
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, March 13, 2024 at 6:30 PM.

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

<https://zoom.us/j/94013215977?pwd=a1hLS2RBR0RXYmRSdTdnVUtvRVpCQT09>

Meeting ID: 940 1321 5977; Passcode: 098436

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

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

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

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

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

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

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

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

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

AGENDA

CALL TO ORDER

MOMENT OF SILENCE

PLEDGES

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

CONSENT CALENDAR

1. Approval of Regular City Council Meeting Minutes From February 28, 2024.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

2. *Report From Mayor.*
 - Aqua Texas Meeting
 - Kitchen Cabinet Meeting
 - March 23, 2024 Emergency Preparedness Fair
 - June 2, 2024 City of Woodcreek, 40th Celebration Event
3. *Report From City Manager.*
 - City Engineer, Current Projects and Top Priorities.

NEW BUSINESS

4. Presentation by Cindy Longo Cassidy on The Joint Hays County Friends of the Night Sky and Dark Sky Texas, Sky Quality Meter Program. (Rasco)
5. Discuss and Take Appropriate Action for the Creation of a Woodcreek Community Wildfire Protection Plan (CWPP), Including a Presentation by Kate Crosthwaite. (Grummert)
6. Discuss and Take Possible Action to Adopt Resolution 2024-03-13-01, A Resolution of the City Council of the City of Woodcreek, Texas, Amending the City's Master Fee Schedule to Include A Fee To Cover the City's Costs For Processing Petitions For The Release From The City's Extra Territorial Jurisdiction (ETJ). (Rule)
7. Discuss and Take Possible Action To Approve Ordinance 2024-03-13-01, Public Information Act Policy.
8. Discuss and Take Possible Action To Approve Ordinance 2024-03-13-02, Public Information Act Policy, Establishing Time Limits For Processing Requests of Public Records. (Rule)
9. Executive Session for Consultation With Legal Counsel Pursuant to Chapter 551.071 of the Texas Government Code To Receive Legal Advice Regarding Petitions For Release From the City's Extra Territorial Jurisdiction, and City of Woodcreek Sign Regulations.

COUNCIL CONSIDERATIONS FOR AGENDA ITEMS AT NEXT REGULAR CITY COUNCIL MEETING

ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **8th day of March, 2024 at 12:00PM**

By: 

Suzanne J. MacKenzie, City Secretary

Council Meeting Agenda Item Cover Sheet

Item 1.

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Approve Regular Council Meeting Minutes From February 28, 2024.

SUMMARY of REQUESTED AGENDA ITEM:

Approve Regular Council Meeting Minutes From February 28, 2024.

STATE YOUR INTENDED MOTION:

Move To Approve Regular Council Meeting Minutes From February 28, 2024.

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

City Secretary

AGENDA TYPE:

Consent Agenda

COMPLETION DATE:

3/4/2024 1:19:07 PM

MS FORM ID:

9

**CITY COUNCIL MEETING (CITY HALL)
February 28, 2024; 4:00 PM
Woodcreek, Texas**

MINUTES

CALL TO ORDER

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

MOMENT OF SILENCE

PLEDGES

ROLL CALL and ESTABLISH QUORUM

PRESENT

Mayor Jeff Rasco
Mayor Pro Tem Debra Hines
Council Member Linnea Bailey
Council Member Chrys Grummert
Council Member Bob Hambrick
Council Member Krista Richardson

STAFF PRESENT

City Manager, Kevin Rule
City Secretary, Suzanne Mac Kenzie
City Attorney, Charles Zech - via Zoom

PUBLIC COMMENTS

Public Comments were offered by Jose Tormo at the beginning of the meeting.

CONSENT AGENDA

1. **Approval of Regular City Council Meeting Minutes From January 24, 2024.**
2. **Proclamation by the City of Woodcreek, Texas, to Declare the Month of April, As "Fair Housing Month". (Rule)**
3. **Proclamation recognizing Woodcreek and the Wimberley Valley as 'Dark Sky Place of the Year' for 2023 by the International Dark-Sky Association and proclaiming March 2024 as DarkSky Month in Woodcreek. (Rasco)**
4. **Proclamation recognizing the Wimberley Valley Cultural Association's expansion of our cultural district. (Rasco)**

Request was made by Council Member Grummert to remove all items from the Consent Agenda to the Regular Agenda. Mayor Rasco moved the items into Regular Agenda, with no objections from Council.

Motion was made by Council Member Grummert to edit page 10, item 13 of the packet under "Seconded Amended Motion", replace with motion failed. Motion was seconded by Mayor Pro Tem Hines.

An Amended Motion was made by Council Member Grummert to pass the minutes as edited. Motion was seconded by Council Member Richardson.

A roll call vote was taken on the Amended Motion.

Voting Yea:

Council Member Bailey, Council Member Grummert, Council Member Hambrick, Council Member Richardson, Mayor Pro Tem Hines

Motion Passed: 5-0-0.

A roll call vote was taken on the Main Motion.

Voting Yea:

Mayor Pro Tem Hines, Council Member Bailey, Council Member Grummert, Council Member Hambrick, Council Member Richardson

Motion Passed: 5-0-0.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

5. Report by Planning and Zoning Liaison.
- Report on Planning and Zoning Public Hearing and/or Recommendation to Council Regarding Possible Updates to Chapter 156.057 Fences, Including But Not Limited To, The Consideration of Increasing Side and Back Fence Height Limits to Eight(8) Feet. (Grummert)
6. Report by City Manager.
- Monthly Manager Report: January 2024.

REGULAR AGENDA

7. **Presentation by Dr. Joseph Kotarba on the status of "Friends of Woodcreek" non-profit foundation.** (Rasco)
8. **Discuss and Take Appropriate Action on Setting a Public Hearing for Council Regarding Possible Updates to Chapter 156.057 Fences.** (Grummert)

Public Comments, including the Planning and Zoning Commission Recommendation on Fence Height were offered by Lydia Johns, Vice Chairperson of the Planning and Zoning Commission.

Motion was made by Council Member Grummert to set the Public Hearing for Council regarding updates to Chapter 157.057 Fences for March 27, 2024. Motion was seconded by Council Member Richardson.

A roll call vote was taken.

Voting Yea:

Council Member Grummert, Council Member Hambrick, Council Member Richardson, Mayor Pro Tem Hines, Council Member Bailey

Motion Passed: 5-0-0.

9. **Discuss and Take Possible Action To Adopt Resolution 2024-02-28-01, Designating Authorized Signatories for the 2023 Texas Community Development Block Program, Grant Agreement Number CDV23-0080, Applicable to the Repair of Deerfield Drive.** (Rule)

Motion was made by Council Member Grummert to adopt Resolution 2024-02-28-01, Designating Authorized Signatories for the 2023 Texas Community Development Block Program, Grant Agreement Number CDV23-0080, Applicable to the Repair of Deerfield Drive. Motion was seconded by Council Member Richardson.

A roll call vote was taken.

Voting Yea:

Member Hambrick, Council Member Richardson, Mayor Pro Tem Hines, Council Member, Council Member Grummert, Council Bailey

Motion Passed: 5-0-0.

10. **Discuss and Take Possible Action To Adopt Resolution 2024-02-28-02, Adopting the Required Community Development Block Grant (CDBG) Civil Rights Policies for Grant Agreement Number CDV23-0080, Applicable to the Repair of Deerfield Drive.** (Rule)

Motion was made by Council Member Grummert to adopt Resolution 2024-02-28-02, Adopting the Required Community Development Block Grant (CDBG) Civil Rights Policies for Grant Agreement Number CDV23-0080, Applicable to the Repair of Deerfield Drive. Motion was seconded by Council Member Hambrick.

A roll call vote was taken.

Voting Yea:

Council Member Richardson, Mayor Pro Tem Hines, Council Member Bailey, Council Member Grummert, Council Member Hambrick

Motion Passed: 5-0-0.

11. **Discuss and Take Possible Action to Adopt Ordinance 2024-02-28-01, Forming the Infrastructure and Mobility Panel.** (Bailey)

Motion was made by Council Member Bailey to postpone this agenda item until the next meeting, if at such time, the Ordinance forming the Infrastructure and Mobility Panel has been reviewed by Legal and placed into the proper format for approval by Council. Motion was seconded by Council Member Richardson.

A roll call vote was taken.

Voting Yea:

Mayor Pro Tem Hines, Council Member Bailey, Council Member Grummert, Council Member Hambrick, Council Member Richardson

Motion Passed: 5-0-0.

12. **Discuss and Take Appropriate Action to Make Full-Term, Full Member Nominations to the Infrastructure and Mobility Panel.** (Bailey)

Mayor Rasco removed this item from the Agenda discussion, with no objections from Council.

13. **Discuss and Take Appropriate Action to Populate and Establish Further Direction for the Ad Hoc Workgroup Created October 25th, 2023 for the Purpose of Creating a Dynamic Plan of Action for the City to Address Rainwater Collection and Water Conservation Through Ordinance and Other Programs.** (Grummert)

Motion was made by Council Member Grummert that Council names members to the Ad Hoc WorkGroup created October 2023 and additionally tasks this WorkGroup to obtain or prepare materials needed for applying for the LCRA Grant and to present their recommendation to Council on or before May 22, 2024. Motion was seconded by Council Member Richardson.

An Amended Motion was made by Council Member Grummert that Council Member Richardson and Mayor Pro Tem Hines are leads and they will move forward to populate members. Motion was seconded by Council Member Richardson

A roll call vote was taken on the Amended Motion.

Voting Yea:

Council Member Grummert, Council Member Hambrick, Council Member Richardson, Mayor Pro Tem Hines, Council Member Bailey

Motion Passed: 5-0-0.

A roll call vote was taken on the Main Motion.

Voting Yea:

Council Member Bailey, Council Member Grummert, Council Member Hambrick, Council Member Richardson, Mayor Pro Tem Hines

Motion Passed: 5-0-0.

14. **Discuss and Take Possible Action on Amending Sections of Title III ("Administration"), Chapter 30 ("Officials, Employees and Organizations"), "Planning and Zoning Commission".** (Grummert)

Motion was made by Council Member Grummert that Council adopt amending sections of Title III Administration, Chapter 30 Officials, Employees and Organizations – Planning and Zoning Commission, Ordinance 2024-02-28-02. Motion was seconded by Mayor Pro Tem Hines.

An Amended Motion was made by Mayor Pro Tem Hines to amend Item D on page 71, line 73 to state "Any member of the Commission may resign by submitting written notice to the City Secretary, [the] City Records Management Officer. Resignation will be effective when received. Upon receipt of written notice of resignation, the City Secretary shall, as administratively possible, send such resignation to the Mayor, the Chair of Planning and Zoning and the Commission liaison."

A roll call vote was taken on the Amended Motion.

Voting Yea:

Council Member Richardson, Mayor Pro Tem Hines, Council Member Bailey, Council Member Grummert, Council Member Hambrick

Motion Passed: 5-0-0.

A roll call vote was taken on the Main Motion.

Voting Yea:

Council Member Hambrick, Council Member Richardson, Mayor Pro Tem Hines, Council Member Bailey, Council Member Grummert

Motion Passed: 5-0-0.

COUNCIL CONSIDERATIONS FOR AGENDA ITEMS ON MARCH 13, 2024, REGULAR CITY COUNCIL MEETING

- A) Introduced by Council Member Grummert, Seconded by Mayor Pro Tem Hines
 - i. Development of Community Wildflower Protection Plan.
 - ii. Nominations for Alternates of Planning and Zoning Commission to become Full-Members.
 - iii. Tree Board Ordinance.

- B) Introduced by Mayor Pro Tem Hines, Seconded by Council Member Hambrick.
 - i. Workshop to Compare and Create Uniformity of Verbiage on Formation Documents For Advisory Boards.

ANNOUNCEMENTS

- 15. Announcement of March 3 Celebration of Dark Sky Community and Cultural District. (Rasco)

ADJOURN

Mayor Rasco Adjourned the Meeting at 5:39P

Jeff Rasco Mayor

Suzanne MacKenzie, City Secretary

Council Meeting Agenda Item Cover Sheet

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Report From Mayor

SUMMARY of REQUESTED AGENDA ITEM:

Report From Mayor:

- Aqua Texas Meeting
- Kitchen Cabinet Meeting
- March 23, 2024 Emergency Management Preparedness Fair
- June 2, 2024 City of Woodcreek, 40th Celebration Event

STATE YOUR INTENDED MOTION:

N/A

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

Report From City Body Liaison or Staff

COMPLETION DATE:

3/6/2024 12:00:00 PM

MS FORM ID:

10

Council Meeting Agenda Item Cover Sheet

Item 3.

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Report from City Manager Rule on City Engineers. What projects are they actively working on, and what are their top priorities?

SUMMARY of REQUESTED AGENDA ITEM:

We've had the engineers on board for several weeks, and there has been at least one meeting and some calls. Just interested in how it's going

STATE YOUR INTENDED MOTION:

N/A

FINANCIAL IMPACT:

none

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

Report From City Body Liaison or Staff

COMPLETION DATE:

3/4/2024 9:31:56 AM

MS FORM ID:

3

Council Meeting Agenda Item Cover Sheet

Item 4.

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Presentation by Cindy Longo Cassidy on The Joint Hays County Friends of the Night Sky and Dark Sky Texas, Sky Quality Meter Program.

SUMMARY of REQUESTED AGENDA ITEM:

Presentation by Cindy Longo Cassidy on The Joint Hays County Friends of the Night Sky and Dark Sky Texas, Sky Quality Meter Program.

STATE YOUR INTENDED MOTION:

N/A

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

City Secretary

AGENDA TYPE:

New Business

COMPLETION DATE:

2/26/2024 4:00:00 PM

MS FORM ID:

11

Council Meeting Agenda Item Cover Sheet

Item 5.

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Discuss and Take Appropriate Action for the Creation of a Woodcreek Community Wildfire Protection Plan (CWPP).

SUMMARY of REQUESTED AGENDA ITEM:

This is an introduction to creating a Woodcreek Community Wildfire Protection Plan (CWPP)

STATE YOUR INTENDED MOTION:

I Move that council begins the process of creating a Woodcreek Community Wildfire Protection Plan (CWPP).

FINANCIAL IMPACT:

n/a

SUBMITTED BY:

Chrys Grummert

AGENDA TYPE:

New Business

COMPLETION DATE:

2/29/2024 6:06:26 PM

MS FORM ID:

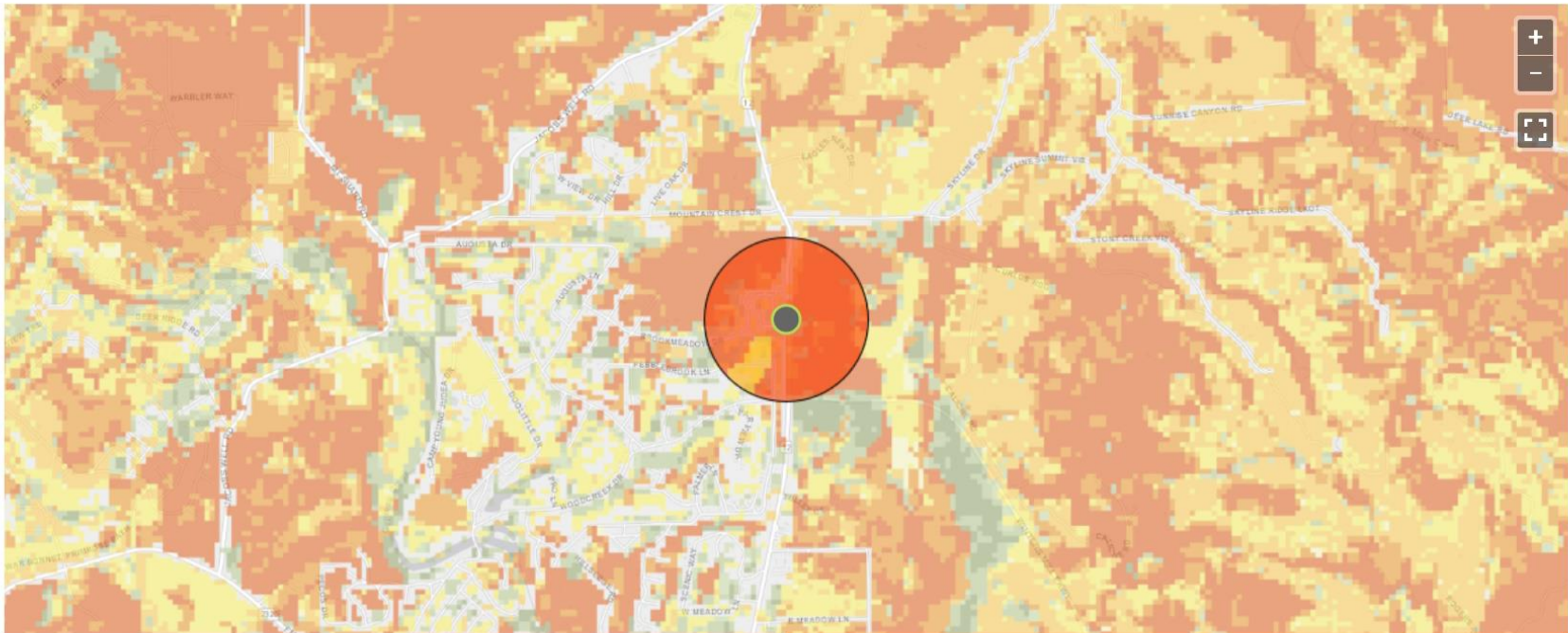
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Woodcreek, TX, USA

Assess My Risk

Reset

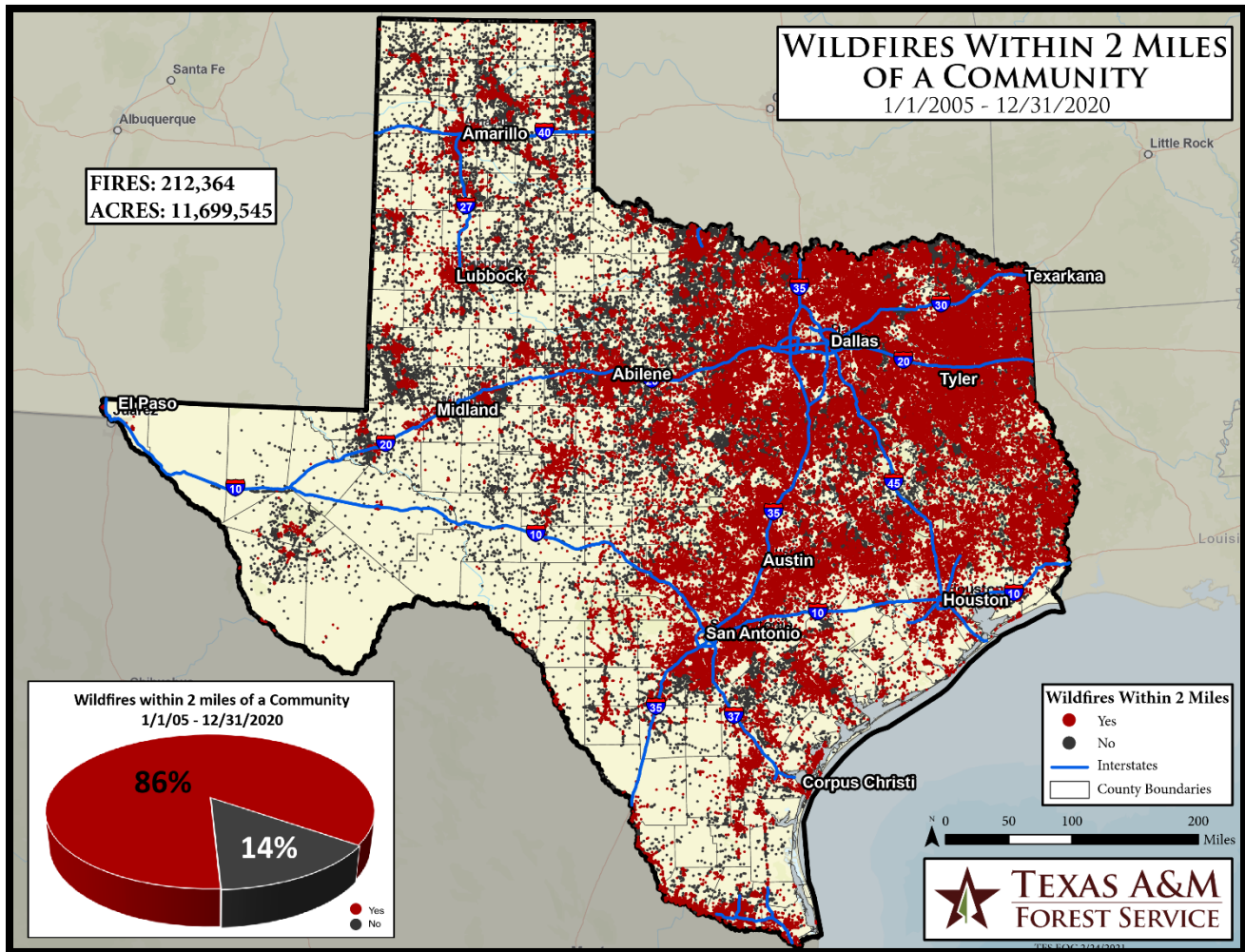


30.03° N 98.10° W

High to Very High



COMMUNITY WILDFIRE PROTECTION PLAN GUIDE



Eighty-six percent of wildfires in Texas occur within two miles of a community. That means 86 percent of Texas wildfires pose a threat to life and property. A Community Wildfire Protection Plan can help protect against the threats of wildfire.

Wildland Urban Interface Program

Mitigation and Prevention Department

May 2022

Texas A&M Forest Service Wildland Urban Interface Program Community Wildfire Protection Plan Guide

This guide was developed to aid stakeholders in the process of developing a Community Wildfire Protection Plan (CWPP). Once a working group is formed to develop a plan, its members can use the examples, tools and tips in this guide to help them customize their CWPP. The working group should consist of a broad range of stakeholders, including a Texas A&M Forest Service Representative who can answer specific questions.

CWPPs are a collaborative approach to wildland fire protection and mitigation. A plan can be as simple or complex as the needs of the community dictate. CWPPs are authorized by the Healthy Forests Restoration Act, signed into law in 2003.

Your CWPP can be used to identify high-risk WUI areas — where homes and businesses meet surrounding forests and fields. The plan also can provide an opportunity to target potential fuels reduction projects, training needs and mitigation strategies.

*Our mission is to empower the citizens of Texas to
prevent and prepare for wildfire.*



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➤ *The outline of your CWPP can closely model this Table of Contents. This guide will walk you through how to craft each page to meet the needs of your community.*

Overview



Photo by Brent Isom, brentisomphotography.com

The threat of wildfire is a constant in Texas. From the East Texas Piney Woods to the Davis Mountains of West Texas, wildfires burn thousands — if not millions — of acres each year. Wildfires become especially dangerous when wildland vegetation begins to intermix with homes. This area is referred to as the Wildland Urban Interface (WUI). More than 14,500 communities in Texas have been identified as “at risk” for potentially devastating WUI wildfires.

According to the U.S. Census Bureau, Texas continues to lead the nation in population growth. With more and more people moving to and living in the WUI, it is increasingly important for local officials to plan and prepare for wildfires. Community Wildfire Protection Plans (CWPP) are a proven strategy for reducing the risk of catastrophic wildfires and protecting lives and property.

Texas A&M Forest Service encourages Texas counties and communities to develop and adopt CWPPs to better prepare their region and citizens for wildfires. Planning for wildfires should take place long before a community is threatened. Once a wildfire ignites, the only option available to firefighters is to attempt to suppress the fire before it reaches a community. A CWPP is a unique, flexible and living document that empowers communities to share the responsibility of determining the best strategies for protection against wildfire. The success of CWPPs is attributed to a process that allows communities to develop a plan that fits their needs, at a scale where they can make something happen.

While there is no template for these plans, a CWPP is required to contain three essential elements:

- **Collaboration.** A CWPP must be collaboratively developed. Wildfire risk is a community problem and a shared responsibility between stakeholders.
- **Prioritized Fuel Reduction.** A CWPP must identify and prioritize areas for hazardous fuel reduction treatments that would reduce risk to the community.
- **Treatment of Structural Ignitability.** A CWPP must provide recommendations for community members on how to reduce the ignitability of structures throughout the community.

Texas A&M Forest Service has developed this user-friendly guide to aid communities in reducing the risks wildfires pose to homes, businesses and natural resources. If at any time while working through this document, you come across a term you're not familiar with, flip to the Glossary on Page 47.

In addition to this guide, a checklist for the working group leader is included on Page 45 and can also be accessed at <https://tfsweb.tamu.edu/ProtectYourCommunity/> by clicking on **Community Wildfire Protection Plan** and then the **Leader's Guide**.

The **City of Bryan CWPP**, referenced throughout this guide, is a good example that may help you visualize what the final version of your document should look like. You can access it at <https://bit.ly/3zgDWGu>.

Additional references to utilize while creating your plan can be found at <https://tfsweb.tamu.edu/ProtectYourCommunity/> under the **Community Wildfire Protection Plan** tab.

Keep in mind while crafting your CWPP that much of the information you're gathering also could be useful in a Pre-Attack Plan — a resource for emergency responders who may not be familiar with your community.

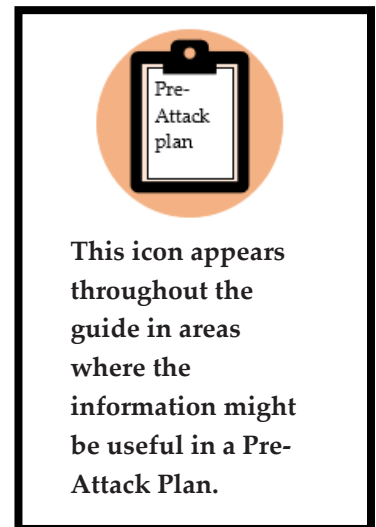
Some of the information that may be provided in a Pre-Attack Plan includes:

- Water sources
- Incident Command Post, shelter and staging locations
- Process for ordering resources
- High-risk WUI areas
- Communications plan

Pre-attack planning requires collaboration among emergency management, fire departments, law enforcement, community leaders, elected officials, GIS specialists and Texas A&M Forest Service in order to be successful.

These plans can encompass an area as large as a county but will be more effective at the fire department response area level. Planning for WUI fires and distributing that information in the form of a Pre-Attack Plan can increase a community's success rate for initial and extended attack operations.

➤ *You don't need to include an Overview chapter in your CWPP. It's simply a tool to help you get started and generate the information you'll need for your plan.*



Introduction

CWPPs are developed to mitigate losses from wildfires. Wildfires occur throughout the year and can pose a serious threat to residents. By developing a CWPP, a community is outlining a strategic plan to mitigate, prepare, respond and recover.

Statement of Intent:

The Statement of Intent should include the purpose and primary motivation for writing a CWPP. Example: The intent of a CWPP is to reduce the risk of wildfire and promote ecosystem health. The plan also is intended to reduce home losses and provide for the safety of residents and firefighters during wildfires.

Goals:

Goals are general guidelines that explain what you want to achieve in your community. They are typically long-term and broader. The goals of a CWPP should encompass what the community wants to achieve by creating a CWPP.

Examples include:

- Provide for the safety of residents and emergency personnel
- Limit the number of homes destroyed by wildfires.

Objectives:

An objective is the specific, measurable actions to achieve the goals; these define strategies or implementation steps. The objectives of a CWPP should be what the community needs to complete to meet their CWPP goals.

Examples include:

- Identify local capacity building and training needs.
- Promote wildfire awareness programs.

➤ *Utilize the intent, goals and objectives outlined on this page to guide you in creating similar statements for your plan.*



Working Group

One of the minimum qualifications for a CWPP is collaboration among local and state partners (and federal partners if located near federal land). Due to the various mitigation and response strategies for wildfire events, it also may be beneficial to involve other key agencies and partners during the CWPP process.

THREE KEY STAKEHOLDERS:

1. Local Government
2. Fire Department(s)
3. Texas A&M Forest Service Representative

Form a core group with representation from the local fire department, local government and the Texas A&M Forest Service. It also may be useful to identify someone in your community with mapping and GIS skills. These key stakeholders are responsible for the development of the CWPP and for identifying other partners for collaboration. Remember: wildfire risk is a community problem and a shared responsibility between stakeholders, and additional partners should be encouraged to participate. Gaining input from a variety of interests will ensure that the CWPP reflects the interests and values of the entire community.

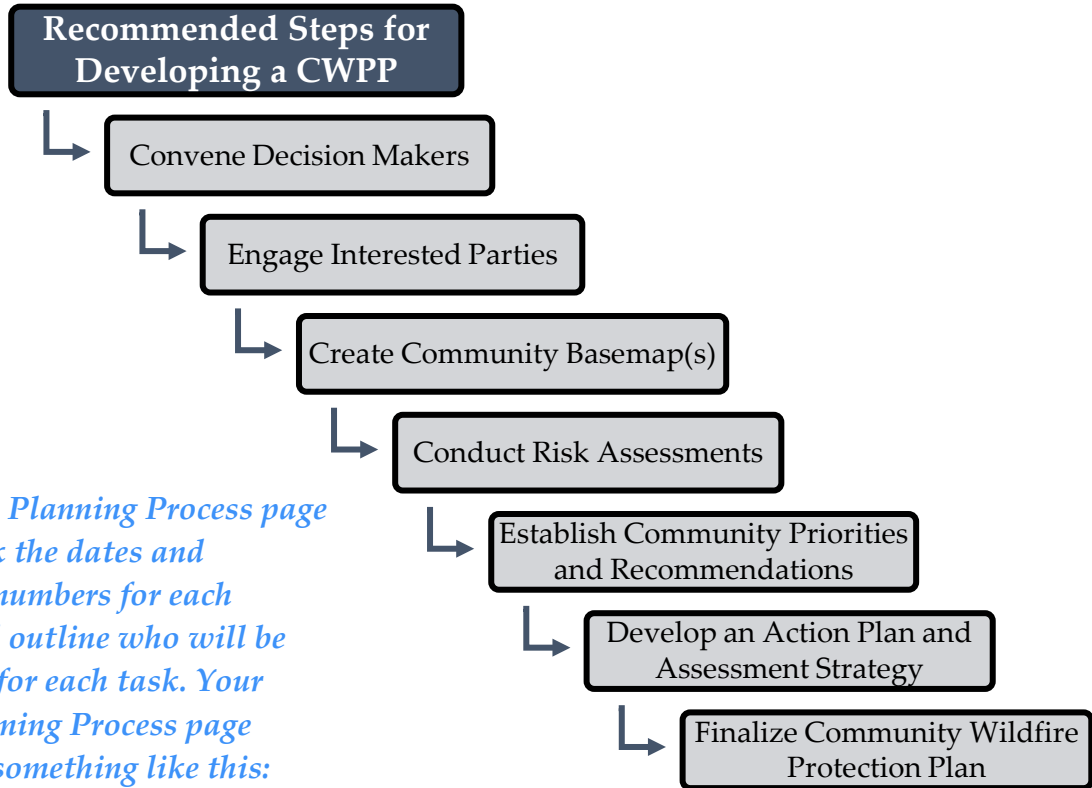
➤ *Use your CWPP Working Group page to list the names of individuals who will be collaborating on the process and the agencies they represent. Be sure to include the required key stakeholders: local government, fire department(s) and a Texas A&M Forest Service Representative.*

Possible Working Group Partners

Council of Governments	National Park Service	School Districts
Environmental Groups	Natural Resources Conservation Service	Texas A&M Agrilife Extension Service
Federal Emergency Management Agency	Parks and Recreation	Texas Division of Emergency Management District Coordinator
GIS Specialists	Planning and Zoning	Texas Parks and Wildlife Department
Homeowners	Public Works	U.S. Fish and Wildlife
Hospital Districts	Resource Conservation and Development	U.S. Forest Service

Planning Process

Establish a CWPP working group and hold regular meetings, tracking your progress along the way. At the first meeting, core members should discuss the need and process for developing a CWPP. Identify individuals who will conduct community wildfire hazard assessments, develop community maps, collect data and record CWPP meeting notes.



➤ *Your CWPP Planning Process page should track the dates and attendance numbers for each meeting and outline who will be responsible for each task. Your CWPP Planning Process page might look something like this:*

CWPP Meetings			
[Date]	[Topics Covered]	[Attendees]	[Action Items]
[Date]	[Topics Covered]	[Attendees]	[Action Items]
[Date]	[Topics Covered]	[Attendees]	[Action Items]
[Date]	[Topics Covered]	[Attendees]	[Action Items]
[Date]	[Topics Covered]	[Attendees]	[Action Items]
[Date]	[Topics Covered]	[Attendees]	[Action Items]

Texas Wildfire Risk Assessment Portal (TxWRAP)

Overview

Don't reinvent the wheel! Much of the information needed for your CWPP can be easily identified by using the Texas Wildfire Risk Assessment Portal (TxWRAP). Throughout this guide, when you see the TxWRAP icon, we'll provide detailed instructions on how to download specific information about your region for your CWPP.



Sign up for a TxWRAP account by visiting texaswildfirerisk.com. Navigate to the “Tools” section and select the “Try It!” button under Texas Wildfire Risk Explorer. Select “Create an Account” to open a new account.

Once you're logged in, select the “Advanced Viewer” option and click on the “Project Areas” tab. Select the “Create New” button and name your project. To select your county or city, define the project boundary by “Reference Layer.” Select either the “County Boundaries” or “Incorporated City Boundaries” layer, then select your county or city. Once selected, click “Create”. You can then **Generate a Report Summary** as a word document, or **Export Data** as a zip file, and send it to your email. The report that will be emailed to you provides information that can be used to write your CWPP. Other tools for generating maps and useful information are also available within TxWRAP.

Scan this Quick Response code to open TxWRAP on your smart phone.



A Texas A&M Forest Service Representative will assist the working group in developing a CWPP. You can find out how to **contact your local Texas A&M Forest Service Representative at** <https://tfsweb.tamu.edu/contactus/program-map/>.

➤ *You don't need to include a TxWRAP Overview page in your CWPP. It's simply a tool to help you generate the information you'll need for your plan.*

Community Background

This chapter covers the characteristics of your community that make it unique. By documenting these attributes, the working group can help to ensure safety for emergency responders.

- * *Location*
Geographical location, boundaries and physical features
- * *General Landscape*
Topography, soil type, and water sources
- * *Climate*
Seasonal weather patterns
- * *Vegetation*
Predominant fuel types, fuel loading and large wildland areas
- * *Land Use*
Past and present fuel types and land use
- * *Population*
Jurisdiction population numbers
- * *Fire Response Capabilities*
Nearby fire departments, resources, locations, and numbers of members
- * *Emergency Facilities*
Nearby hospitals, fire stations, emergency management offices and shelter locations
- * *Utilities and railroads*
Nearby major utilities and railroads
- * *Schools*
Nearby schools and accompanying information
- * *Community Legal Authority*
Authority of jurisdiction and boundaries

Using TxWRAP in this section:

The summary report generated through the steps listed on Page 10 can be used to fill out your CWPP's sections on *General Landscape*, *Vegetation* and *Population*.

You can also visit texaswildfirerisk.com and select the "Advanced Viewer" option. Click on the search bar in the top left corner. Select your county or city from the drop-down menu.

Click on the **Map Themes** button. Layers under the **Landscape Characteristics** tab can be used to gather information for your CWPP's sections on *General Landscape* and *Vegetation*. Layers under the **Wildfire Behavior** tab can also be used to gather information for your section on *General Landscape*. Layers under the **Historical Wildfire Occurrence** tab can be used for your section on *Climate*. Under the **Reference Layers** tab, check the **Fire Stations** layer. You can use this information for your CWPP's sections on *Fire Response Capabilities* and *Emergency Facilities*.

The **Search Bar** in the top right corner can help pinpoint your community's **Location**.

➤ *You don't need to include a page like this in your CWPP. It's simply a tool to help you generate the information you'll need for your plan.*

Location

This section of your CWPP should address your geographic location and can include major road systems or landmarks. TxWRAP can be used to identify your community’s geographic boundaries. Visit the **TxWRAP Risk Explorer** at texaswildfirerisk.com and select the “**Advanced Viewer**” option. Enter an address, place, or coordinates into the **Search Bar** at the top right corner. Coordinates for a location will be shown on the left side tool bar under the “**What’s Your Risk**” heading.

➤ *Your CWPP Location page might look something like this:*

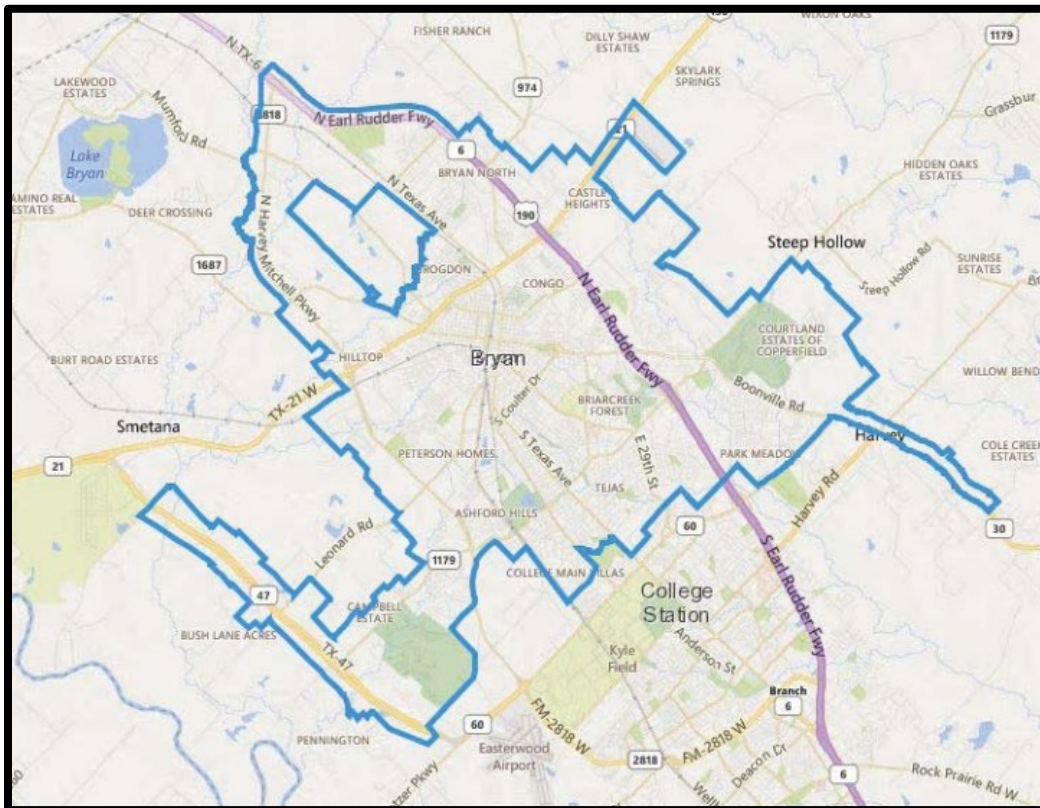
Bryan, Texas

Brazos County

N 30° 39’ 05”

W 96° 23’ 22”

Bryan is the county seat of Brazos County. It encompasses more than 44.5 square miles and has a population of about 83,260 residents. The city shares a border with College Station to its south. Together, the communities are referred to as Bryan-College Station, the 15th largest metropolitan area in Texas. Bryan is 92 miles north-northwest of Houston, 166 miles northeast of San Antonio and 169 miles south of Dallas. It is 104 miles east of Austin, the state capital of Texas.



Source: City of Bryan, Texas, Community Wildfire Protection Plan

General Landscape

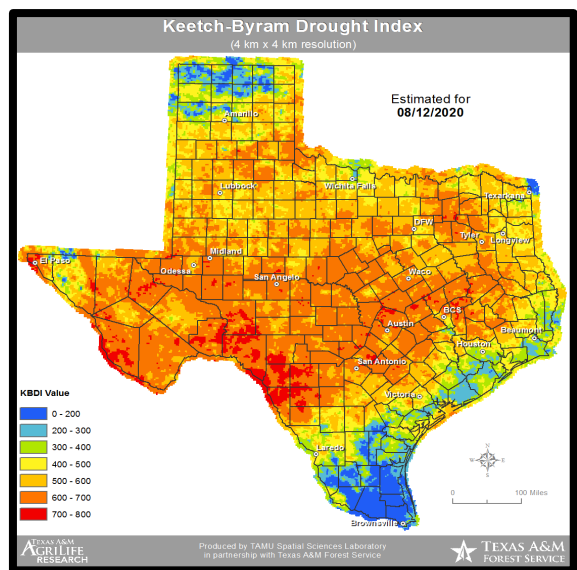
This section of your CWPP should address topography, soils and major water sources. All these resources can affect how wildfires behave and influence suppression tactics used by fire departments. By providing an overview of these landscape characteristics, the CWPP working group can identify areas that may present access challenges. The group also can identify steep slopes where fire can move quickly uphill.

The TxWRAP summary report generated through the steps listed on Page 10 will provide information you can use in this section. You can also visit the **TxWRAP Risk Explorer** at texaswildfirerisk.com and select the **“Advanced Viewer”** option. Enter an address, location, or coordinates into the **Search Bar** at the top right. Then click on **Map Themes**. The **Wildfire Behavior** tab provides characteristic flame lengths and rates of spread for wildfires that have occurred in your community. The **Landscape Characteristics** tab provides information on surface fuels, vegetation, percent slope and landforms.

Another good resource for wildfire planning is the Keetch-Byram Drought Index. The KBDI can be found at <https://twc.tamu.edu/kbdi>

The drought index ranges from 0 to 800, where an index of 0 represents no moisture depletion, and an index of 800 represents absolutely dry conditions.

The index is derived from ground-based estimates of temperature and precipitation provided by weather stations.



➤ *Your CWPP General Landscape page might include information like this:*

The topography within the city limits is primarily flat plains and smooth plains. About 1,915 acres of land in the city is zoned for agricultural use.

Predictive Service Areas (PSA) represent regions where the weather reporting stations tend to react similarly to daily weather regimes and exhibit similar fluctuations in fire danger and climate. Seven PSA are delineated in Texas. Fire weather thresholds, fuel moisture thresholds and National Fire Danger Rating System thresholds have been developed for each PSA and are unique to the designated PSA.

Critical fire weather thresholds for the PSA in which Bryan is located are:

Relative humidity: 30 percent or less

20-foot windspeed (meaning windspeeds that are calculated at 20 feet above the forest canopy): 15 mph or more.

Temperature: 10 percent above average

Source: City of Bryan, Texas, Community Wildfire Protection Plan

Climate

This section of your CWPP should discuss weather patterns for each season and potential fire weather issues such as dry lines, Southern Plains Wildfire Outbreaks, low relative humidity or dry lightning. You also may use climate and historical fire season patterns to identify target dates for mitigation projects, completing them before fire activity is expected to increase. Prevention messages also can be communicated to the public during these high fire danger times, with the goal of reducing wildfire ignitions.

Visit the TxWRAP Risk Explorer at texaswildfirerisk.com. Enter an address, location, or coordinates into the **Search Bar** at the top right. Click on **Map Themes** and **Historical Fire Occurrence**. The data provided may help to correlate historical fire patterns with specific times of year.

► *If relevant to your community, you may want to include the following information about Southern Plains Wildfire Outbreaks on your CWPP Climate page:*

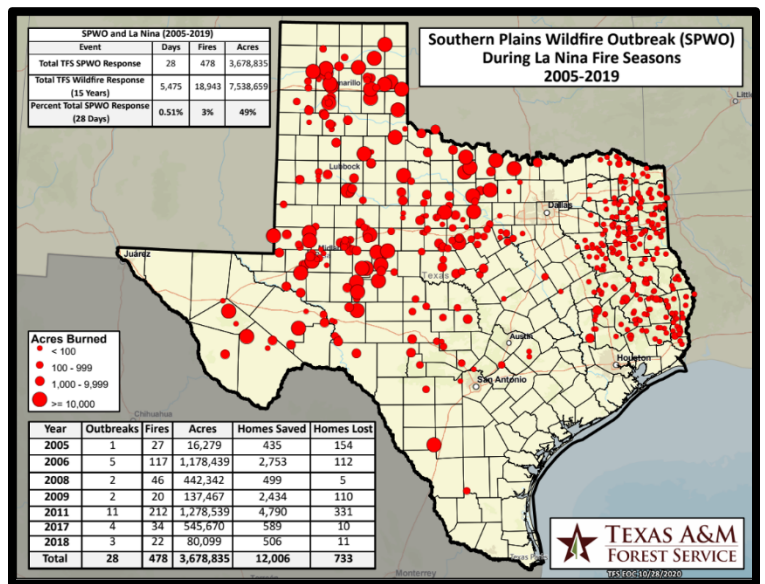
Southern Plains Wildfire Outbreaks:

These firestorms can occur across the Southern Plains, an area that spans from eastern New Mexico east to the Dallas-Fort Worth area, and from Oklahoma south to the Texas Hill Country.

Southern Plains Wildfire Outbreaks are a serious threat to public safety. When this pattern occurs, firefighters use defensive tactics — including moving people out of harm’s way — acknowledging that the weather is in control.

Occurring mostly in the winter and spring, it takes the perfect mix of weather conditions:

- Strong upper level low north of the impact area
- Low level thermal ridge intersected with the strong mid-level jet
- Dry west-southwest winds across an area with low relative humidity
- Strong downsloping effect aided by mid-level jet and surface low
- Above-average surface temperatures
- Unstable atmosphere



More information is available at <https://tfsweb.tamu.edu/SPWO/> and <https://ticc.tamu.edu/PredictiveServices/>.

Additional climate data can be found at:

National Centers for Environmental Information
ncdc.noaa.gov

National Weather Service
weather.gov

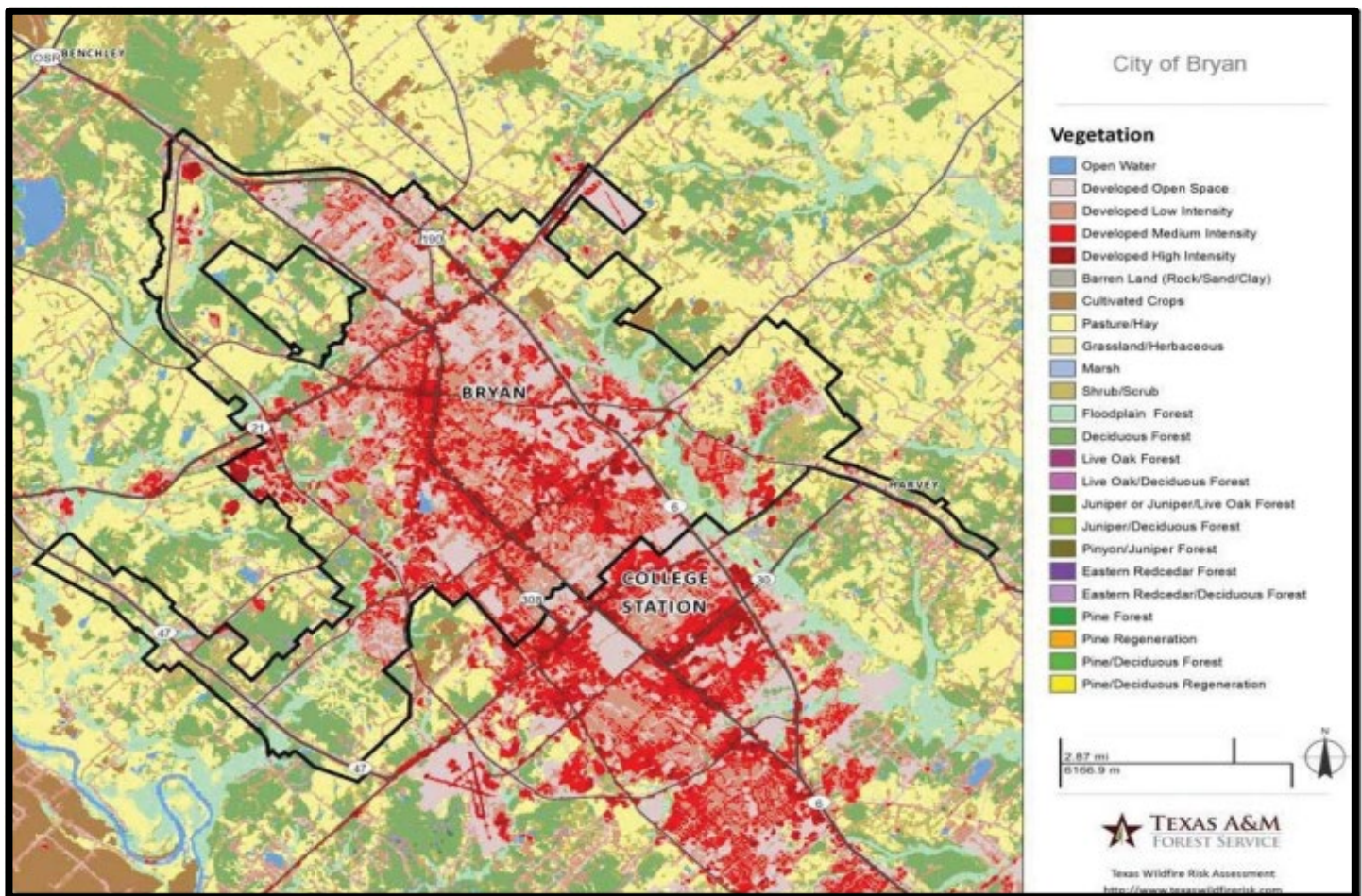
Office of the Texas State Climatologist
climatexas.tamu.edu

Vegetation

This section of your CWPP should provide a brief overview of the jurisdiction’s predominant fuel types, fuel loading, large wildland areas and even expected fire behavior. By identifying the predominant fuel types within the CWPP area, the working group can predict potential types of fire behavior and develop fuel mitigation strategies.

The TxWRAP summary report generated through the steps listed on Page 10 will provide information you can use in this section. You can also visit the **TxWRAP Risk Explorer** at texaswildfirerisk.com and select the “**Advanced Viewer**” option. Enter an address, location, or coordinates into the **Search Bar** at the top right. Then click on **Map Themes** and select **Landscape Characteristics** to generate specific information about the vegetation in your community.

➤ *Your CWPP Vegetation page might include a map like this, which can be generated through TxWRAP:*

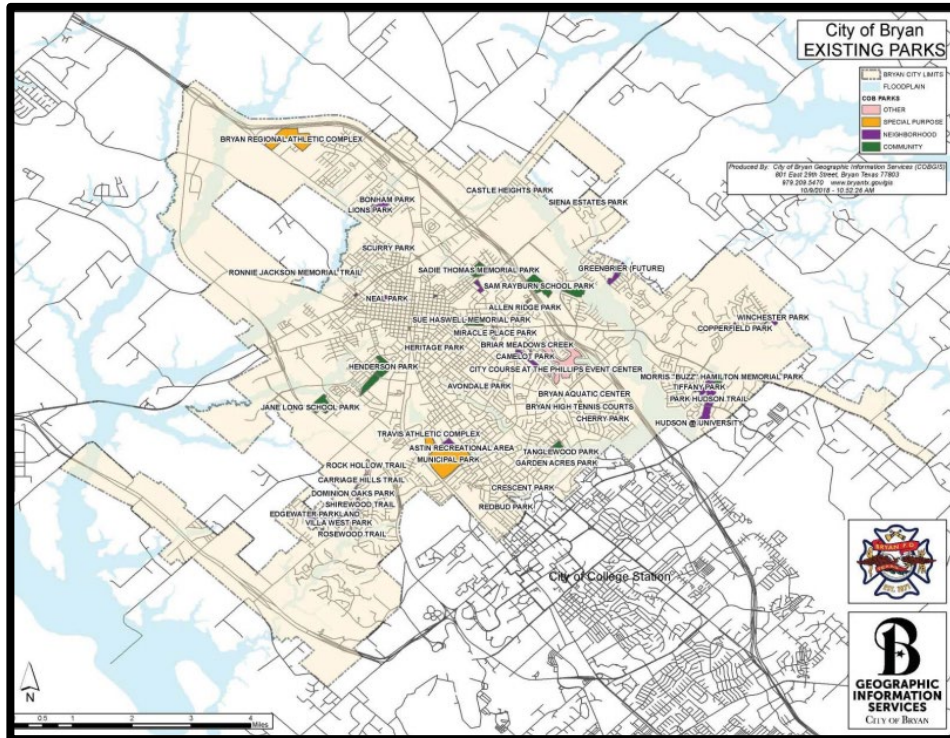


Source: City of Bryan, Texas, Community Wildfire Protection Plan

Land Use

This section of your CWPP should cover past and present fuel types and fuel loading. Consider including whether fire was historically used to maintain the ecosystem, and if it is used now. Including photographs can be useful in this section. Your county extension agent may also be able to provide some historical information.

➤ *Your CWPP Land Use page might include something like this:*



Existing Land Use

Existing land use reflects how property is currently used, not how it is zoned. Existing land uses may not be consistent with established zoning districts, as they may have been established prior to the initiation of zoning. What follows is a list of land uses and what they consist of:

- **Single-family residential** – Conventional detached dwellings
- **Two-family residential** – Duplexes
- **Multi-family residential** – Triplexes, fourplexes and apartments
- **Manufactured residential** – Manufactured and mobile homes
- **Public and semi-public** – Public buildings, schools and hospitals
- **Commercial** – General retail, wholesale and office
- **Industrial** – Manufacturing and production
- **Parks and recreation** – Parks and golf courses
- **Agricultural** – Cultivated cropland, orchards, vineyards and ranches
- **Vacant** – Undeveloped with no current use

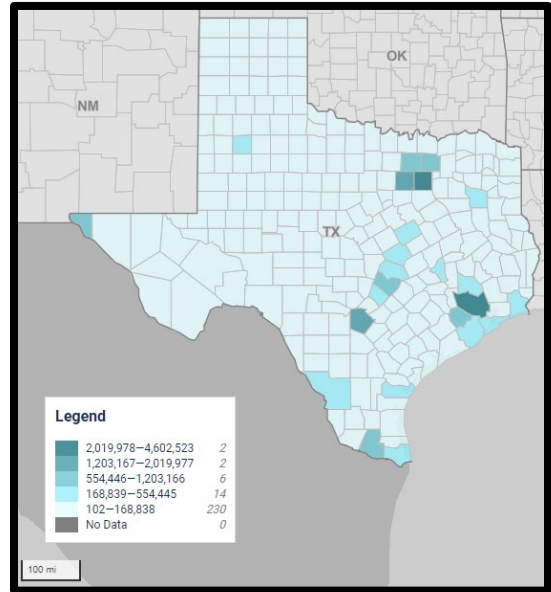
Source: City of Bryan, Texas, Community Wildfire Protection Plan

Population

This section of your CWPP should include the jurisdiction’s population numbers. Incorporating the number of WUI residents at risk can be beneficial, especially in grant processes.

The TxWRAP summary report generated through the steps listed on Page 10 will provide information you can use in this section. You can also visit the [TxWRAP Risk Explorer](http://texaswildfirerisk.com) at texaswildfirerisk.com and select the “Advanced Viewer” option. Enter an address, location, or coordinates into the **Search Bar** at the top right. Click on **Map Themes** and select **Wildfire Risk Themes** to access the **Where People Live** and **Wildland Urban Interface (WUI)** layers, which also may be useful when filling out this section.

The U.S. Census Bureau also provides information at census.gov.

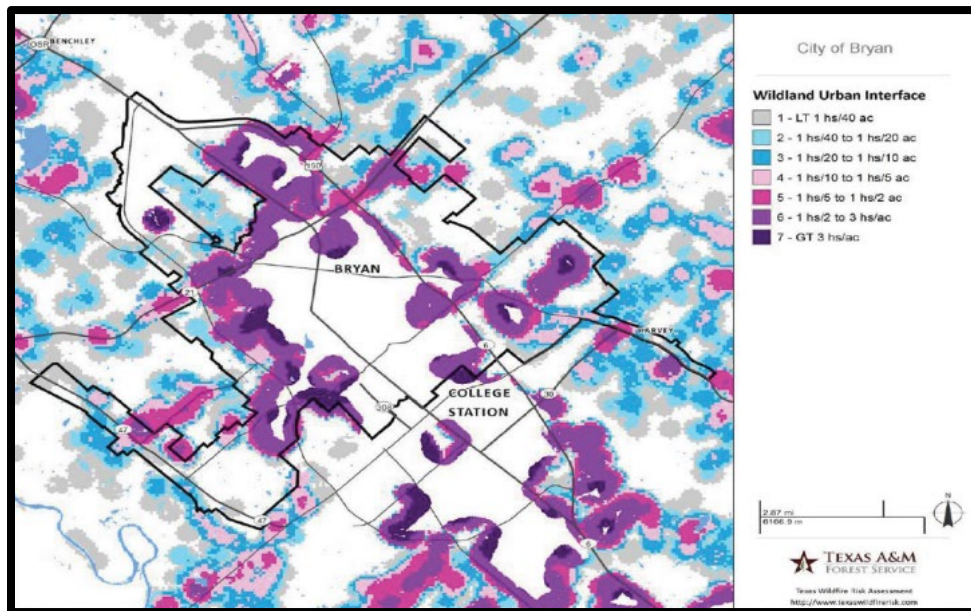


Source: US Census Bureau, data from American Community Survey

► *Your CWPP Population page might include information like this:*

Bryan’s population is estimated to be 83,260, according to the 2010 U.S. Census.

It is estimated that 33,367 people, or 45 percent of the population, live within the WUI. Population is determined by the housing density of a certain area.



Source: City of Bryan, Texas, Community Wildfire Protection Plan

Fire Response Capabilities

This section of your CWPP should identify fire departments, apparatus, number of members and locations. This can help identify cooperators and give an effective overview of the jurisdiction. It also helps the working group identify capacity building needs.

Texas A&M Forest Service maintains an **online fire reporting system Texas FireConnect** (<https://fireconnect.tfs.tamu.edu/>). In addition to serving as a comprehensive directory of Texas Fire Departments, the application can be used to determine fire department response areas.

Visit the TxWRAP Risk Explorer at texaswildfirerisk.com and select the “Advanced Viewer” option. Enter an address, location, or coordinates into the **Search Bar** at the top right. Click on **Map Themes** and scroll to the **Reference Layers** tab on the left-hand side. Check the **Fire Stations** box for a map of station locations in your jurisdiction.

➤ *Your Fire Response Capabilities page might include something like this:*

Station	Apparatus	
Fire Station No. 1 300 William Joel Bryan Parkway (979) 209-5960	<ul style="list-style-type: none"> – Battalion 1 – Command Vehicle – Engine 1 – 1500 GPM Pumper – Truck 1 – 100’ Aerial Platform – Rescue 1 – Heavy Rescue Vehicle – Boat 1 – Zodiac FC 420 Swift Water Rescue Boat with 40 hp – Boat 2 – 19-foot Boat Right Center Console Lake Rescue Boat with 115 hp – EMS 1 – Paramedic Supervisor / Safety Officer Vehicle – Medic 1 – ALS Ambulance 	<div style="border: 1px solid black; padding: 5px; text-align: center;"> 2018 Bryan Fire Department Incident Responses: Fire: 239 Explosion: 8 EMS/rescue: 9,591 Hazardous situations: 231 Service calls: 864 ISO rating: 1 </div>
Fire Station No. 2 414 Lawrence St. (979) 209-5580	<ul style="list-style-type: none"> – Engine 2 – 1500 GPM Pumper – Medic 2 – ALS Ambulance – Booster 2 – TIFMAS Grass Truck – Ford F550 – Mobile Command Post (MCP1) – Mobile Command Vehicle – Arson Investigation Trailer 	
Fire Station No. 3 3211 Briarcrest Drive (979) 209-5960	<ul style="list-style-type: none"> – Engine 3 – 1500 GPM Pumper – Medic 3 – ALS Ambulance 	
Fire Station No. 4 5429 North Texas Avenue (979) 209-5588	<ul style="list-style-type: none"> – Engine 4 – 1500 GPM Pumper – Booster 4 – Brush / Wildland Truck 	
Fire Station No. 5 2052 W. Villa Maria Road (979) 209-5590	<ul style="list-style-type: none"> – Engine 5 – 1500 GPM Pumper – Medic 5 – ALS Ambulance – Hazardous Materials Response Unit – Boat 5 – Zodiac FC 420 Swift Water Rescue Boat with 40 hp 	

Source: City of Bryan, Texas, Community Wildfire Protection Plan

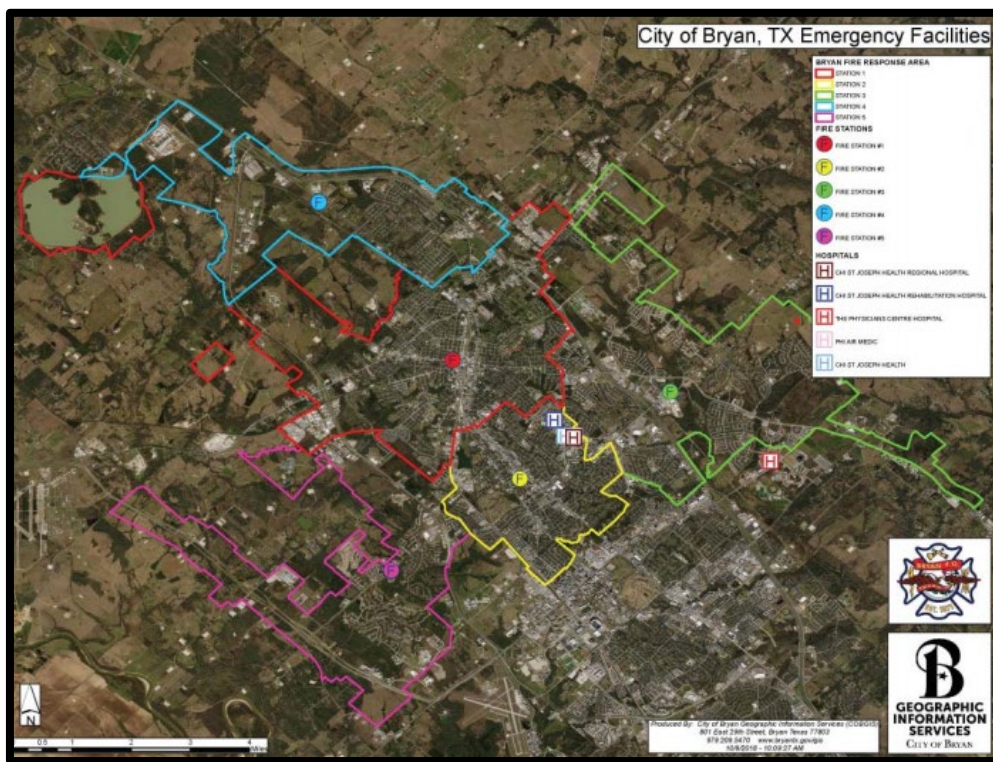
Emergency Facilities

This section of your CWPP should identify hospitals, fire stations, emergency management offices and possible shelter locations. These locations may be able to fill sheltering, resource staging or command post functions during an incident. They also may be able to provide average response times to high-risk WUI areas.

Visit the TxWRAP Risk Explorer at texaswildfirerisk.com and select the "Advanced Viewer" option. Enter an address, location, or coordinates into the Search Bar at the top right. Click on Map Themes and scroll to the Reference Layers tab on the left-hand side. Check the Fire Stations box for a map of station locations in your jurisdiction.

The information on emergency facilities also may be useful for a Pre-Attack Plan.

➤ Your CWPP Emergency Facilities page might include something like this:



Treatment centers in the area include:

CHI St. Joseph Regional Health Hospital, 2801 Franciscan

- 266 licensed beds; 36-bed medical/surgical ICU; 16 operating rooms
- MRI scanner; two CT scanners; dialysis unit
- 30 isolation beds
- Emergency power for indefinite number of hours
- Emergency room: 28 treatment room beds

Baylor Scott and White Medical Center, 700 Scott and White Dr., College Station

- 119 licensed beds; 16-bed medical/surgical ICU; 18-bed IMCU; 7 operating rooms
- MRI scanner; 2-CT scanners; dialysis unit
- 7 isolation beds
- Emergency power for 72 hours
- Emergency room: 21 treatment room beds

Source: City of Bryan, Texas, Community Wildfire Protection Plan

Utilities and Railroads

This section of your CWPP should identify the major utilities and railroads, if any, throughout your jurisdiction. Utility companies can be a great partner in fuels reduction along rights-of-way. Railroad companies can provide information about schedules and possible hazards.

Railroad, pipeline and drilling information can be found at rrc.state.tx.us and txdot.gov.

The information on utilities and railroads also may be useful for a **Pre-Attack Plan**.

► *Your CWPP Utilities and Railroads page might include something like this:*



Regional Utilities

Bryan Texas Utilities

(979) 821-5700

College Station Utilities

(979) 764-3535

Hazardous materials transportation routes

Hazardous materials transportation routes are a concern in the event of a wildfire that prompts road closures or evacuations.

Highways:

Texas State Highway 6

Primary chemical hazards: Liquefied petroleum gas (LPG); gasoline

Protective action distance: 800 meters-1,600 meters

Texas State Highway 21

Primary chemical hazards: LPG; gasoline

Protective action distance: 800 meters-1,600 meters

Source: City of Bryan, Texas, Community Wildfire Protection Plan

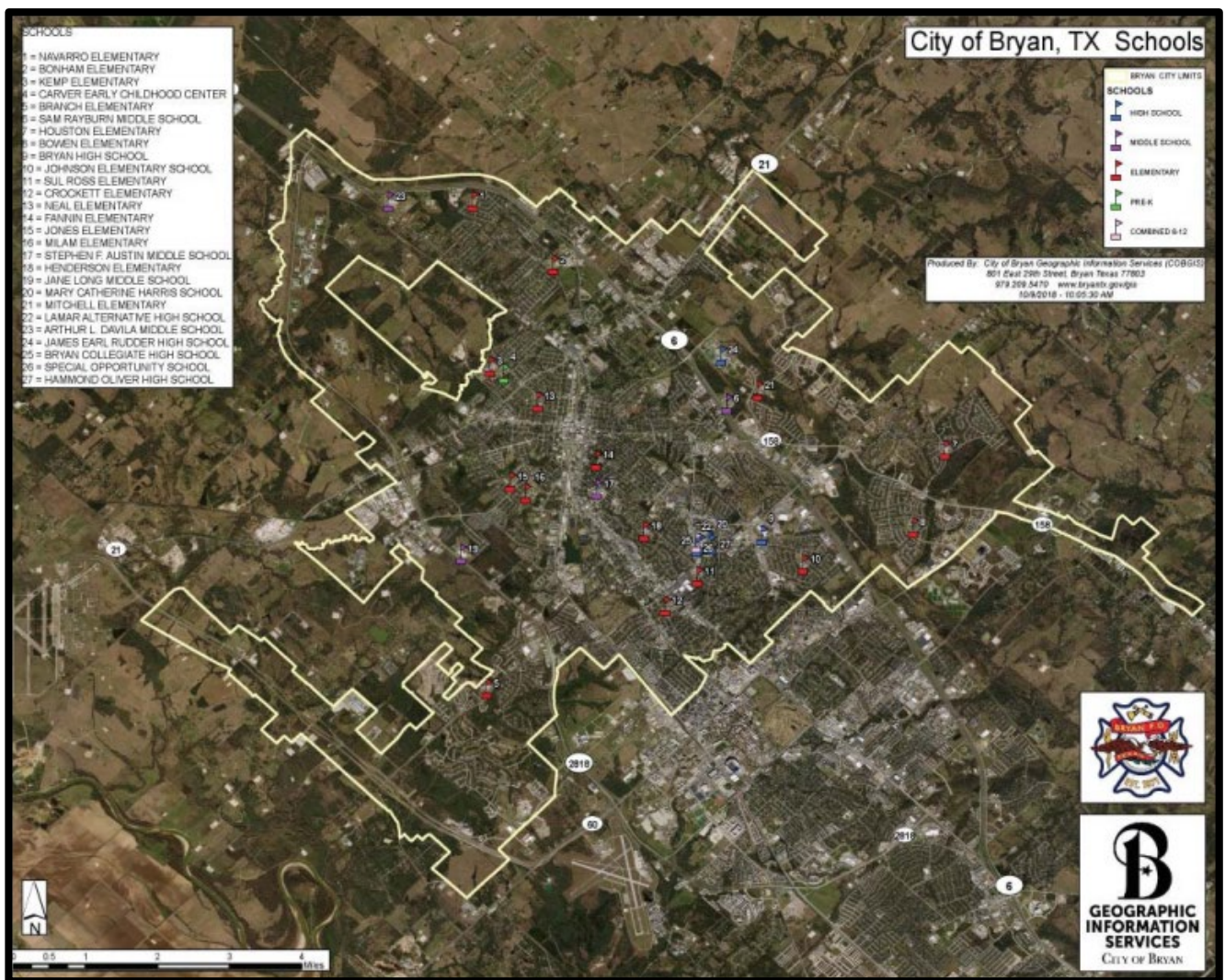
Schools

This section of your CWPP should identify schools and associated facilities and the number of staff and students in them. This is important should you need to evacuate a school campus or house an Incident Command Post there. Contacts and release times for each school campus should be recorded, and possible evacuation or shelter-in-place procedures should be considered. Schools can be great cooperators as well, especially with fire prevention messages. It also is beneficial to be familiar with the district's emergency notification system and contingency plan.

A Texas school locator can be downloaded at tea.state.tx.us.

The information on schools also may be useful for a **Pre-Attack Plan**.

➤ *Your CWPP Schools page might include something like this:*



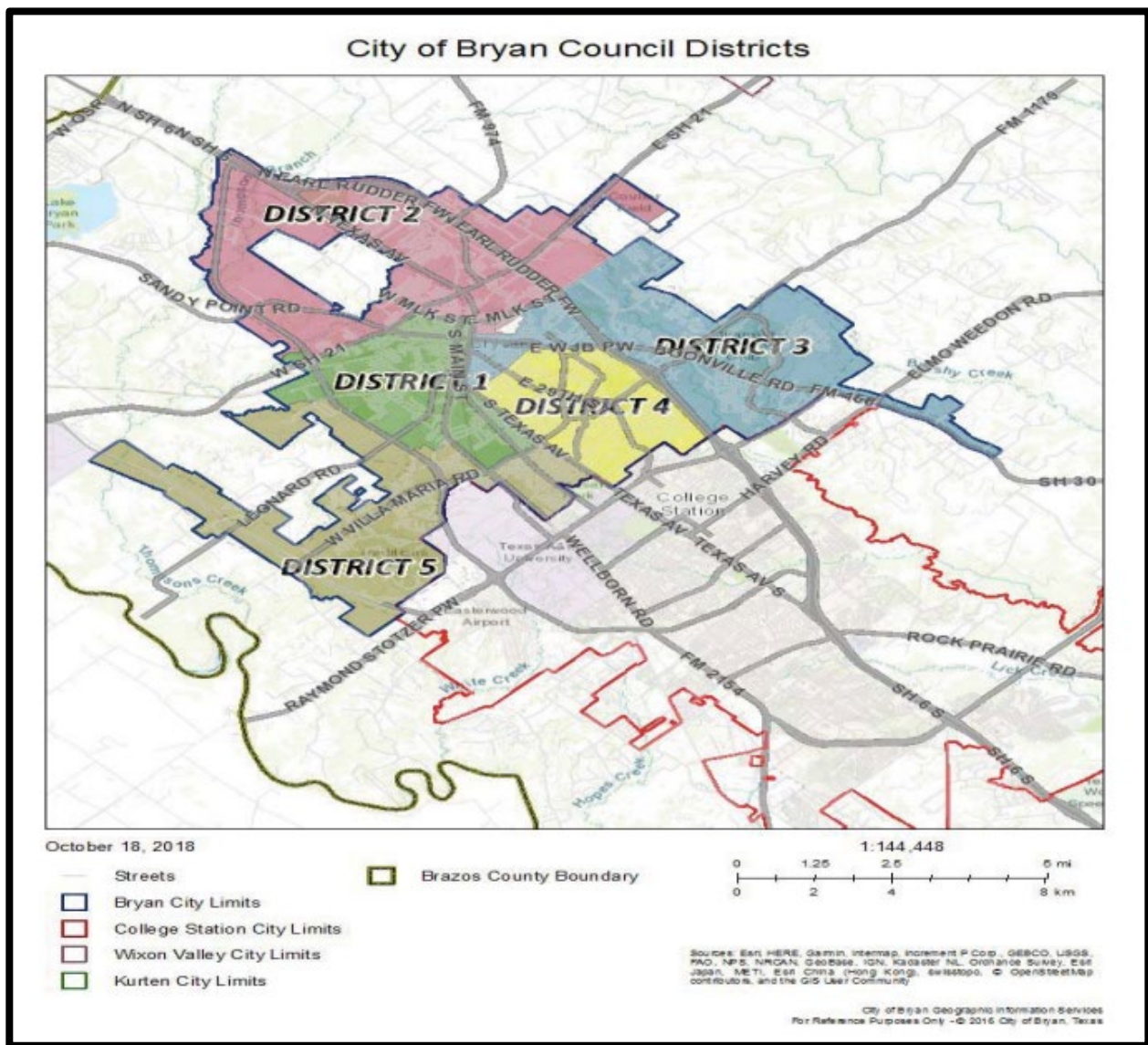
Source: City of Bryan, Texas, Community Wildfire Protection Plan

Community Legal Authority

This section of your CWPP should be an overview of what authority the jurisdiction has to enforce certain planning and zoning codes. Understanding what rules are in place can help the team identify recommendations for additional codes.

➤ *Your CWPP Community Legal Authority page might include something like this:*

The City of Bryan charter stipulates that the council/manager form of government be utilized. The seven-member city council consists of a mayor and six council members, with one council member elected at-large and the other five elected from single-member districts. The mayor and council members are elected for alternating three-year terms with six-year term limits. The role of the City Council is to enact ordinances and resolutions, adopt regulations and set policy direction for the conduct of the affairs of the city.



Source: City of Bryan, Texas, Community Wildfire Protection Plan

Fire Environment

This chapter covers your community's Wildland Urban Interface as well as the frequency and characteristics of wildfire in your area.

* *Wildland Urban Interface*

Area where human habitation and development meet wildland vegetation

* *Fire Behavior*

Fire behavior of the area, such as flame length or rate of spread

* *Fire Occurrence*

Major causes of fire in the area and when they happen

* *Future Wildland Restoration*

Restoration of fuels and ecosystem to historical and natural levels

Using TxWRAP in this section:

The summary report generated through the steps listed on Page 10 can be used to fill out your CWPP's sections on *Wildland Urban Interface*, *Fire Occurrence*, *Fire Behavior* and *Future Wildland Restoration*.

You can also visit texaswildfirerisk.com and select the "Advanced Viewer" option. Click on the search bar in the top left corner. Select your county or city from the drop-down menu.

Click on **Map Themes** button. The layers **WUI Response Index** and **Wildland Urban Interface (WUI)** under the **Wildfire Risk tab** will provide information that can be used to fill out your CWPP's section on *Wildland Urban Interface*. Layers under the **Historical Fire Occurrence tab** will provide information that can be used to fill out your CWPP's section on *Fire Occurrence*. Layers under the **Wildfire Behavior tab** will provide information that can be used to fill out your CWPP's section on *Fire Behavior*.

➤ *You don't need to include a page like this in your CWPP. It's simply a tool to help you generate the information you'll need for your plan.*

Wildland Urban Interface

This section of your CWPP should discuss the Wildland Urban Interface (WUI) — areas where human habitation and development meet or are intermixed with wildland fuels (vegetation).

Wildfires in these areas present significant challenges to residents, emergency responders and community planners. Texas continues to see homes destroyed by wildfire in the WUI. Through fuels management and wildfire mitigation practices, communities can significantly reduce the threat of catastrophic wildfire.

A CWPP allows community planners, emergency responders and local government officials to identify the WUI areas within their jurisdiction. It also enables them to rank the WUI areas from highest to lowest significant threat, allowing for prioritization of mitigation projects.

The TxWRAP summary report generated through the steps listed on Page 10 will provide information you can use in this section. You can also visit the TxWRAP Risk Explorer at texaswildfirerisk.com and select the “Advanced Viewer” option. Enter an address, location, or coordinates into the Search Bar at the top right. Click on Map Themes and Wildfire Risk Themes. Click on WUI Response Index and Wildland Urban Interface (WUI) for information specific to your community.

➤ Your CWPP Wildland Urban Interface page might include something like this, which can be generated by TxWRAP:

Housing Density	WUI Population	Percent of WUI Population	WUI Acres	Percent of WUI Acres
LT 1hs/40ac	37	0.1 %	2,408	16.2 %
1hs/40ac to 1hs/20ac	70	0.2 %	1,133	7.6 %
1hs/20ac to 1hs/10ac	121	0.4 %	1,075	7.2 %
1hs/10ac to 1hs/5ac	322	1.0 %	1,463	9.9 %
1hs/5ac to 1hs/2ac	839	2.5 %	1,861	12.6 %
1hs/2ac to 3hs/1ac	19,357	58.4 %	5,858	39.5 %
GT 3hs/1ac	12,408	37.4 %	1,030	6.9 %
Total	33,154	100.0 %	14,828	100.0 %

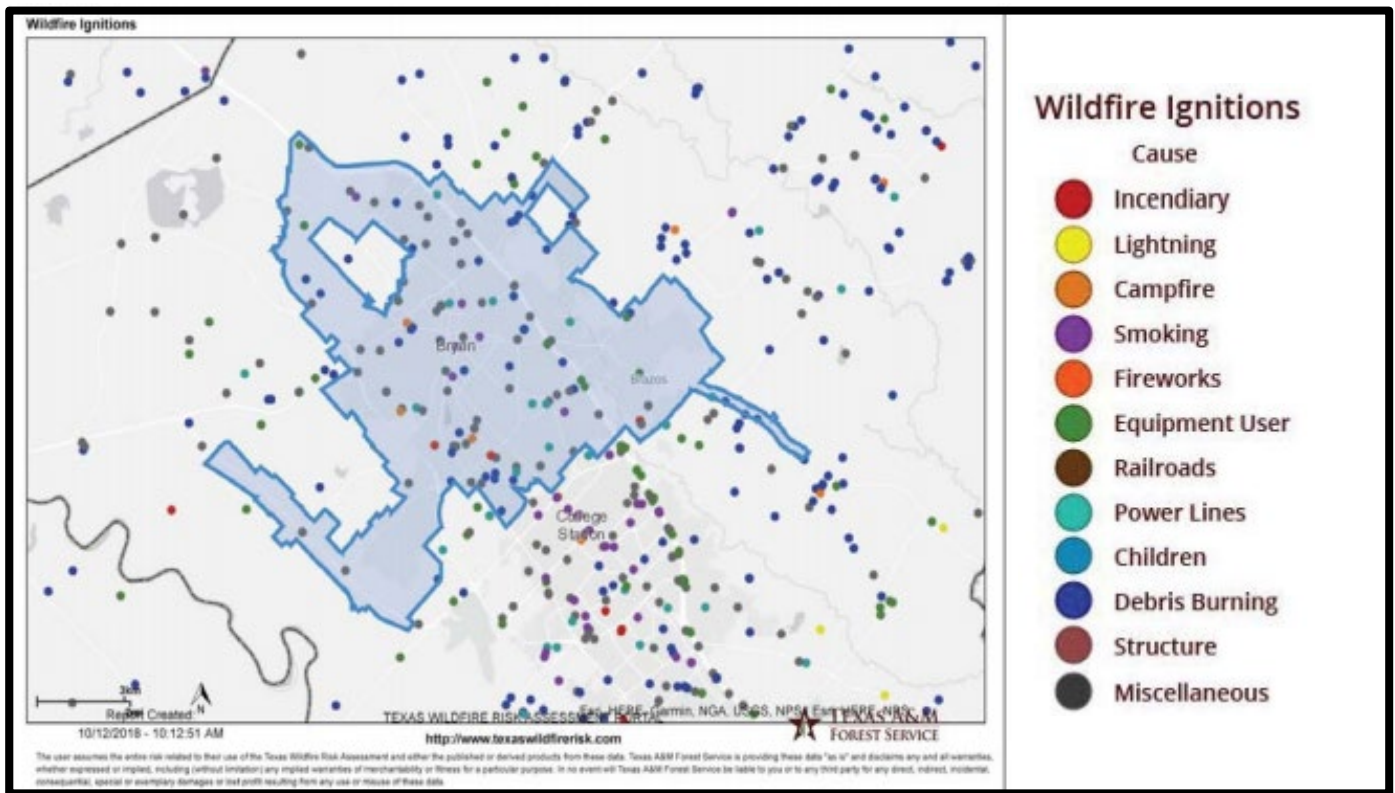
Source: City of Bryan, Texas, Community Wildfire Protection Plan

Fire Occurrence

This section of your CWPP should cover fire occurrence. Understanding historical fire occurrences will help community leaders develop strategic prevention strategies. Texas A&M Forest Service maintains an **online fire reporting system (<https://fireconnect.tfs.tamu.edu/>)** that can be used by local fire departments to report fire causes. By using the online fire reporting system, a CWPP working group and fire department can better track fire occurrences. Once you identify the primary causes of wildfire in your area, you can develop a strategic prevention campaign.

The TxWRAP summary report generated through the steps listed on Page 10 will provide information you can use in this section. You can also visit the **TxWRAP Risk Explorer** at texaswildfirerisk.com. Enter an address, location, or coordinates into the **Search Bar** at the top right. Click on **Map Themes** and **Historical Fire Occurrence** for information on wildfire occurrence in your community.

➤ *Your CWPP Fire Occurrence page might include something like this, which can be generated by TxWRAP:*



Source: Source: City of Bryan, Texas, Community Wildfire Protection Plan

Fire Behavior

This section of your CWPP should cover fire behavior, which can be dependent on weather, fuels and topography. Topography and fuels may change over time and throughout the landscape but are not as rapidly changing as weather. Weather is critical to predicting fire behavior and is also the most extreme variable.

Texas A&M Forest Service uses a suite of fire indices for forecasting probability of occurrence and fire behavior.

Energy Release Component (ERC) is an index for predicting fire intensities. This represents the total heat release per unit area (British thermal units per square foot) within the flaming front at the head of a moving fire.

ERC is categorized by numerical percentiles. When ERC is at or above the 90th percentile, fuels readily burn, fires can exhibit a high difficulty of control and the suppression capabilities of fire departments can be exceeded. The 97th percentile is another breakpoint used to identify and communicate the most extreme and dangerous conditions. Wildfires in Texas can range from fast-moving grass fires to fires burning actively in the crowns of trees. These extreme fires can move quickly and produce spot fires miles away. Spot fires are created when burning embers are lofted into the air and transported in front of the head fire by strong winds.

The TxWRAP summary report generated through the steps listed on Page 10 will provide information you can use in this section. You can also visit the **TxWRAP Risk Explorer** at texaswildfirerisk.com and select the “**Advanced Viewer**” option. Enter an address, location, or coordinates into the **Search Bar** at the top right. Click on **Map Themes** and **Wildfire Behavior** for information specific to your community.

The information on fire behavior also may be useful for a **Pre-Attack Plan**.

➤ *Your CWPP Fire Behavior page might include something like this, which can be generated by TxWRAP:*

Flame Length	Acres	Percent
Non-Burnable	15,669	55.3 %
0 - 2 ft	9,717	34.3 %
2 - 4 ft	263	0.9 %
4 - 8 ft	2,697	9.5 %
8 - 12 ft	8	0.0 %
12 - 20 ft	0	0.0 %
20 - 30 ft	2	0.0 %
30 + ft	2	0.0 %
Total	28,358	100.0 %

Source: City of Bryan, Texas, Community Wildfire Protection Plan

Risk Assessments

This chapter will walk the working group through determining risks and hazards in the community. A Texas A&M Forest Service Representative should advise the group throughout this process.

- * *Risk Assessments*

Identify risks around the community and discuss possible mitigation solutions

- * *Risk Assessment Findings*

Identifies priority communities based on hazards

- * *Assets at Risk*

Identify critical infrastructure or public buildings that are susceptible to wildfire

Using TxWRAP in this section:

The TxWRAP summary report generated through the steps listed on Page 10 will provide background information you can use while working on your CWPP's *Risk Assessment Process*.

The summary report will provide an overall assessment of your community. This should serve as a complement to a community assessment conducted by a group of individuals trained by a Texas A&M Forest Service Representative.

The **Texas A&M Forest Service Representative in your area** can provide expertise in guiding you through this important part of the CWPP.

➤ *You don't need to include a page like this in your CWPP. It's simply a tool to help you generate the information you'll need for your plan.*

Risk Assessments

Risk assessments are a systematic process for identifying and assessing the range of elements that could lead to undesirable outcomes from wildfire. Assessments are crucial to developing an understanding of the risk of potential losses to life, property and natural resources during a wildland fire.

Specifically, the risk assessment:

- Assesses risks, hazards, fire protection capability, structural vulnerability and values to be protected.
- Identifies at-risk WUI areas.
- Identifies and prioritizes areas in which to conduct fuels reduction treatments.

The primary factors that should be assessed are:



1. Fuels

- a. Fuels are assessed based on continuity, loading and types. The fuels that surround and intermingle with the community are evaluated through windshield assessments and TxWRAP.
- b. Defensible space is assessed as a community average.

2. Structural Ignitability

- a. Structural Ignitability is assessed as an average. Major components of this category include roofing materials, walls, windows and wooden attachments.

3. Access

- a. Access includes the number of ways in and out of a neighborhood, type of road system, dead-end roads and cul-de-sacs.

4. Local Fire Capacity

- a. Local fire capacity includes distance to the nearest fire station, 24-hour staffing, pressurized water systems, water sources and training needs. This helps the local fire department identify capacity building needs.

5. Utilities

- a. Utilities include power lines, pipelines and septic systems. These can limit access into an area or potentially ignite a wildfire.

The risk assessment process is critical to developing a CWPP. This allows the working group to identify communities at risk and prioritize mitigation projects. The risk assessment is also an important tool intended to help residents understand their risk and engage them in participation of mitigation actions. Identify individuals who will be trained by a Texas A&M Forest Service Representative on how to conduct community hazard assessments and complete them in a consistent manner.

The TxWRAP summary report generated through the steps listed on Page 10 will provide information on your community's fuels and local fire capacity that can be used in this section. Once the group has been trained in conducting community hazard assessments, they will be able to use the **Community Assessor** function in TxWRAP to upload the information.

➤ *Your CWPP should include a defined risk assessment process that outlines the procedure for ground-truthing data and the process of evaluating neighborhoods and communities.*

Risk Assessment Findings

This section of your CWPP can be completed once all community risk assessments have been conducted for the area. Include a summary of findings from the risk assessment process and create a Community Hazard Rating List that identifies priority communities based on their hazards.

During the risk assessment process, the working group should begin to develop mitigation strategies for specific communities. These potential mitigation strategies should be recorded in the CWPP, along with the hazard rating list and other findings. The **Community Assessor** tool in TxWRAP will create a report for each home or neighborhood assessed that includes mitigation strategies and should be used to inform your community action plan.

The Risk Assessment Findings also may be useful for a **Pre-Attack Plan**.

➤ *Your CWPP Community Hazard Rating List page might look something like this:*

Risk assessments were conducted over a two-week period in the response zones for each of Bryan’s five fire stations. Members of the working group assessed 44 areas within the city limits. The findings showed 1 extreme-risk area, 15 high-risk areas, 25 moderate-risk areas and 3 low-risk area.

Once high-risk areas were identified, specific mitigation strategies were outlined to reduce wildfire risks.

<p>Response Zone 1: One extreme-risk neighborhoods Four high-risk neighborhoods Three moderate-risk neighborhoods</p> <p>Response Zone 2: Six moderate-risk neighborhoods</p> <p>Response Zone 3: One high-risk neighborhoods Eleven moderate-risk neighborhoods One low-risk neighborhood</p> <p>Response Zone 4: Seven high-risk neighborhoods Three moderate-risk neighborhoods One low-risk neighborhood</p> <p>Response Zone 5: Three high-risk neighborhoods Two moderate-risk neighborhoods One low-risk neighborhood</p>	<div style="text-align: center;"> <p>City of Bryan general wildfire risk</p> </div> <p>The City of Bryan has a generally urban environment but there are pockets of wildland fuels within the city and bordering the outskirts that pose threats.</p> <p>The most likely areas for wildfire ignition will have sufficient grasses in order to allow wildfire to spread.</p> <p>These threats will most likely come from outside the city (from the west, north and east) but some pockets within the city limits also have the potential to ignite and spread.</p>
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Source: City of Bryan, Texas, Community Wildfire Protection Plan

Assets at Risk

This section of your CWPP allows the working group to identify critical infrastructure or public buildings that may be susceptible to wildfire. This section also can discuss industrial sites that may be at risk. The same assessment process is used for these structures.

This information also may be useful for a **Pre-Attack Plan**.

➤ *Your CWPP Assets at Risk page might include something like this:*

Asset Type	Total Number of Assets	Asset Value	Reason for Risk	Mitigation Planned
[Type of Asset]	[Total number of assets of that type]	[Total value of assets]	[Reason asset is at risk]	[Solution planned for risk]
[Type of Asset]	[Total number of assets of that type]	[Total value of assets]	[Reason asset is at risk]	[Solution planned for risk]
[Type of Asset]	[Total number of assets of that type]	[Total value of assets]	[Reason asset is at risk]	[Solution planned for risk]
[Type of Asset]	[Total number of assets of that type]	[Total value of assets]	[Reason asset is at risk]	[Solution planned for risk]
[Type of Asset]	[Total number of assets of that type]	[Total value of assets]	[Reason asset is at risk]	[Solution planned for risk]

Mitigation Strategies

Mitigation strategies can range from wildfire prevention to fuels reduction to capacity building. All of these strategies combined will help limit future losses. In addition to the mitigation strategies included in this section, the **Community Assessor** tool in TxWRAP will create a report for each home or neighborhood assessed that includes mitigation strategies and should be used to inform your community action plan.

- * *Public Education*
Public education on wildfire risk for the community
- * *Hazardous Fuels Reduction*
How reducing fuels can reduce risk of extreme wildfire
- * *Incorporating Prescribed Fires*
Benefits of prescribed fire
- * *Defensible Space*
Area immediately surrounding a home
- * *Treatment of Structural Ignitability*
Home construction and surroundings
- * *Local Capacity Building*
Properly training and equipping fire departments
- * *Evacuation Planning*
What do to when there's a wildfire
- * *Planning and Zoning*
Planning and zoning requirements of the community
- * *Mitigation Funding Resources*
Resources for mitigation funding
- * *Develop an Action Plan*
List of projects and how they'll be completed

Using TxWRAP in this section:

The TxWRAP summary report generated through the steps listed on Page 10 provides information that can be used to identify the primary and secondary causes of wildfire in your area, which can be used in your CWPP's section on *Public Education*.

➤ *You don't need to include a page like this in your CWPP. It's simply a tool to help you generate the information you'll need for your plan.*

Public Education

This section of your CWPP should cover public education, one of the most important tools for a working group. Reaching out to the public and educating them on wildfire causes and behavior may decrease preventable fires. Public education also can address evacuation concerns, burn ban violations, Home Ignition Zones and recovering from a wildfire.

Identify the primary and secondary causes of wildfires in your jurisdiction and the percentage of wildfires ignited by those causes. The TxWRAP summary report generated through the steps listed on Page 10 provides detailed information you can use to create a public awareness campaign for your area. Use volunteers, fire departments, emergency management, print media, television and radio to inform the public about wildfire prevention.

The CWPP working group should continually evaluate the causes of wildfires and assess the public education program.



➤ *Your CWPP Public Education page might include information like this:*

Public education campaigns are designed to heighten community awareness for wildfire risks. They may be general and cover the entire city or they may be specific and targeted for a certain area or issue (i.e. an awareness campaign on combustible attachments for a high risk-area). Texas A&M Forest Service has a large selection of public education materials on Ready, Set, Go!, fire resistant landscaping, home hardening, fuels management and basic fire behavior that can be used by the City of Bryan or the city may choose to develop its own materials.

Additional opportunities for public education include:

- Wildfire Awareness Week (second week of April)
- National Night Out (October)
- Citizen Fire Academy
- Fire Safety House
- Kid Safe Program
- Ready, Set, Go! (or other) town hall meetings with Texas A&M Forest Service
- School programs
- Bryan Fire Department and City of Bryan social media sites
- Bryan Fire Department web page and City of Bryan website
- Targeted outreach with Code Enforcement and Neighborhood Enforcement Team to high-risk areas
- Partnerships with local media outlets

Source: City of Bryan, Texas, Community Wildfire Protection Plan

Hazardous Fuels Reduction

This section of your CWPP should discuss how reducing the amount of fuels available to burn in a wildfire can reduce the risk of extreme fire behavior. Also, by creating breaks in the continuity of fuels it can limit and potentially stop the spread of wildfire. This is important, especially near high-risk communities.

Fuels reduction can be accomplished through several different mechanisms: mechanical treatments, chemical treatments, prescribed fire and grazing. To limit the destruction from future wildfires, identify fuels reduction projects based on community hazard ratings. Track the location of each project, the method of fuels reduction, cooperators, potential funding sources and priority.

This information also may be useful for a **Pre-Attack Plan**.

➤ *Your CWPP Hazardous Fuels Reduction page might look something like this:*

Fuels reduction projects are intended to clear overgrown vegetation, which can reduce the rate of spread and intensity of a wildfire and keep it out of the crowns of trees. In addition, these projects usually provide a safer environment for firefighters to work and extinguish a fire. Fuels reduction projects along evacuation routes may also give evacuees and incoming resources a safer ingress/egress.

Methods of treatment can vary. Treatment options include:

- Mechanical (mulcher, chipper)
- Hand clearing (chainsaws, handsaws)
- Herbicide application
- Prescribed fire

Some methods may be more effective than others, depending on the fuel types. Some methods may also be preferred when working around neighborhoods. The scope of each project will vary, but generally fuels reduction projects are completed along the border of neighborhoods and/or breaks in fuels (i.e. roads).

Generally, fuels reduction projects are 100 to 200 feet wide depending on the fuel type.



Source: City of Bryan, Texas, Community Wildfire Protection Plan


Incorporating Prescribed Fire

This section of your CWPP should focus on prescribed fire, which can be an effective and cost-efficient tool to mitigate the negative impacts of uncontrolled wildfires. When completed correctly by properly-trained people, prescribed fire can reduce fuel loading and return an ecosystem to its natural state.

Re-introducing fire into an ecosystem can be a tough task and may require cooperation with many different partners. The CWPP working group should identify possible cooperators and develop an initial plan to incorporate prescribed fire into the wildfire mitigation strategy.

► *You can use the following resources to determine how best to incorporate prescribed fire into your CWPP.*

- Prescribed Burn Alliance of Texas: pbatexas.org
- Texas Department of Agriculture: texasagriculture.gov
- Texas Parks & Wildlife Department: tpwd.state.tx.us
- Good Fires: goodfires.org




TEXAS A&M FOREST SERVICE

Fire Information: Overview of Prescribed Burning

Fire has shaped the environment of Texas for thousands of years, and in many cases, wildlife have adapted to habitat conditions created by fire. With the help of Native American Texas Indians, it is estimated that some of the East Texas pine forests used to burn every two to three years. However, it is now often the case that land in East Texas has gone without such fire for decades. Careful introduction and management of fire by way of prescribed burning can benefit the land. It is likely that prescribed burning can help landowners accomplish many of the objectives they have set for their land.

Prescribed burning has the ability to encourage pine and reduce hardwoods and shrubs in East Texas uplands bringing both an individual stand and ecosystem back to historic and pre-historic conditions. This has been shown to benefit many game, non-game and rare animal species. However, the benefit to landowners can be better long-term economic return, increased opportunities for recreation, better aesthetics, and reduced risk from uncontrolled wildfire.



Benefits:

- Controls low quality hardwoods and shrubs that compete with pines.
- Prepares sites for future tree planting or natural regeneration.
- Increases sunlight to forest floor, producing more grass, flowering annuals plants and seeds for wildlife.
- Reduces risks of annosus root rot and brown spot needle disease.
- Improves visibility and access for marking and harvesting timber.
- Most nutrients are returned to the soil in a more readily available form for plants.
- Increases edge effects many species use when seeking travel routes, feeding spots or shelter.
- Improves visibility and access for forest recreation.
- May be used in combination with chemical or mechanical treatments to often enhance the results.

Cost:

Because prescribed fire works in harmony with nature, achieving desired results with prescribed burning is often less expensive and produces less undesirable effects than alternative methods such as chemical treatments or mechanical clearing. However, prescribed fire is a tool that can be used in combination with chemical or mechanical treatments to often enhance the results. Land that has gone without fire for some time may initially require a combination of treatments to prepare the land for periodic burning.

Considerations:


In understory burning, fire intensity must be carefully controlled. It must be adequate to consume unwanted dead brush and litter, and to either kill or to only renew the understory vegetation, depending upon the objective, while not intense enough to kill or damage the overstory pines. Although southern yellow pines have thick bark with good insulating qualities, the roots and the growing tips of the pines are always vulnerable to hot fire. Low to moderate flame heights and a steady wind within the stand are often desired to keep heat from rising into the crowns. Cooler temperatures also allow more heat to be generated at flame level before killing temperatures are reached in the tree canopy. Generally, needle scorch up to one-third of the crown will cause little damage or loss of growth. Adequate moisture in the uppermost layer of soil is also needed to prevent fire from roasting the fine roots, which feed and support the trees. This moisture is critical in previously unburned stands as the fine roots may have grown up into the above-ground pine litter.

In controlling fire intensity, fuel loading, fuel moisture, temperature, relative humidity, wind, and burning technique must all be considered. Various burning techniques are used to get the fire intensity needed in a particular stand with the weather conditions existing that day.

Dormant season burns every 2-3 years will reduce fuel loading and top-kill woody brush. The basal and root sprouting that will occur from the top-killed woody vegetation will likely produce browse that is more palatable and attainable to wildlife than was present before the burn. Dormant season burns are typically done from December through February.

Growing season (spring) burns will greatly reduce the number of woody stems that regenerate and will promote more native grasses in the understory. Burning during this time can, however, temporarily interrupt nesting and feeding areas for game birds if conducted over a very large area. Growing season burns can be successfully done if the canopy is fairly open, if the fuel load is not heavy, and if the vegetation is not too green or spotty to carry a fire. It is typically necessary to conduct multiple dormant season burns over several years to prepare a site for a growing season burn. Growing season burns may be done in May and early June if the weather conditions are appropriate and if there is not heavy fuel loading. With warmer temperatures and usually drier weather, growing season burning

requires extra precaution. Growing season burns are often done on a three to five year cycle or as needed.



Precautions:

Prescribed burning should always be done by a certified burn vendor. An acceptable burning plan should first be formulated with appropriate documentation prior to conducting the burn. This plan should detail all information regarding the planned prescribed fire and should be followed as closely as possible. Fuel dryness, wind speed and direction, humidity, topography, fuels, and smoke management all play a part in conducting a safe and successful burn. Tree mortality and wildfire escape can occur in cases of high fire intensity.

Before a prescribed burn is conducted, neighbors, the local fire department and the Texas A&M Forest Service should be informed. The Texas A&M Forest Service will need to know the type burn (fuel reduction), location, number of acres, landowner name, person responsible (person conducting the burn), and a telephone number. Weather conditions and fire forecast information may be obtained from Texas A&M Forest Service Dispatch Offices.

<http://tfsweb.tamu.edu>
Page 1 of 2
<http://tfsweb.tamu.edu>
Page 2 of 2

Source: Texas A&M Forest Service Fire Information
<https://tfsweb.tamu.edu/forestmanagementinformationsheets/>

Defensible Space

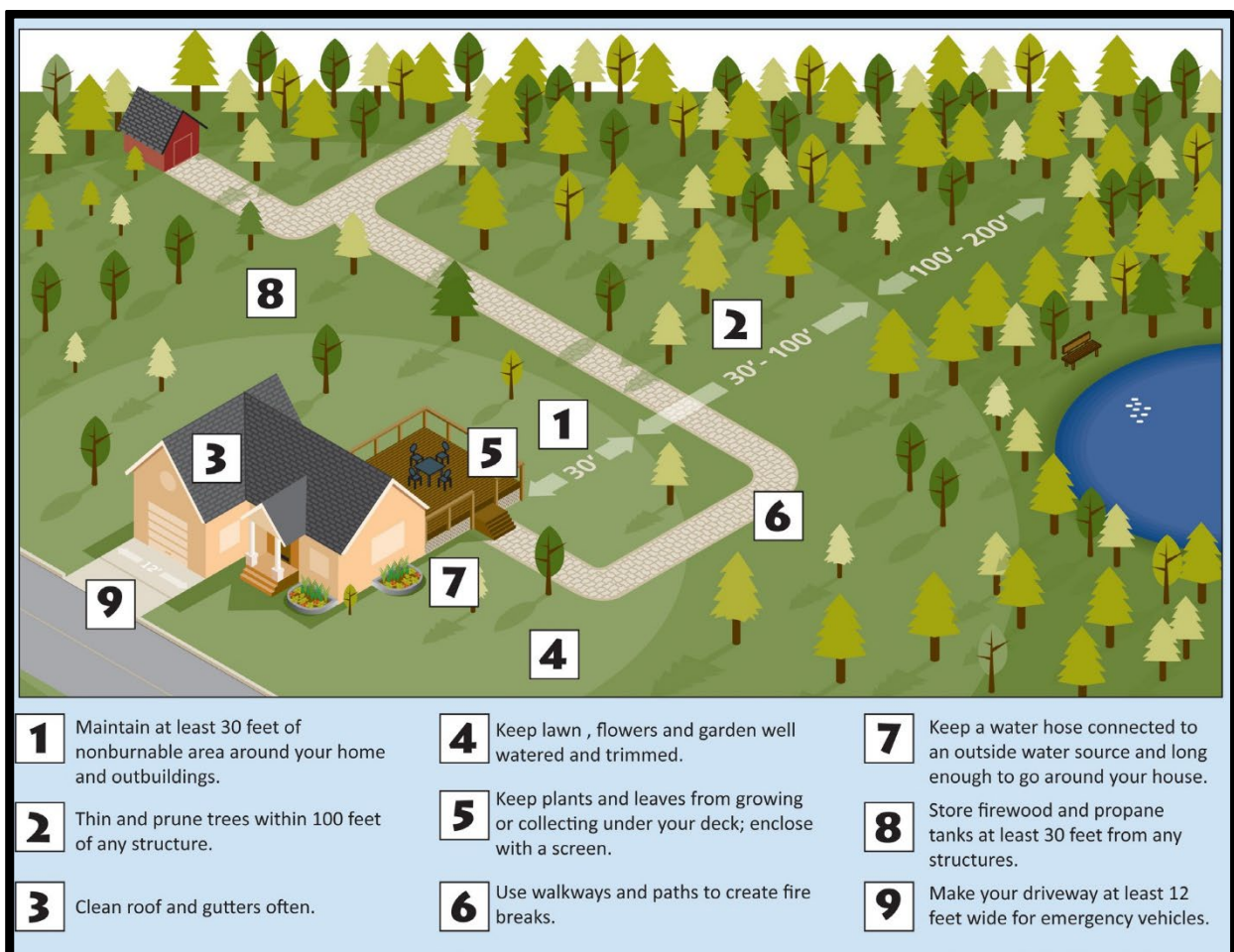
This section of your CWPP should discuss defensible space, the area immediately surrounding a home and its attachments. This area is important to a home's survival in a wildfire. Thirty feet is the absolute minimum recommended defensible space zone.

The Home Ignition Zone (HIZ) extends to 200 feet from the home. The fuel loading and continuity in the HIZ is a critical part of the risk assessment process and the results should direct defensible space mitigation projects. Vegetation placement, lawn care and use of fire-resistant materials (such as rock) will play an important role during a wildfire.

While home hardening — or the practice of making your home fire-resistant — is important for everyone, it is especially important for those homeowners who cannot mitigate the entire HIZ.

The primary type of mitigation project regarding defensible space is public education. Defensible space also should be incorporated into a community's strategic prevention plan.

➤ *Your CWPP Hazardous Fuels Mitigation page might include something like this:*



Source: Texas A&M Forest Service

Treatment of Structural Ignitability

This section of your CWPP should address treatment of structural ignitability. A home's design, construction materials and immediate surroundings are factors that contribute to how easily a home will ignite when wildfire threatens. By educating homeowners about wildfire and the parts of a home that are vulnerable to it, the CWPP working group can help to reduce the number of homes destroyed by wildfires.

Treatment of structural ignitability also should be included in the strategic prevention plan.

Treatment of structural ignitability can be accomplished through adoption of the International WUI Code and is discussed in the Planning and Zoning section of this chapter.



➤ *Your CWPP Treatment of Structural Ignitability page might include information like this:*

Fire Resistant Construction

A home located within the WUI may be at risk in the event of a wildfire. Lands and communities adjacent to and surrounded by wildlands are part of the WUI. However, there are precautions that a homeowner can take to reduce a home's risk. It begins by learning what parts of your home might burn if exposed to direct flame contact, radiant heat or embers.

Several sections of a home are vulnerable to a wildfire because of their size or placement. For example, embers may get lodged between shingles or ignite leaf or pine litter on a roof.

“Hardening a home” is a term used to describe the retrofitting process that reduces a home's risk to wildfire. This involves using non-combustible building materials and keeping the area around your home free of debris. The roof can be ignited along the surface and the edge where gutters are connected. In both cases the most likely cause will be embers landing and debris igniting. A homeowner can prevent this by keeping combustible fuels cleared from the roof and using ignition-resistant roofing materials.

Recommended materials:

- Metal
- Tile (with bird stops)
- Class A shingles

Fire ratings for roofs are classified as either Class A, Class B, Class C or unrated if a roof covering cannot meet the requirements for any of these classifications. Class A is the highest rating, offering the highest resistance to fire, and unrated is the worst. Examples of a Class A roof covering include concrete or clay roof tiles, fiberglass asphalt composition shingles and metal roofs.

Source: Texas A&M Forest Service

Local Capacity Building

This section of your CWPP should address properly training and equipping local fire departments to fight wildfires. Once necessities have been identified, the CWPP working group should create a plan to fill the needs for training, equipment, and apparatus. Include priority items in the CWPP action plan.

Useful links:

- › **Texas A&M Forest Service Capacity Building**
(<https://tfsweb.tamu.edu/FireDepartmentPrograms/>)
 - › **Texas A&M Forest Service training opportunities** (<https://bit.ly/3iAaXqt>)
 - › **Texas Interagency Coordination Center** (ticc.tamu.edu)
- *Your CWPP Local Capacity Building page might include opportunities for securing grants or training through Texas A&M Forest Service programs. This section may also include training priorities, needs, and recommendations.*

Fire Department Assistance Programs	
<p style="text-align: center;"><i>Firesafe Program</i></p> <p>The Firesafe program provides low-cost wildland and structural protective clothing, hose, nozzles and other water-handling accessories to rural and small community fire departments.</p>	<p style="text-align: center;"><i>TIFMAS Grant Assistance Program</i></p> <p>The TIFMAS grant assistance program provides grants to qualified fire departments to assist in the purchase of training, equipment and apparatus.</p>
<p style="text-align: center;"><i>Rural Volunteer Fire Department Assistance Programs (HB 2604)</i></p> <p>The Rural VFD Assistance Program (2604) provides grants for qualified fire departments to assist in the purchase of PPE, equipment and training. The program is designed to fund a full spectrum of cost-share projects and continues to make a significant impact on firefighters and communities.</p>	<p style="text-align: center;"><i>Helping Hands Program</i></p> <p>The Helping Hands Program provides liability relief to industry, businesses, cities and others to donate surplus fire and emergency equipment. Texas A&M Forest Service then distributes it to departments around the state.</p>
<p style="text-align: center;"><i>VFD Vehicle Liability Insurance</i></p> <p>The Texas Volunteer Fire Department Motor Vehicle Self Insurance Program (risk pool) provides low-cost vehicle liability insurance to qualified volunteer fire departments.</p>	<p style="text-align: center;"><i>Department of Defense Firefighter Property Program (FPP)</i></p> <p>In partnership with the Department of Defense, Texas A&M Forest Service administers the Firefighter Property Program (FPP), which provides excess military property to emergency service providers.</p>

Evacuation Planning

Evacuation plans can be created for high-risk neighborhoods, especially those with minimal egress routes, large populations or vulnerable populations. Plans should incorporate routes of ingress and egress for emergency responders. Emergency management, law enforcement, fire department, public works and appropriate local government official may be involved in the evacuation process.

Things to consider while creating an evacuation plan:

- Planning:
 - Determine areas at risk and identify vulnerable populations.
 - Determine evacuation routes.
 - Plan traffic control requirements including public transportation and determine pickup points.
 - Plan for temporary shelter needs and determine locations.
- Advance Warning:
 - Provide advance warning for vulnerable populations and advise them to activate evacuation arrangements.
 - Provide advance warning of possible need for evacuation to public at risk.
 - Ready temporary shelters selected for use.
 - Coordinate with transportation providers to ensure availability.
 - Coordinate with school districts regarding closures and evacuations of schools.
- Evacuation communication and coordination.
 - Disseminate evacuation recommendation or order to impacted areas. Provide assistance in evacuating, if needed.
 - Advise neighboring jurisdictions of evacuation order.
 - Provide information to the public through the media.
- Evacuees with pets and livestock.
 - Direct pet owners to shelter locations allowing pets.
 - Provide pet owners information on nearby kennels, animal shelters and veterinary clinics that have agreed to temporarily shelter pets.
 - Set up temporary shelters at fairgrounds or other facilities for pets or livestock.
- Return of evacuees.

➤ *Your Evacuation Planning page may include information like this:*

Special Considerations for Livestock:

- Livestock are sensitive and responsive to wildfire anywhere within their sensory range.
- Normal reactions vary from nervousness to panic to aggressive and resistive escape attempts.
- Livestock often are injured or killed by fleeing from a wildfire into fences, barriers and other fire risks.
- Once the flight syndrome kicks in, it is retained long after the smoke, heat and noise stimuli are removed.



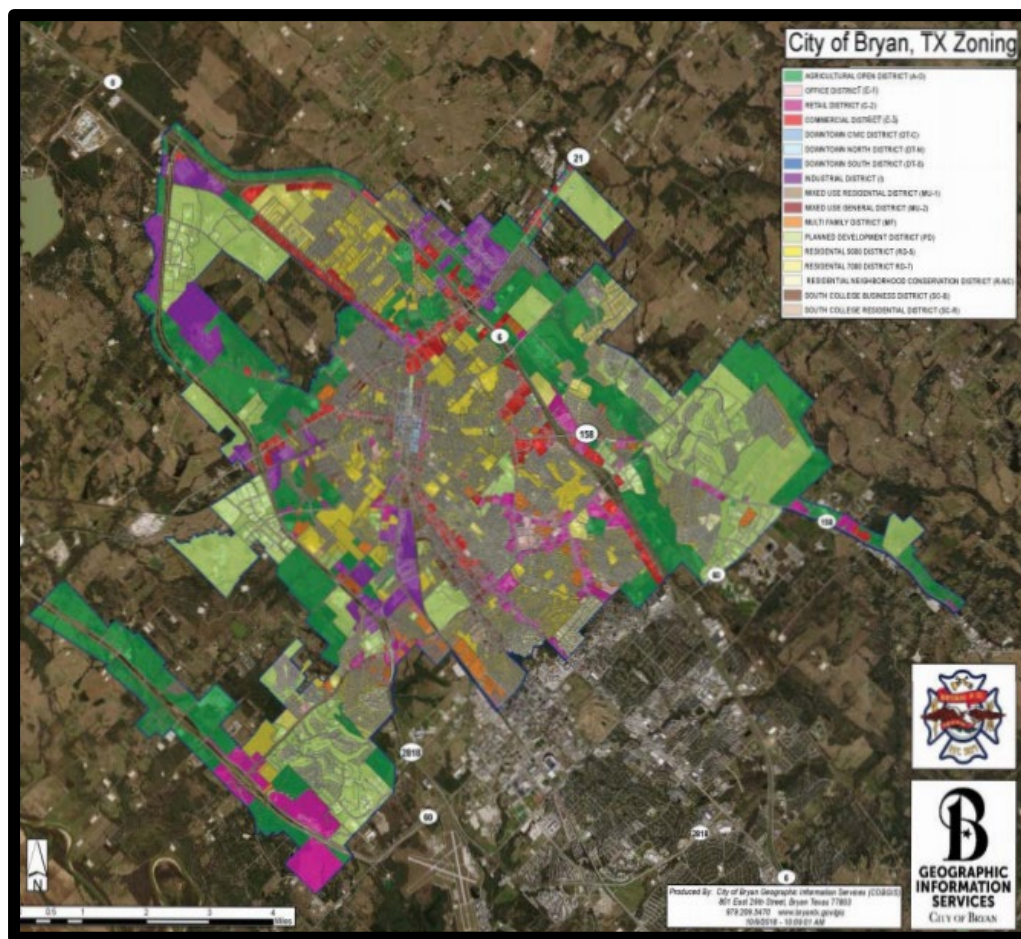
Source: City of Bryan, Texas, Community Wildfire Protection Plan

Planning and Zoning

This section of your CWPP should address planning and zoning requirements, which can greatly reduce the risk of home loss during wildfires. The International Wildland-Urban Interface Code® can provide guidance to planning staff for future development. This code addresses structural ignitability and defensible space areas.

Other planning issues also may be addressed. These could include water systems, green belts, access and signage. Communities also may host Emerging Communities or WUI workshops to educate local planners, fire departments, elected officials and emergency responders. These workshops address a wide variety of issues relating to problems in the WUI.

➤ *Your CWPP Planning and Zoning page might include information like this:*



Source: City of Bryan, Texas, Community Wildfire Protection Plan

Mitigation Funding Sources

This section of your CWPP should identify potential mitigation funding sources.

- **FEMA Assistance to Firefighter Grant:**

<https://www.fema.gov/grants/preparedness/firefighters>

- › Fire safety grants to fund critically needed resources to equip and train emergency personnel, enhance efficiencies and support community resilience.

- **FEMA Hazard Mitigation Grant Program:** <http://www.fema.gov/hazard-mitigation-grant-program>

- › Only available after a presidentially declared disaster. Funding is available to state, local, tribal and territorial governments for rebuilding within the community that reduces future disaster losses.

- **FEMA Building Resilient Infrastructure and Communities:** <http://www.fema.gov/pre-disaster-mitigation-grant-program>

- › Supports states, local communities, tribes and territories that are undertaking hazard mitigation projects and reducing the risks they face from disasters. Replaced the Pre-Disaster Mitigation program due to the amendments created by the Disaster Relief and Recovery Act of 2018.

- **Natural Resource Conservation Service Environmental Quality Incentives Program (EQIP):** <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip>

- › Provides financial and technical assistance to agricultural producers and non-industrial forest managers to address natural resource concerns and deliver environmental benefits.

- **Texas A&M Forest Service Mitigation Grant Programs:**

<https://texaswildfirerisk.com/grants> and <https://tfsweb.tamu.edu/cppgrant/>

- › Provides funding to assist landowners and communities to lower their risk of loss before a wildfire occurs.

➤ *The resources mentioned are available and should be considered when determining mitigation funding sources that can be incorporated into your CWPP.*

Develop an Action Plan

Before finalizing a CWPP, core working group members and key stakeholders should develop an action plan that identifies projects, roles and responsibilities, funding needs, and a timetable for carrying out these priority projects. These may include: fuels projects (with an associated map), education and outreach efforts, policy initiatives, capacity building, resource needs, and a maintenance plan.

Projects **should not** be general in nature, rather they should be clear and meaningful.

- *Fuels Mitigation Example*: Construct a shade fuel break by thinning vegetation between neighborhood XX and Cedar Ridge Preserve that is 300 feet wide and follows the lower contour of the surrounding geography. Responsible Parties: For those portions of private land the *county* and remainder is *US Forest Service XXX National Forest*. Priority: Medium. Completion Date: June 2023.
- *Education Example*: Placement of prevention billboard adds along Highway XX within the county. Responsible Parties: County, State, BLM XX District. Priority: High. Completion Date: April 2022.

Maintenance Strategy and Tracking Progress

Additional consideration should be given to developing a maintenance strategy for the CWPP. A maintenance strategy will ensure that the document remains relevant and effective. It is critical that a CWPP be updated, at a minimum, once every five years. Five years is also a reasonable timeline for implementation of projects and tracking outcomes. Ensure CWPP goals and objectives fall within this timeline to be better achieved. The working group should also ensure the community tracks their progress.

Documentation, tracking, and mapping projects are critical in demonstrating progress towards risk reduction as well as highlight remaining opportunities throughout a community. Capture on-the-ground actions resulting in risk reduction. Include acres treated, funding received and spent, training, and outreach and education completed in the community.

Gather this data annually and use the information to assess the value of your plan. Strive to consolidate the information from all active participants and utilize it to describe the impact to the community. Share the details with all stakeholders and partners. Consider preparing an annual accomplishment report to share the information.

Appendix

This section can be used for supplemental materials and resources that will be useful to emergency responders and members of the working group.

- * *Recovery Strategies*
- * *Recovery Funding Sources*
- * *CWPP Leader's Guide*
- * *Glossary*

➤ *You also may want to include the following items in your CWPP Appendix:*

- * *Pre-Attack Plan*
- * *Contact List*
- * *Maps*
- * *Risk Assessment Findings*
- * *TxWRAP Summary Report*



Recovery Strategies

Recovering from a wildfire can be difficult and complex. It also can take a long time to fully recover. That’s why it’s important to plan for recovery and begin the process alongside incident response. By creating a recovery plan that can be adapted to other disasters outside of wildfire, a community can become more disaster resilient. A recovery plan can mirror an Incident Action Plan by creating functional groups with a list of short-term and long-term objectives and resources. Pictured below is an example from the Bastrop Recovery Plan following the Bastrop Complex Wildfire.

A website is another tool that can be beneficial during the recovery process. Several wildfire-stricken communities have found it helpful to create a website for organizing donations and volunteers, tracking resources and providing information to the public. The same website also can be used to disseminate preparedness information throughout the year. An example of a recovery website is coloradospringstogether.org.

➤ *The working group can use the tools on the following page to determine the best information to include in the Recovery Strategies section of your CWPP.*

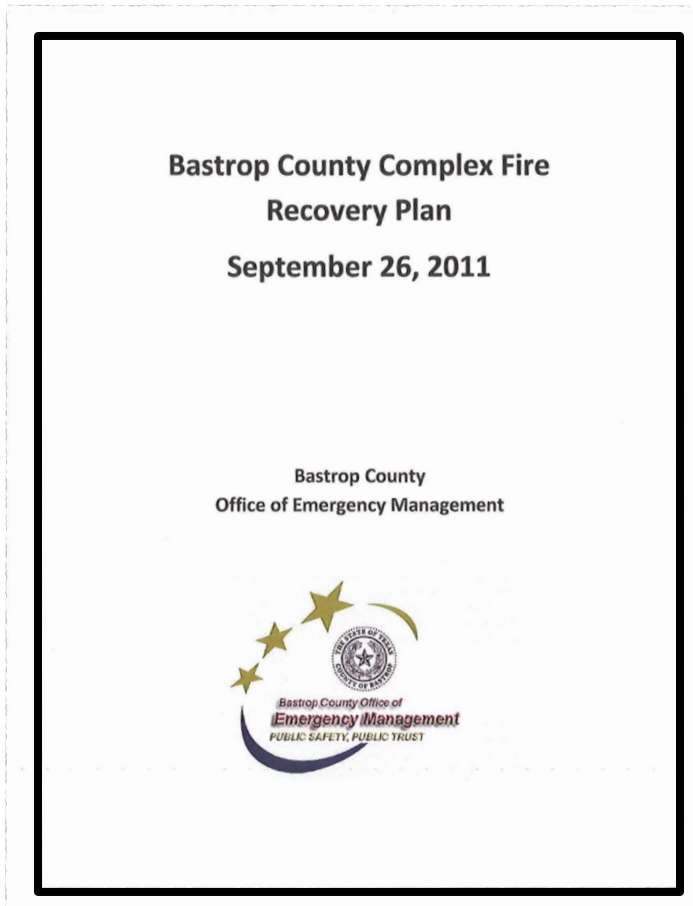


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Recovery Funding Sources

The following table provides a few examples of disaster assistance programs that may be available after a wildfire. Some funding sources may not become available until a Presidential Disaster Declaration has been issued.

- *The working group can research the following programs to see what opportunities are available that suit your community needs:*

Agency	Recovery Program	Website
Natural Resources Conservation Service	Environmental Quality Incentives Program	www.tx.nrcs.usda.gov
United States Department of Agriculture	Conservation Reserve Program	www.fsa.usda.gov
Federal Emergency Management Agency	Individual Assistance Program	https://www.fema.gov/assistance
Federal Emergency Management Agency	Public Assistance Program	https://www.fema.gov/assistance
American Red Cross	Hard Assistance and Soft Assistance	www.redcross.org



Community Wildfire Protection Plan Leader's Guide

Community Wildfire Protection Plans are a collaborative approach to wildland fire protection and mitigation. A plan can be as simple or complex as the needs of the community dictate.

Convene Decision Makers.

- * Engage local Texas A&M Forest Service representative—they can provide guidance and subject matter expertise.
- * Involve local jurisdictions and fire service leadership from local, state, and federal cooperators.
- * Notify local government officials—local support will bolster political capital in the community.

Engage Interested Parties.

- Wildfire risk is a community problem and a shared responsibility between stakeholders.
- * Form a core working group with representation from the local fire department, local government, and Texas A&M Forest Service.
 - * Additional partners should be encouraged to participate. Who needs to be part of the conversation? Who has a vested interest in the community?
 - * Gain input from a variety of partners to ensure that the CWPP reflects the interests and values of the entire community.

Start Proclamation.

- * Present a proclamation/resolution to local government for approval and signatures.

Create a Community Base Map.

- * Develop a base map of the community that identifies potential communities at risk, areas with critical infrastructure, and delineation of the Wildland Urban Interface.
- * Identify high-risk, priority areas for risk assessments.

Conduct Risk Assessments.

- * Consider factors that influence risk in the community: fuels, structural characteristics, access, local fire capacity, utilities, etc.
- * Assume no operational response and address stand-alone survivability.
- * Utilize as a tool to help residents understand their wildfire risk and engage in mitigation actions.
- * Compile results and share with core working group and partners.

Establish Community Hazard Reduction Priorities and Recommendations to Reduce Structural Ignitability.

- * Communicate the results from the risk assessments with all stakeholders.
- * Begin to develop priorities for the community.
- * Recommend actions that address structural ignitability and hazardous fuel reduction.
- * Create strategies that address local fire service capacity.

Develop an Action Plan.

- * Generate prioritized recommendations for fuels reduction projects, outreach and education programs, and other mitigation actions that assist in achieving the goals and objectives of the CWPP.
- * Identify roles and responsibilities, funding needs, and timelines for each priority project.
- * Recommended actions must directly relate to the protection of the community and its values.

Finalize the Community Wildfire Protection Plan.

- * Complete plan and ensure that the three required criteria are met.
- * Present a final draft to local signatories and Texas A&M Forest Service for approval.
- * Plan a signing/recognition ceremony.

Download a Leader's Guide to Developing
Community Wildfire Protection Plans at
tfsweb.tamu.edu/ProtectYourCommunity/

A Leader's Guide to Developing a Community Wildfire Protection Plan



Have you done everything possible to protect yourself and your community before a wildfire occurs?

CWPP Review Standards & Criteria

The following is a list of elements that shall be included as part of the CWPP.

1. A Proclamation/Resolution signed by the applicable local government.
2. A list of CWPP participants and their affiliations as well as a timeline of meetings and what was accomplished. Participation will be sought from: *fire service, law enforcement, planning and zoning, state organizations, federal agencies, local governments, private citizens, business owners, special interest groups, service districts, cooperatives, etc.*
3. A clear description of the community that may include information such as the population, local governments, transportation infrastructure, other valuable resources, geography, climate, general vegetation types, etc.
4. A clear map of the WUI, associated definition, and description of how it was defined.
5. A defined risk assessment process that outlines the procedure for ground-truthing data, the process of evaluating neighborhoods and communities, and a summary of findings that should also include:
 - a. A hazard rating map for the area,
 - b. Listing of communities assessed and ratings,
 - c. Mitigation strategies for each community assessed,
 - d. And general mitigation strategies for the community including outreach and education, fuels reduction projects, etc.
6. The action plan should include priority projects for the community that identify a responsible entity and timeline. These may include: fuels projects (with an associated map), education and outreach efforts, policy initiatives, capacity building, resource needs, and a maintenance plan.
 - a. Projects **should not** be general in nature, rather they should be clear and meaningful.
 - i. *Fuels Mitigation Example*: Construct a shade fuel break by thinning vegetation between neighborhood XX and Cedar Ridge Preserve that is 300 feet wide and follows the lower contour of the surrounding geography. Responsible Parties: For those portions of private land the *county* and remainder is *US Forest Service XXX National Forest*. Priority: Medium. Completion Date: June 2019.
 - ii. *Education Example*: Placement of prevention billboard adds along Highway XX within the county. Responsible Parties: County, State, BLM XX District. Priority: High. Completion Date: April 2017.
7. Either an appendix or sub-section that gives a brief accounting of accomplishments that have been completed related to wildfire preparation and mitigation, if applicable. Again, as much detail as possible should be included, such as maps, responsible parties, maintenance plans, etc.
8. CWPP review process. TAMFS and the local government should review the working draft CWPP document thoroughly prior to submitting for final approval. Once TAMFS and the local entities determine that the draft document is ready for final approval, it will be reviewed and approved by the TAMFS Mitigation and Prevention Department. During this process, the document will transition from a working draft CWPP to a final approved CWPP document awaiting finalized signatures.
9. Finalize the CWPP. Once the final approved CWPP document is completed, it is ready for signatures from the local entities and TAMFS. Three local entities must approve and sign the document, as required by Healthy Forest Restoration Act of 2003. TAMFS is the state entity responsible for forest management and must also sign the document.

[OPTIONAL] A pre-attack plan that includes standards of communication, evacuation procedures, shelter locations, available resources, available water resources (natural and manmade) that can be utilized for suppression activities, chain of command protocol, etc.

Glossary

Community base map — A geographic information systems product that can include streets, topography and vegetation. For the purposes of a CWPP, a community base map should include areas at risk, critical infrastructure and the community's WUI zone.

Defensible space — The area immediately encircling a home and its attachments.

Extended attack — Suppression activity for a wildfire that has not been contained or controlled by initial attack or contingency forces and for which more firefighting resources are arriving, en route or being ordered by the initial attack incident commander. (*National Wildfire Coordinating Group definition*)

Fuel loading — The amount of fuel present expressed quantitatively in terms of weight of fuel per unit area. This may be available fuel (consumable fuel) or total fuel and is usually dry weight. (*National Wildfire Coordinating Group definition*)

Healthy Forests Restoration Act — Signed into law in 2003, this act authorizes Community Wildfire Protection Plans as a tool to reduce hazardous fuels and maintain healthy forests.

Home hardening — Retrofitting process that reduces a home's risk to wildfire. This involves using non-combustible building materials and keeping the area around your home free of debris.

Home Ignition Zone (HIZ) — An area of up to 200 feet immediately surrounding a home.

Incident Action Plan (IAP) — Contains objectives reflecting the overall incident strategy, specific tactical actions and supporting information for the next operational period. When written, the plan may have a number of attachments, including incident objectives, organization assignment list, division assignment, incident radio communication plan, medical plan, traffic plan, safety plan and incident map. (*National Wildfire Coordinating Group definition*)

Initial attack — Fire that is generally contained by the attack units first dispatched, without a significant augmentation of reinforcements, and full control is expected within the first burning period. (*National Wildfire Coordinating Group definition*)

Mitigation Action Plan — A document that outlines a procedure for mitigating adverse environmental impacts.

Pre-Attack Plan — A resource for first responders that includes information specific to the community where an incident is taking place. Pre-Attack Plans may include possible Incident Command Post locations, shelter locations, radio frequencies, maps, high-risk areas and contingency plans.

Structural ignitability — A home's design, construction materials and immediate surroundings are factors that contribute to how easily a home will ignite when wildfire threatens.

Wildland Urban Interface (WUI) — Areas where human habitation and development meet or are intermixed with wildland fuels (vegetation).

Download a copy of this document at

[https:// web.tamu.edu/ProtectYourCommunity/](https://web.tamu.edu/ProtectYourCommunity/)



Council Meeting Agenda Item Cover Sheet

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Discuss and Take Possible Action to Adopt Resolution 2024-03-13-01, A Resolution of the City Council of the City of Woodcreek, Texas, Amending the City's Master Fee Schedule to Include A Fee To Cover the City's Costs For Processing Petitions For The Relea

SUMMARY of REQUESTED AGENDA ITEM:

Discuss and Take Possible Action to Adopt Resolution 2024-03-13-01, A Resolution of the City Council of the City of Woodcreek, Texas, Amending the City's Master Fee Schedule to Include A Fee To Cover the City's Costs For Processing Petitions For The Relea

STATE YOUR INTENDED MOTION:

Move to Adopt Resolution 2024-03-13-01, A Resolution of the City Council of the City of Woodcreek, Texas, Amending the City's Master Fee Schedule to Include A Fee To Cover the City's Costs For Processing Petitions For The Release From The City's Extra Territorial Jurisdiction (ETJ).

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

City Manager

AGENDA TYPE:

New Business

COMPLETION DATE:

3/6/2024 4:00:00 PM

MS FORM ID:

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THE CITY OF WOODCREEK

RESOLUTION NO. 2024-03-13-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS,
AMENDING THE CITY'S MASTER FEE SCHEDULE TO INCLUDE A FEE TO COVER THE
CITY'S COSTS FOR PROCESSING PETITIONS FOR THE RELEASE FROM THE CITY'S
EXTRA TERRITORIAL JURISDICTION (ETJ)

- WHEREAS** Texas Local Government Code Chapter 42 authorizes a petition to filed with the City for release from the City's Extra Territorial Jurisdiction (ETJ); and
- WHEREAS** the petition must be signed by (1) 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 (2) 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; and
- WHEREAS** the petition must include a map of the land to be released and describe the boundaries of the land to be released by: (1) metes and bounds; or (2) lot and block number, if there is a recorded map or plat; and
- WHEREAS** the City must engage professional engineering and legal services assist in the review and processing of the petitions; and
- WHEREAS** the verification of the petition requires the use City Staff and City recourse; and
- WHEREAS** the fee adopted pursuant to this resolution is hereby found and determined to be an amount necessary for reimbursing the City is costs in processing a petition.

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

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MASTER FEE SCHEDULE AMENDED: The City Council hereby amends the City's Master Fee Schedule by adopting a fee for processing petitions for release from the ETJ in the amount of six hundred and fifty dollars and zero cents (\$650.00).

PASSED, APPROVED and RESOLVED this _____ day of _____, 2024,

by a _____ **Ayes** to _____ **Nays** vote at a Regular Meeting of the City Council of the City of Woodcreek, Texas.

PLACE	37
CITY SEAL	38
HERE	39
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WOODCREEK, TEXAS

By: _____
Jeff Rasco, Mayor

ATTEST:

Suzanne Mac Kenzie, City Secretary

Council Meeting Agenda Item Cover Sheet

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Discuss and Take Possible Action To Approve Ordinance 2024-03-13-01, Public Information Act Policy.

SUMMARY of REQUESTED AGENDA ITEM:

Discuss and Take Possible Action To Approve Ordinance 2024-03-13-01, Public Information Act Policy.

STATE YOUR INTENDED MOTION:

Motion To Approve Ordinance 2024-03-13-01, Public Information Act Policy.

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

City Secretary

AGENDA TYPE:

New Business

COMPLETION DATE:

3/4/2024 12:55:11 PM

MS FORM ID:

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**THE CITY OF WOODCREEK
ORDINANCE NO. 2023-03-13-01**

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

WHEREAS the City Council of the City of Woodcreek (“City Council”) seeks to provide standards for requesting, processing, disclosing, and withholding records of the City of Woodcreek, Texas (“City”); and

WHEREAS the City Council desires to adopt a Public Information Policy as a guide for conducting City Business in a professional and uniform manner; and

WHEREAS the City Council finds that such policy will promote and increase efficiency, responsiveness to the public and economy in City Government; and

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

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

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

WHEREAS the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance adopting a public information policy.

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

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I.

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

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II.

The City Council of the City of Woodcreek hereby adopts its policy regarding requests for public information under the Texas Public Information Act to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

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

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

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

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

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

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

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88 **PASSED, APPROVED and RESOLVED**, this the 13th day of **March, 2024**,
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90 by a _____ **Ayes** to _____ **Nays** vote at a Regular Meeting of the City Council of the
91 City of Woodcreek, Texas.

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PLACE 94
CITY SEAL 95
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WOODCREEK, TEXAS

By: _____

Jeff Rasco, Mayor

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ATTEST:

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104 _____
105 *Suzanne J. Mac Kenzie, City Secretary*

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APPROVED AS TO FORM:

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111 _____
112 *City Attorney's Office*

Ordinance 2024-03-13-01 Public Information Policy Attachment "A"

I. General

A. Purpose

Pursuant to Government Code section 552.230(a) the City of Woodcreek (the "City") promulgates these reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay. The purpose of this policy is to set out guidelines to ensure that all requests for public information are handled uniformly, fairly, timely, and within the statutes set out by the Texas Public Information Act ("the Act"). In the event of any conflict between the City's Policy and the Act, the Act and other applicable state laws shall prevail.

B. The Public Information Act

1. The Texas Public Information Act gives the public the right to request access to government information through a written request to a governmental body. The request must ask for records or information already in existence. The Act does not require a governmental body to create new information, to do legal research, or to answer questions.
2. A governmental body has no duty to comply with standing requests for copies of records. If a requestor seeks documents that are not in existence at the time of the request, the governmental body may notify the requestor of this fact and ask the requestor to resubmit the request at a later time when such a record may be available. Also, the governmental body has no duty to notify the requestor in the future that the information has come into existence.
3. The Act requires that an officer for public information of a governmental body promptly produce public information for inspection, duplication, or both on application by any person to the officer. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay.
4. If an officer for public information cannot produce public information for inspection or duplication within ten (10) business days after the date the information is requested, the officer must certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

C. Scope

1. Public information includes information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business. The Act applies to records regardless of their format. It includes information that is maintained in paper, tape, microfilm, video, electronic data held in a computer memory, as well as other mediums specified under law.
2. All City Officials and Employees shall ensure that any information they create, transmit, receive, or maintain in their official capacity, or while performing official business or a governmental function on behalf of the City, which pertains to official business of the City is preserved in accordance with the City's Records Retention Schedule and promptly produced in response to a request for public information.

II. Duties and Responsibilities

A. Public Information Officer

The City Secretary serves as the City's Officer for Public Information ("OPI") and is responsible for the effective disposition of public information requests submitted to the City of Woodcreek. An effective and efficient means of receiving, cataloging, retrieving, and dispensing of records is essential to comply with the laws of the State of Texas. It is the duty of the OPI to:

1. make public information available for public inspection and copying;
2. protect public information from deterioration, alteration, mutilation, loss, or unlawful removal;
3. repair, renovate, or rebind public information as necessary to maintain it properly; and
4. make reasonable efforts to obtain public information from a temporary custodian if:
 - a. the information has been requested from the governmental body;
 - b. the officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
 - c. the officer for public information is unable to comply with the duties imposed by the Act without obtaining the information from the temporary custodian; and
 - d. the temporary custodian has not provided the information to the officer for public information or the officer's agent.

B. City Staff.

Each City Staff Member is an agent of the Officer for Public Information for the purposes of complying with this policy.

1. City Secretary. It is the responsibility of the City Secretary to take charge of, arrange, and maintain the records of the City. The City Secretary's office is primarily responsible for locating and compiling documents responsive to all requests.
2. City Manager. The City Manager is responsible for taking charge of, arranging, and maintaining the records of the City's Finance and Human Resource documents.

C. City Contractors.

1. City Planner. The duties of the City Planner are handled by a third-party, contracted vendor. This vendor is responsible for taking charge of, arranging, and maintaining the records of the City of Woodcreek's planning activities.
2. City Engineer. The duties of the City Engineer are handled by a third-party, contracted vendor. This vendor is responsible for taking charge of, arranging, and maintaining the records of the City of Woodcreek's engineering activities.
3. Code Administrator. The duties of the Code Administrator are handled by a third-party, contracted vendor. This vendor is responsible for taking charge of, arranging, and maintaining the records of the City of Woodcreek's Code Ordinance activities, including the issuance of permits and violation letters.

D. Temporary Custodians.

Any current or former Officer or Employee of the City who, in the transaction of official business, creates or receives public information that the Officer or Employee has not provided to the OPI or OPI's agent is considered a Temporary Custodian of that information. Temporary Custodians have the following responsibilities:

1. A Temporary Custodian with possession, custody, or control of public information shall surrender or return the information to the City not later than the 10th day after the date the OPI or the OPI's agent requests the Temporary Custodian to surrender or return the information.
2. A Temporary Custodian's failure to surrender or return public information as required in/by this Policy and the Act is grounds for disciplinary action by the City that employs the Temporary Custodian or any other applicable penalties provided by the Act or other law.

3. The City is considered to receive the request for information held by a Temporary Custodian on the date the information is surrendered or returned to the City by the Temporary Custodian.

4. Temporary Custodians do not have, by virtue of the Officer's or Employee's position or former position, a personal or property right to public information the Officer or Employee created or received while acting in an official capacity.

III. Procedures

A. Signage Required

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

- a. The City's website;
- b. The City's Main Message Board, located at Woodcreek City Hall; and
- c. The Office of the City Secretary.

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

B. Method of Making Written Request for Public Information

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

- a. United States mail addressed as follows:
The City of Woodcreek
Office of the City Secretary
41 Champions Circle
Woodcreek, Texas 78676
- b. electronic mail sent to: OpenRecordsRequest@WoodcreekTX.gov
- c. hand delivery to the City's OPI or designated representative

2. Only the three(3) methods listed above are approved methods for submitting requests for public information to the City. The City's OPI shall include a statement, including the mailing address and electronic mail address designated by the City, that a request for public information may be made by those methods only on:

- a. the sign required to be displayed by section III. A. of this policy and section 552.205 of the Act; and
- b. the City's website.

C. Receiving Requests for Information

1. Written Requests

All requests for information must be submitted in writing via one of the approved methods detailed in this Policy. If an Officer or Employee is approached and asked for information verbally, they shall direct the requestor to the City's website to make the request using the designated email address or provide them with the Texas Public Information Act Information Request Form prescribed by the Attorney General's Office.

2. Date/Time Stamp

Any written requests for public information not submitted via email shall be immediately date and time stamped by the agent accepting the request with the date and time the request was submitted.

3. Receiving a Request

a. Requests submitted on an official city holiday, weekend or after business hours, on a regular business day will be considered received on the next business day. When calculating deadlines, the first business day is the day after the City officially receives the request. As noted above, weekends and holidays when the City's administrative office is closed do not count as business days, therefore, the day a request is submitted may differ from the day it is received.

b. If the City receives a written request by United States mail and cannot adequately establish the actual date on which the City received the request, the written request is considered to have been received by the City on the third business day after the date of the postmark on a properly addressed request.

4. Intake

a. Requests not submitted via email shall be immediately, but no later than one (1) business day after the request was received, forwarded to the City Secretary or their designated agent.

b. Upon receipt of a request not submitted via email, the City Secretary or their agent shall immediately, but no later than one (1) business day after the request was received, input the request into the Public Records Request Database.

c. Within three (3) business days of receiving a request the City Secretary or their agent will review the request and either assign the request to the appropriate City Staff Member, Contractor or Temporary Custodian for compilation of the responsive documents or if the request is unclear or particularly voluminous, the City Secretary will seek clarification from the requestor.

d. Requests for clarification should be made as soon as possible, but no later than the 10th business day from the date the request was received. All correspondence with a requestor shall be made via email and tracked through the Public Records Request Database so that proper records can be kept. If clarification is sought, the 10-day deadline to respond to the request is suspended and restarts upon receipt of the clarification from the requestor.

e. After a City Staff Member, Contractor or Temporary Custodian is assigned a request, they have three (3) business days to do one of the following:

(1) email the responsive documents to the City Secretary for further review prior to release;

(2) notify the City Secretary's Office that more time is needed to compile the responsive information; or

(3) if the City Staff Member, Contractor or Temporary Custodian anticipates it will take longer than three (3) hours to compile the responsive information, provide the City Secretary's Office with an estimate of the personnel time required to respond to the request.

f. After receiving responsive information from the appropriate City Staff Member, Contractor or Temporary Custodian, the City Secretary will review the information to determine if it includes any information that must be redacted or withheld because it is confidential by law or subject to a discretionary exception to disclosure.

g. The City Secretary shall promptly, but no later than ten (10) business days from when the request was received, respond to the requestor with one of the following:

(1) the responsive information;

(2) a letter providing the exact date and time when the information will be available;

(3) a clarification or narrowing letter;

(4) a cost estimate letter;

(5) a letter notifying the requestor that the City is seeking an Attorney General ruling regarding the request.

5. Questions

a. As stated above, the Act does not require the City to answer questions. However, it is the primary duty of City Officials and Employees to serve the citizens of Woodcreek. Accordingly, when a written request is submitted through an approved method seeking answers to specific questions, but does not specify what, if any, documentation is being sought, the City Secretary or their designee will proceed as follows:

(1) First, they will attempt to identify any documents in existence that might provide the requestor with the answers they are seeking.

(2) If unable to identify any documentation, the City Secretary shall seek clarification notifying the requestor that the Act does not require the City to answer questions and asking them to clarify what documentation they are seeking.

(3) If a requestor is unable to identify any documentation they are seeking, the City Secretary shall notify the requestor that the Act does not require the City to answer questions, but that their request is being processed as a “citizen inquiry”.

(4) Citizen requests seeking the answers to questions not submitted in writing do not need to be considered requests submitted under the Act and processed in accordance with the procedures stated in this policy.

(5) However, any request for any kind of documentation (paper or electronic copies) should be considered a request submitted under the Act, reduced to writing and processed in accordance with these procedures and the Act.

D. Responding to Routine Requests for Information

1. Requests for the following documents are considered “routine” and may be immediately released to the requestor upon receipt of payment, if required, and do not have to be logged and processed in accordance with the procedures detailed in this policy:

- a. Agendas, Open Session
- b. Meeting Minutes, Open Session
- c. Meeting Recordings, Open Session
- d. City Ordinances

E. Responding to Requests for Non-Confidential Information

1. Release Requested Documents.

If responding to the request would incur less than forty dollars \$40 in personnel charges and there are no concerns regarding the confidentiality of the requested information, the City Secretary shall promptly send responsive documents and an invoice of the costs to the requestor as soon as possible, but no later than ten (10) business days from the date of the request.

2. Request for Additional Time.

If there are no confidentiality concerns regarding the requested information, but the information requested cannot be promptly produced because of the number of documents sought or availability of records, the City Secretary shall notify the requestor, in writing, of an estimated date and time on which the responsive information will be available.

3. Cost Estimate.

If there are no confidentiality concerns regarding the requested information, but it will incur charges of more than forty dollars (\$40) the City Secretary shall generate an itemized cost estimate letter and send it to the requestor as soon as possible, but no later than ten (10) business days from the date of the request.

4. Automatic Redactions.

a. The Attorney General's Office and/or the Texas Legislature has held that a City may redact the information listed below without the necessity of requesting a decision from the Attorney General. Therefore, any documents requested that include any of the following information, shall be immediately redacted and promptly produced to the requestor without seeking the Attorney General's permission.

- (1) a direct deposit authorization form;
- (2) a Form I-9 and attachments;
- (3) W-2 and W-4 forms;
- (4) a certified agenda and tape of a closed meeting;
- (5) a fingerprint;
- (6) L-2 and L-3 declarations;

(7) a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number;**

(8) a credit card number, debit card number, charge card number, insurance policy number, bank account number, bank routing number; or access device number;**

(9) an e-mail address of a member of the public;

(10) a Form DD-214 or other military discharge record that is first recorded or first comes into the possession of a governmental body on or after September 1, 2003;

(11) a social security number of a living person;

(12) the home address, home telephone number, emergency contact information, or information that reveals whether the person has family members of an employee, official or peace officer who has elected in writing that they wish to keep this information private;**

(13) Information maintained by a family violence shelter center or sexual assault program; **

b. If the City is redacting or withholding information denoted above with a double asterisk (**) the City shall provide the following information to the requestor on a form prescribed by the Attorney General:

- (1) a description of the redacted or withheld information;
 - (2) a citation to the section of the Act allowing the redaction;
- and
- (3) instructions regarding how the requestor may seek a decision from the Attorney General regarding whether the redacted or withheld information is excepted from required disclosure.

c. The City has received a previous determination from the Attorney General, OR2018-29623, allowing the City to redact dates of birth of all living individuals without seeking permission from the Attorney General's Office.

F. Responding to Requests for Confidential or Excepted Information

1. Attorney General Rulings

a. If the City Secretary identifies information is confidential or excepted from public disclosure and there has not been a previous determination about whether the information falls within one of the exceptions, the City must ask for a ruling from the Attorney General about whether the information is excepted from disclosure.

b. The City Secretary shall ask for a decision from the Attorney General by submitting a letter requesting a ruling to the Attorney General's Office - Open Records Division via certified mail or using the e-file portal on the Attorney General's website.

c. The request for ruling letter must state the exceptions that apply to the requested documents and include all information required by the Act.

d. The request for ruling letter must be submitted to the Attorney General's Office within a reasonable time but not later than the 10th business day after the date of receiving the written request. This letter is sometimes be referred to as a "10-day letter."

e. If the City seeks a ruling from the Attorney General's Office, the City Secretary or City Attorney's Office must provide a copy of the 10-day letter, redacted, if necessary, and without attachments, to the requestor via email or by certified mail within a reasonable time but not later than the 10th business day after the date of receiving the requestor's written request.

f. If a ruling from the Attorney General's Office has been requested, within fifteen (15) business days of receipt of the request the City Secretary or the City Attorney's Office must submit via certified mail or the e-file portal on the Attorney General's website written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld. This letter is sometimes referred to as a "15-day brief." The following must be included with the brief:

(1) a copy of the written request for information;

(2) a signed statement as to the date on which the written request for information was received by the City or evidence sufficient to establish that date; and

(3) a copy of the specific information requested, or a representative sample of the information, if a voluminous amount of information was requested, labeled to indicate which exceptions apply to which parts of the copy.

g. Not later than the 15th business day after the date of receiving the written request, the City Secretary or the City Attorney's Office must forward a copy of the 15-day brief, redacted if necessary, and without attachments, to the requestor via email or by certified mail.

2. Legal Consultation for Disclosure Exceptions

a. If the City Secretary has a question or concern regarding the confidentiality of responsive information, the City Secretary will immediately forward said question or concern along with the written request and responsive documents to the City Attorney's Office for review.

b. Any requests concerning the following individuals or subjects must be immediately forwarded to the City Attorney's Office, for review:

- (1) Juveniles
- (2) Sexual assault/abuse/harassment
- (3) Attempted Suicide
- (4) Traffic accidents
- (5) Medical conditions
- (6) References to an individual's mental or physical injuries or defects
- (7) Personal financial information
- (8) Law enforcement investigations
- (9) Domestic violence
- (10) Body Worn Camera footage
- (11) Police officer personnel files
- (12) Pending litigation

IV. Policies Regarding Confidential and Discretionary Exceptions

A. Requests for Agency Memoranda

1. Deliberative Process Privilege

a. Section 552.111 of the Government Code excepts from disclosure an inter-agency or intra-agency memorandum or letter that would not be available by law to a party in litigation with the agency. This exception encompasses the deliberative process privilege. This is a discretionary exception, the purpose of which is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process.

b. Section 552.111 excepts from disclosure internal communications, including communications between the City and a third party with a privity of interest, that consist of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body.

c. Section 552.111 excepts from disclosure a preliminary draft of a document intended for public release in its final form as it necessarily represents the drafter's advice, opinion, and recommendation with regard to the form and content of the final document.

d. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes reflects the policymaking process of the City.

B. Requests for Information Related to Certain Legal Matters

1. Attorney Client Communications

a. Section 552.107 of the Government Code excepts from public disclosure information that the Attorney General or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct. The Texas Supreme Court has held the Texas Rules of Evidence and Texas Rules of Civil Procedure are "other law" within the meaning of section 552.022.

b. Texas Rule of Evidence 503 encompasses the attorney-client privilege which generally allows a client to refuse to disclose and to prevent any other person from disclosing confidential communications made to facilitate the rendition of professional legal services to the client.

c. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes to be confidential attorney-client communication.

2. Attorney Work Product

a. Texas Rule of Civil Procedure 192.5 encompasses the attorney work product privilege. "Attorney work product" is confidential under rule 192.5 if it reveals an attorney's core work product. Core work product is the work product of an attorney or an attorney's representative, developed in anticipation of litigation or for trial, that contains the mental impressions, opinions, conclusions, or legal theories of the attorney or the attorney's representative.

b. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes to be confidential attorney work product.

C. Requests for Information Related to Certain Legal Matters

1. Location or Price of Property

a. Section 552.105 of the Government Code exempts from disclosure information relating to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. Section 552.105 is a discretionary exception designed to protect the City's planning and negotiating position with respect to particular transactions.

b. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes if released, would impair or tend to impair the City's planning and negotiating position in regard to particular transactions.

2. Competition or Bidding

a. Section 552.104(a) of the Government Code excepts from disclosure information that, if released, would give advantage to a competitor or bidder. Section 552.104 is a discretionary exception that allows the City to withhold information if knowing another bidder's or competitor's information would be an advantage.

b. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's office, believes if released, would give advantage to a competitor or bidder.

D. Requests Regarding Litigation

1. Pending or Anticipated Litigation

a. Section 552.103 of the Government Code provides exception from disclosure information relating to pending or anticipated litigation of a civil or criminal nature to which the City is or may be a party or to which an officer or employee of the City, as a consequence of the person's office or employment, is or may be a party. Section 552.103 is a discretionary exception the purpose of which is to enable a City to protect its position in litigation by forcing parties seeking information relating to the litigation to obtain such information through discovery procedures.

b. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes to be related to pending or anticipated litigation.

v. **Requests for Information Not Subject to the Act**

A. Requests by City Officials in their Official Capacity

1. The purpose of the Act is to prescribe conditions under which members of the general public may obtain information from a governmental body. An official of the City who, in an official capacity, requests information held by the City does not act as a member of the public in doing so. Thus, the exceptions requiring public disclosure under the Act do not control the right of access of an official of the City to information maintained by the City.

2. Accordingly, information may be released to City Officials requesting the information in their official capacity in compliance with the following policy:

- a. Requests for information from a city official must be submitted to the City Secretary in writing.
- b. As soon as possible, but no later than 10 business days from the receipt of the request, the City Secretary will respond to the request from the City Official with either copies of the requested information, notice that the information is available for inspection, or notice that the request will be added to the next council agenda for consideration and direction.
- c. Information provided in response to a request by a City Official will be made available to all City Officials.
- d. City Officials will not be charged for information sought in their official capacity.
- e. Information that is protected by confidentiality laws and/or common law privacy laws that has no relationship to the transaction of official business, such as individuals' dates of birth, social security numbers and personal financial information, will be redacted prior to release to city officials.
- f. The City Secretary will mark all information provided in response to a request from a City Official as "Confidential – For Official Eyes Only."
- g. Any employee or city official who has access to confidential information pursuant to this policy must maintain the confidentiality of the information. Misuse of confidential information, including disclosing the information to person who is not authorized to receive the information or allowing an unauthorized person to inspect the information is a criminal offense.

B. Intergovernmental Transfers

1. Information subject to the Act may be transferred between governmental bodies without waiving exceptions to the public disclosure of that information or affecting its confidentiality.
2. It is well-settled policy of this state that governmental agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties.

3. However, the transfer of confidential information from one governmental body to another is prohibited where a relevant confidentiality statute authorizes release of the confidential information only to specific entities, and the requesting governmental body is not among the statute's enumerated entities.

4. When the City receives a request from another governmental body, it is the polity of the City to exercise its discretion on a case by case basis. The City Secretary is instructed to notify any governmental body that receives information through an intergovernmental transfer that the information being sent is not a release to the general public and the receiving governmental body must keep said information confidential and immediately inform the City if said information is requested by the public so that the City may assert any applicable exceptions, if necessary.

C. Requests for Municipal Court Records

1. Judiciary Not Subject to the Act

a. Courts and Judicial Branch Agencies are not subject to the Act nor to the Federal Freedom of Information Act. However, to ensure efficient and consistent responses to requests for information held by the Judiciary, it is the City's Policy that requests for information held by the Woodcreek Municipal Court be processed in accordance with these guidelines.

2. Court Case Records

a. Court case records are records of any nature created, produced, or filed in connection with any matter that is or has been before a court. Court case records are considered information held by the judiciary. Therefore, the Act neither authorizes this information to be withheld nor requires it to be disclosed. Access to court case records is governed by common law, other statutory law and court rules. The Clerk of the Court serves as the custodian of court case records.

b. Requests from the public for court case records shall be immediately directed to the Court Clerk and processed in accordance with the following guidelines:

(1) Generally, court case records filed with the Court are considered public and will be released to the public unless access is restricted by law or court order.

(2) The following is a non-exhaustive list of court case records that are considered records of the judiciary and therefore not subject to the Act, but are considered public records under other law and may be released to the public unless a specific court order prohibits release in a particular case:

- (a) Summons and complaints;
- (b) Final judgments;
- (c) Final court orders, including orders of deferred disposition; and
- (d) Executed arrest warrants and supporting affidavits.

3. The following is a non-exhaustive list of court case records that are considered records of the judiciary and therefore not subject to the Act, but which are subject to other law prohibiting their release to the public:

- a. Records related to charges against or the conviction of a child, for a non-traffic related offense, see Article 45.0217 of the Code of Criminal Procedure.
- b. Records related to the conviction of or deferral of disposition for a child, for a non-traffic related offense, see Article 45.0217 of the Code of Criminal Procedure.

4. A request for a court case record from a defendant or attorney of record related to a pending municipal court case shall be forwarded to the City Prosecutor and processed in accordance with applicable discovery rules.

5. Prior to release the court clerk will redact any information that is confidential by law, such as dates of birth, driver's license numbers and license plate numbers, from any court case record.

6. The Court Clerk should promptly respond to requests for court case records, but because the records are not subject to the Act the Act's deadlines do not apply. However, it is the policy of the City, to within fourteen (14) days of the request, provide the requestor with either a copy of the records, or written notice of a date and time when the records will be available for duplication or inspection.

D. Judicial Records.

1. Judicial records are records made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function. Judicial records are considered information held by the judiciary. Therefore, the Act neither authorizes this information to be withheld nor requires it to be disclosed. Access to judicial records is governed by Rule 12 of the Rules of Judicial Administration. The custodian of judicial records is the presiding judge of the Woodcreek Municipal Court.

2. Any request to inspect or copy a judicial record received by the City and properly directed to the Municipal Court Judge should be immediately, but no later than two (2) business days after being received, forwarded to the Presiding Judge to be processed in accordance with Rule 12 of the Rules of Judicial Administration.

3. All requests to inspect or copy a judicial record must be in writing, must include sufficient information to identify the record, and must be directed to the records custodian, the Presiding Judge and not to a court clerk or other agent for the records custodian.

E. Discovery Requests for Records

1. Subpoena Duces Tecum

a. Section 552.0055 of the Act clearly states that a subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Act.

b. Accordingly, any subpoena or discovery request received by the City shall be immediately forwarded to the City Attorney's Office so that the City Attorney can prepare a response in compliance with all applicable laws.

F. Business Records Affidavit

1. Texas Rule of Evidence 902 allows certain documents to be self-authenticated and admitted into court proceedings, if they are accompanied by a business records affidavit.

2. The Act does not require the City to create documents, including a business records affidavit. Accordingly, a request for a business records affidavit to be executed is not governed by the Act. Such a request should be considered a discovery request and should be forwarded to the City Attorney’s Office to determine the necessary and appropriate response.

VI. Costs

A. Charges for Copies

1. Administrative Code Charges Apply

a. A requestor may ask to inspect information, get copies of the information, or both. If charges are approved by the Act, it is the policy of the City to charge the rates found in Rule §70.3 of the Texas Administrative Code.

b. The City Secretary will be responsible for applying the charges in accordance with this policy, issuing cost estimates, invoicing, and collecting payment from requestors. The City Secretary will fully document the amounts, paid and unpaid, for every request in the GovQA system.

2. Charges for Paper and other Physical Copies of Information

a. The following are the most common fees associated with hard copies of information.

Copies and/or printouts, standard and legal size	\$.10/page, or part of a page
Oversize paper copy	\$.50/page
Specialty Paper (map)	\$1.50/page
Postage	Actual Cost
Flash Drive	\$6.00
Labor charge for locating, compiling, manipulating data, reproducing, and if necessary, redacting confidential information	\$15/hour Does not apply to requests for 50 or fewer pages of paper records.
Overhead	20% of the charge made to cover any labor costs. Only applicable when labor charges are appropriate.

3. Charges for Electronic Copies.

- a. In an effort to respond to requests as efficiently as possible, it is the policy of the City to respond to a request with electronic copies whenever possible.
- b. Per page charges will not apply to copies of information provided electronically, but the following charges will apply:
 - (1) labor charges at the rate of \$15/hour for locating, compiling, manipulating data, and producing the information;
 - (2) overhead at the rate of 20% of the charge made to cover any labor costs;
 - (3) \$6 per flash drive, if applicable.

4. Charges for Certified Copies

- a. The Act does not require the City to create documents; therefore, the City is not required to create and produce certified copies of city records. However, it is the City's policy to issue standard or legal-size certified copies of city records upon request for \$2.00 per page.

B. Charges for Inspection of Information

a. Charges for Inspection of Physical Records

- (1) If the requestor does not request a copy of public information, no charge will be imposed for making the public information that exists in a paper record available for inspection unless:
 - (a) the information being requested completely fills, or when assembled will completely fill, six (6) or more archival boxes and would take five (5) or more personnel hours to make available; or
 - (b) the information being requested is more than five (5) years old and would take five (5) or more personnel hours to make available; or
 - (c) a page being requested contains confidential information that must be edited from the record before the information can be made available for inspection.
- (2) If the information completely fills, or when assembled will completely fill, six (6) or more archival boxes or is over five (5) years old as described above, the City will charge the requestor the labor charges associated with making the documents available for inspection.

(3) If a redaction from a page is required, the City will charge \$0.10 per page for the cost of making a photocopy of the page from which confidential information must be edited.

b. Charges for Inspection of Electronic Records

(1) In response to a request to inspect information that exists only in an electronic medium and that is not available directly online to the requestor, the City will not charge to inspect this information unless complying with the request will require programming or manipulation of data.

(2) If programming or manipulation of data is required, the City Secretary shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed to make the information available.

(3) The time necessary to redact confidential information from electronic records meets the definition of manipulation of data.

(4) A charge under this section will be assessed in accordance with the Act and the section of this policy related to programming or manipulation of data.

C. Waiver of Costs

1. Waiver for the General Public

a. It is the policy of the City to waive the costs associated with producing physical or electronic copies of the information if the total is less than \$15.00 because the actual cost of processing and collecting a charge less than \$15.00 will exceed the amount of the charge.

2. Waiver for the Press

a. It is the policy of the City to reduce the costs associated with requests made by members of the media associated with local publications by \$10.00 because providing the public information to members of the media primarily benefits the general public.

D. Communicating Costs to Requestors

1. Written Itemized Estimate of Charges

a. If it is estimated by city staff that a request for a copy of public information will result in the imposition of a charge that exceeds forty dollars (\$40.00), or a request to inspect a paper record will result in the imposition of a charge that exceeds forty dollars (\$40.00), the City Secretary shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs before compiling and redacting the responsive information. Said statement must comply with the requirements of section 552.2615 of the Texas Government Code and will not toll the deadlines for requesting a ruling or submitting a briefing. Said statement must also notify the requestor if a deposit will be required per the City's policy. The statement must advise the requestor they may contact the City if there is a less costly method of viewing the records.

2. Invoices

a. If it is estimated by city staff that a request for a copy of public information will result in the imposition of a charge that is forty dollars (\$40.00) or less, or a request to inspect a paper record will result in the imposition of a charge that is forty dollars (\$40.00) or less, the City Secretary shall compile the responsive information, redact as necessary and release it to the requestor with an invoice for the associated charges. Said invoice must include information on how to pay and the City's policy regarding overdue balances.

3. Deposits

a. A deposit of fifty percent (50%) of the entire estimated amount shall be imposed when the anticipated costs for the preparation of a copy of public information exceed one hundred dollars (\$100.00).

b. If a requestor has accrued over one hundred dollars (\$100.00) of overdue and unpaid balances related to previous requests, a deposit in the amount of the unpaid amounts owing to the City must be received before the City Secretary will begin preparing a copy of public information in response to a new request.

c. If a deposit is required as detailed above, the request for a copy of public information is considered to have been received on the date the City receives the deposit for payment of anticipated costs or unpaid amounts.

d. If a requestor modifies the request in response to the requirement of a deposit, the modified request is considered a separate request and is considered received on the date the City receives the written modified request.

e. A requestor who fails to make a deposit before the 10th business day after the date the deposit is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond.

E. Requests Requiring Programming or Manipulation of Data

1. Definitions

a. "Manipulation" means the process of modifying, reordering, or decoding of information with human intervention.

b. "Programming" means the process of producing a sequence of coded instructions that can be executed by a computer.

2. Circumstances when Required

a. The City shall provide to a requestor written "programming or manipulation of data" statement described below if it is determined that responding to a request will require programming or manipulation of data; and

b. compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or

c. the information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

3. Contents of Written Statement

- a. The written “programming or manipulation of data” statement must include:
- (1) a statement that the information is not available in the requested form;
 - (2) a description of the form in which the information is available;
 - (3) a description of any contract or services that would be required to provide the information in the requested form;
 - (4) a statement of the estimated cost of providing the information requested in the form; and
 - (5) a statement of the anticipated time required to provide the information in the requested form.

4. Timing of Written Statement

- a. The City Secretary shall provide the written “programming or manipulation of data” statement to the requestor within twenty (20) days after the date of the receipt of the request.
- b. If the City Secretary needs additional time to provide the written statement they must provide written notice to the requestor, within twenty (20) days after the date of receipt of the request, that additional time is needed.
- c. If written notice above is provided the City Secretary has an additional ten (10) days to provide the written “programming or manipulation of data” statement.
- d. After providing the requestor with the written statement, the City does not have any further obligation to provide the information in the requested form or in the form in which it is available unless within thirty (30) days the requestor states in writing to the City that the requestor:
- (1) Wants the City to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the requestor and the City agree; or
 - (2) Wants the information in the form in which it is available.
 - (3) If a requestor does not make a timely written statement under the above provisions of this policy, the requestor is considered to have withdrawn the request for information.

e. The City Secretary shall maintain a file containing all programming and manipulation of data written statements issued under this section in a readily accessible location.

F. Requests Requiring Excessive Personnel Time

1. Time Limit Established

a. Section 552.275, Texas Government Code authorizes the City Council to establish a reasonable limit on the amount of time that City personnel are required to spend producing public information for inspection by a requestor or providing copies of public information to a requestor without recovering labor charges.

b. The City Council has determined that 36 hours is a reasonable limit for the 12- month period and 15 hours is a reasonable limit for a one-month period to be imposed under Section 552.275.

c. The City may charge for the time spent by City personnel producing, locating, compiling, manipulating data, and reproducing information for inspection or duplication, or otherwise providing copies of public information, in response to one or more requests for public information from a person, that exceeds 15 cumulative hours during a one-month period or exceeds 36 cumulative hours during a 12-month period, said period to correspond with the fiscal year of the city

d. For the purposes of this section, “person” shall mean an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

2. Written Statements

a. The City Secretary or the City Secretary’s designee shall provide the requestor with a written statement of the amount of personnel time spent complying with each request and the cumulative amount of time spent complying with requests from that requestor during the applicable monthly and yearly period. The time spent preparing the written statement of total time spent may not be included.

3. Written Cost Estimate

- a. When in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the limits established by the governmental body under this policy, the City Secretary or the City Secretary's designee shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses necessary to comply with the request. The estimate must be provided on or before the 10th day after the date on which the public information was requested. The amount of the cost shall be established by rules prescribed by the attorney general and this policy.
- b. If the City Secretary or the City Secretary's designee determines that additional time is required to prepare the written estimate of costs and provides the requestor with a written statement of that determination, the City Secretary or the City Secretary's designee must provide the written estimate of costs as soon as practicable, but on or before the 10th day after the date the City provides the written statement that additional time is required.

4. Requestor's Response to Cost Estimate

- a. After the City Secretary or the City Secretary's designee has provided the requestor with the written estimate of costs, the City will not produce public information for inspection or duplication or provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the City provided the written statement, the requestor submits payment of the amount stated in the written statement.
- b. If the requestor fails or refuses to submit payment, the requestor shall be considered to have withdrawn the requestor's pending request for public information.

5. Exceptions

- a. This division does not apply if the requestor is:

(1) An individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

(a) dissemination by a news medium or communication service provider, including:

(i) an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or

(ii) an individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or

(2) creation or maintenance of an abstract plant as described by Section 2501.004, Insurance Code.

(3) "Communication service provider" has the meaning assigned by Section 22.021, Civil Practice and Remedies Code.

(4) "News medium" means a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or Internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including:

(a) print;

(b) television;

(c) radio;

(d) photographic;

(e) mechanical;

(f) electronic; and

(g) other means, known or unknown, that are accessible to the public.

(5) An elected official of the United States, this state, or a political subdivision of the state.

(6) A representative of a publicly funded legal services organization that is exempt from federal income taxation under section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under section 501(c)(3) of that code.

DRAFT

Council Meeting Agenda Item Cover Sheet

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Discuss and Take Possible Action To Approve Ordinance 2024-03-13-02, Public Information Act Policy, Establishing Time Limits For Processing Requests of Public Records.

SUMMARY of REQUESTED AGENDA ITEM:

Discuss and Take Possible Action To Approve Ordinance 2024-03-13-02, Public Information Act Policy, Establishing Time Limits For Processing Requests of Public Records.

STATE YOUR INTENDED MOTION:

Motion To Approve Ordinance 2024-03-13-02, Public Information Act Policy, Establishing Time Limits For Processing Requests of Public Records.

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

City Secretary

AGENDA TYPE:

New Business

COMPLETION DATE:

3/4/2024 12:52:21 PM

MS FORM ID:

6

THE CITY OF WOODCREEK

ORDINANCE NO. 2023-03-13-02

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4
5 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS,**
6 **ADOPTING THE POLICY ESTABLISHING TIME LIMITS FOR PROCESSING**
7 **REQUESTS OF PUBLIC RECORDS FROM THE CITY OF WOODCREEK;**
8 **ESTABLISHING MONTHLY AND ANNUAL TIME LIMITS FOR REQUESTING CITY**
9 **RECORDS; PROVIDING FOR THE FINDINGS OF FACT; ENACTMENT; REPEALER;**
10 **SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING**

11
12 **WHEREAS** in 2017, House Bill 3107, Section 3 was amended to grant a
13 governing body the power to establish reasonable monthly and
14 yearly limits on the amount of time that personnel of the
15 governing body are required to spend producing public
16 information for inspection or duplication by a requestor, or
17 providing copies of public information to a requestor without
18 recovering its costs attributable to that personnel time; and
19

20 **WHEREAS** this power is reflected in Texas Local Government Code, Chapter
21 552.275 and in Texas Local Government Code, Chapter 552.232;
22 and
23

24 **WHEREAS** the City Council of the City of Woodcreek (“City Council”) seeks
25 to provide standards for establishing time limits for processing
26 requests of public records of the City of Woodcreek, Texas
27 (“City”); and

28 **WHEREAS** the City Council desires to adopt a policy regulating vexatious
29 requests of public records to promote and increase efficiency,
30 responsiveness to the public and economy in City Government;
31 and

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

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

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

40 **WHEREAS** the City Council finds that it is necessary and proper for the good
41 government, peace or order of the City to adopt an ordinance
42 regulating vexatious requests of public records.
43

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

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I.

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

II.

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

- A) Monthly time limits may not exceed 15 hours per requestor per month.
- B) Annual time limits may not exceed 36 hours per requestor during a 12-month period, starting at the beginning of the City’s fiscal year.
- C) The City Secretary must keep track of each requestor, the request and the amount of time spent compiling the information for the request.
- D) The City is required to send with the responsive information, a letter informing the requestor of the amount of personnel time spent on the request and how much personnel time has cumulatively been spent on their requests.
- E) Once the requestor has surpassed the monthly and annual time limits, the City can impose certain costs on the requestor, in compliance with the cost rules promulgated by the Office of the Attorney General, and provide a written cost estimate for any public record requests received thereafter.
- F) The City is not required to locate, compile, produce or provide copies of documents or prepare a written cost estimate until the date the requestor pays each unpaid cost estimate in connection with any previous requests or the previous requests are withdrawn.

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

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

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

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

100
101 **PROPER NOTICE AND MEETING:** It is hereby officially found and determined that the meeting at
102 which this Ordinance was passed was open to the public as required and that public notice of the time, place
103 and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas
104 Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government
105 Code.

106
107 **EFFECTIVE DATE:** Upon final passage and any publication as required by law.

108
109 **PASSED, APPROVED and RESOLVED,** this the 13th day of **March, 2024,**

110 by a _____ **Ayes** to _____ **Nays** vote at a Regular Meeting of the City Council of the
111 City of Woodcreek, Texas.

112
113
114
115 PLACE
116 CITY SEAL
117 HERE
118
119

WOODCREEK, TEXAS

By: _____
Jeff Rasco, Mayor

120

121

122 **ATTEST:**

123

124

125 _____
126 *Suzanne J. Mac Kenzie, City Secretary*

127

128

129 **APPROVED AS TO FORM:**

130

131

132 _____
133 *City Attorney's Office*

Council Meeting Agenda Item Cover Sheet

TITLE/SUBJECT of REQUESTED AGENDA ITEM:

Executive Session for Consultation With Legal Counsel Pursuant to Chapter 551.071 of the Texas Government Code To Receive Legal Advice Regarding Petitions For Release From the City's Extra Territorial Jurisdiction, and City of Woodcreek Sign Regulations.

SUMMARY of REQUESTED AGENDA ITEM:

Executive Session for Consultation With Legal Counsel Pursuant to Chapter 551.071 of the Texas Government Code To Receive Legal Advice Regarding Petitions For Release From the City's Extra Territorial Jurisdiction, and City of Woodcreek Sign Regulations.

STATE YOUR INTENDED MOTION:

N/A

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

Kevin Rule

AGENDA TYPE:

New Business

COMPLETION DATE:

3/7/2024 4:00:00 PM

MS FORM ID:

13