and compliant with current swing safety standards



7 1/2' Platform Whirl

# Cost Breakdown Item 12.

Our original budget of \$267,000 was submitted in August of 2021. Now, almost 2 years later the cost of materials and labor has increased by 20% or more. Our \$267,000 of labor and materials **would now cost \$320,000, \$53,000 more.** Due to this significant increase we edited our plans in Augusta Park and replaced with other less costly items of similar play value. We also have deferred some peripheral items such as additional benches at the Triangle since the gazebo has 3 benches inside. All three parks will have seating provided in the form of benches or tables.

## Woodcreek Parks Equipment Cost

Triangle	Estimated Costs	Quotes/Bids	Total per Park
SUBTOTAL	\$12,616.00	\$27,762.00	
			\$40,378.00
<b>Creekside</b>			
SUBTOTAL	\$10,700.00	\$178,908.59	
			\$189,608.59
<b>Augusta</b>			
SUBTOTAL	\$12,799.00	\$19,280.40	
			\$32,079.40
<b>SUBTOTALS</b>	<b>\$36,115.00</b>	<b>\$225,950.99</b>	
Contingency	4,500.00		\$4,500.00
<b>TOTAL EST/QUOTE/BID</b>			<b>\$266,565.99</b>

Estimated Cost is Added to Quote/Bid to get subtotal cost

# Triangle Costs

Item 12.

<b>Triangle Costs</b>				
<b>Description</b>	<b>Est Cost</b>	<b>Bid/Quote</b>	<b>Notes</b>	<b># Bids</b>
20' Gazebo		\$27,762.00	Fifthroom low bid	3
Gazebo assembly	\$1,316.00		local estimate \$1,100 + 215.96 Butler Cherrypick	1
Slab	\$7,000.00		have 2 bids	2
Electrical	\$2,000.00		Ruth Ann getting bids-AJA, Wimberley Electric	
Water Fountain Slab	\$300.00		TBD-may DIY	
Benches 2 @\$1000 ea	\$2,000.00		Gametime	
<b>SUBTOTAL</b>	<b>\$12,616.00</b>	<b>\$27,762.00</b>	<b>TOTALS ALSO ON SUMMARY SHEET</b>	

# Creekside Park Costs

Item 12.

## Creekside Park Costs

Description	Est Cost	Bid/Quote	Notes	# Bids
CR Quote (Playscape/Swings/etc)		\$161,954.59	\$7,047 in edits from \$165,952-BuyBoard	1
Tree Work		\$4,000.00	Healthy Oak Trees	1
Paths/Landscaping	\$3,000.00		Scope unclear-Include placeholder est	0
Parking (may be optional)	\$3,000.00		Kevin R is getting quotes	0
Permanent Fence		\$12,954.00	Discount Fence LLC	0
Construction Fence	\$900.00		Lowes-4'high safety fence+ fence posts	0
PVC Table (2?)	\$2,800.00		Uline etc	3
Bicycle Rack	\$1,000.00		Playground Oufitters-online price \$785+ shipping	
<b>TOTAL</b>	<b>\$10,700.00</b>	<b>\$178,908.59</b>	<b>TOTALS ALSO ON SUMMARY SHEET</b>	

# Augusta Park Costs

Item 12.

Augusta Park Costs				
Description	Estimated Cost	Bid/Quote	Notes	# Bids
Bocce Turf		\$3,868.23	Synthetic Turf - San Antonio	2
Bocce Turf labor/materials		\$3,000.00	Puccis-Part of \$9,200 bid	2
ADA bocce ball mod		\$1,200.00	Puccis-Part of \$9,200 bid	2
Concrete Games(Ping Pong,Cornhole)		\$9,559.00	Multiple Bids	3
Signage	\$2,000.00		Need to ask for "cost not to exceed" given MULTIPLE TBD SIGNS	3?
Bocce Ball Score and Holder		\$323.17	<a href="http://bocceballsupplies.com">bocceballsupplies.com</a>	3?
Decomposed granite area	\$5,000.00		Puccis-Part of \$9,200 bid	4?
Engineered Wood & Border		\$1,330.00	Wimberley Landscaping supply- 20 yds @ \$55ea + \$130 delivery	1
Hex Tunnels	\$5,500.00		Bundle with Creekside equipment-BuyBoard	1
Seed-Rain Garden	\$299.00		Becky D- Under \$300	1
<b>TOTAL</b>	<b>\$12,799.00</b>	<b>\$19,280.40</b>	<b>TOTALS ALSO ON SUMMARY SHEET</b>	

# Timeline

Item 12.

## Major Items

<b>Items</b>	<b>June</b>	<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
Creekside Tree Work		█					
Creekside Fence			█				
Gazebo		█	█				
Playscape		█	█	█	█		





GameTime c/o Cunningham Recreation  
 PO Box 240981  
 Charlotte, NC 28224  
 800.438.2780  
 704.525.7356 FAX

06/10/16  
 Item 12.

## TM-06021-21 REV 5 City of Woodcreek

City of Woodcreek  
 Attn: Cody Abney  
 27 Shade Grove Lane  
 Wimberley, TX 78676  
 Phone: 512-677-7860  
 cody@cobbmechanical.com

Ship to Zip 78218

Qty	Part #	Description	List \$	% Disc.	Selling \$	Ext. Selling \$
<b>Modified PT23020 Rope Flower</b>						
1	4956	GameTime - Answer Wheel	\$380.00	34.93	\$247.25	\$247.25
1	4962	GameTime - Echo Chamber	\$253.00	34.93	\$164.62	\$164.62
2	12023	GameTime - 3 1/2" Uprt Ass'Y Alum 8'	\$362.00	34.93	\$235.54	\$471.08
1	12024	GameTime - 3 1/2" Uprt Ass'Y Alum 9'	\$403.00	34.93	\$262.22	\$262.22
3	12025	GameTime - 3 1/2" Uprt Ass'Y Alum 10'	\$442.00	34.93	\$287.59	\$862.78
2	12026	GameTime - 3 1/2" Uprt Ass'Y Alum 11'	\$483.00	34.93	\$314.27	\$628.54
3	12027	GameTime - 3 1/2" Uprt Ass'Y Alum 12'	\$521.00	34.93	\$338.99	\$1,016.98
7	12650	GameTime - 3 1/2" Uprt Ass'Y Alum 4'	\$202.00	34.93	\$131.43	\$920.03
3	18201	GameTime - 36" Tri Punched Deck P/T	\$721.00	34.93	\$469.13	\$1,407.38
1	18699	GameTime - Store Front Panel 36"	\$703.00	34.93	\$457.41	\$457.41
1	18766	GameTime - Fun Seat 36"	\$413.00	34.93	\$268.72	\$268.72
1	19004	GameTime - Transfer System W/Barrier (1' Rise)	\$1,818.00	34.93	\$1,182.90	\$1,182.90
1	19005	GameTime - Transfer System W/Barrier (2' Rise)	\$2,533.00	34.93	\$1,648.12	\$1,648.12
1	19056	GameTime - Twister (6')	\$1,574.00	34.93	\$1,024.14	\$1,024.14
3	19214	GameTime - Rung Enclosure	\$534.00	34.93	\$347.45	\$1,042.36
1	19216	GameTime - Rung Enclosure W/ Thundering	\$1,137.00	34.93	\$739.80	\$739.80
1	19247	GameTime - How Tall Am I	\$253.00	34.93	\$164.62	\$164.62
1	19269	GameTime - Double Ridge Climber	\$2,524.00	34.93	\$1,642.27	\$1,642.27
1	19322	GameTime - Swerve Slide	\$2,251.00	34.93	\$1,464.64	\$1,464.64
1	19361	GameTime - 7'-0"/8'-0" Dbl Bubble Climber Attac	\$3,457.00	34.93	\$2,249.33	\$2,249.33
1	19427	GameTime - Single Spiral	\$5,792.00	34.93	\$3,768.62	\$3,768.62
1	19495	GameTime - 8' Odyssey Pod w/internal climber	\$25,608.00	34.93	\$16,662.10	\$16,662.10
1	19496	GameTime - 5' Odyssey Pod w/gizmo	\$18,376.00	34.93	\$11,956.53	\$11,956.53
1	19586	GameTime - Time & Place Above Deck	\$1,564.00	34.93	\$1,017.63	\$1,017.63
1	19698	GameTime - Sloped Funnel Climber Barrier (Dbl)	\$4,705.00	34.93	\$3,061.36	\$3,061.36
1	19807	GameTime - Ripple Pass	\$3,932.00	34.93	\$2,558.40	\$2,558.40
1	19823	GameTime - Metallophone Panel	\$3,059.00	34.93	\$1,990.37	\$1,990.37
1	19891	GameTime - Trillium Climber 5'-0" & 5'-6"	\$2,412.00	34.93	\$1,569.39	\$1,569.39
1	19900	GameTime - Conversion Deck	\$1,180.00	34.93	\$767.78	\$767.78
1	19917	GameTime - Modern Transfer w/Guardrail 2' Rise	\$3,301.00	34.93	\$2,147.83	\$2,147.83



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 PO Box 240981  
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 101600-01-00  
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## TM-06021-21 REV 5 City of Woodcreek

Qty	Part #	Description	List \$	% Disc.	Selling \$	Ext. Selling \$
1	19950	GameTime - Narrows Climber (5'-7')	\$3,699.00	34.93	\$2,406.79	\$2,406.79
1	6267SP	GameTime - VistaStar 2 (Hybrid)	\$22,551.00	34.93	\$14,673.03	\$14,673.03
1	81670	GameTime - Crunch Bar	\$144.00	34.93	\$93.70	\$93.70
1	81699	GameTime - Bongos	\$333.00	34.93	\$216.67	\$216.67
2	90268	GameTime - 10' Upright, Alum	\$610.00	34.93	\$396.90	\$793.81
1	91697	GameTime - VistaRope Hybrid Archway (Barrier)	\$1,091.00	34.93	\$709.87	\$709.87
5	G12650	GameTime - 3 1/2" Uprt Ass'Y Galv 4'	\$199.00	34.93	\$129.48	\$647.41
1	RDU	GameTime - 2-Bay PrimeTime Swings w/ (2) Belt Seats, (1) Enclosed Tot Seat & (1) Expression Swing	\$5,959.00	9.65	\$5,384.12	\$5,384.12
1	919	GameTime - Whirl-Hydraulic Brake	\$7,031.00	3.00	\$6,820.07	\$6,820.07
1	178749	GameTime - Owner's Kit			\$84.00	\$84.00
1	28026	GT-Site - Receptacle W/Flat Top Inground	\$1,133.00	3.00	\$1,099.01	\$1,099.01
1	RDU	GameTime - Surfacing Accessories: (80) Playcurbs, (2) Access Ramps, (2) Rolls of Geo-Textile	\$10,068.00	18.60	\$8,195.04	\$8,195.04
162	EFW	GT-Impax - Engineered Wood Fiber Safety Surfacing (CY)- <ul style="list-style-type: none"> <li>Playground Area: 2,112 Sq.Ft.</li> <li>Swing Area: 1,157 Sq.Ft.</li> <li>Thickness (Compacted): 12"</li> </ul>			\$19.45	\$3,150.90
1	INSTALL	MISC - Installation of Above Equipment & Surfacing:			\$44,815.00	\$44,815.00
Contract: OMNIA #2017001134					<b>Sub Total</b>	\$152,454.59
					<b>Freight</b>	\$9,500.00
					<b>Total</b>	<b>\$161,954.59</b>

**Comments**

Freight Calculated to site. Installer is responsible for meeting the truck for delivery and unloading.

Please be advised this Quote contains products which may require extended lead times.

\* Site must be clear, level, free of obstructions, and accessible. Site should permit installation equipment access. Purchaser shall be responsible for unknown conditions such as buried utilities, tree stumps, bedrock or any concealed materials or conditions that may result in additional costs.



GameTime c/o Cunningham Recreation  
PO Box 240981  
Charlotte, NC 28224  
800.438.2780  
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06/10/16  
10160  
Item 12.

## TM-06021-21 REV 5 City of Woodcreek

### GAMETIME - TERMS & CONDITIONS:

- **PRICING:** Due to volatile economic demand, pricing is valid for 30 days. Pricing is subject to change. Request updated pricing when purchasing from quotes more than 30 days old.
- **TERMS OF SALE:** For equipment & material purchases, Net 30 days from date of invoice for governmental agencies and those with approved credit. All others, full payment for equipment, taxes and freight up front. Balance for services & materials due upon completion or as otherwise negotiated upon credit application review. Pre-payment may be required for equipment orders totaling less than \$5,000. Payment by VISA, MasterCard, or AMEX is accepted (**If you elect to pay by credit card, GameTime charges a 2.50% processing fee that is assessed on the amount of your payment. This fee is shown as a separate line item and included in the total amount charged to your credit card. You have the option to pay by check, ACH or Wire without any additional fees.**). Checks should be made payable to Playcore Wisconsin, Inc. d/b/a GameTime unless otherwise directed.
- **CREDIT APPLICATION:** Required for all non-governmental agencies and those entities who have not purchased from GameTime within the previous twelve calendar months.
- **FINANCE CHARGE:** A 1.5% monthly finance charge (or maximum permitted by law) will be added to all invoices over 30 days past due.
- **CASH WITH ORDER DISCOUNT:** Orders for GameTime equipment paid in full at time of order via check or electronic funds transfer (EFT) are eligible for a 3% cash-with-order (CWO) discount.
- **ORDERS:** All orders shall be in writing by purchase order, signed quotation or similar documentation. Purchase orders must be made out to Playcore Wisconsin, Inc. d/b/a GameTime.
- **FREIGHT CHARGES:** Shipments shall be F.O.B. destination. Freight charges prepaid and added separately.
- **SHIPMENT:** Standard Lead time is **12-14 weeks** (some items may take longer) after receipt and acceptance of purchase order, credit application, color selections and approved drawings or submittals.
- **PACKAGING:** All goods shall be packaged in accordance with acceptable commercial practices and marked to preclude confusion during unloading and handling.
- **RECEIPT OF GOODS:** Customer shall coordinate, receive, unload, inspect and provide written acceptance of shipment. Any damage to packaging or equipment must be noted when signing delivery ticket. If damages are noted, receiver must submit a claim to Cunningham Recreation within 15 Days. Receiver is also responsible for taking inventory of the shipment and reporting any concealed damage or discrepancy in quantities received within 60 days of receipt.
- **RETURNS:** Returns are only available on shipments delivered within the last 60 days. A 25% (min.) restocking fee will be deducted from any credit due. Customer is responsible for all packaging & shipping charges. Credit is based on condition of items upon return. All returns must be in unused and merchantable condition. GameTime reserves the right to deduct costs associated with restoring returned goods to merchantable condition. Uprights & custom products cannot be returned.
- **TAXES:** Sales tax is shown as a separate line item when included. A copy of your tax exemption certificate must be submitted at time of order or taxes will be added to your invoice.

### INSTALLATION CONDITIONS:

- **ACCESS:** Site should be clear, level and allow for unrestricted access of trucks and machinery.
- **STORAGE:** Customer is responsible for providing a secure location to off-load and store the equipment during the installation process. Once equipment has delivered to the site, the owner is responsible should theft or vandalism occur unless other arrangements are made and noted on the quotation.
- **FOOTER EXCAVATION:** Installation pricing is based on footer excavation through earth/soil only. Customer shall be responsible for unknown conditions such as buried utilities (public & private), tree stumps, rock, or any concealed materials or conditions that may result in additional labor or materials cost.
- **UTILITIES:** Installer will contact 811 to locate all public utilities prior to layout and excavation of any footer holes. Owner is responsible for locating any private utilities.
- **ADDITIONAL COSTS:** Pricing is based on a single mobilization for installation unless otherwise noted. Price includes ONLY what is stated in this quotation. If additional site work or specialized equipment is required, pricing is subject to change.



*Woodcreek,*

IN THE MIDST OF THE TEXAS HILL COUNTRY

Park & Recreation Board  
Meeting

**Report to City  
Council**

City Park  
Recommendations

DRAFT

---

**MEETING DATE:** June 8, 2023

**SUMMARY:**

The Parks & Recreation Board submits this report to the Woodcreek City Council with recommendations on proposed development work, acquisition, and placement of equipment, structure, and incidentals for the two (2) city parks (Creekside and Augusta) and the city-owned Triangle at the intersection of Woodcreek Drive and Brookhollow Drive. The Parks Board recommends that the City Council approve (INSERT MOTION PASSED please Suzanne).

**HISTORY:**

In February of 2020, the Hays County Parks and Open Space Advisory Commission (POSAC) was established by the Hays County Commissioners Court. The role of the Commission in 2020 was to establish a process to study the viability and community interest for pursuing a potential park, open space, and conservation bond program and to solicit recommendations to the Hays County Commissioners and County Judge.

On July 8, 2021, a Special Parks and Recreation Board meeting was held and approved a motion that the Parks and Recreation Board seek permission from the City Council for the City Staff to move forward, with assistance from the Parks and Recreation Board, to apply for grants from the Parks and Open Space Advisory Committee (POSAC) for the three sites in the amount of \$270,000.

On July 8, 2021, a Special City Council Meeting was held and approved a recommendation (5-0) from the City of Woodcreek Park and Recreation Board to submit an application to the Parks and Open Spaces Advisory Commission for a grant for improvements to the three City owned properties.

On July 28, 2022, the "Project Information Bid" was submitted to Hay County Parks & Open Space Advisory Committee.

On November 22, 2022, a Funding Commitment was signed by Hays County and the City of Woodcreek in which the City received \$200,000 from Hays County and the city would contribute \$67,500. The Funds are to be used and only used for completion of projects submitted in the "Project Information Bid". The Parks Board appreciates the strong support they have received from City Council and City staff on this effort since 2021.

On June 8, 2023, the Parks and Recreation Board approved development work, acquisition and placement of equipment, structures, and incidentals for the two (2) city parks and the Triangle. The plans, originally estimated in 2021 dollars had to be amended slightly due inflation of approximately 20%. All three areas will be significantly improved and the Parks Board strives to get the maximum value for this funding.

**RECOMMENDATION PARKS PROJECTS:**

(INSERT MOTION PASSED)

By: \_\_\_\_\_  
Pat Rawling  
Chair, Parks and Recreation Board  
City of Woodcreek

Date: \_\_\_\_\_

Received By: \_\_\_\_\_  
Kevin Rule  
City Manager  
City of Woodcreek

Date: \_\_\_\_\_

DRAFT

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Approval of Financial Statements for April 2023.

**AGENDA ITEM SUMMARY:**

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/8/2023 2:06:38 PM



**GENERAL FUND  
SCHEDULE OF REVENUES BY SOURCE**

				4/30/2022	
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>Ad Valorem Taxes</b>					
Current	334,890	354,040	360,000	343,822	95.51%
Delinquent	2,345	3,439	4,500	1,599	35.52%
Penalty and Interest	-	-	-	-	
<b>Total Ad Valorem Taxes</b>	<b>337,235</b>	<b>357,479</b>	<b>364,500</b>	<b>345,421</b>	<b>94.77%</b>
<b>Sales Taxes</b>					
Sales Tax	94,412	88,478	80,000	59,420	74.28%
Mixed Beverage Tax	1,511	1,393	1,200	664	55.32%
<b>Total Sales Taxes</b>	<b>95,923</b>	<b>89,871</b>	<b>81,200</b>	<b>60,084</b>	<b>74.00%</b>
<b>Franchise Fees</b>					
Electric Franchise Fees	31,404	31,877	31,000	28,516	91.99%
Cable Franchise Fees	33,260	34,779	30,000	8,517	28.39%
Water Franchise Fees	99,351	100,581	90,000	94,817	105.35%
Solid Waste Franchise Fees	22,004	25,418	24,000	14,421	60.09%
Telephone Franchise Fees	186	157	160	71	44.44%
Golf Course Franchise Fees	500	500	500	-	0.00%
<b>Total Franchise Fees</b>	<b>186,706</b>	<b>193,311</b>	<b>175,660</b>	<b>146,341</b>	<b>83.31%</b>
<b>Reimbursements</b>					
Engineering	11,285	2,061	8,000	-	0.00%
Legal	-	-	2,500	-	0.00%
Admin	-	-	-	-	0.00%
<b>Total Reimbursements</b>	<b>11,285</b>	<b>2,061</b>	<b>10,500</b>	<b>-</b>	<b>0.00%</b>
<b>Development Revenue</b>					
New Home Permits - Residential	23,000	7,000	6,000	1,000	16.67%
Other Permit - Residential	14,129	8,198	7,000	3,293	47.04%
Inspections -Residential	22,214	8,299	7,000	6,432	91.89%
Commercial	3,250	3,234	500	-	0.00%
Subdivisions/Plats/Replats	13,750	-	5,000	25,962	519.24%
<b>Total Development Revenue</b>	<b>76,343</b>	<b>26,731</b>	<b>25,500</b>	<b>36,687</b>	<b>143.87%</b>
<b>Permits</b>					
Liquor License	1,310	1,388	1,250	-	0.00%
Sign Permits	320	625	350	155	44.29%
Other Permits	-	-	-	1,615	0.00%
<b>Total Permit Fees</b>	<b>1,630</b>	<b>2,013</b>	<b>1,600</b>	<b>1,770</b>	<b>110.63%</b>

**GENERAL FUND  
SCHEDULE OF REVENUES BY SOURCE**

				4/30/2022	
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>Other</b>					
Interest Income	1,259	9,339	2,500	35,901	1436.05%
Miscellaneous	9,581	12,369	10,000	5,368	53.68%
Municipal Court Revenue	2,293	901	1,500	-	0.00%
TDEM DR - 4485	12,883	-	-	-	0.00%
Donations	5,000	-	-	-	0.00%
Uncategorized Revenue				13,764	0.00%
<b>Total Other</b>	31,016	22,608	14,000	55,032	393.09%
<b>TOTAL REVENUES</b>	<b>\$ 740,138</b>	<b>\$ 694,074</b>	<b>\$ 672,960</b>	<b>\$ 645,335</b>	<b>95.90%</b>

**GENERAL FUND  
EXPENSES**

				4/30/2022	
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>PERSONNEL SERVICES</b>					
Salaries	184,271	196,403	170,000	81,746	48.09%
Overtime	-	-	-	7,686	0.00%
Group Insurance	8,615	6,958	6,000	3,128	52.14%
Retirement Plan	19,409	21,562	18,100	9,560	52.82%
Worker Compensation		539	-	-	0.00%
Unemployment Insurance	601	918	1,100	29	2.60%
Social Security	14,885	14,591	13,400	7,260	54.18%
Car Allowance	6,000	4,650	-	2,346	0.00%
<b>Total Personnel Services</b>	<b>233,781</b>	<b>245,621</b>	<b>208,600</b>	<b>111,755</b>	<b>53.57%</b>
<b>OFFICE EXPENSES</b>					
City Hall Maintenance/Repair	4,040	2,545	2,000	2,618	130.89%
Cleaning	1,500	1,575	1,800	1,148	63.77%
IT Expenses	10,668	10,421	10,000	2,273	22.73%
Office Supplies	3,561	6,154	4,500	3,344	74.31%
Office Equipment	-	-	-	559	0.00%
Postage	2,025	2,312	3,000	2,517	83.89%
Printing	4,183	4,091	4,500	1,028	22.85%
Advertising	1,560	396	1,500	117	7.82%
Software/Subscriptions	12,861	9,370	12,000	16,094	134.12%
<b>Total Supplies</b>	<b>40,399</b>	<b>36,865</b>	<b>39,300</b>	<b>29,698</b>	<b>75.57%</b>
<b>PROFESSIONAL SERVICES</b>					
Audit Expense	9,896	11,990	12,000	-	0.00%
Codification	3,239	2,831	2,750	-	0.00%
Contract Labor	6,105	-	-	3,319	0.00%
Engineering	12,611	11,967	20,000	11,550	57.75%
Engineering Mapping	-	-	3,000	-	0.00%
Engineering Reimbursable	5,946	9,905	8,000	3,138	39.22%
Legal - General	23,985	26,370	20,000	15,395	76.97%
Legal - Reimbursable	2,980	3,380	2,500	2,500	100.00%
Legal - Litigation	46,368	7,520	5,000	-	0.00%
Legal - Special Cases	7,778	38,288	30,000	3,295	10.98%
Legal - Elected Body	-	10,270	5,000	1,875	37.50%
IT Services	13,804	13,262	15,500	2,521	16.27%
Accounting	13,383	16,160	25,000	14,193	56.77%
Law Enforcement	15,913	16,809	12,500	5,938	47.50%
AD Valorem Tax	3,824	4,100	4,407	1,864	42.30%
Building Inspections	27,114	11,110	7,000	1,815	25.93%
Code Compliance	-	774	500	-	0.00%
<b>Total Contractual Services</b>	<b>192,947</b>	<b>184,736</b>	<b>173,157</b>	<b>67,402</b>	<b>38.93%</b>

**GENERAL FUND  
EXPENSES**

				4/30/2022	
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>AREA CARE &amp; MAINTENANCE</b>					
Deer Removal	825	1,650	1,750	975	55.71%
Mowing	575	2,625	2,750	3,175	115.45%
Oak Wilt Containment	-	3,085	15,000	-	0.00%
Greenspace Maintenance	3,342	-	6,000	2,391	39.84%
Landscape Maintenance	6,000	9,170	9,000	2,375	26.39%
Contract Services	703	-	-	470	0.00%
Parks & Playground Maintenance	-	-	13,453	-	0.00%
ROW Tree Trimming	15,150	945	11,000	-	0.00%
Holiday Decorations	1,693	262	500	650	130.00%
Street Maintenance	10,791	16,361	30,000	4,283	14.28%
Street Signs	1,726	5,496	6,000	119	1.98%
Equipment Maintenance	196	2,373	2,000	362	18.08%
Water Quality Testing - CCWPP	1,344	620	1,000	1,093	109.30%
<b>Total Area Care/Maintenance</b>	<b>42,344</b>	<b>42,587</b>	<b>98,453</b>	<b>15,892</b>	<b>16.14%</b>
<b>OTHER OPERATING EXPENSES</b>					
Dues/Memeberships	2,436	2,411	1,750	415	23.74%
Election Expense	2,124	1,065	2,750	-	0.00%
TML Dues	591	591	600	632	105.33%
Meeting Expense	4,458	6,768	3,000	907	30.24%
Public Notices	1,690	1,195	1,200	4,747	395.58%
Travel/Vehicle Expense	1,253	4,743	2,000	102	5.12%
Elected Official Travel	-	667	500	-	0.00%
Training/Development - Elected Body	3,915	1,795	2,500	1,421	56.82%
Training/Development - Staff	3,272	2,729	4,000	1,308	32.69%
Training/Development - Boards	-	-	-	133	0.00%
Community Relations	3,204	4,846	7,000	2,325	33.21%
Insurance Risk Pool	3,413	4,053	3,500	5,093	145.52%
<b>Total Other Operating Expenses</b>	<b>26,356</b>	<b>30,864</b>	<b>28,800</b>	<b>17,083</b>	<b>59.31%</b>
<b>UTILITY EXPENSES</b>					
Electric - City Hall	1,809	1,972	2,100	677	32.23%
Water - City Hall	1,431	1,427	1,500	859	57.28%
Electric - Outdoor	1,281	1,318	1,350	589	43.60%
Water - Outdoor	1,620	1,615	1,600	913	57.07%
Internet/Phone	4,753	5,312	4,500	2,689	59.75%
<b>Total Utility Expenses</b>	<b>10,895</b>	<b>11,644</b>	<b>11,050</b>	<b>5,727</b>	<b>51.82%</b>

**GENERAL FUND  
EXPENSES**

				4/30/2022	
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>MUNICIPAL COURT</b>					
Judge	3,600	-	4,800	-	0.00%
Misc. Court Cost	150	-	150	100	66.67%
Prosecutor	880	-	1,500	-	0.00%
State Comptroller Costs	481	-	300	-	0.00%
<b>Total Utility Expenses</b>	<b>5,111</b>	<b>-</b>	<b>6,750</b>	<b>100</b>	<b>1.48%</b>
<b>OTHER</b>					
Contingency Reserve	-	-	50,000	-	0.00%
2023 Ice Storm	-	-	-	232,340	
Comprehensive Plan	50,200	20,740	-	31,252	0.00%
Bond Issuance	-	-	-	-	0.00%
Woodcreek Dr Street Project	97,449	387,916	-	-	
<b>Other Expenses</b>	<b>147,649</b>	<b>408,656</b>	<b>50,000</b>	<b>263,592</b>	<b>527.18%</b>
<b>TOTAL EXPENSES</b>	<b>\$ 699,481</b>	<b>\$ 960,972</b>	<b>\$ 616,110</b>	<b>\$ 511,247</b>	<b>82.98%</b>

**GENERAL FUND  
SUMMARY OF REVENUES AND EXPENDITURES**

	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	4/30/2022	
				YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>	<b>\$ 1,373,668</b>	<b>\$ 1,414,326</b>	<b>\$ 1,147,428</b>	<b>1,147,428</b>	
<b>Revenues</b>					
Ad Valorem Taxes	337,235	357,479	364,500	345,421	94.77%
Sales Taxes	95,923	89,871	81,200	60,084	74.00%
Franchise Fees	186,706	193,311	175,660	146,341	83.31%
Reimbursements	11,285	2,061	10,500	-	0.00%
Development Revenue	76,343	26,731	25,500	36,687	143.87%
Permits	1,630	2,013	1,600	1,770	110.63%
Other	31,016	22,608	14,000	55,032	393.09%
<b>Total Revenues</b>	<b>740,138</b>	<b>694,074</b>	<b>672,960</b>	<b>645,335</b>	<b>95.90%</b>
<b>Other Funding Sources</b>					
Fund Balance	-	288,485	236,950	-	0.00%
<b>Total Other Funding Sources</b>	<b>-</b>	<b>288,485</b>	<b>236,950</b>	<b>-</b>	<b>0.00%</b>
<b>TOTAL RESOURCES</b>	<b>\$ 740,138</b>	<b>\$ 982,559</b>	<b>\$ 909,910</b>	<b>\$ 645,335</b>	<b>70.92%</b>
<b>Expenditures</b>					
Personnel Services	233,781	245,621	208,600	111,755	53.57%
Office Expenses	40,399	36,865	39,300	29,698	75.57%
Professional Services	192,947	184,736	173,157	67,402	38.93%
Area Care & Maintenance	42,344	42,587	98,453	15,892	16.14%
Other Operating Expenses	26,356	30,864	28,800	17,083	59.31%
Utility Expenses	10,895	11,644	11,050	5,727	51.82%
Municipal Court	5,111	-	6,750	100	1.48%
Other	147,649	408,656	50,000	263,592	527.18%
<b>Total Expenditures</b>	<b>699,481</b>	<b>960,972</b>	<b>616,110</b>	<b>511,247</b>	<b>82.98%</b>
<b>Other Financing Uses</b>					
Transfer to Capital	-	-	294,000	-	0.00%
<b>Total Other Financing Uses</b>	<b>-</b>	<b>-</b>	<b>294,000</b>	<b>-</b>	<b>0.00%</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 699,481</b>	<b>\$ 960,972</b>	<b>\$ 910,110</b>	<b>\$ 511,247</b>	<b>56.17%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ 1,414,326</b>	<b>\$ 1,147,428</b>	<b>\$ 910,278</b>	<b>\$ 1,281,516</b>	

**RESERVE FUND  
SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>			<b>\$168,375</b>	<b>\$168,375</b>	
<b>Revenues</b>					
General Fund Transfers	-	-	-	-	0%
Interest	-	-	-	-	0%
<b>Total Revenue</b>	-	-	-	-	0%
<b>Other Funding Sources</b>					
Other	-	-	-	-	0%
<b>Total Other Funding Sources</b>	-	-	-	-	<b>0%</b>
<b>TOTAL RESOURCES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>Expenditures</b>					
Transfer Out to General Fund	-	-	-	-	<b>0%</b>
<b>Total Expenditures</b>	-	-	-	-	0%
<b>Other Financing Uses</b>					
Transfer to Capital	-	-	-	-	0%
<b>Total Other Financing Uses</b>	-	-	-	-	0%
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ 168,375</b>	<b>\$ 168,375</b>	<b>\$ 168,375</b>	<b>0%</b>

**DEBT SERVICE  
SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>	<b>\$25,048</b>	<b>\$33,146</b>	<b>\$32,636</b>	<b>\$32,636</b>	
<b>Revenues</b>					
Ad Valorem Taxes	215,651	216,085	224,793	200,000	88.97%
<b>Total Revenue</b>	<b>215,651</b>	<b>216,085</b>	<b>224,793</b>	<b>200,000</b>	<b>88.97%</b>
<b>Other Funding Sources</b>					
Transfers in from Other Funds	-	-	-	-	0.00%
Fund Balance	-	510	400	-	0.00%
<b>Total Other Funding Sources</b>	<b>-</b>	<b>510</b>	<b>400</b>	<b>-</b>	<b>0.00%</b>
<b>TOTAL RESOURCES</b>	<b>\$ 215,651</b>	<b>\$ 216,595</b>	<b>\$ 225,193</b>	<b>\$ 200,000</b>	<b>88.81%</b>
<b>Expenditures</b>					
Principal	195,000	207,000	219,000	3,811	0.00%
Interest	12,153	9,195	5,793	1,764	0.00%
Fees	400	400	400	-	0.00%
<b>Total Expenditures</b>	<b>207,553</b>	<b>216,595</b>	<b>225,193</b>	<b>5,575</b>	<b>0.00%</b>
<b>Other Financing Uses</b>					
Bond Refunding	-	-	-	-	0.00%
<b>Total Other Financing Uses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.00%</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 207,553</b>	<b>\$ 216,595</b>	<b>\$ 225,193</b>	<b>\$ 5,575</b>	<b>0.00%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ 33,146</b>	<b>\$ 32,636</b>	<b>\$ 32,236</b>	<b>\$ 227,061</b>	<b>0.00%</b>



**ARP FUNDS**  
**SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>	\$0	\$0	\$425,621	\$425,621	
<b>Revenues</b>					
ARP Funds	-	425,621	-		0.00%
<b>Total Revenue</b>	-	425,621	-	-	0.00%
<b>Other Funding Sources</b>					
Other Funding Sources	-	-	-	-	0.00%
<b>Total Other Funding Sources</b>	-	-	-	-	0.00%
<b>TOTAL RESOURCES</b>	<b>\$ -</b>	<b>\$ 425,621</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>
<b>Expenditures</b>					
ARP Expenses	-	-	-	-	0.00%
<b>Total Expenditures</b>	-	-	-	-	0.00%
<b>Other Financing Uses</b>					
Transfer to Capital	-	-	425,621	-	0.00%
<b>Total Other Financing Uses</b>	-	-	425,621	-	0.00%
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 425,621</b>	<b>\$ -</b>	<b>0.00%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ 425,621</b>	<b>\$ -</b>	<b>\$ 425,621</b>	<b>0.00%</b>

**PARK FUND  
SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>			\$0	\$0	
<b>Revenues</b>					
Donations	-	-	-	2,500	0%
Interest	-	-	-	-	0%
<b>Total Revenue</b>	-	-	-	2,500	0%
<b>Other Funding Sources</b>					
Fund Balance	-	-	-	-	0%
<b>Total Other Funding Sources</b>	-	-	-	-	<b>0%</b>
<b>TOTAL RESOURCES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,500</b>	<b>0%</b>
<b>Expenditures</b>					
Park Expense	-	-	-	-	<b>0%</b>
<b>Total Expenditures</b>	-	-	-	-	0%
<b>Other Financing Uses</b>					
Transfer to Capital	-	-	-	-	0%
<b>Total Other Financing Uses</b>	-	-	-	-	0%
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 2,500</b>	<b>0%</b>

**TREE FUND  
SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>			\$4,754	\$4,754	
<b>Revenues</b>					
Tree Income	-	-	-	-	0%
Interest	-	-	-	-	0%
<b>Total Revenue</b>	-	-	-	-	0%
<b>Other Funding Sources</b>					
Fund Balance	-	-	-	-	0%
<b>Total Other Funding Sources</b>	-	-	-	-	0%
<b>TOTAL RESOURCES</b>	\$ -	\$ -	\$ -	\$ -	0%
<b>Expenditures</b>					
Tree Expense	-	-	-	-	0%
<b>Total Expenditures</b>	-	-	-	-	0%
<b>Other Financing Uses</b>					
Transfer to Capital	-	-	-	-	0%
<b>Total Other Financing Uses</b>	-	-	-	-	0%
<b>TOTAL EXPENDITURES</b>	\$ -	\$ -	\$ -	\$ -	0%
<b>ENDING FUND BALANCE</b>	\$ -	\$ 4,754	\$ 4,754	\$ 4,754	0%

**COURT SECURITY  
SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>			<b>\$19</b>	<b>\$19</b>	
<b>Revenues</b>					
MC Security Fees	-	-	-	-	0%
Interest	-	-	-	-	0%
<b>Total Revenue</b>	-	-	-	-	0%
<b>Other Funding Sources</b>					
Fund Balance	-	-	-	-	0%
<b>Total Other Funding Sources</b>	-	-	-	-	<b>0%</b>
<b>TOTAL RESOURCES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>Expenditures</b>					
Security Expense	-	-	-	-	<b>0%</b>
<b>Total Expenditures</b>	-	-	-	-	0%
<b>Other Financing Uses</b>					
Transfer to Capital	-	-	-	-	0%
<b>Total Other Financing Uses</b>	-	-	-	-	0%
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ 19</b>	<b>\$ 19</b>	<b>\$ 19</b>	<b>0%</b>

**COURT TECHNOLOGY  
SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>			\$26	\$26	
<b>Revenues</b>					
MC Technology Fees	-	-	-	-	-
Interest	-	-	-	-	-
<b>Total Revenue</b>	-	-	-	-	0%
<b>Other Funding Sources</b>					
Fund Balance	-	-	-	-	-
<b>Total Other Funding Sources</b>	-	-	-	-	-
<b>TOTAL RESOURCES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>Expenditures</b>					
Technology Expense	-	-	-	-	-
<b>Total Expenditures</b>	-	-	-	-	0%
<b>Other Financing Uses</b>					
Transfer to Capital	-	-	-	-	-
<b>Total Other Financing Uses</b>	-	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ 26</b>	<b>\$ 26</b>	<b>\$ 26</b>	<b>0%</b>

**PEG FUNDS**  
**SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>			<b>\$13,971</b>	<b>\$13,971</b>	
<b>Revenues</b>					
Peg Funds	-	-	6,650	11,971	0%
Interest	-	-	-	-	0%
<b>Total Revenue</b>	-	-	6,650	11,971	0%
<b>Other Funding Sources</b>					
Fund Balance	-	-	-	-	0%
<b>Total Other Funding Sources</b>	-	-	-	-	<b>0%</b>
<b>TOTAL RESOURCES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,650</b>	<b>\$ 11,971</b>	<b>0%</b>
<b>Expenditures</b>					
PEG Expense	-	-	-	-	<b>0%</b>
<b>Total Expenditures</b>	-	-	-	-	0%
<b>Other Financing Uses</b>					
Transfer to Capital	-	-	-	-	0%
<b>Total Other Financing Uses</b>	-	-	-	-	0%
<b>TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>ENDING FUND BALANCE</b>	<b>\$ -</b>	<b>\$ 13,971</b>	<b>\$ 20,621</b>	<b>\$ 25,942</b>	<b>0%</b>

**CAPITAL FUND  
SUMMARY OF REVENUES AND EXPENSES**

	4/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
<b>BEGINNING FUND BALANCE</b>	\$ -	\$ -	\$ -	\$ -	0.00%
<b>Funding Sources</b>					
Revenue	-	-	-	-	0.00%
POSAC Grant	-	-	200,000	-	0.00%
CDBG Grant	-	-	-	-	
2023 GO Bonds	-	-	-	-	
Transfer In: General Fund	-	-	294,000	-	0.00%
Transfer In: ARP Fund	-	-	425,624	-	
Fund Balance	-	-	-	-	0.00%
<b>Total Revenue</b>	-	-	919,624	\$ -	0.00%
<b>TOTAL RESOURCES</b>	\$ -	\$ -	\$ 919,624	\$ -	0.00%
<b>Expenditures</b>					
Capital Expenditures	-	-	919,624	-	0.00%
<b>Total Expenditures</b>	-	-	919,624	-	0.00%
<b>Other Financing Uses</b>					
Other Expenses	-	-	-	-	0.00%
<b>Total Other Financing Uses</b>	-	-	-	-	0.00%
<b>TOTAL EXPENDITURES</b>	\$ -	\$ -	\$ 919,624	\$ -	0.00%
<b>ENDING FUND BALANCE</b>	\$ -	\$ -	\$ -	\$ -	<b>0.00%</b>

**CAPITAL FUND  
EXPENSES**

	4/30/2022				
	ACTUAL	ACTUAL	BUDGET	YTD	% of
	2020-2021	2021-2022	2022-2023	2022-2023	BUDGET
<b>General Fund Capital</b>					
Parks	-	-	267,000	-	-
<i>Creekside</i>	-	-	-	-	-
<i>Augusta</i>	-	-	-	-	-
<i>Triangle</i>	-	-	-	-	-
Chip Seal Road Project	-	-	227,000	-	-
Drainage Project (Westwood/Brrokhollow)	-	-	425,624	-	-
Roads - GO Bonds	-	-	-	-	-
<b>Total General Fund Capital</b>	-	-	919,624	-	-
<b>TOTAL CAPITAL EXPENSES</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 919,624</b>	<b>\$ -</b>	<b>\$ -</b>



**Treasurer's Report**  
**For the Period: October 2022 - April 2023**

Item 13.

Percent Complete: 58.33%

	2022-2023			2021-2022			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Apr-23	Apr-22	Difference
<b>Revenue</b>									
2900 Accounting Info Needed	-	-	n/a	-	-	n/a	-	-	-
3000 Ad Valorem Tax Revenue	-	-	n/a	-	-	n/a	-	-	-
3000.01 Ad Valorem Tax	343,822	360,000	96%	336,360	349,000	96%	-	11,055	(11,055)
3000.02 Delinquent Ad Valorem Tax	1,599	4,500	36%	2,210	-	n/a	-	553	(553)
3000 Ad Valorem Tax Revenue	345,421	364,500	95%	338,570	349,000	97%	-	11,608	(11,608)
3005 State Sales Tax Revenue	59,420	80,000	74%	50,613	80,000	63%	12,897	6,290	6,607
3010 Mixed Beverage Tax & Fees Rev	664	1,200	55%	640	1,500	43%	105	54	51
3020 Electric Franchise Fee Revenue	28,516	31,000	92%	23,837	34,000	70%	9,679	10,593	(914)
3030 Cable Services Franchise Rev	8,517	30,000	28%	17,544	30,000	58%	-	-	-
3030.1 PEG - Cable Revenue	11,971	6,650	180%	3,503	6,000	58%	-	-	-
3030 Cable Services Franchise Rev	20,488	-	-	21,047	-	#DIV/0!	-	-	-
3040 Water Service Franchise Revenue	94,817	90,000	105%	90,436	100,000	90%	9,460	9,400	60
3050 Disposal Service Franchise Rev	14,421	24,000	60%	11,853	25,000	47%	-	-	-
3060 Telephone Franchise Revenue	71	160	44%	81	200	40%	-	-	-
3070 Golf Course Franchise Revenue	-	500	0%	500	500	100%	-	-	-
3080 Reimbursements	-	-	n/a	-	6,000	0%	-	-	-
3080.10 Engineerings	-	8,000	0%	2,061	-	n/a	-	-	-
3080.20 Legal	-	2,500	0%	-	-	n/a	-	-	-
3080.30 Admin	-	-	n/a	-	-	n/a	-	-	-
3080 Reimbursements	-	10,500	0%	2,061	6,000	34%	-	-	-
3090 Development Revenue	-	-	n/a	-	-	n/a	-	-	-
3090.01 Residential	-	-	n/a	-	-	n/a	-	-	-
3090.011 New Home Permits	1,000	6,000	17%	5,000	5,000	100%	-	4,000	(4,000)
3090.012 Other Permits	3,293	7,000	47%	6,153	11,000	56%	-	750	(750)
3090.013 Inspections	6,432	7,000	92%	7,672	17,000	45%	182	2,365	(2,184)
3090.02 Commercial	-	500	0%	3,234	5,000	65%	-	-	-
3090.03 Other	-	200	0%	-	80	0%	-	-	-
3090.031 Subdivisions/Plats/Re-Plats	25,962	5,000	519%	-	5,000	0%	-	-	-
3090.99 Permits Other	125	-	n/a	-	-	n/a	75	-	75
Total 3090 Development Revenue	36,812	25,700	143%	22,059	43,080	51%	257	7,115	(6,859)
3093 Liquor License Revenue	-	1,250	0%	-	1,310	0%	-	-	-
3095 Sign Fees	155	350	44%	390	700	56%	-	105	(105)
3096 - Other Permits	1,490	-	n/a	-	-	n/a	218	-	218
4000 Interest Income	35,901	2,500	1436%	878	1,000	88%	1,088	393	695
4010 Other Revenue	5,368	10,000	54%	7,615	700	1088%	-	200	(200)
4010 Other Revenue	5,368	10,000	54%	7,615	700	1088%	-	200	(200)
4015 Oak Wilt Containment	-	6,000	0%	-	-	n/a	-	-	-
4020 Municipal Court Revenue	-	1,500	0%	101	1,500	7%	-	-	-
4035 TDEM DR-4485 Revenue	-	-	n/a	213,021	-	n/a	-	-	-
4040 Donations Received	-	5,200	0%	-	6,180	0%	-	-	-
4040.02 Park Donations	2,500	500	500%	1,180	-	n/a	-	-	-
Total Donations Received	2,500	5,700	44%	1,180	6,180	19%	-	-	-
4050 General Fund Transfer	-	-	n/a	-	-	n/a	-	-	-
Uncategorized Revenue	13,764	-	n/a	-	-	n/a	13,243	-	13,243
<b>Total Revenue</b>	<b>659,806</b>	<b>691,510</b>	<b>95%</b>	<b>784,880</b>	<b>686,670</b>	<b>114%</b>	<b>46,948</b>	<b>45,758</b>	<b>1,189</b>
<b>Expenditures</b>									
5000 Personnel Services	-	-	n/a	-	-	n/a	-	-	-
5000.01 Salaries and Wages	81,746	170,000	48%	116,872	208,500	56%	11,526	15,858	(4,332)
5000.02 Health Insurance Stipend	3,128	6,000	52%	5,204	8,600	61%	615	763	(147)
5000.03 City Manager Vehicle Reimburse	2,346	-	n/a	3,500	6,000	58%	462	500	(38)
5000.04 Overtime Wages	7,686	-	n/a	-	-	n/a	1,984	-	1,984
5000.05 Elected Official Pay	-	-	n/a	-	-	n/a	-	-	-
5000.20 Payroll Tax Expense	-	-	n/a	-	-	n/a	-	-	-
5000.21 FICA/OASDI	7,260	13,400	54%	8,419	16,410	51%	1,116	453	663
5000.22 Unemployment Insurance	29	1,100	3%	910	500	182%	-	4	(4)
5000.20 Payroll Tax Expense	7,289	14,500	50%	9,329	16,910	55%	1,116	457	659
5000.40 Retirement	9,560	18,100	53%	12,737	22,190	57%	1,421	1,785	(364)
Total 5000 Personnel Services	111,755	208,600	54%	147,642	262,200	56%	17,123	19,362	(2,239)
5500 Office Expenses	-	-	n/a	-	-	n/a	-	-	-
5500.05 Bank Fees & Charges	-	-	n/a	-	-	n/a	-	-	-
5500.10 City Hall Maintenance / Repairs	2,618	2,000	131%	511	4,000	13%	67	310	(243)
5500.20 Cleaning Costs	1,148	1,800	64%	875	1,500	58%	101	125	(24)
5500.30 IT & Radio Expenses	2,273	10,000	23%	10,461	15,000	70%	-	115	(115)
5500.40 Newsletter	-	-	n/a	-	-	n/a	-	-	-
5500.50 Office Supplies	3,344	4,500	74%	3,071	4,000	77%	748	897	(149)
5500.55 Office Equipment	559	-	n/a	-	-	n/a	311	-	311
5500.60 Postage & Shipping	2,517	3,000	84%	1,269	2,100	60%	302	6	296
5500.61 Printing & Reproduction	1,028	4,500	23%	2,359	4,000	59%	305	231	74
5500.62 Printing Cost Newspaper	117	1,500	8%	223	2,000	11%	14	115	-

	2022-2023			2021-2022			Y/Y Monthly Comp		Item 13.
	YTD	Budget	%	YTD	Budget	%	Apr-23	Apr-22	
5500.70 Storage Rental	-	-	n/a	-	-	n/a	-	-	-
5500.80 Software & Subscriptions	16,094	12,000	134%	4,340	15,000	29%	17	640	(623)
<b>Total 5500 Office Expenses</b>	<b>29,698</b>	<b>39,300</b>	<b>76%</b>	<b>23,109</b>	<b>47,600</b>	<b>49%</b>	<b>1,866</b>	<b>2,440</b>	<b>(574)</b>
6000 Professional Services	-	-	n/a	-	-	n/a	-	-	-
6000.01 Audit Expense	-	12,000	0%	-	12,000	0%	-	-	-
6000.10 Codification	-	2,750	0%	-	4,000	0%	-	-	-
6000.11 Contract Labor	3,319	-	n/a	-	6,500	0%	463	-	463
6000.15 Engineering	20,314	20,000	102%	5,815	10,000	58%	978	-	978
6000.16 Mapping	-	3,000	0%	-	-	n/a	-	-	-
6000.17 Engineering Reimbursable	3,138	8,000	-	2,510	4,000	-	-	-	-
6000.15 Engineering	23,452	31,000	76%	8,324	14,000	59%	978	-	978
6000.20 Legal Expenses	3,540	-	n/a	-	-	n/a	-	-	-
6000.21 General	11,855	20,000	59%	21,990	65,000	34%	-	840	(840)
6000.22 Legal Reimbursable	2,500	2,500	100%	2,540	3,000	85%	-	740	(740)
6000.23 Litigation	-	5,000	0%	7,320	15,000	49%	-	-	-
6000.25 Special Cases	3,295	30,000	11%	7,758	22,000	35%	-	800	(800)
6000.26 Elected Body Legal	1,875	5,000	38%	2,290	-	n/a	-	200	(200)
6000.20 Legal Expenses	23,065	62,500	37%	41,898	105,000	40%	-	2,580	(2,580)
6000.30 IT Services	2,521	15,500	16%	8,136	14,500	56%	295	750	(455)
6000.40 Accounting	14,193	25,000	57%	8,521	15,000	57%	1,995	1,484	511
6000.50 Law Enforcement	5,938	12,500	48%	1,440	8,160	18%	1,160	480	680
<b>Total 6000 Professional Services</b>	<b>72,488</b>	<b>161,250</b>	<b>45%</b>	<b>68,318</b>	<b>179,160</b>	<b>38%</b>	<b>4,890</b>	<b>5,294</b>	<b>(405)</b>
6500 Area Care/Maintenance	-	-	n/a	-	-	n/a	-	-	-
6500.01 Deer Removal	975	1,750	56%	1,275	1,000	128%	-	-	-
6500.15 Mowing	3,175	2,750	115%	1,500	2,000	75%	475	-	475
6500.20 Oak Wilt Containment	-	15,000	0%	-	15,000	0%	-	-	-
6500.21 Greenspace Maintenance	2,391	6,000	40%	1,336	-	n/a	-	409	(409)
6500.22 Landscape Maintenance	2,375	9,000	26%	4,760	10,000	48%	-	375	(375)
6500.23 Contract Services	470	-	n/a	-	2,000	0%	-	-	-
6500.24 Parks and Playground Maintenance	-	13,453	0%	-	30,000	0%	-	-	-
6500.25 ROW Tree Trimming	-	11,000	0%	-	7,500	0%	-	-	-
6500.26 Holiday Decorations	650	500	130%	262	2,000	13%	-	-	-
6500.30 Street Maintenance	4,283	30,000	14%	4,993	20,000	25%	444	197	248
6500.31 Street Signs	119	6,000	2%	2,757	4,000	69%	-	93	(93)
6500.35 Storm Damage Reserve	-	-	n/a	-	1,000	0%	-	-	-
6500.40 Tree Limb Pick-Up	-	-	n/a	-	-	n/a	-	-	-
6500.50 Equipment Maintenance	362	2,000	18%	2,086	4,000	52%	-	629	(629)
6500.60 Water Quality Testing CCWPP	1,093	1,000	109%	620	2,000	31%	324	-	324
<b>Total 6500 Area Care/Maintenance</b>	<b>15,892</b>	<b>98,453</b>	<b>16%</b>	<b>19,588</b>	<b>100,500</b>	<b>19%</b>	<b>1,243</b>	<b>1,703</b>	<b>(459)</b>
7000 Other Operating Expenses	-	-	n/a	-	-	n/a	-	-	-
7000.01 Ad Valorem Tax Expense	1,864	4,407	42%	2,046	4,060	50%	-	-	-
7000.02 Building Inspections	1,815	7,000	26%	8,415	12,550	67%	-	1,485	(1,485)
7000.03 Code Compliance	-	500	0%	774	1,500	52%	-	-	-
7000.04 Dues & Membership	415	2,500	17%	1,419	3,000	47%	-	453	(453)
7000.05 Election Expense	-	2,000	0%	1,065	1,200	89%	-	-	-
7000.06 TML Dues	632	600	105%	591	600	99%	-	-	-
7000.10 Depreciation Expense	-	-	n/a	-	-	n/a	-	-	-
7000.15 Meeting Expense	907	3,000	30%	5,524	5,000	110%	-	17	(17)
7000.20 Public Notices	4,747	1,200	396%	822	3,000	27%	-	199	(199)
7000.30 Travel & Vehicle Exp Reimb.	102	2,000	5%	4,825	5,000	96%	-	119	(119)
7000.31 Elected Official Travel	-	500	0%	-	2,000	0%	-	-	-
7000.40 Training & Prof Development	-	-	n/a	-	-	n/a	-	-	-
7000.41 Elected Body	1,421	2,500	57%	975	2,500	39%	582	-	582
7000.42 Staff	1,308	4,000	33%	3,851	5,000	77%	-	270	(270)
7000.43 Boards/Committees	133	-	n/a	-	-	n/a	-	-	-
7000.50 Community Relations	2,325	7,000	33%	1,490	6,000	25%	264	-	264
<b>Total 7000 Other Operating Expenses</b>	<b>15,669</b>	<b>37,207</b>	<b>42%</b>	<b>31,798</b>	<b>51,410</b>	<b>62%</b>	<b>846</b>	<b>2,543</b>	<b>(1,697)</b>
7500 Utilities	-	-	n/a	-	-	n/a	-	-	-
7500.10 City Hall Utilities	-	-	n/a	-	3,500	0%	-	-	-
7500.11 Electric	677	2,100	32%	1,052	-	n/a	-	133	(133)
7500.12 Water	859	1,500	57%	837	-	n/a	141	118	23
7500.10 City Hall Utilities	1,536	3,600	43%	1,889	3,500	54%	141	251	(111)
7500.20 Outdoor Utilities	-	-	n/a	-	4,250	0%	-	-	-
7500.21 Electric	589	1,350	44%	768	-	n/a	-	109	(109)
7500.22 Water	913	1,600	57%	941	-	n/a	131	129	2
7500.20 Outdoor Utilities	1,502	2,950	51%	1,709	4,250	40%	131	238	(107)
7500.30 Telephone & Internet	2,689	4,500	60%	3,155	6,200	51%	379	447	(68)
<b>Total 7500 Utilities</b>	<b>5,727</b>	<b>11,050</b>	<b>52%</b>	<b>6,753</b>	<b>13,950</b>	<b>48%</b>	<b>650</b>	<b>936</b>	<b>(286)</b>
7600 Insurance	-	3,500	0%	4,592	-	n/a	-	-	-
6010 Health Insurance (deleted)	-	-	n/a	-	-	n/a	-	-	-
7600.01 TML Insurance	5,093	200	2547%	-	4,600	0%	-	-	-
7600 Insurance	5,093	3,700	138%	4,592	4,600	100%	-	-	0%
7700 TDEM DR-4485 Expenditures	-	-	n/a	-	-	n/a	-	-	-
8020 Municipal Court Costs	100	-	n/a	-	-	n/a	-	-	-
8020.20 MC Judge	-	4,800	0%	600	3,600	17%	-	-	-
8020.25 Misc. Court Costs	-	150	0%	-	2,500	0%	-	-	-

	2022-2023			2021-2022			Y/Y Monthly Comp		Item 13.
	YTD	Budget	%	YTD	Budget	%	Apr-23	Apr-22	
8020.30 Prosecutor	-	1,500	0%	2,540	3,000	85%	-	-	-
8020.35 Court Bailiff	-	-	n/a	-	750	0%	-	-	-
8020.40 State Comptroller Costs	-	300	0%	(45)	700	-6%	-	-	-
8020.41 Supplies	-	-	n/a	67	200	34%	-	-	-
8020.60 Public Safety	-	-	n/a	-	-	n/a	-	-	-
<b>Total 8020 Municipal Court Costs</b>	<b>100</b>	<b>6,750</b>	<b>1%</b>	<b>3,162</b>	<b>10,750</b>	<b>29%</b>	-	-	-
8900 Miscellaneous	-	75,200	0%	5,000	120,650	4%	-	-	-
8900.10 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
8900.20 Contingency Reserve	-	50,000	0%	-	50,000	0%	-	-	-
8900.25 Ice Storm 2023	232,340	-	n/a	-	-	n/a	44,365	-	44,365
8900.30 Projects	31,252	-	n/a	7,883	-	n/a	-	-	-
8900.40 Engineering Services – Street Projects	-	-	n/a	21,588	15,000	144%	-	-	-
<b>Total 8900 Miscellaneous</b>	<b>263,592</b>	<b>125,200</b>	<b>211%</b>	<b>34,470</b>	<b>185,650</b>	<b>19%</b>	<b>44,365</b>	-	<b>44,365</b>
9077 General Fund Accrual	-	-	n/a	-	(169,150)	0%	-	-	-
Unapplied Cash Bill Payment Expenditure	-	-	n/a	-	-	n/a	-	-	-
Uncategorized Expense	2,380	-	n/a	-	-	n/a	458	-	458
<b>Total Expenditures</b>	<b>522,392</b>	<b>691,510</b>	<b>76%</b>	<b>339,433</b>	<b>686,670</b>	<b>49%</b>	<b>71,442</b>	<b>32,278</b>	<b>39,164</b>
<b>Net Operating Revenue</b>	<b>137,414</b>	-	<b>n/a</b>	<b>445,447</b>	-	<b>n/a</b>	<b>(24,494)</b>	<b>13,480</b>	<b>(37,974)</b>
<b>Other Revenue</b>									
4019 Proceeds from Capital Leases	-	-	n/a	-	-	n/a	-	-	-
9810.01 Sinking Fund Revenue	206,010	224,793	92%	204,640	-	n/a	-	7,015	(7,015)
8500 Capital Improvement Income	200,000	227,000	88%	0	-	n/a	-	-	-
<b>Total Other Revenue</b>	<b>406,010</b>	<b>451,793</b>	<b>90%</b>	<b>204,640</b>	-	<b>n/a</b>	-	<b>7,015</b>	<b>(7,015)</b>
<b>Other Expenditures</b>									
8500.25 Capital Improvement Expense	-	-	n/a	-	-	n/a	-	-	-
9001 Capital Lease Principal	-	-	n/a	-	-	n/a	-	-	-
9002 Interest on Capital Lease	-	-	n/a	-	-	n/a	-	-	-
9005 Bond Interest Paid	-	-	n/a	-	-	n/a	-	-	-
9006 Bond Costs of Issuance	1,764	-	n/a	-	-	n/a	-	-	-
9800.01 Capital Expenditures - CY	-	-	n/a	-	-	n/a	-	-	-
9800.1 Capital Project Expenditures - FY	-	227,000	0%	-	-	n/a	-	-	-
9800.11 2017 Street Improvements	-	-	n/a	-	-	n/a	-	-	-
9800.12 2017 Street Improvements Legal	-	-	n/a	-	-	n/a	-	-	-
9800.13 2021 Street Improvements	-	-	n/a	387,916	-	n/a	-	-	-
9810.02 Sinking Fund Interest & Fees	3,811	5,793	66%	5,784	-	n/a	-	400	(400)
9810.03 Sinking Fund Principal	219,000	219,000	100%	207,000	-	n/a	-	-	-
9810.04 Agent Fees	400	-	n/a	-	-	n/a	400	-	400
9800.02 Other Miscellaneous Expenditure	-	-	n/a	(417,633)	-	n/a	-	-	-
9888 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
<b>Total Other Expenditures</b>	<b>224,975</b>	<b>451,793</b>	<b>50%</b>	<b>183,067</b>	-	<b>n/a</b>	<b>400</b>	<b>400</b>	<b>-</b>
<b>Net Other Revenue</b>	<b>181,035</b>	-	<b>n/a</b>	<b>21,573</b>	-	<b>n/a</b>	<b>(400)</b>	<b>6,615</b>	<b>(7,015)</b>
<b>Net Revenue</b>	<b>318,450</b>	-	<b>n/a</b>	<b>467,020</b>	-	<b>n/a</b>	<b>(24,894)</b>	<b>20,096</b>	<b>(44,990)</b>

**The City of Woodcreek**  
**Transaction Report**  
**April 2023**

<b>Date</b>	<b>Name</b>	<b>Memo/Description</b>	<b>Amount</b>
04/01/2023	Atteign LLC	Monthly accounting services	-1,995.00
04/03/2023	Amazon	5 piece Torsion Bit shockproof Ph2 50mm	-18.86
04/05/2023	Double J Ranch Golf Club	POS Purchase TX WIMBERLEY Double POS Purchase TX V	-84.00
04/10/2023	Zoom Video Communications	Zoom subscription	-17.04
04/11/2023	Pitney Bowes Global Financial Services L	Quarterly lease payment	-188.12
04/11/2023	Sean Rawlings	Contract labor hours	-444.38
04/11/2023	Landscape Business Services, LLC	Landscaping services	-475.00
04/11/2023	ODP Business Solutions LLC	Office supplies	-53.88
04/11/2023	The Bush Barber LLC	Brush clearing	-4,400.00
04/12/2023	Amazon Capital Services, Inc.	A32IU9DGT11VB07	-700.99
04/14/2023	Payroll Account	Automatic transfer to payroll clearing to cover payroll costs.	-7,418.93
04/15/2023	Xerox Financial Services	APRIL Contract # 010-0164812-001, Customer 164812, Leas	-190.63
04/16/2023	TMRS	Retirement	-3,679.98
04/17/2023	Kalahari Resort And Convention Center	POS Purchase TX ROUND ROCK KALAH POS Purchase TX	-374.00
04/18/2023	Sherry Rogers & Co.	Monthly payment for office cleaning services	-150.00
04/21/2023	AquaTexas, Inc.	Water bill payment (Gatehouse)	-44.03
04/21/2023	AquaTexas, Inc.	Water bill payment (Par View)	-43.65
04/21/2023	AquaTexas, Inc.	Water bill payment (City Hall)	-140.91
04/21/2023	Spectrum Business	Cable service	-212.43
04/21/2023	AquaTexas, Inc.	Water bill payment (Brookhollow & Woodcreek)	-42.92
04/24/2023	Kwik Chek	Gas for Earth Day	-18.20
04/24/2023	Walmart	Earth Day 4/22/23 ice	-10.18
04/24/2023	Home Depot	Office equipment	-97.40
04/24/2023	Kwik Chek	Gas for Earth Day	-16.62
04/24/2023	Shipley Do-nuts	Earth Day 4/22/23 donuts, coffee	-123.17
04/25/2023	Joshua Evans	Traffic enforcement	-200.00
04/25/2023	Jeff Rasco (v)	Reimbursement	-86.66
04/28/2023	Payroll Account	Automatic transfer to payroll clearing to cover payroll costs.	-7,262.69
04/28/2023	Verizon	Acct # 842103446-00001 Monthly - internet access for comp	-166.34
04/28/2023	Owen Rule	Brush pickup March 20	-120.00
04/28/2023	Hill Country Springs	Drinking water 014081	-22.49
04/28/2023	The Meadows Center for Water and the E	Cypress Creek water quality monitoring	-324.00
04/28/2023	San Marcos Daily Record	RA1906 - Public notices	-14.00
04/28/2023	Hays County Traffic Enforcement	Traffic enforcement	-160.00
04/28/2023	Suzanne Mac Kenzie	Reimb for ear plugs	-8.91
04/28/2023	K Friese & Associates, Inc.	Engineering services	-2,070.60
04/28/2023	Broadway Bank.	Loan #1755010000	-400.00
04/28/2023	Jeff Rasco (v)	Conf costs & hotel reimbursement	-552.34
04/28/2023	Waste Connections Lone Star Inc	5155-6030381-001	-2,528.60
04/28/2023	Adam Halstead	Traffic enforcement	-800.00
04/28/2023	Pitney Bowes Purchase Power Inc.	8000-9090-0977-2711 Postage meter equipment and/or serv	-114.18
04/28/2023	Waste Connections Lone Star Inc	Bruch trucks	-37,500.00
04/28/2023	Xerox Business Solutions Southwest (Daf	Color meter; WC44:40G975	-114.55
04/28/2023	Marissa Anderson	Brush clean up workday	-30.00
04/28/2023	Sean Rawlings	Hours April 9 - 22	-462.50
04/28/2023	HOT IT	IT such as Premium packages, Office 365, Backup software ,	-294.82
<b>TOTAL</b>			<b>-\$ 74,173.00</b>

Wednesday, May 10, 2023 03:07:23 PM GMT-7 - Cash Basis

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Possible Action on A Conversion and Consolidation of the City Functions of Accounts Receivable/Payable, Payroll, Permitting and Code Enforcement into FundView Software. (Rule)

**AGENDA ITEM SUMMARY:**

Software would assist City Staff with Code Enforcement, Permitting and Financials. Current annual cost for Financials and Payroll is

**FINANCIAL IMPACT:**

1st Year \$29,250, 2+ years \$13,750. Current Annual fee for financials and Payroll is \$26,118

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/8/2023 11:17:47 AM



# FundView Software Presentation



- Cloud ERP solutions designed for local governments
- Headquartered and developed in Lubbock, Texas
- Hosted in secure SOC 3 data center in Dallas
- Customers access via secure web connection

The screenshot displays the FundView web application interface for the City of Woodcreek. The top navigation bar includes the FundView logo, a menu icon, and utility links for Theme, Calendar, Notifications, Support, Help Documents, and Logout. The left sidebar contains navigation icons for AM, AP, AR, ENR, SETUP, TOOLS, HR, MC, and FO. The main content area is divided into several sections:

- Payroll Process:** Shows a 'Biweekly Payroll - City' for the period 5/11/2022 - 5/24/2022 with a 'View Tasks List' link.
- Forms:** Includes links for 'Print new employee forms packet', 'Form filing due by 07/31/2023', and 'W-2 Forms to Employees must be postmarked by 01/31/2024'.
- Tax Payments Due:** Lists 'Reporting due on 07/31/2023: Unemployment', 'Tax payment due on 07/31/2023: 941 Federal Taxes', and 'Pay FICA Taxes'.
- Reporting:** Contains instructions for reporting new employees to SSA and Texas, and links for 'TMRS City Rate Lookup' and 'U.S. Bureau of Labor Statistics'.
- 5/11/2022 - 5/24/2022 Payroll Process Tasks:** A table with columns for Description and Completed, currently showing 'No records available'.
- Employee Anniversaries:** A table listing employees with their anniversary dates, years, and birth dates.

Employee	Anniversary	Years	Birth Date
Jessica D Adams	05/06/2012	11	09/26/1978
Joni Davison	09/01/2020	2	02/11/1977
Tonya D Stuby	04/07/2022	1	04/06/1974
James B Branson	06/06/2006	15	06/05/1971
Gary W Dickson	12/16/2016	7	03/23/1956
Stephen A Ferris	03/11/2020	3	01/13/1974
Eric A Garth	10/17/2007	16	03/13/1981
Linda B Goen	06/06/2014	9	03/23/1979
Cole D Gussner	08/13/2018	5	07/16/2008
David L Harrison	12/16/2019	4	08/22/1964



# Company Overview

- Fund Accounting Solution Technologies, Inc. (FAST/FundView)
- Incorporated – 2008
- Headquarters – Lubbock, TX
- FundView Installations – Currently 153 Texas cities/counties

FundView was founded by Brian and Tami Cook after thirty-five combined years working for other local government software companies. Both are currently licensed CPAs in Texas and have built a team committed to providing unparalleled software and support. FundView is a fully-integrated suite of true fund-based accounting solutions designed specifically for local governments. With over fifty combined years of local government software experience, the management team has powered the design and development of the powerful, user-friendly solutions FundView delivers. FundView's subscription-based software-as-a service model allows your organization to upgrade to state-of-the-art solutions, experience unparalleled customer support and save money as you better leverage your technology budget. Services include managing all software updates and data backups in conjunction with your disaster planning. FundView solutions are true web-based, providing secure access from any internet connection.





# FundView Financial Suite:

Item 14.

- **General Ledger** provides a true fund-based accounting solution to manage the operations of your organization. Standard features include integrated budget management, simplified reporting, cash management and support of consolidated cash.
- **Accounts Payable** helps streamline your organization's payable processing with simplified vendor management, invoice entry, payment processing and reporting. Includes integration for payroll-related payables, utility/court refunds, budget validation and reporting.
- **Payroll** provides complete payroll processing including benefits, accruals, time entry, payment processing, reporting and integrated Accounts Payable generation. Efficiently manage all phases of payroll including time entry (remote), payroll processing and benefits management.
- **Distributed Time Entry** allows individual employees and designated department representatives to input time directly to the Payroll module for approval and processing. Provides validation of availability of leave/comp time at input. Ability to reject back and complete audit trail of input/related changes.



# FundView Client Relationship Management Suite:

Item 14.

- **Permits** streamlines the permitting process with simplified tools to manage permit applications, communications, approvals and inspections.
- **Code Enforcement** provides comprehensive case management for code violations including inspections, notifications and administration.
- **Cash Receipting** provides an integrated payment processing solution that provides for multiple users, cash drawers and end-of day balancing.

# FundView – Professional Services:

Item 14.



## Project Management

By developing a plan of clearly-defined objectives, the implementation team will manage the process and ensure a successful deployment with minimal disruption.



## Training

Our Distance Learning model provides online, live interactive sessions with instructors who are well-versed in how to implement and use FundView most effectively.



## Data Migration

Data migration is a critical element for a successful software implementation project. The FundView conversion team will work closely with you on data extraction, mapping, migration, and validation.



## Data Backup

Our subscription agreement includes comprehensive data and document backups, and freedom from the hardware maintenance required with on-premise offerings.



## Customer Support

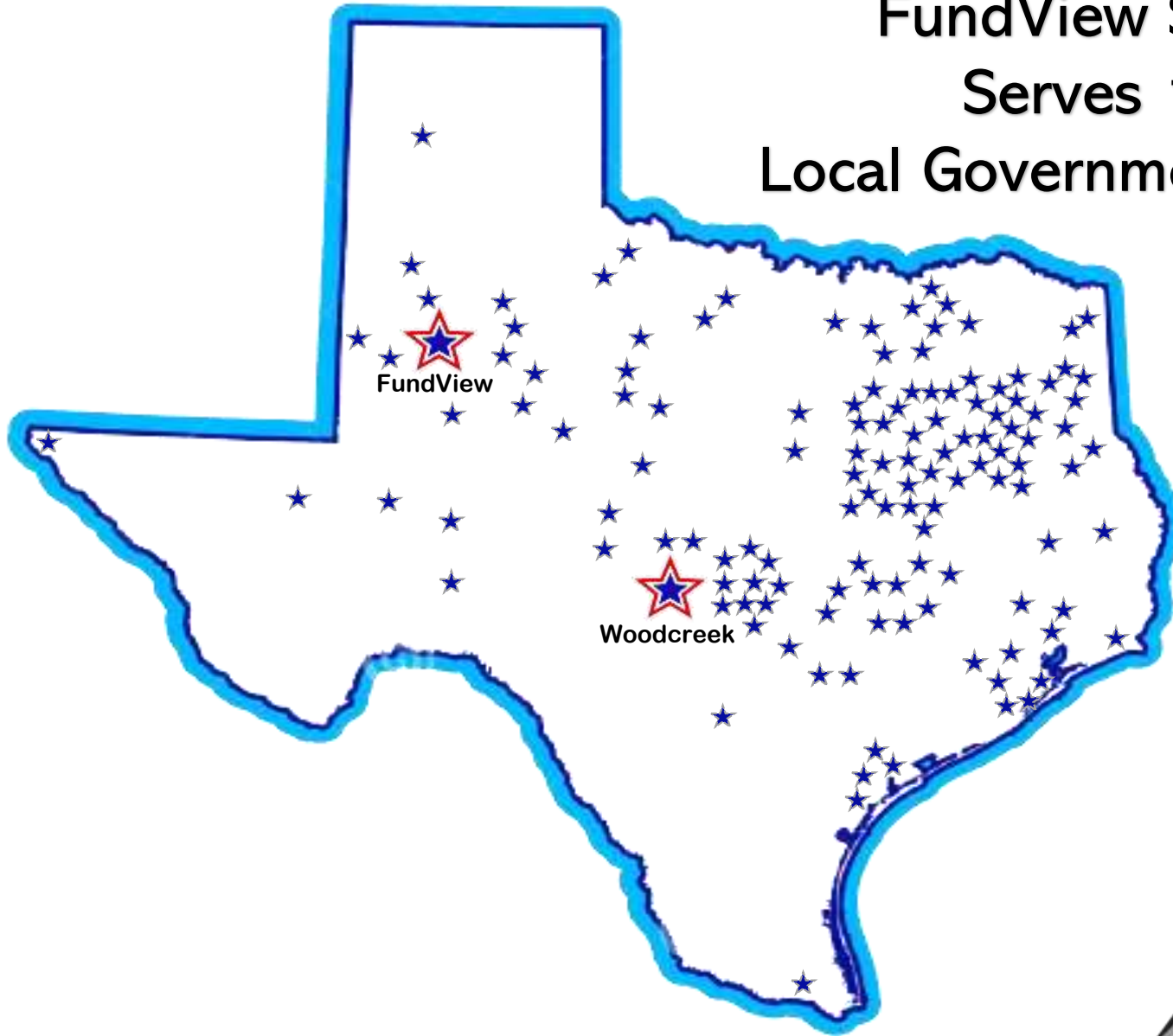
Customer support at FundView has one level of service – outstanding! Our subscription cost structure provides for unlimited access to our knowledgeable staff to get the right answers you need when you need them.

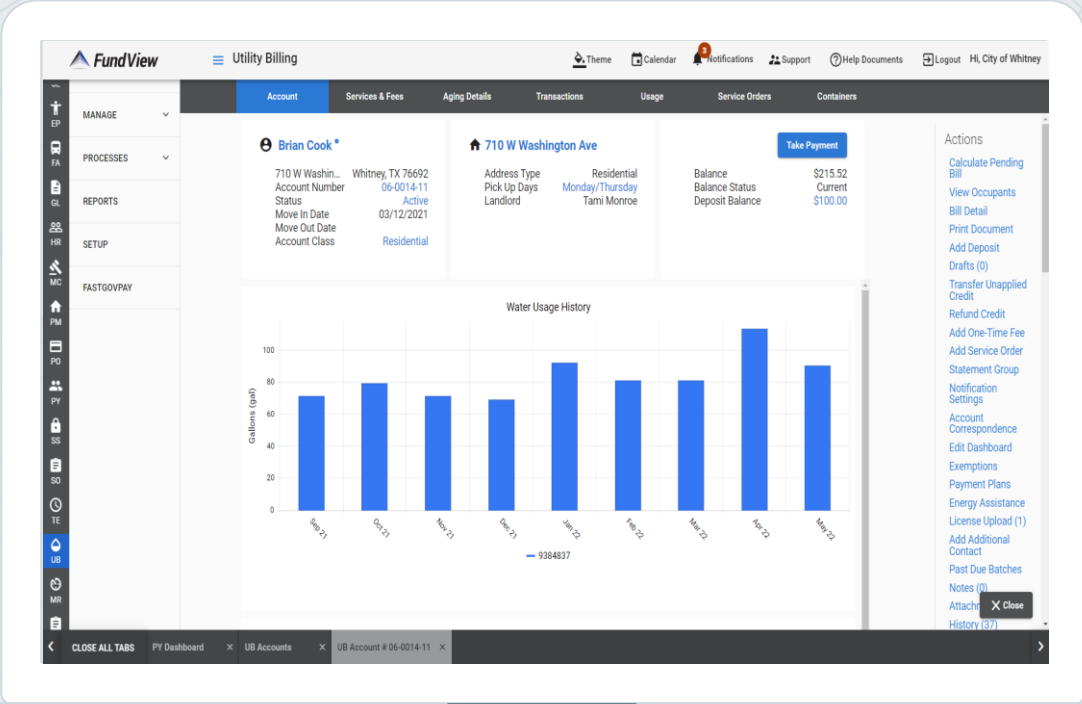


## Updates

Our subscription agreement also includes comprehensive software updates, including all State and Federal updates and reports managed within the software, eliminating the need for manual updates.

FundView Software Item 14.  
Serves 150+  
Local Governments in Texas





# FundView Software

*The New Standard for Local Government Software!!*

“

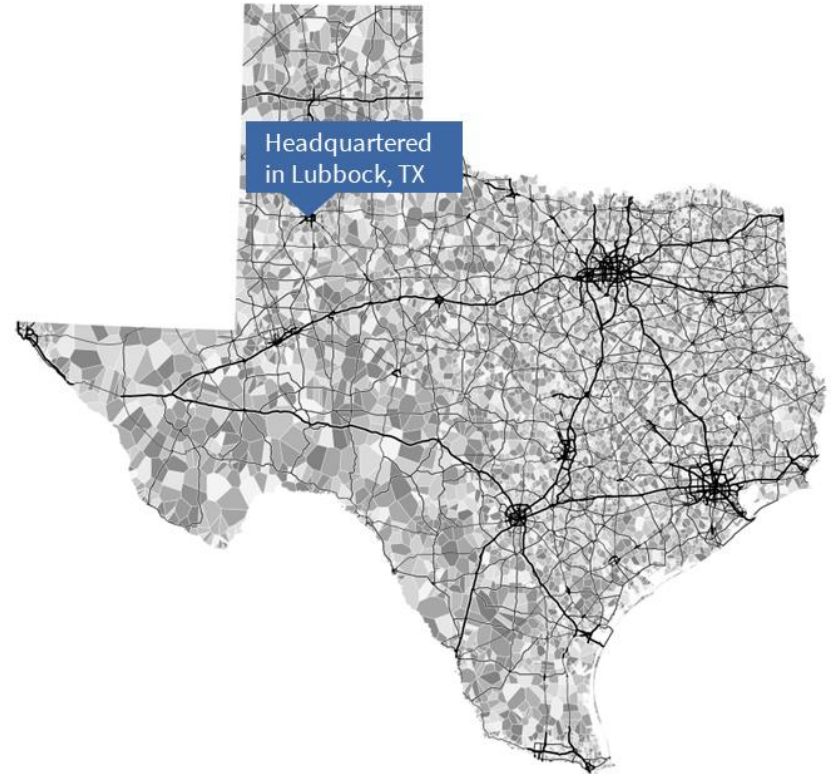
*You can change without improving, but you can't improve without changing.*
















*-Tami Cook, CPA, President*

FundView is a cloud ERP suite of solutions designed specifically for local governments. With over seventy-five combined years of local government software experience, our management team has powered the design and development of the user-friendly solutions we deliver.

Our subscription-based software-as-a service model allows your organization to upgrade to our state-of-the-art solutions, experience unparalleled customer support and save money as you better leverage your technology budget. Our services also include managing all software updates and data backups in conjunction with your disaster planning.

With over **140+ Texas Local Governments** and about **4,000 software users** we are committed to serving the needs of the Texas cities.








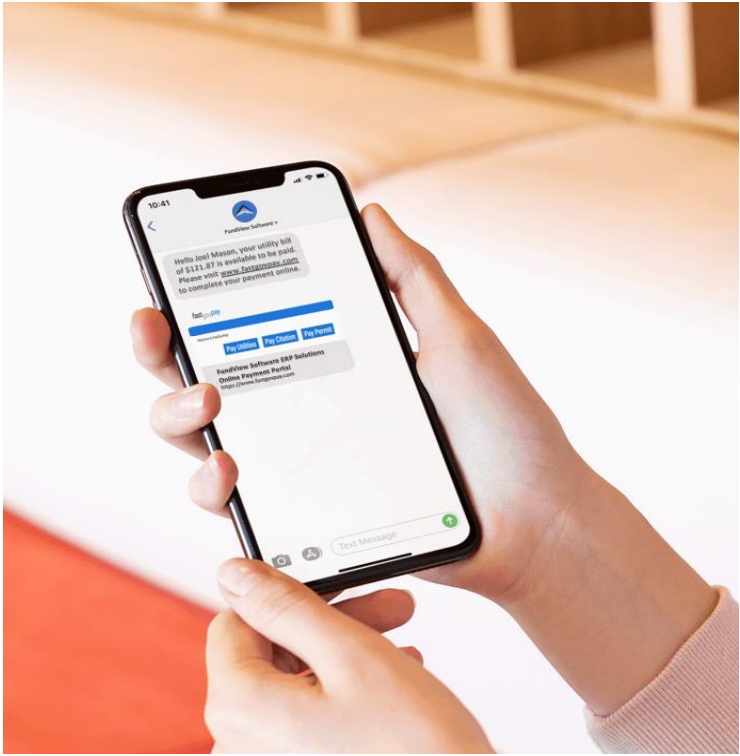
<p><b>General Ledger</b> </p> <p>General Ledger is the core of your organization’s financial operations. Easily manage your budget process, consolidated cash and reporting requirements using software written specifically to support the fund-accounting.</p>	<p><b>Accounts Payable</b> </p> <p>Simplified payable processing for vendor management, invoice entry, payment generation and reporting. Ability to scan/attach invoices. Securely sign checks digitally with password protected workflow approvals.</p>	<p><b>Payroll</b> </p> <p>Complete payroll processing including benefits, accruals, time entry, payment processing, reporting and integrated Accounts Payable generation. Manage all phases of payroll including time entry (remote), payroll processing and benefits management.</p>	<p><b>Distributed Time Entry</b> </p> <p>Distributed Time Entry allows individual employees and designated department representatives to input time directly to the Payroll module for approval and processing.</p>	<p><b>Utility Billing</b> </p> <p>Powerful billing and payment processing for metered and nonmetered services, deposit management, usage history and automated account status workflows.</p>
<p><b>Asset Management</b> </p> <p>Manage and track assets, optimize utilization, reduce maintenance costs, track insurance, calculate depreciation, and improve performance, leading to more efficient operations and mobile audit capabilities.</p>	<p><b>Purchasing</b> </p> <p>Requisitions/purchase orders with budget validation, encumbrances and user-defined workflow routing. Dashboard with text/email notifications with user-defined approval levels.</p>	<p><b>Human Resources</b> </p> <p>Provides complete human capital management including new hires, certification tracking, employee reviews, templated communications, disciplinary processes and training management.</p>	<p><b>Cash Receipting</b> </p> <p>Integrated payment processing solution that provides for multiple users, cash drawers and end-of-day balancing.</p>	<p><b>Service Orders</b> </p> <p>Service Orders manage new connections, disconnects, re-reads, meter exchanges and reconnects. Complete of orders drives updates in Utility Billing. Real time field access to orders with web-enabled smart device.</p>
<p><b>Municipal Court</b> </p> <p>Comprehensive case management that streamlines citation import/entry, case management, payment processing and reporting.</p>	<p><b>Code Enforcement</b> </p> <p>Code enforcement provides complete case management for code violations including inspections, image capture, notifications and administration.</p>	<p><b>Permits</b> </p> <p>Efficiently manage all phases of applications, communications, approvals, inspections and payment processing.</p>	<p><b>CityCentral</b> </p> <p>CityCentral serves as a hub for citizens to access their Utility Billing and Municipal Court information quickly and easily, reducing the need for in-person processes while improving efficiencies and transparency.</p>	<p><b>Text &amp; Email Notifications</b> </p> <p>Improve both internal and external communication FundView’s automated text and email notifications. With full software integration, take the next step to reducing manual processes and improving response times.</p>



# FundView - Text & Email Notifications

Item 14.

<p>Improve internal/external communication FundView's automated text and email notifications. With full software integration take the next step to reducing manual processes and improving response times</p>	<p><b>Municipal Court</b> </p> <p>Violators may receive notifications regarding:</p> <ul style="list-style-type: none"><li>• Initial Appearance Date</li><li>• Pre-Disposition Date</li><li>• Payment Plan Due Date</li><li>• Final (Closed/Dismissed) Status</li></ul>
<p><b>Utility Billing</b> </p> <p>FundView Utility Billing Text &amp; Email Notifications solution sends customers a text and/or email when:</p> <ul style="list-style-type: none"><li>• Posted &amp; ready for payment</li><li>• Subject to being penalized</li><li>• Subject to being cut off for non-payment</li></ul>	<p><b>Distributed Time Entry</b> </p> <p>Employees may receive notifications regarding:</p> <ul style="list-style-type: none"><li>• Submittal of a time sheet</li><li>• Rejection of a time sheet</li><li>• Approval of a time sheet</li><li>• If a time sheet is past due</li></ul>
<p><b>Service Orders</b> </p> <p>Send text &amp; email notifications to your Public Works team to notify them:</p> <ul style="list-style-type: none"><li>• When a service order has been created</li><li>• When they have been assigned a service order</li><li>• When a service order is past due</li></ul>	<p><b>Purchasing</b> </p> <p>Approvers may receive a text &amp; email when there is a pending requisition requiring their approval</p> <ul style="list-style-type: none"><li>• Notification that Requisition has been rejected</li><li>• Notification that Requisition was approved and Purchase Order has been generated</li></ul>





## Mobile Service Orders

Service Orders provides integrated tools to manage tasks such as new connections, meter exchanges, disconnects, re-reads and reconnections. Service Orders are fully integrated with the Utility Billing module and load relevant data from the utility account. Accessing the Service Orders in the field with a web-connected smart device allows for real-time updates to the Utility Billing system and faster response times for the customer and the service team members.



Item 14.

Hi, Brian Cook

**Build Route** [Clear Routes from Map](#)

Enter Address Here

**Service Orders** [+ Add Service Order](#)

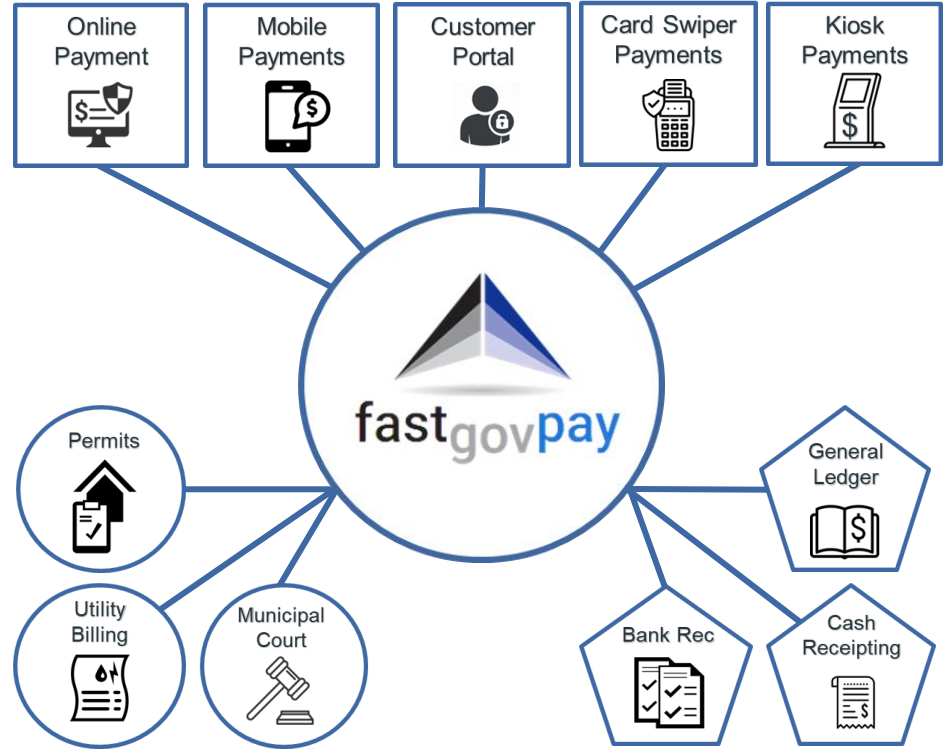
Order #	Service Address	Description	Default Team Member
262	1308 E 12Th	Cutoff - Nonpayment	
285	209 W Colorado	Cutoff - Nonpayment	
339	1413 Lubbock	Cutoff - Nonpayment	

CLOSE ALL TABS Enter Time x PY Dashboard x SD Service Orders Management

# FundView - FASTGovPay Credit Card & Online Payments

Item 14.

FASTGovPay is a cloud-based payment processing solution designed for local governments. With seamless integration to FundView, all payments are automatically reflected within the corresponding solution and financials, reducing the chance of human error. This solution streamlines payment processing for government agencies and provides a convenient and efficient payment experience for their customers.





Looking for a way to streamline your city's utilities and court services? Look no further than **FundView Software's CityCentral!** With this innovative customer portal, citizens can access their Utility Billing and Municipal Court information quickly and easily.

Through **CityCentral's Utility Billing Portal**, citizens can:

- Pay their bills online
- Enroll in bank/credit card drafts
- Access their water usage information
- Download copies of their bills/receipts
- Request service orders
- Manage their text and email notification settings.

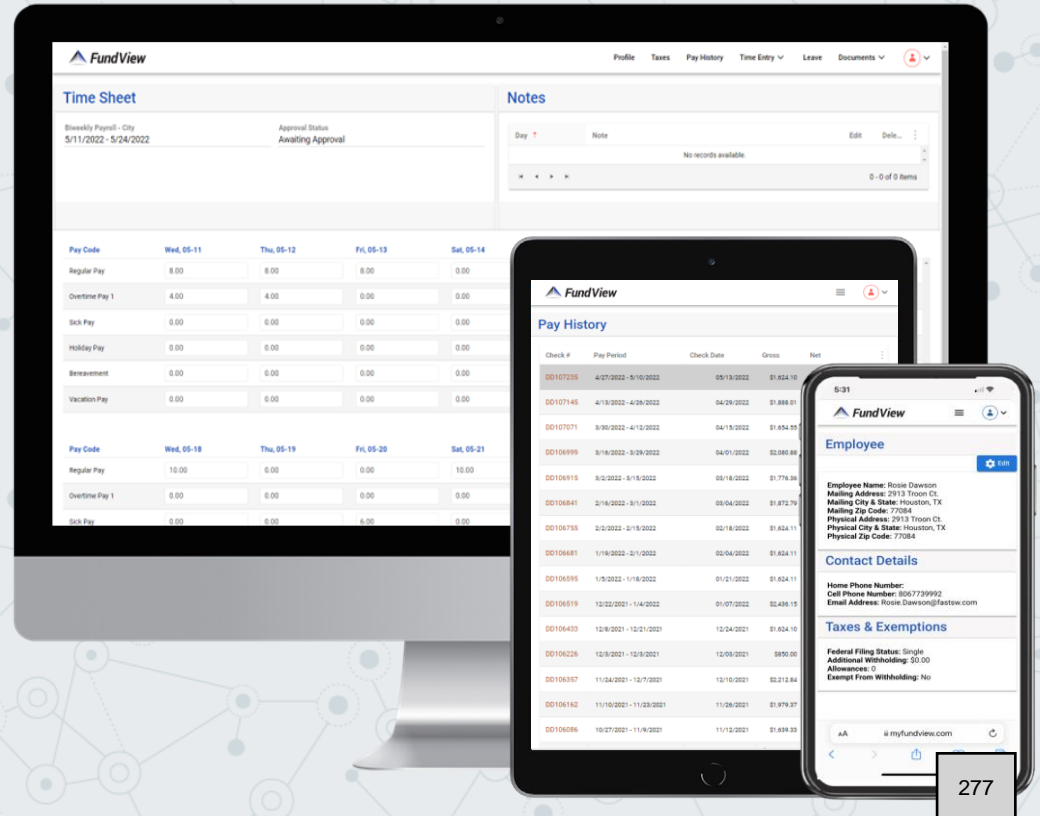
Through **CityCentral's Municipal Court Portal**, violators can:

- Pay for their citations
- View their payment plan
- Enroll in bank/credit card drafts for payment plans
- Manage their text & email notification settings.

# FundView - Distributed Time Entry & Employee Portal

Item 14.

Distributed Time Entry allows individual employees and designated department representatives to input time directly to the Payroll module for approval and processing. DTE provides validation of availability of leave/comp time at input. It also allows for time rejection in addition to a complete audit trail of input/related changes. Includes the employee portal for access to payment history, leave accruals, time submittal, payroll-related documents, and historical W2s.





## Project Management

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## Training

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## Customer Support

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## Updates

Our subscription agreement also includes comprehensive software updates, including all State and Federal updates and reports managed within the software, eliminating the need for manual updates.

On the surface, cloud based software may look similar.  
Underneath, there are many added benefits.

## Benefits:

- Secure access to software anywhere internet is available
- Automatic updates and backups
- Security: level 3 encryption, and two factor authentication
- Eliminate on-premise servers and related maintenance fee
- Natively scan and attach documents throughout software

## Benefits:

- Ability to digitally sign checks and documents securely
- Process and submit required reports directly from the software
- Allow employees to enter time, access pay history, W2s, and leave accruals from smart devices

# Contact Us:

Contact us today to schedule an onsite or virtual presentation of our FundView solutions and experience the new standard in local government software!!

(806) 794-3278

[www.fastsw.com](http://www.fastsw.com)

[sales@fastsw.com](mailto:sales@fastsw.com)

Learn More

Contact Us

Schedule a Demo





Prepared for the City of Woodcreek, TX

## FundView Software ERP Solutions

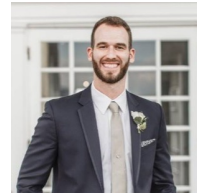
Quote#JW000325 v1

PREPARED FOR

Kevin Rule  
City Manager  
manager@woodcreektx.gov  
(512) 847-9390

PREPARED BY

Joe Wertz  
Director of Sales  
joe.wertz@fastsw.com  
(806) 370-3710



A handwritten signature in black ink, appearing to read "Joe Wertz".



Thursday, April 27, 2023

City of Woodcreek, TX  
Kevin Rule  
City Manager  
41 Champions Circle  
Woodcreek, TX  
manager@woodcreektx.gov

Dear Kevin,

It has been a pleasure working with you over the past few weeks. Based on our recent conversations, we have prepared a Subscription Proposal for the City of Woodcreek, TX with the software applications requested.

This pricing was determined by the information provided via the Pricing Metrics Survey.

Please let us know when you have reviewed our proposal and we can schedule a call to answer any questions you may have.

We appreciate your interest in our FundView solutions and would love to have the opportunity to partner with the City of Woodcreek, TX!

Best Regards

A handwritten signature in black ink, appearing to read "Joe Wertz".

Joe Wertz  
Director of Sales  
FundView Software

## Pricing Assumptions

- Annual Operating Budget - \$700,000
- Number of Bank Accounts - 2
- Number of Monthly Payment - 51 - 75
- Number of Active Employees - 1 - 5
- Data Conversion - GL AP PY
- Remote Training

## Subscription Pricing - Annual

PRODUCT DETAILS	RECURRING AMOUNT
<b>FundView Financial Solutions</b>	
General Ledger	\$2,750.00
Bank Reconciliation	\$1,000.00
Accounts Payable	\$1,250.00
Secure Signatures	\$1,000.00
Payroll	\$1,750.00
Distributed Time Entry	\$2,000.00
<b>FundView Citizen Relationship Management Solutions</b>	
Permits	\$1,500.00
FASTGovPay Permits - Credit Card & Online Payments	\$500.00
Cash Receipting	\$1,000.00
Code Enforcement	\$1,000.00
Annual Subtotal:	<b>\$13,750.00</b>

## Professional Services - Initial Year Only

PRODUCT DETAILS	PRICE
<b>FundView Financial Solutions - Remote Training</b>	
General Ledger	\$1,500.00
Bank Reconciliation	\$750.00
Accounts Payable	\$1,000.00
Secure Signatures	\$500.00
Payroll	\$1,500.00
Distributed Time Entry	\$1,500.00
<b>FundView Citizen Relationship Management Solutions - Remote Training</b>	
Permits	\$1,000.00
FASTGovPay - Credit Card & Online Payments	\$500.00
Cash Receipting	\$500.00
Code Enforcement	\$1,000.00
<b>Data Migration</b>	
General Ledger	\$1,500.00
Accounts Payable	\$1,000.00
Payroll	\$1,500.00
<b>Project Management Design Configuration</b>	
Project Management	\$750.00
Data Center Installation/Configuration	\$250.00
Data Backup Configuration/Testing	\$250.00
FASTGovPay - Credit Card & Online Payments Design/Configuration	\$500.00
<b>Subtotal:</b>	<b>\$15,500.00</b>

## Terms and Conditions

### Included

Unlimited Users  
Software Updates  
Premium Support  
Secure Hosting  
Data Backup Plan

**Data Migration Limitations.** The City of Woodcreek, TX will help provide data to be migrated to FundView in a consumable format such as .csv, Excel, Access, or SQL database along with the related file definitions and record layouts. Following is a list of the modules of data and the scope of services provided by FundView if each are migrated:

### **General Ledger –**

1. Chart of accounts for all funds. \*
2. Account balances for the current and two prior fiscal years.
3. Current year budget and two prior fiscal year budgets.

### **Accounts Payable –**

1. Vendor master file to include vendor name, address, taxpayer ID, and contact information
2. Current year summary 1099 balances as provided by the City.

### **Payroll -**

1. Employee master file to include name, address, date of birth, SSN, contact information, dates (hire, anniversary, etc.), position, pay type, pay rate, deductions, retirement, banking (direct deposit), and tax settings.
2. Current year leave balances.
3. Current calendar year pay history to include paychecks, earnings, expense distribution, deductions and taxes.

*\* Changes to the Chart of Accounts from the legacy system to the current system should be discussed with the City's auditor prior to implementing these changes in FundView.*

### **Statement of Confidentiality**

This proposal is for the sole and exclusive use of the aforementioned entity. The information contained in this document is confidential. It shall not be disclosed outside of the entity, and shall not be duplicated, used or disclosed, in whole or in part, without express written consent of Fund Accounting Solution Technologies, Inc.



www.fastsw.com - (806) 794-3278

# FundView Software ERP Solutions

## FundView Annual Subscription Summary

DESCRIPTION	AMOUNT
Subscription Pricing - Annual	\$13,750.00
Annual Total:	<b>\$13,750.00</b>

## FundView Professional Services - Initial Year Only

DESCRIPTION	AMOUNT
Professional Services - Initial Year Only	\$15,500.00
Total:	<b>\$15,500.00</b>

### Prepared for:

#### City of Woodcreek, TX

Kevin Rule  
City Manager  
(512) 847-9390  
manager@woodcreektx.gov

### Prepared by:

#### FundView Software

Joe Wertz  
Director of Sales  
(806) 370-3710  
joe.wertz@fastsw.com

### Quote Information:

#### JW000325

Version: 1  
Delivery Date: 04/27/2023  
Expiration Date: 05/08/2023

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Appropriate Action on a Resolution of the City of Woodcreek, Texas  
Update the City's Fund Balance Policy

**AGENDA ITEM SUMMARY:**

The goal of the update is to better align the policy with actual City practice, other regulatory

policy updates per the Government Accounting Standards Board (GASB) and best practices from Government Financial Officers Association

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/5/2023 12:26:39 PM

CITY OF WOODCREEK, TEXAS

RESOLUTION NO. 2022-05-25-2

A RESOLUTION OF THE CITY OF WOODCREEK,  
TEXAS UPDATING THE FUND BALANCE POLICY

**WHEREAS**, the City Council has review the existing fund balance policy and the newly proposed version on May 25, 2022; and

**WHEREAS**, the City Council finds the maintenance of the financial policy to be in the public interest, and necessary for the efficient and effective administration of City business.

**NOW, THEREFORE, BE IT RESOLVED by the City of Woodcreek City Council:**

1. The document entitled, "City of Woodcreek Fund Balance Policy" is hereby approved and adopted for purposes of conducting City business.
2. The City Council directs City Staff to implement the Fund Balance Policy to the extent reasonably possible.
3. The City Secretary is instructed to include a copy of this Resolution and the Fund Balance Policy enacted by this resolution in and among the records of the City.
4. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED** this, the 25<sup>TH</sup> day of May, 2022, by a vote of 5 ayes to 0 nays to 0 abstentions of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK:**

**ATTEST:**

  
\_\_\_\_\_  
Jeff Rasco, Mayor

  
\_\_\_\_\_  
Suzanne Mac Kenzie, City Secretary



**CITY OF WOODCREEK**

**FUND BALANCE POLICY**

**OBJECTIVE**

The purpose of this document is to establish clear guidelines for the management of assets and allocation of financial resources in the City of Woodcreek. Creating financial policies is an essential part of public finance management.

By creating strategic, long-term approaches to financial management through policy we promote stability and continuity for the City and clarify the intent of the City to provide the best value for the community.

By defining the limits on the actions of the staff authorized to spend funds we create boundaries that will ensure the preservation of the City's wealth and form a framework for achieving long-term goals while balancing financial risks with the pursuit of funding public goals.

It is essential that the City maintain adequate levels of funds for general operation, investments, and mitigation of future risks such as revenue shortfalls and unanticipated expenditures.

By maintaining a structurally balanced budget, the City can ensure stable tax rates, support good bond ratings which reduces the cost of borrowing when needed, and promotes wealth retention for the City while working to achieve Capital Improvement goals.

The City of Woodcreek hereby adopts policies and procedures of accounting and managing the City funds as outlined by The Governmental Accounting Standards Board (GASB) in the Governmental Accounting Auditing and Financial Reporting (GAAFR) text.

**GENERAL FINANCIAL GOALS:**

1. **General Fund:** maintain significant and adequate funds to cover basic operating costs, contribute to reserves, anticipate and adjust for changes in revenue or expenditures, and provide for unanticipated yet unavoidable costs in the event of an emergency.
2. **Grants:** research and pursue optional funding methods for all Capital Improvements projects when possible.
3. **Debt:** seek to reduce and limit debt while simultaneously acknowledging that the City may need to pursue outside municipal funding options for some Capital Improvement Projects.
4. **Investment:** pursue smart and safe investments to generate additional revenue for the City as outlined in the City's Investment Policy.
5. **Economic Development:** while increasing City revenue is a goal, it must be balanced with the greater public good and the expressed interests of the Citizens as stated in the Comprehensive Plan.
6. **Accounting and Financial Reporting:** providing regular reports and good financial accounting are a primary objective and a core function of the City Manager.

7. **Long-term Financial Planning:** shall include risk management, debt reduction, identification and funding of Capital Improvements Projects, and on-going contributions to investments and reserves.
8. **Structurally Balanced Budget:** it is essential the City address over-spending and seek to maintain low operating costs given the limited revenues sources available.
9. **Capital Improvement:** planning, budgeting, project management, and asset maintenance are essential considerations for the City when developing the annual Committed Funds Balance in addition to long-term financial planning.
10. **Revenues:** the City shall seek revenue expansion but not to the detriment of the quality of life or loss of character of the City. All revenue expansion shall align with the Comprehensive Plan.
11. **Expenditures:** it is the duty of the City Manager to report to the governing body on a range of issues surrounding allocation and expenditure of funds, debt management, personnel costs, project management, and the health of investments. It is essential that regular reports are given in order to maintain a balanced budget, and that excess spending be reduced and managed immediately.
12. **Operating Budget:** the City should maintain a basic operating budget with clear identification of how City funds shall be committed throughout the fiscal year. Changes in this budget must go through a formal review process.
13. **Transparency:** the City will strive to be transparent and provide regular communications on the finances of the City and its operation to the Citizens of Woodcreek.

### **COMPREHENSIVE FUND BALANCE POLICIES**

#### **1) Policy on Commitment of Funds**

Creating an annual operating budget or “Committed Fund Balance” must occur prior to the end of the fiscal year. Fund balance amounts will be reported as the “Committed Fund Balance” only after formal action and approval by the governing body.

If the actual dollar amount expected to be spent on an item is not known, estimates may be used to plan. For example, Capitol Projects may receive an allocation of funds in the Committed Fund Balance prior to finalizing the procurement process for a specific project. In this case, the Committed Fund Balance may be approved utilizing an estimation of expected costs providing the actual amount to be spent can be determined prior to its expenditure and accurately reported within the year-end financials.

It is the policy of The City of Woodcreek that the governing body may commit funds for any reason that is consistent with the GASB and GAAFR. This includes, but is not limited to, general operating expenses, maintenance of infrastructure, employee payroll, public relations, funding public works projects, purchasing of equipment, expansion of property or structures owned and more.

Unspent funds shall be committed to reserves at the end of each fiscal year unless the governing body determines it is essential they roll into the subsequent year’s Committed Fund Balance.

After approval, the Committed Fund Balance cannot be undone or altered without utilizing the same approval process required to commit the funds, including no less than one public hearing,

two draft readings, a formal motion, and approval by a majority of the governing body.

## **2) Policy on Expenditure of Committed Funds**

The annual operating budget including all Capital Improvement Projects and other large, planned expenditures shall operate as a Committed Fund Balance in accordance with GASB standards as outlined in the GAAFR text. There shall be no other fund balance types aside from those outlined in this Fund Balance Policy document under number five below. All funds received from ad valorem taxes, sales tax, investment dividends, permit fees, or hotel occupancy taxes shall be considered part of the City's General Revenue Fund and may be used for the purpose of creating the Committed Fund Balance and annual operating budget for the City.

Funds that are intended and committed to be used for a specific purpose as outlined in the Committed Funds Balance, also known as the annual operating budget, cannot be transferred to another budget line item or used to cover a deficit elsewhere without formal action and approval by the governing body.

Expenditures over \$1500 within the Committed Funds Balance must be reported in advance to the governing body and may be subject to approval at their discretion. This shall not include funds spent for the daily function of the City; such as personnel costs, payment of existing contracts, maintenance and use of necessary equipment, and other regular aspects of the City's basic operation.

Use of Committed Funds is governed by the Procurement Policies of the City and shall occur in accordance with that document.

## **3) Policy for the Creation and Use of an Unrestricted Fund Balance**

The City may maintain no more than \$50,000 in an Unrestricted Fund Balance as part of the annual budget in combination with the Committed Fund Balance during any single fiscal year. Use of these funds for any purpose shall require formal action and approval by a majority of the governing body. The purpose of maintaining an unrestricted fund balance is to create an emergency reserve fund in the case of natural disaster, volatile revenue sources, or unforeseen market trends at the state or federal level. These funds are not intended to fund general expenses or cover deficits in the Committed Fund Balance due to poor management or planning.

## **4) Policy on Acceptable Minimal Level of Fund Balance**

It is recommended that the City use no more than one-half of the General Fund Balance in any fiscal year to create the Committed Funds Balance, also known as the annual operating budget. This shall include any approved Capital Improvement Projects and the Unrestricted Fund Balance if one has been designated. Additionally, the City's General Fund Balance shall not fall below \$500,000 in reserves, and no less than two-months of operating costs shall remain readily accessible at all times.

## 5) Fund Balance Classifications

### A) General Fund Balance:

This is the primary operating budget of the City. This includes items in the Committed Funds Balance, the Unrestricted Fund Balance if it exists, and all reserves. This is the total amount of liquidity the City has during a single fiscal year. The General Fund Balance does not include investments or other assets; those are calculated in the Net Fund Balance below.

### B) Capital Improvement Projects Funds:

Capital Improvements can be funded from the General Fund Balance or from Restricted Funds. The source of the revenue and expected costs must be outlined in the annual budget and Committed Fund Balance. Estimates may be used for planning purposes in the allocation of these resources as stipulated in item number one on this document. Expenditures of these funds must go through the City's formal procurement process and be approved by a formal motion of a majority of the governing body.

### C) Debt Service Funds:

A portion of the annual revenues shall be set aside and used for debt service alone. Proper planning and management of the annual budget and Committed Fund Balance shall set aside funds for this purpose. It is the duty of the governing body and City Manager to ensure this service is properly accounted for and maintained.

### D) Special and Restricted Revenue Funds:

Funds in this category include income from federal programs tied to specific infrastructure projects and the like, general bond funds, grants, and donations received that contain stipulations that they be used for a specific purpose only. These funds must be kept separate from the General Fund Balance and can only be included in the annual budget or Committed Fund Balance so long as they are shown to be restricted and used for their intended purpose alone.

### E) Net Fund Balance:

This fund includes all funds, reserves, investments, assets, and debt owned by The City of Woodcreek. It is from the Net Fund Balance that all other balances come. This could also be stated as the total net worth of the City and will be used to calculate any future municipal debt services.

CITY OF WOODCREEK, TEXAS

RESOLUTION NO. 2023-06-14-01

A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS  
UPDATING THE FUND BALANCE POLICY

**WHEREAS**, the City Council has reviewed the existing fund balance policy and the newly proposed version on June 14, 2023; and

**WHEREAS**, the City Council finds the maintenance of the financial policy to be in the public interest, and necessary for the efficient and effective administration of City business.

**NOW, THEREFORE, BE IT RESOLVED by the City of Woodcreek City Council:**

1. The document entitled, "City of Woodcreek Fund Balance Policy" is hereby approved and adopted for purposes of conducting City business.
2. The City Council directs City Staff to implement the Fund Balance Policy to the extent reasonably possible.
3. The City Secretary is instructed to include a copy of this Resolution and the Fund Balance Policy enacted by this resolution in and among the records of the City.
4. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED this, the 14<sup>TH</sup> day of June, 2023, by a vote of \_\_\_\_\_ ayes to \_\_\_\_\_ nays to \_\_\_\_\_ abstentions of the City Council of Woodcreek, Texas.**

**CITY OF WOODCREEK:**

**ATTEST:**

\_\_\_\_\_  
**Jeff Rasco, Mayor**

\_\_\_\_\_  
**Suzanne Mac Kenzie, City Secretary**

# City of Woodcreek, Texas

## FUND BALANCE POLICY

### Purpose

The purpose of this policy is to establish a key element of the financial stability of the City by setting guidelines and parameters for fund balance. Unassigned fund balance is an important measure of economic stability. It is essential that the City maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances. This policy will ensure that the City maintains an adequate fund balance in the City's general fund for the purposes of:

- Providing sufficient cash flow for daily operations
- Securing and maintaining a higher investment grade bond rating
- Offsetting significant economic declines or revenue shortfalls
- Providing funds to meet unforeseen emergency expenditures
- Demonstrating a commitment to long-term financial planning objectives

### General Financial Goals

- **General Fund:** maintain adequate funds to cover basic operating costs.
- **Reserves:** provide for unanticipated costs in the event of an emergency.
- **Grants:** research and pursue optional funding methods for all Capital Improvements Projects.
- **Debt:** seek to reduce and limit debt while simultaneously acknowledging that the City may need to pursue outside municipal funding options for some Capital Improvement Projects.
- **Investment:** pursue investments to generate additional revenue for the City as outlined in the City's Investment Policy.
- **Economic Development:** while increasing City revenue is a goal, it must be balanced with the greater public good and the expressed interests of the Citizens.
- **Accounting and Financial Reporting:** provide monthly and quarterly reports and financial updates to City Council.
- **Long-term Financial Planning:** shall include risk management, debt reduction, identification and funding of Capital Improvements Projects, and on-going contributions to investments and reserves.
- **Structurally Balanced Budget:** it is essential the City address over-spending and seek to maintain low operating costs given the limited revenues sources available.
- **Capital Improvement:** planning, budgeting, project management, and asset maintenance are essential considerations for the City when developing the annual budget.
- **Revenues:** the City shall seek revenue expansion but not to the detriment of the quality of life or loss of character of the City.

- **Expenditures:** it is the duty of the City Manager to report to the governing body on a range of issues surrounding allocation and expenditure of funds, debt management, personnel costs, project management, and the health of investments. It is essential that regular reports are given in order to maintain a balanced budget, and that excess spending be reduced and managed immediately.
- **Annual Budget:** the City's annual operating budget identifies clearly how City funds shall be expended throughout the fiscal year.
- **Transparency:** the City will strive to be transparent and provide regular communications on the finances of the City and its operation to the Citizens of Woodcreek.

### Definitions

- **Fund Equity** – A fund's equity is generally the difference between its assets and its liabilities.
- **Fund Balance** – The fund equity of a governmental fund is required to be split into the following categories for reporting purposes:
  - **Non-Spendable Fund Balance** – includes amounts that are not in spendable form or are legally or contractually required to be maintained intact.
  - **Restricted Fund Balance** – includes amounts that can be spent only for the specific purposes stipulated by external resource providers either constitutionally or through enabling legislation.
  - **Committed Fund Balance** – includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Commitments may be changed or lifted only by the government taking the same formal action that imposed the constraint originally.
  - **Assigned Fund Balance** – comprises amounts intended to be used by the government for specific purposes. Intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.
  - **Unassigned Fund Balance** – is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose.

### Policy

#### **Committed Fund Balance**

The City Council is the City's highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Council at the City's Council meeting.

### **Assigned Fund Balance**

The City Council has authorized the City Manager as the official authorized to assign fund balance to a specific purpose as approved by this Fund Balance Policy.

### **Unassigned Fund Balance**

It is the goal of the City to achieve and maintain an unassigned fund balance in the general fund of six (6) months of general fund operating expenditures, exclusive of capital outlay and debt services expenditures. The City considers a balance of less than six (6) months to be cause for concern, barring unusual or deliberate circumstances.

The computation of the required fund balance will occur once a year, as follows:

- The computation will occur after the audit is presented to City Council. The fund balance as of September 30 of the audit year will be compared to the budgeted operating general fund expenditures for the fiscal year following the audit.

The Council may appropriate Unassigned Fund Balances for emergency purposes, as deemed necessary, even if such use decreases the fund balance below the established minimum.

If Unassigned Fund Balance falls below the goal or has a deficiency, the City will implement a plan to replenish the fund within one year or as soon as economic and budgetary conditions allow. The following budget strategies may be considered for implementation until fund balance has been replenished to an acceptable level:

- Reduction of expenditures to minimum levels, including, but not limited to:
  - Reduction in discretionary spending such as travel and training.
  - Implementation of a hiring freeze for non-essential positions
- Increase revenues or pursue other funding sources.
- Use operating surpluses available in other funds.
- Designate a fixed amount or a percent of operating expenditures in the next budget.
- Any combination of the above strategies or others presented for consideration by staff or City Council

Should unassigned fund balance of the general fund exceed the six (6) month level, the City will consider using such fund balance surpluses for one-time expenditures that are nonrecurring in nature and which will not require additional future expense outlays for maintenance, additional staffing or other recurring expenditures.

### **Order of Expenditure of Funds**

When multiple categories of fund balance are available for expenditure, the City will start with the most restricted category and spend those funds first before moving down to the next category with available funds.



**Monitoring and Reporting**

The City Manager will be responsible for monitoring and reporting on the City's general fund balance. The City Manager is directed to make recommendations to the Council on the use of general fund balance surpluses both as an element of the annual operating budget submission process and in the annual audit and financial statement preparation process.

DRAFT

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Appropriate Action on a Resolution of the City of Woodcreek, Texas  
Updating the City's Procurement Policy

**AGENDA ITEM SUMMARY:**

Enhance and better define the procurement policy and set reasonable spending caps  
for city  
officials.

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

6/5/2023 5:24:19 PM

CITY OF WOODCREEK, TEXAS

RESOLUTION NO. 2021-05-25-1

A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS  
UPDATING THE PROCUREMENT POLICY

**WHEREAS**, the City Council has review the existing procurement policy and the newly proposed version on May 25, 2022; and

**WHEREAS**, the City Council finds the maintenance of the financial policy to be in the public interest, and necessary for the efficient and effective administration of City business.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Woodcreek City Council:

1. The document entitled, "City of Woodcreek Procurement Policy" is hereby approved and adopted for purposes of conducting City business.
2. The City Council directs City Staff to implement the Procurement Policy to the extent reasonably possible.
3. The City Secretary is instructed to include a copy of this Resolution and the Procurement Policy enacted by this resolution in and among the records of the City.
4. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED** this, the 25th day of May, 2022, by a vote of 5 ayes to 0 nays to 0 abstentions of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK:**

**ATTEST:**

  
Jeff Rasco, Mayor

  
Suzanne Mac Kenzie, City Secretary

## CITY OF WOODCREEK

**PROCUREMENT POLICY****I. Purpose**

This Policy document establishes guidelines and procedures for the procurement of goods or services for the City of Woodcreek. In accordance with the public trust placed upon the City of Woodcreek, its governing body, staff, and City Manager, it is essential that all City Officials and Employees adhere to the procedures set forth by this Policy.

The intent is to purchase equipment, materials, supplies and services at the lowest possible cost to the City from the most responsible and reputable sources.

**II. Procedure**

A. All expenditures must be in accordance with the Comprehensive Fund Balance, also known as the annual City budget, as approved by the governing body. Any unbudgeted purchases must be approved in advance by the City Council by a formal motion and a majority vote. Unbudgeted purchases may be subject to the budget amendment process.

B. Contracting Services: verbal agreements will not be legally binding; a written contract or purchase agreement must be secured prior to the release of City funds.

**1. Professional Service:**

a. The City will pursue services from the most qualified provider. It is essential the City Manager, or any other authorized representative of the City, do their due diligence in researching providers for professional services such as, but not limited to, debt management, investment portfolio management, financial advising, legal representation and more.

b. Relevant qualifications to provide the needed service shall be the primary reason for their selection. Monetary concerns and limitations shall be secondary in this process unless there is a reasonable need to reduce costs and a similarly qualified service provider is available at a lower cost.

**2. Contract Labor:**

a. The City will solicit three proposals for all contract work over \$300.

b. A report to the governing body shall be required for all expenditures over \$1500 not pertaining to the regular function and daily maintenance involved in the basic operations of the City and previously allocated in the Comprehensive Fund Balance. Expenditures over \$1500 may be subject to approval by the governing body.

c. A W-9 is required from all contractors and will be furnished prior to the start of work.

d. All contractors are required to provide proof of liability insurance, have the necessary professional licenses should there be any required and show proof of such, and provide for the compensation of all workers under their supervision. Work shall not begin, and no payment will be processed without all proper documentation on file with the City.

e. The City will not be held liable for unpaid labor under a contractors' supervision during work or after final payment has been released to the contractor. It is the sole responsibility of the contractor to carry worker's compensation, adequate liability insurance, and full compensation for work provided by their staff. The City shall require a document stating these provisions be signed by the contractor thus waiving their rights to claim otherwise.

f. Initial payments to begin work shall not exceed two-thirds of the final total bill. The final payment will only be released upon completion of the work and will require an inspection from the supervising City Official with a satisfactory report.

g. The City Manager shall coordinate with all contract employees but may delegate this duty to a subordinate without relegating their ultimate responsibility of project management including securing proper documentation in advance, final inspections, and the processing of all payments.

h. If changes are necessary after a contract has been agreed upon, the City Manager must be the one to approve the change order, except when approval of the governing body is necessary. Every attempt shall be made to limit change orders and to establish a final expected cost prior to finalizing written agreements or providing payments.

i. When estimates are received from Hays County Transportation Services, found to be fair and reasonable, and are within budgeted amounts allocated in the Comprehensive Fund Balance, the City Manager may approve these expenditures so long as they do not exceed \$1500. All expenditures over \$1500 must be reported in advance to the governing body and may be subject to their approval.

C. Daily Operations and Regular Maintenance: it is recognized that some expenditures involved in regular city business should not be subject to constant reporting and approval as they are accounted for in the Comprehensive Fund Balance as approved by the governing body and are regular monthly expenses not subject to significant change.

1. Some such examples include personnel costs, janitorial services, pothole filling, cost of utilities, landscape maintenance, IT subscriptions, emergency services, and lease of normal business equipment such as the copier.

2. These items will be reported in the monthly check registers and regularly monitored by the City Manager and governing body.

3. The cost of these items may exceed spending limits set forth in this Policy document for other services and goods and are not subject to approval or reporting unless there is a significant change in cost or service expected.

D. Purchase of Goods: there shall be preference given to buy local to the extent that it is reasonably possible, fiscally prudent, and within the confines of State Law.

1. Purchase of goods is subject to the City Managers approval.

2. An invoice, charge slip, or receipt must be obtained and submitted to the City Manager.

3. Purchases for daily operations and janitorial supplies should be purchased in bulk and the City Manager is authorized to create an account at a provider with an annual subscription fee in order to secure these resources at discounted rates and in bulk quantities.

E. Purchase of Equipment: the purchase of all equipment over \$300 shall require a minimum of three quotes. Expenditures over \$1500 must be reported to the governing body and are subject to approval.

F. Spending Limits: the City shall have reasonable spending limits set for all goods, services, and authorized personnel in order to protect the City's assets and financial stability.

1. All spending must be in accordance with the Committed Fund Balance, also known as the annual City budget, as approved by the governing body.

2. Spending limits are outlined throughout this Policy document and are varied depending on the goods, type of services, frequency provided, and the authorized representative designated to approve such expenditures.

3. It is mandatory this policy document be followed regarding the use of City funds.

4. Any questions on this topic should be directed to the Mayor and/or City Council.

5. The governing body will set discretionary spending limits as they see fit and may from time to time authorize spending beyond the limits set forth in this document. However, authorization to exceed spending limits shall require a formal motion and a majority vote.

G. Use of Restricted Funds: there shall be no spending of restricted funds without prior notice given to the governing body.

1. Use of restricted funds is subject to the policies outlined in this document depending on the type of goods or services needed.

2. Spending of restricted funds is prohibited without a formal motion, review and approval by a majority of the governing body.

3. Spending of restricted funds can be dependent upon their revenue source and are subject to be designated for a specific purpose or project. This must be taken into account when authorizing their use and it is prohibited to authorize the use of restricted funds for any purpose outside of those designated by their revenue source if such designation exists.

H. Sales Tax: As a municipal corporation, the City is exempt from paying sales tax. Authorized personnel making purchases on behalf of the City are required to notify vendors, stores, and the like and make them aware of this exemption by providing the proper exemption documentation.

I. Means of Purchase: to the extent possible, purchases shall be made utilizing one of the preferred methods listed here and preference given in the order shown: (1) direct bill to the City, (2) City-issued credit card, and (3) Check drawn on the City's bank account

### **III. Compliance**

A. Any authorized representative of The City of Woodcreek who spends funds on behalf of the City must follow the procedures outlined in this document.

B. Failure to follow these guidelines may be considered grounds for disciplinary action and/or may result in the termination of employment or contract without severance depending on the severity of the misconduct.

C. Certain actions are considered unlawful by State and Local code, while this document is a set of guidelines for City policy. Authorized representatives of the City of Woodcreek are expected to always follow State and Local law in the expenditure and management of City funds; failure to do so will result in immediate termination of employment and contract without severance and can result in legal action taken against the individual.

### **IV. State Law**

Nothing in this Policy document shall be construed as waiving or altering the mandates of State Law.

CITY OF WOODCREEK, TEXAS

RESOLUTION NO. 2023-06-14-02

A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS  
UPDATING THE PROCUREMENT POLICY

**WHEREAS**, the City Council has reviewed the existing procurement policy and the newly proposed version on June 14, 2023; and

**WHEREAS**, the City Council finds the maintenance of the financial policy to be in the public interest, and necessary for the efficient and effective administration of City business.

**NOW, THEREFORE, BE IT RESOLVED by the City of Woodcreek City Council:**

1. The document entitled, "City of Woodcreek Procurement Policy" is hereby approved and adopted for purposes of conducting City business.
2. The City Council directs City Staff to implement the Procurement Policy to the extent reasonably possible.
3. The City Secretary is instructed to include a copy of this Resolution and the Procurement Policy enacted by this resolution in and among the records of the City.
4. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED this, the 14th day of June 2023, by a vote of \_\_\_\_\_ ayes to \_\_\_\_\_ nays to \_\_\_\_\_ abstentions of the City Council of Woodcreek, Texas.**

**CITY OF WOODCREEK:**

**ATTEST:**

\_\_\_\_\_  
Jeff Rasco, Mayor

\_\_\_\_\_  
Suzanne Mac Kenzie, City Secretary



## CITY OF WOODCREEK

**PROCUREMENT POLICY****I. Purpose**

This Policy document establishes guidelines and procedures for the procurement of goods or services for the City of Woodcreek. In accordance with the public trust placed upon the City of Woodcreek, its governing body, staff, and City Manager, it is essential that all City Officials and Employees adhere to the procedures set forth by this Policy.

The intent is to purchase equipment, materials, supplies and services at the lowest possible cost to the City from the most responsible and reputable sources.

**II. Procedure**

A. All expenditures must be in accordance with the Annual City budget, as approved by the governing body. Any unbudgeted purchases must be approved in advance by the City Council by a formal motion and a majority vote. Unbudgeted purchases may be subject to the budget amendment process.

B. Contracting Services: verbal agreements will not be legally binding; a written contract or purchase agreement must be secured prior to the release of City funds.

**1. Professional Service:**

a. The City will pursue services from the most qualified provider. It is essential the City Manager, or any other authorized representative of the City, do their due diligence in researching providers for professional services such as, but not limited to, debt management, investment portfolio management, financial advising, legal representation and more.

b. Relevant qualifications to provide the needed service shall be the primary reason for their selection. Monetary concerns and limitations shall be secondary in this process unless there is a reasonable need to reduce costs and a similarly qualified service provider is available at a lower cost.

**2. Contract Labor:**

a. The City will solicit three proposals for all contract work over \$10,000.

b. A report to the governing body shall be required for all expenditures over \$1,500 not pertaining to the regular function and daily maintenance involved in the basic operations of the City and previously allocated in the Current City Budget. Expenditures over \$1,500 may be subject to approval by the governing body.

c. A W-9 is required from all contractors and will be furnished prior to the start of work.

d. All contractors are required to provide proof of liability insurance, have the necessary professional licenses should there be any required and show proof of such, and provide for the compensation of all workers under their supervision. Work shall not begin, and no payment will be processed without all proper documentation on file with the City.

e. The City will not be held liable for unpaid labor under a contractors' supervision during work or after final payment has been released to the contractor. It is the sole responsibility of the contractor to carry worker's compensation, adequate liability insurance, and full compensation for work provided by their staff. The City shall require a document stating these provisions be signed by the contractor thus waiving their rights to claim otherwise.

f. Initial payments to begin work shall not exceed two-thirds of the final total bill. The final payment will only be released upon completion of the work and will require an inspection from the supervising City Official with a satisfactory report.

g. The City Manager shall coordinate with all contract employees but may delegate this duty to a subordinate without relegating their ultimate responsibility of project management including securing proper documentation in advance, final inspections, and the processing of all payments.

h. If changes are necessary after a contract has been agreed upon, the City Manager must be the one to approve the change order, except when approval of the governing body is necessary. Every attempt shall be made to limit change orders and to establish a final expected cost prior to finalizing written agreements or providing payments.

i. When estimates are received from Hays County Transportation Services, found to be fair and reasonable, and are within budgeted amounts allocated in the Annual Budget, the City Manager may approve these expenditures so long as they do not exceed \$1500. All expenditures over \$1,500 must be reported in advance to the governing body and may be subject to their approval.

C. Daily Operations and Regular Maintenance: it is recognized that some expenditures involved in regular city business should not be subject to constant reporting and approval as they are accounted for in the Annual Budget as approved by the governing body and are regular monthly expenses not subject to significant change.

1. Some such examples include personnel costs, janitorial services, pothole filling, cost of utilities, landscape maintenance, IT subscriptions, emergency services, and lease of normal business equipment such as the copier.

2. These items will be reported in the monthly check registers and regularly monitored by the City Manager and governing body.

3. The cost of these items may exceed spending limits set forth in this Policy document for other services and goods and are not subject to approval or reporting unless there is a significant change in cost or service expected.

D. Purchase of Goods: there shall be preference given to buy local to the extent that it is reasonably possible, fiscally prudent, and within the confines of State Law.

1. Purchase of goods is subject to the City Managers approval.

2. An invoice, charge slip, or receipt must be obtained and submitted to the City Manager.

3. Purchases for daily operations and janitorial supplies should be purchased in bulk and the City Manager is authorized to create an account at a provider with an annual subscription fee in order to secure these resources at discounted rates and in bulk quantities.

E. Purchase of Equipment: the purchase of all equipment over \$5,000 shall require a minimum of three quotes and approval of the governing body.

F. Spending Limits: the City shall have reasonable spending limits set for all goods, services, and authorized personnel in order to protect the City's assets and financial stability.

1. All spending must be in accordance with the Annual Budget, , as approved by the governing body.

2. Spending limits are outlined throughout this Policy document and are varied depending on the goods, type of services, frequency provided, and the authorized representative designated to approve such expenditures.

3. It is mandatory this policy document be followed regarding the use of City funds.

4. Any questions on this topic should be directed to the Mayor and/or City Council.

5. The governing body will set discretionary spending limits as they see fit and may from time to time authorize spending beyond the limits set forth in this document. However, authorization to exceed spending limits shall require a formal motion and a majority vote.

G. Use of Restricted Funds: there shall be no spending of restricted funds without prior notice given to the governing body.

1. Use of restricted funds is subject to the policies outlined in this document depending on the type of goods or services needed.

2. Spending of restricted funds is prohibited without a formal motion, review and approval by a majority of the governing body.

3. Spending of restricted funds can be dependent upon their revenue source and are subject to be designated for a specific purpose or project. This must be taken into account when authorizing their use and it is prohibited to authorize the use of restricted funds for any purpose outside of those designated by their revenue source if such designation exists.

H. Sales Tax: As a municipal corporation, the City is exempt from paying sales tax. Authorized personnel making purchases on behalf of the City are required to notify vendors, stores, and the like and make them aware of this exemption by providing the proper exemption documentation.

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### **III. Compliance**

A. Any authorized representative of The City of Woodcreek who spends funds on behalf of the City must follow the procedures outlined in this document.

B. Failure to follow these guidelines may be considered grounds for disciplinary action and/or may result in the termination of employment or contract without severance depending on the severity of the misconduct.

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