



CITY COUNCIL AGENDA

NOTICE IS GIVEN THAT THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, WILL MEET IN A REGULARLY SCHEDULED MEETING AT 5:30 P.M. ON TUESDAY, OCTOBER 18, 2022, 601 SOUTH FIRST STREET, FOR THE PURPOSE OF CONSIDERING AND TAKING OFFICIAL ACTION ON THE FOLLOWING ITEMS:

1. **CALL TO ORDER:**
2. **INVOCATION:**
3. **CONSENT AGENDA:** All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.
 - a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the City Council regular meeting held on September 20, 2022
 - b. **BILLS FOR SEPTEMBER 2022:** Approval of the bills paid by the City of Lamesa for the month of September 2022.
4. **AMEND ORDINANCE O-01-13 RECORDS MANAGEMENT OFFICER:** City Council to consider amending Ordinance O-01-13 on first reading "Designation of Records Management Officer" designating City Secretary as the Records Management Officer. *(City Secretary & City Manager)*
5. **ORDINANCE TO AMENDING CHAPTER 3 "BUILDING REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF LAMESA, TEXAS:** City Council to consider passing an Ordinance on First reading amending Chapter 3 entitled "Building Regulations" of the Code of Ordinances of the City of Lamesa, Texas. *(City Inspector & City Manager)*
6. **ADOPT FINANCIAL POLICY:** City Council to consider passing a resolution approving the City's Financial Policy for Fiscal Year 2022-2023. *(Finance Director)*
7. **APPROVAL OF TMLIEBP HEALTH INSURANCE:** City Council to consider approving the Calendar Year 2022-2023 TMLIEBP health insurance. *(Cris Norris and City Manager)*

8. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, APPROVING AN ECONOMIC INCENTIVE AND PERFORMANCE AGREEMENT BETWEEN LAMESA ECONOMIC DEVELOPMENT CORPORATION AND LBI SERVICES:** City Council to consider passing a resolution approving an Economic Incentive and Performance Agreement between Lamesa Economic Development Corporation and LBI Services. (*EDC Director*)
9. **DISCUSSION ON THE LAMESA ANIMAL CONTROL FACILITY:** City Council to discuss the Lamesa Animal Control Shelter (*Chief of Police & City Manager*)
10. **CITY STAFF REPORTS:**
 - a. **POLICE CHIEF REPORT:** Police Chief to report on the city's recent events:
 - b. **FIRE CHIEF REPORT:** Fire Chief to report on the city's recent events:
 - c. **UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events:
11. **FINANCIAL REPORT:** Finance Director to report on the city's finances.
12. **INVESTMENT REPORT:** Finance Director to report on City's investments through the 4th quarter of FY 2021/2022.
13. **CITY MANAGER REPORT:** City Manager to report on current activities and answer questions from the City Council.
14. **MAYORS REPORT:** Mayor to report on current activities and to answer questions from City Council.
15. **EXECUTIVE SESSION:** Consider convening into closed Executive Session with the City Council of the City of Lamesa, Texas for the following:

Sec. 551.071, Texas Government Code Consultation with Attorney regarding contemplated litigation under the provisions of the Texas Open Meetings Act).

Sec. 551.074, Texas Government Code: "Personnel Matters; CLOSED MEETING. (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee."
16. **ADJOURNMENT:** *The next regularly scheduled meetings of the City Council of the City of Lamesa will be November 15, 2022 at 5:30 P.M.*




Open Meetings Information



CLOSED MEETINGS

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

PUBLIC PARTICIPATION

 The meeting will be held pursuant to the provisions of the Texas Open Meetings Act (Govt. Code, Chapter 551). Discussion and actions are limited to the agenda items listed above. Persons desiring to address the City Council or express their opinion about a particular item on this agenda should notify the City Secretary before the meeting. Persons desiring to present other business or discuss matters not on this agenda should submit a request in writing to the City Secretary by the end of business hours on the Wednesday before the next meeting in order to be considered for inclusion on that agenda.

MEETING ACCESSIBILITY

Upon request, auxiliary aids and services will be provided to an individual with a disability in order to allow them to effectively participate in the city council meeting. Those requesting auxiliary aids or services should notify the contact person listed below at least twenty-four hours prior to the meeting by mail, telephone or RELAY Texas (1-800-735-2989)

Contact: Betty Conde at 806-872-4322

✉ 601 South First Street, Lamesa, Texas 79331

☎ **Telephone - (806) 872-4322**

📠 **Fax - (806) 872-4338**

CERTIFICATION OF NOTICE



I certify this agenda was posted at the City Hall, 601 South First Street, Lamesa, Texas at **4:45 p.m. October 14th 2022**, in accordance with Chapter 551.041 of the Government Code.

Betty Conde, City Secretary

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEMS: 1 & 2

1. **CALL TO ORDER:** *Announcement* - "This meeting is being held in accordance with the provisions of the Texas Open Meetings Act (Govt. Code, Chapter 551). Discussion and actions are limited to the agenda items as posted. Persons desiring to address the City Council or express their opinion about a particular item on this agenda should complete a request at this time. Persons desiring to present other business or discuss matters not on this agenda should submit a request in writing to the City Secretary in order to be considered for inclusion on the agenda of the next meeting. A quorum being present as evidenced by the presence of _____ members of the City Council, this meeting is hereby called to order."

The following members are present:

JOSH STEVENS	Mayor
MORGAN VERMILLION	Council Member – District 1
FRED VERA	Council Member – District 2
GLORIA V RODRIGUEZ	Council Member – District 3/ MAYOR PRO-TEM
DANNY JACOBS	Council Member – District 4
BOBBY G. GONZALES	Council Member – District 5
RUDY SAUSED JR	Council Member – District 6

City Staff members present at the meeting:

JOE HINES	City Manager
BETTY CONDE	City Secretary
RUSSELL CASSELBERRY	Attorney

Members of the press present at the meeting:

Members of the public present at the meeting:

AND PLEDGE OF ALLEGIANCE.



City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 3

SUBJECT: CONSENT AGENDA ITEMS
PROCEEDING: Approval
SUBMITTED BY: City staff

SUMMARY STATEMENT

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the City Council regular meeting held on September 20th
- b. **BILLS FOR SEPTEMBER 2022:** Approval of the bills paid by the City of Lamesa for the month of September 2022.

Motion by Council Member _____ to approve items 3a and b. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

These items are considered non-controversial but do require formal council approval. If a council member objects to a consent item, it is removed from the list and separate action is taken on the item(s). If a council member questions a consent item, but not so strongly as to require that it be removed from the list, his/her "no" vote or abstention can be entered in the minutes when the consent vote is taken.

Recommend approval.

THE STATE OF TEXAS }
COUNTY OF DAWSON }
CITY OF LAMESA }

MINUTES OF THE CITY COUNCIL REGULARLY SCHEDULED MEETING:

September 20, 2022

On this the 20th day of September 2022, at 5:30 P.M., there came on and was held a regularly called meeting of the City Council of the City of Lamesa, Dawson County, Texas. Notice of such meeting having been posted at the City Hall at 601 South First Street in the City of Lamesa, Texas in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). The following items were listed on the notice and the following proceedings were had, viz.:

CALL TO ORDER: Mayor Stevens announced that the meeting was being held in accordance with the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551), and that discussion and actions are limited to the agenda items as posted. A quorum being present as evidenced by the presence 7 City Council Members were present:

JOSH STEVENS	Mayor
MORGAN VERMILLION	Council Member – District 1
FRED VERA	Council Member – District 2
GLORIA V. RODRIGUEZ	Council Member – District 3 Mayor Pro Tem
DANNY JACOBS	Council Member - District 4
BOBBY G. GONZALES	Council Member – District 5
RUDY SAUSED JR.	Council Member – District 6

City staff members present at the meeting:

JOE HINES	CITY MANAGER
BETTY CONDE	CITY SECRETARY
RUSSELL CASSELBERRY	CITY ATTORNEY

Members of the press present at the meeting:

Russel Skiles

Members of the public present at the meeting:

Wayne Chapman	Robert Ramirez	John Farris
Josh Peterson	Irma Ramirez	Joe Dimas
Larry Duyck	Brian Beck	Norma Garcia
Ernest Ogeda	Lee Peterson	

INVOCATION: Bobby Gonzales

CONSENT AGENDA: All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- a. **APPROVAL OF THE MINUTES:** Approval of the minutes of the City Council regular meeting held on July 19th, August 16th, August 22nd and September 6th
- b. **BILLS FOR AUGUST 2022:** Approval of the bills paid by the City of Lamesa for the month of August 2022.

Motion by Council Member Morgan Vermillion to approve items 3a and b. Motion seconded by Council Member Danny Jacobs and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

OPEN CITY AUDIT SERVICES PROPOSALS: City Council to open and review Audit Services proposals and give staff direction to review and rank proposals according to RFP guidelines.

Motion by Council Member Bobby Gonzales to _____. Motion seconded by Council Member Danny Jacobs and upon being put to a vote the motion passed.

VOTING: "AYE" ____ "NAY" ____ "ABSTAIN" ____

AWARD BID ON LEASE OF CITY PROPERTY: Consider awarding bid for a lease of two (2) years beginning May 1, 2022 and ending March 31, 2024 with up to three (3) one-year options, for the following City-owned property. (*Finance Director*)

Motion by Council Member Bobby Gonzales to award bid to Sam Leal for a lease of two (2) years beginning May 1, 2022 and ending March 31st, 2024 with up to three (3) one year options, for the following City-owned property:

Tract "A": Approximately 168 acres of land surrounding the city's sewer treatment plant, lagoons, and sanitary landfill; and

Tract "B": Approximately 34 acres out of the West 120 acres of the South ½ of Section 17, Block 35, T-5-N, off of Radio Road. Motion seconded by Council Member Rudy Sauseda and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

AUTHORIZE WARRANTS - GENERAL OPERATIONS: Consider passing resolution authorizing the issuance of interest-bearing warrants, payable from the anticipated collections of the current fiscal year, not to exceed five hundred thousand dollars (\$500,000.00), to be used where funds are necessary and needed to meet current expenses of the city for the current fiscal year. (*Finance Director*)

Motion by Council Member Danny Jacobs to pass a resolution authorizing the issuance of interest-bearing warrants, payable from the anticipated collections of the current fiscal year, not to exceed five hundred thousand dollars (\$500,000.00), to be used where funds are necessary and needed to meet current expenses of the city for the current fiscal year. Motion seconded by Council Member Morgan Vermillion and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

APPROVAL FOR TXDOT RAMP GRANT FUNDING: City Council to consider approving the Lamesa Municipal Airport Board to apply for TxDOT RAMP Grant funding for up to \$50,000 (no grant match required from the City). (*John Farris*)

Motion by Council Member Bobby Gonzales to approve the Lamesa Municipal Airport to apply for TxDOT RAMP Grant funding for up to \$50,000. Motion seconded by Council Member Rudy Sauseda and upon being put to a vote the motion passed.

VOTING: "AYE" 7 "NAY" "ABSTAIN"

A RESOLUTION OF THE CITY OF LAMESA, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED: Consider passing a Resolution denying Oncor application to change rates as recommended by Steering Committee of Cities Served by Oncor (City Manager) Motion by Council Member Morgan Vermillion to pass a Resolution denying Oncor application to change rates as recommended by Steering Committee of Cities Served by Oncor. Motion seconded by Council Member Danny Jacobs and upon being put to a vote the motion passed.

VOTING:

"AYE" 7

"NAY"

"ABSTAIN"

CITY STAFF REPORTS:

- c. UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events

FINANCIAL REPORT: Finance Director to report on the city's finances.

CITY MANAGER REPORT: City Manager to report on current activities and answer questions from the City Council.

MAYORS REPORT: Mayor to report on current activities and to answer questions from City Council.

EXECUTIVE SESSION: Consider convening into closed Executive Session with the City Council of the City of Lamesa, Texas for the following:

Sec. 551.071, Texas Government Code Consultation with Attorney regarding contemplated litigation under the provisions of the Texas Open Meetings Act).

Motion by Council Member Morgan Vermillion to enter into executive session.
Motion seconded by Council Member Rudy Sauseda and upon being put to a vote the motion passed.

VOTING:

"AYE" 7

"NAY"

"ABSTAIN"

ADJOURNMENT: *The next regularly scheduled meetings of the City Council of the City of Lamesa will be October 18, 2022 at 5:30 P.M.*

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

Animal Control City Council Brainstorming session

October 18, 2022

City Manager opinion is that we may be able to build a facility out of reserves but the budget does not support operational demands of the facility. Some funds may be available in the future to begin this but will likely not be sufficient to operate the facility well enough to meet demand. The funding short falls will mean the facility will be poorly operated and maintained. Volunteers will meet some of this need but can not be counted on for long term maintenance. Some ideas are worth discussing.

Regional Solution

- 1) Involves multiple jurisdictions from Plains thru Lamesa to Big Springs
- 2) Each city, county or district will contribute based on population or need
- 3) Facility would need to be sized appropriately for several counties and located in the right location (150 plus beds)
- 4) May require satellite locations.
- 5) Operation would be run by a board and contracted out through public private partnership funding.
- 6) South Plains Health does not currently have a location to take bite related issues that occur outside the jurisdiction of a city and depends on cities or vets.
- 7) Most cities and county in this area have the same issue.
- 8) May be the first of its kind.
- 1) Regional solutions encourage grant funding and bring more volunteers.
- 2) Bite and Euthanizing issues will remain the purview of each jurisdiction's ordinance.

Lamesa Contract operations facility

- 3) Lamesa builds a facility on our dime and own it outright. The size will have some excess capacity (100 beds or more). City of Lamesa has seen 59 monthly contacts so far. If we had more space, that number will rise. Size determines how long we can hold animals for adoption or relocation.
- 4) Put out a Request for Proposal (RFP) and hire a contract operator to run the facility and program for profit. Perhaps be involved in the build discussion.
- 5) Contract Operator can use the facility to take in other city, county or district animals for a negotiated fee and make a profit.
- 6) Maintenance of the facility will need to be specific and monitored
- 7) Contract operator would have latitude to implement other programs in the facility and contract with other agencies for adoption, veterinary services, grooming and petting facilities. Language on these contracts cannot exceed the contract date of the operator's contract
- 8) Facility should have an adjacent dog park or play area.
- 9) Maintain the current ACO as an employee of the City bringing our issues to the facility and allow the Contract operator to staff up as needed from their revenue stream to meet business demands.
- 10) Volunteers will be encouraged to be an active part of this program as well.
- 11) Bite and Euthanizing issues will remain the purview of the Police Chief and our local ordinance will prevail.

FUND : 01 -GENERAL FUND				PERIOD TO USE: Sep-2022 THRU Sep-2022					
DEPT : N/A				ACCOUNTS: 1001 THRU 1001					
POST	DATE	TRAN #	REFERENCE	PACKET=====DESCRIPTION=====	VEND	INV/JE #	NOTE	=====AMOUNT=====	=====BALANCE=====
<hr/>									
1001	CASH IN BANK								
<hr/>									
9/02/22	9/02	A45135	CHK: 209809	19703 CATERPILLAR FINANCIAL SE 1453				6,274.82CR	6,274.82CR
9/02/22	9/02	A45136	CHK: 209810	19703 CONSOLIDATED SPECIAL FUN 1517				52,000.00CR	58,274.82CR
9/02/22	9/02	A45138	CHK: 209812	19703 TYLER TECHNOLOGIES, INC. 2310				2,505.64CR	60,780.46CR
9/02/22	9/02	A45139	CHK: 209813	19703 MANDRY TECHNOLOGY SOLUTI 5160				7,657.00CR	68,437.46CR
9/02/22	9/02	A45141	CHK: 209815	19703 TREVINO SANDY	5385			30.00CR	68,467.46CR
9/02/22	9/02	A45142	CHK: 209816	19703 THE HARTFORD	5927			529.93CR	68,997.39CR
9/02/22	9/02	A45143	CHK: 209817	19703 UNIVERSITY OF NORTH TEXA 6101				240.00CR	69,237.39CR
9/02/22	9/02	A45144	CHK: 209818	19703 TEXAS MUNICIPAL COURTS A 6678				75.00CR	69,312.39CR
9/02/22	9/02	A45145	CHK: 209819	19703 RANDALL DAVIS	6696			71.83CR	69,384.22CR
9/02/22	9/02	A45146	CHK: 209793	19701 DAWSON CO. LIBRARY	1611			630.00CR	70,014.22CR
9/02/22	9/02	A45147	CHK: 209794	19701 HENRY NORRIS AGENCY,. IN 3190				1,041.66CR	71,055.88CR
9/02/22	9/02	A45148	CHK: 209795	19701 SOUTH PLAINS PUBLIC HEAL 3730				2,455.22CR	73,511.10CR
9/02/22	9/02	A45149	CHK: 209796	19701 VOLUNTEER FIRE DEPARTMEN 4090				400.00CR	73,911.10CR
9/02/22	9/02	A45150	CHK: 209797	19701 DUYCK LARRY	5777			200.00CR	74,111.10CR
9/02/22	9/02	A45151	CHK: 209798	19701 JASON WILEY	6025			200.00CR	74,311.10CR
9/02/22	9/02	A45152	CHK: 209799	19701 STEVE ALEXANDER	6356			200.00CR	74,511.10CR
9/02/22	9/02	A45153	CHK: 209800	19701 RANDALL DAVIS	6696			200.00CR	74,711.10CR
9/02/22	9/02	A45154	CHK: 209801	19701 JEFFREY TVEIT	6873			200.00CR	74,911.10CR
9/02/22	9/02	A45155	CHK: 209802	19701 MICHAEL THORNTON	6934			200.00CR	75,111.10CR
9/02/22	9/02	A45156	CHK: 209803	19701 ROBERT VELA	6997			200.00CR	75,311.10CR
9/02/22	9/02	A45157	CHK: 209804	19701 AUERILO GARZA	7028			200.00CR	75,511.10CR
9/02/22	9/02	A45158	CHK: 209805	19701 SEBASTIAN IGLESIAS	7046			200.00CR	75,711.10CR
9/02/22	9/02	A45159	CHK: 209806	19701 KENNETH STANTON	7071			200.00CR	75,911.10CR
9/02/22	9/02	A45160	CHK: 209807	19701 EZEKIEL LOPEZ	7072			200.00CR	76,111.10CR
9/02/22	9/02	A45161	CHK: 209808	19701 ANADELIA RENDON	7169			200.00CR	76,311.10CR
9/02/22	9/17	B74558	Misc 000040	11634 METER POSTAGE		JE# 029665		500.00CR	76,811.10CR
9/07/22	9/07	A45204	CHK: 209830	19704 RYAN SALAZAR	1			50.00CR	76,861.10CR
9/07/22	9/07	A45205	CHK: 209831	19704 MARIA RAMOS	1			50.00CR	76,911.10CR
9/07/22	9/07	A45206	CHK: 209832	19704 ADVANCED ANALYSIS, INC 1022				692.00CR	77,603.10CR
9/07/22	9/07	A45207	CHK: 209833	19704 CHEVRON AND TEXACO BUSIN 1462				98.93CR	77,702.03CR
9/07/22	9/07	A45208	CHK: 209834	19704 HELENA AGRI-ENTERPRISES, 2260				224.28CR	77,926.31CR
9/07/22	9/07	A45209	CHK: 209835	19704 LAMESA BEARING, INC. 2480				721.24CR	78,647.55CR
9/07/22	9/07	A45210	CHK: 209836	19704 LYNTEGAR ELECTRIC COOPER 2728				81.66CR	78,729.21CR
9/07/22	9/07	A45211	CHK: 209837	19704 S & C OIL COMPANY, INC. 3575				488.75CR	79,217.96CR
9/07/22	9/07	A45212	CHK: 209838	19704 SOUTH PLAINS COMMUNICATI 3729				953.00CR	80,170.96CR
9/07/22	9/07	A45213	CHK: 209839	19704 TEXAS DEPT OF PUBLIC SAF 3950				1.00CR	80,171.96CR
9/07/22	9/07	A45214	CHK: 209840	19704 WARREN CAT	4122			3,338.97CR	83,510.93CR
9/07/22	9/07	A45215	CHK: 209841	19704 WHITE'S 7 TIL 11	4185			74.44CR	83,585.37CR
9/07/22	9/07	A45216	CHK: 209842	19704 AMERICAN EXPRESS	4880			6,721.49CR	90,306.86CR
9/07/22	9/07	A45218	CHK: 209844	19704 LUBBOCK TRUCK SALES, INC 5085				236.14CR	90,543.00CR
9/07/22	9/07	A45219	CHK: 209845	19704 DS SERVICES OF AMERICA, 5275				117.79CR	90,660.79CR
9/07/22	9/07	A45220	CHK: 209846	19704 BIO-AQUATIC TESTING, INC 5770				1,020.00CR	91,680.79CR
9/07/22	9/07	A45221	CHK: 209847	19704 JOHN DEERE FINANCIAL	5861			163.27CR	91,844.06CR

FUND : 01 -GENERAL FUND
DEPT : N/A

PERIOD TO USE: Sep-2022 THRU Sep-2022
ACCOUNTS: 1001 THRU 1001

POST DATE TRAN # REFERENCE PACKET=====DESCRIPTION===== VEND INV/JE # NOTE =====AMOUNT===== ===BALANCE=====

1001 CASH IN BANK * { CONTINUED } *

9/07/22	9/07	A45222	CHK: 209848	19704	LAMESA RECYCLING	5869		154,30CR	91,998.36CR
9/07/22	9/07	A45223	CHK: 209849	19704	SIERRA SPRINGS	6114		159.78CR	92,158.14CR
9/07/22	9/07	A45224	CHK: 209850	19704	CAPROCK IRRIGATION LLC	6297		209.31CR	92,367.45CR
9/07/22	9/07	A45225	CHK: 209851	19704	INDUSTRIAL DISPOSAL SUPP	6371		1,463.08CR	93,830.53CR
9/07/22	9/07	A45226	CHK: 209852	19704	D&H UNITED FUELING SOLUT	6554		531.25CR	94,361.78CR
9/07/22	9/07	A45227	CHK: 209853	19704	GOVERNMENT CAPITAL CORPO	6609		274,427.51CR	368,789.29CR
9/07/22	9/07	A45229	CHK: 209855	19704	KUBOTA TRACTOR CORP	6643		1,207.62CR	369,996.91CR
9/07/22	9/07	A45230	CHK: 209856	19704	ENER-TEL SERVICES	6785		43.31CR	370,040.22CR
9/07/22	9/07	A45231	CHK: 209857	19704	PREMIER WATERWORKS, INC	6983		4,268.45CR	374,308.67CR
9/07/22	9/07	A45232	CHK: 209858	19704	TK ELEVATOR CORPORATION	7024		1,022.13CR	375,330.80CR
9/07/22	9/07	A45233	CHK: 209859	19704	DC SUPPLY, LLC	7039		438.27CR	375,769.07CR
9/07/22	9/07	A45234	CHK: 209860	19704	JAMES, COOKE, & HOBSON,	7107		170.00CR	375,939.07CR
9/07/22	9/07	A45235	CHK: 209861	19704	WIN SUPPLY	7171		1,977.62CR	377,916.69CR
9/07/22	9/07	A45236	CHK: 209862	19704	CAYDE WILLIAMS	7172		10.00CR	377,926.69CR
9/07/22	9/07	A45237	CHK: 209863	19704	PARAGON ROOFING INC.	7179		196,721.25CR	574,647.94CR
9/07/22	9/07	A45238	CHK: 209820	19714	DAVID CAVAZOS	1		50.00CR	574,697.94CR
9/07/22	9/07	A45239	CHK: 209821	19714	CANDICE SANCHEZ	1		50.00CR	574,747.94CR
9/07/22	9/07	A45240	CHK: 209822	19714	RUDY RENDON	1		50.00CR	574,797.94CR
9/07/22	9/07	A45241	CHK: 209823	19714	ADVANCED ANALYSIS, INC	1022		473.00CR	575,270.94CR
9/07/22	9/07	A45242	CHK: 209824	19714	CANADIAN RIVER MUNICIPAL	1385		78,937.48CR	654,208.42CR
9/07/22	9/07	A45243	CHK: 209825	19714	GARZA, DIONICIO JR	1969		12.90CR	654,221.32CR
9/07/22	9/07	A45244	CHK: 209826	19714	OGEDA, ERNEST	5617		89.11CR	654,310.43CR
9/07/22	9/07	A45245	CHK: 209827	19714	GREAT AMERICA FINANCIAL	5734		195.60CR	654,506.03CR
9/07/22	9/07	A45246	CHK: 209828	19714	QUADIENT LEASING USA, IN	6855		519.72CR	655,025.75CR
9/07/22	9/07	A45247	CHK: 209829	19714	MARIO DIMAS	7067		67.17CR	655,092.92CR
9/13/22	9/13	A45344	CHK: 209916	19723	STEVAN GUAJARDO	1		35.67CR	655,128.59CR
9/13/22	9/13	A45345	CHK: 209917	19723	ARTHUR GARZA	1		149.36CR	655,277.95CR
9/13/22	9/13	A45346	CHK: 209918	19723	LAMESA GIRLS FAST PITCH	1		275.00CR	655,552.95CR
9/13/22	9/13	A45347	CHK: 209919	19723	BOBBY G GONZALES	2070		196.00CR	655,748.95CR
9/13/22	9/13	A45348	CHK: 209920	19723	UNIFIRST HOLDINGS, INC	4079		74.97CR	655,823.92CR
9/13/22	9/13	A45349	CHK: 209921	19723	LUBBOCK TRUCK SALES, INC	5085		51.80CR	655,875.72CR
9/13/22	9/13	A45350	CHK: 209922	19723	DUYCK LARRY	5777		109.65CR	655,985.37CR
9/13/22	9/13	A45351	CHK: 209923	19723	DESIGNS IN THREAD	5782		127.00CR	656,112.37CR
9/13/22	9/13	A45352	CHK: 209924	19723	LAMESA COMMUNITY PLAYERS	5934		5,800.00CR	661,912.37CR
9/13/22	9/13	A45353	CHK: 209925	19723	ETC LITE, LLC	6633		210.00CR	662,122.37CR
9/13/22	9/13	A45354	CHK: 209926	19723	LORI VITOLAS dba WEST TE	6851		184.90CR	662,307.27CR
9/13/22	9/13	A45355	CHK: 209927	19723	DC SUPPLY, LLC	7039		244.36CR	662,551.63CR
9/13/22	9/13	A45356	CHK: 209928	19723	DAWSON COUNTY TAX ASSESS	7048		22.50CR	662,574.13CR
9/13/22	9/13	A45357	CHK: 209929	19723	ROSE PLUMBING & SEPTIC S	7111		126.62CR	662,700.75CR
9/13/22	9/13	A45358	CHK: 209930	19723	ROBERT SISTRUNK	7162		250.00CR	662,950.75CR
9/13/22	9/13	A45359	CHK: 209870	19724	AT & T MOBILITY	0885		60.00CR	663,010.75CR
9/13/22	9/13	A45360	CHK: 209871	19724	CITY OF LUBBOCK	1470		14,882.59CR	677,893.34CR
9/13/22	9/13	A45361	CHK: 209872	19724	DAVIS FURNITURE COMPANY	1600		1,193.20CR	679,086.54CR
9/13/22	9/13	A45363	CHK: 209874	19724	FARMERS MACHINE SHOP	1800		225.00CR	679,311.54CR
9/13/22	9/13	A45364	CHK: 209875	19724	GEBO'S DISTRIBUTING CO.,	2000		1,553.01CR	680,864.55CR
9/13/22	9/13	A45366	CHK: 209877	19724	LAMESA BUTANE COMPANY	2500		1,216.00CR	682,080.55CR
9/13/22	9/13	A45367	CHK: 209878	19724	LAMESA PRESS REPORTER, I	2590		2,895.87CR	684,976.42CR

PAGE: 3		FUND : 01 -GENERAL FUND		PERIOD TO USE: Sep-2022 THRU Sep-2022				
DEPT : N/A		PACKET=====DESCRIPTION=====		ACCOUNTS: 1001 THRU 1001				
POST	DATE	TRAN #	REFERENCE	VEND	INV/JE #	NOTE	=====AMOUNT=====	=====BALANCE=====
1001			CASH IN BANK					
* (CONTINUED) *								
9/13/22	9/13	A45368	CHK: 209879	19724	MAYFIELD PAPER COMPANY,	2957	2,746.70CR	687,723.12CR
9/13/22	9/13	A45371	CHK: 209882	19724	HENRY NORRIS AGENCY,. IN	3190	81.00CR	687,804.12CR
9/13/22	9/13	A45372	CHK: 209883	19724	PARKHILL,SMITH & COOPER,	3263	6,249.71CR	694,053.83CR
9/13/22	9/13	A45373	CHK: 209884	19724	PAYTON PLUMBING INC	3286	5,928.23CR	699,982.06CR
9/13/22	9/13	A45374	CHK: 209885	19724	POKA-LAMBRO COMMUNCIATIO	3358	708.99CR	700,691.05CR
9/13/22	9/13	A45375	CHK: 209886	19724	TML-IEBP	3843	45,528.75CR	746,219.80CR
9/13/22	9/13	A45376	CHK: 209887	19724	WINDSTREAM COMMUNICATION	4460	68.72CR	746,288.52CR
9/13/22	9/13	A45377	CHK: 209888	19724	TASCOSA OFFICE MACHINES,	5115	2,606.38CR	748,894.90CR
9/13/22	9/13	A45379	CHK: 209890	19724	WEST TEXAS PAVING	5390	226.84CR	749,121.74CR
9/13/22	9/13	A45380	CHK: 209891	19724	WEATHERMAN CONST. & OVER	5624	1,356.95CR	750,478.69CR
9/13/22	9/13	A45381	CHK: 209892	19724	TEXAS ENVIRONMENTAL TRAI	5817	650.00CR	751,128.69CR
9/13/22	9/13	A45382	CHK: 209893	19724	NAPA AUTO PARTS	5833	2,330.47CR	753,459.16CR
9/13/22	9/13	A45384	CHK: 209895	19724	FRANKLIN & SON, INC.	5840	396.50CR	753,855.66CR
9/13/22	9/13	A45385	CHK: 209896	19724	LAMESA RECYCLING	5869	21.91CR	753,877.57CR
9/13/22	9/13	A45386	CHK: 209897	19724	TWILIGHT ELECTRIC	5884	477.48CR	754,355.05CR
9/13/22	9/13	A45387	CHK: 209898	19724	UNITED LABORATORIES, INC	6077	245.74CR	754,600.79CR
9/13/22	9/13	A45388	CHK: 209899	19724	DAVID HUCKERT	6182	200.00CR	754,800.79CR
9/13/22	9/13	A45389	CHK: 209900	19724	PENGUIN MANAGEMENT, INC.	6226	1,560.00CR	756,360.79CR
9/13/22	9/13	A45390	CHK: 209901	19724	RELIANT ENERGY	6316	31,902.72CR	788,263.51CR
9/13/22	9/13	A45392	CHK: 209903	19724	ADAMS PAINT CO.	6336	472.76CR	788,736.27CR
9/13/22	9/13	A45393	CHK: 209904	19724	3W ENERGY SERVICES, INC.	6842	258.10CR	788,994.37CR
9/13/22	9/13	A45394	CHK: 209905	19724	LORI VITOLAS dba WEST TE	6851	75.00CR	789,069.37CR
9/13/22	9/13	A45395	CHK: 209906	19724	DISH	6954	241.80CR	789,311.17CR
9/13/22	9/13	A45396	CHK: 209907	19724	SCOTT RUNGE ELECTRIC, LL	6956	3,535.03CR	792,846.20CR
9/13/22	9/13	A45397	CHK: 209908	19724	PREMIER WATERWORKS,INC	6983	8,995.00CR	801,841.20CR
9/13/22	9/13	A45398	CHK: 209909	19724	DC SUPPLY, LLC	7039	4,160.90CR	806,002.10CR
9/13/22	9/13	A45399	CHK: 209910	19724	TRANS UNION RISK AND ALT	7053	98.07CR	806,100.17CR
9/13/22	9/13	A45400	CHK: 209911	19724	RELIANCE TRUCK AND EQUIP	7165	1,019.68CR	807,119.85CR
9/13/22	9/13	A45401	CHK: 209912	19724	EUROFINS ENVIRONMENT TES	7174	175.00CR	807,294.85CR
9/13/22	9/13	A45402	CHK: 209913	19724	IDEXX DISTRIBUTION, INC	7178	6,024.89CR	813,319.74CR
9/13/22	9/13	A45403	CHK: 209914	19724	TIB, NATIONAL ASSOCIATIO	7182	274,427.51CR	1,087,747.25CR
9/13/22	9/13	A45406	DFT: 000055	19746	INTERNAL REVENUE SERVICE	5832	36,512.84CR	1,124,260.09CR
9/13/22	9/13	A45407	CHK: 209864	19746	CAPROCK FEDERAL CREDIT U	1390	22,459.74CR	1,146,719.83CR
9/13/22	9/13	A45408	CHK: 209865	19746	PAYROLL FUND	3270	103,173.54CR	1,249,893.37CR
9/13/22	9/13	A45409	CHK: 209866	19746	JAE FITNESS	6023	240.22CR	1,250,133.59CR
9/13/22	9/13	A45410	CHK: 209867	19746	TX CHILD SUPPORT SDU	6905	271.09CR	1,250,404.68CR
9/13/22	9/13	A45411	CHK: 209868	19746	TX CHILD SUPPORT SDU	7077	179.30CR	1,250,583.98CR
9/13/22	9/13	A45412	CHK: 209869	19746	TX CHILD SUPPORT SDU	7120	300.00CR	1,250,883.98CR
9/14/22	9/27	B74649	Misc 000056	11643	METER POSTAGE	JE# 029696	500.00CR	1,251,383.98CR
9/15/22	9/15	A45450	CHK: 209931	19758	LAMESA CHAMBER OF COMMER	1457	3,270.00CR	1,254,653.98CR
9/15/22	9/15	A45451	CHK: 209960	19760	RAMIREZ, IRMA	5830	46.19CR	1,254,700.17CR
9/15/22	9/15	A45452	CHK: 209932	19759	B & J WELDING SUPPLY	1180	637.54CR	1,255,337.71CR
9/15/22	9/15	A45453	CHK: 209933	19759	BROCK VETERINARY CLINIC,	1302	628.00CR	1,255,965.71CR
9/15/22	9/15	A45454	CHK: 209934	19759	BRUCKNER'S TRUCK SALES,	1340	2,358.87CR	1,258,324.58CR
9/15/22	9/15	A45455	CHK: 209935	19759	CLAIBORNE'S THRIFTWAY	1480	1,621.43CR	1,259,946.01CR
9/15/22	9/15	A45457	CHK: 209937	19759	DACO	1580	27,644.83CR	1,287,590.84CR
9/15/22	9/15	A45461	CHK: 209941	19759	HIGGINBOTHAM'S GENERAL O	2180	2,347.43CR	1,289,938.27CR

FUND	: 01 -GENERAL FUND		PERIOD TO USE: Sep-2022 THRU Sep-2022	
DEPT	: N/A		ACCOUNTS: 1001 THRU 1001	
POST	DATE	TRAN #	REFERENCE	PACKET=====DESCRIPTION===== VEND INV/JE # NOTE =====AMOUNT===== BALANCE=====
1001			CASH IN BANK	* (CONTINUED) *
9/15/22	9/15	A45463	CHK: 209943	19759 LAMESA TIRE & BATTERY. I 2645 2,423.45CR 1,292,361.72CR
9/15/22	9/15	A45465	CHK: 209945	19759 PAYTON PLUMBING INC 3286 122.00CR 1,292,483.72CR
9/15/22	9/15	A45466	CHK: 209946	19759 SOUTH PLAINS COMMUNICATI 3729 1,306.00CR 1,293,789.72CR
9/15/22	9/15	A45467	CHK: 209947	19759 STANDARD INSURANCE CO 3782 969.35CR 1,294,759.07CR
9/15/22	9/15	A45468	CHK: 209948	19759 TTUHSC-DEPT OF PSYCHIATR 3962 661.25CR 1,295,420.32CR
9/15/22	9/15	A45469	CHK: 209949	19759 MANDRY TECHNOLOGY SOLUTI 5160 3,898.68CR 1,299,319.00CR
9/15/22	9/15	A45470	CHK: 209950	19759 WEST TEXAS PAVING 5390 219.35CR 1,299,538.35CR
9/15/22	9/15	A45471	CHK: 209951	19759 AUTOZONE, INC. 5593 472.33CR 1,300,010.68CR
9/15/22	9/15	A45472	CHK: 209952	19759 BIO-AQUATIC TESTING, INC 5770 1,020.00CR 1,301,030.68CR
9/15/22	9/15	A45473	CHK: 209953	19759 CLARKE MOSQUITO CONTROL 5809 6,721.44CR 1,307,752.12CR
9/15/22	9/15	A45474	CHK: 209954	19759 ADVANCED AUTO REPAIR 6075 899.82CR 1,308,651.94CR
9/15/22	9/15	A45475	CHK: 209955	19759 WTG FUELS, INC. 6220 30,130.11CR 1,338,782.05CR
9/15/22	9/15	A45477	CHK: 209957	19759 MARINE AUTO TRUCK ELECTR 6489 432.52CR 1,339,214.57CR
9/15/22	9/15	A45478	CHK: 209958	19759 NUTRIEN AG SOLUTIONS, IN 6659 225.00CR 1,339,439.57CR
9/15/22	9/15	A45479	CHK: 209959	19759 KWIK KAR OIL & LUBE 6691 280.85CR 1,339,720.42CR
9/20/22	9/20	A45504	CHK: 209961	19766 ADVANCED ANALYSIS, INC 1022 254.00CR 1,339,974.42CR
9/20/22	9/20	A45505	CHK: 209962	19766 PREMIER WATERWORKS, INC 6983 3,577.58CR 1,343,552.00CR
9/20/22	9/20	A45506	CHK: 209963	19765 PLAINS MARKETING 1 150.00CR 1,343,702.00CR
9/20/22	9/20	A45507	CHK: 209964	19765 FAUSTINO CAUDILLO 1 50.00CR 1,343,752.00CR
9/20/22	9/20	A45508	CHK: 209965	19765 GINGER ORTIZ 1 150.00CR 1,343,902.00CR
9/20/22	9/20	A45509	CHK: 209966	19765 SEBASTIAN IGLESIAS 1 75.00CR 1,343,977.00CR
9/20/22	9/20	A45510	CHK: 209967	19765 JULIE ALVARADO 1 50.00CR 1,344,027.00CR
9/20/22	9/20	A45511	CHK: 209968	19765 RENEE ESTRACA 1 50.00CR 1,344,077.00CR
9/20/22	9/20	A45512	CHK: 209969	19765 KINGDOM CULTURE MINISTRI 1 25.00CR 1,344,102.00CR
9/20/22	9/20	A45513	CHK: 209970	19765 AFA INC dba AAA FIRE 1009 239.06CR 1,344,341.06CR
9/20/22	9/20	A45514	CHK: 209971	19765 ADVANCED ANALYSIS, INC 1022 254.00CR 1,344,595.06CR
9/20/22	9/20	A45515	CHK: 209972	19765 LAMESA ECONOMIC DEVELOPM 2555 28,876.62CR 1,373,471.68CR
9/20/22	9/20	A45516	CHK: 209973	19765 PROFESSIONAL TURF PRODUC 3413 160.24CR 1,373,631.92CR
9/20/22	9/20	A45517	CHK: 209974	19765 TERRY COUNTY TRACTOR CO. 3880 392.42CR 1,374,024.34CR
9/20/22	9/20	A45518	CHK: 209975	19765 WINDSTREAM COMMUNICATION 4460 88.23CR 1,374,112.57CR
9/20/22	9/20	A45519	CHK: 209976	19765 OGEDA, ERNEST 5617 207.51CR 1,374,320.08CR
9/20/22	9/20	A45520	CHK: 209977	19765 LAMESA ECONOMIC ALLIANCE 5942 28,876.62CR 1,403,196.70CR
9/20/22	9/20	A45521	CHK: 209978	19765 VERIZON WIRELESS 5969 1,790.90CR 1,404,987.60CR
9/20/22	9/20	A45523	CHK: 209980	19765 COSTCO WHOLESALE #1163 6265 180.00CR 1,405,167.60CR
9/20/22	9/20	A45524	CHK: 209981	19765 JOHNNY SHOOK 6449 180.00CR 1,405,347.60CR
9/20/22	9/20	A45525	CHK: 209982	19765 CANON FINANCIAL SERVICES 6580 714.12CR 1,406,061.72CR
9/20/22	9/20	A45526	CHK: 209983	19765 DC SUPPLY, LLC 7039 133.40CR 1,406,195.12CR
9/20/22	9/20	A45527	CHK: 209984	19765 JESSICA RAMIREZ 7041 192.88CR 1,406,388.00CR
9/20/22	9/20	A45528	CHK: 209985	19765 FERGUSON US HOLDINGS, IN 7161 312.00CR 1,406,700.00CR
9/20/22	9/20	A45529	CHK: 209986	19765 ELAINA MIRELES 7185 10.21CR 1,406,710.21CR
9/22/22	9/22	A45549	CHK: 209998	19772 MESA IRRIGATION COMPANY 2980 540.00CR 1,407,250.21CR
9/22/22	9/22	A45550	CHK: 209999	19772 HD SUPPLY FACILITIES MAI 5100 406.25CR 1,407,656.46CR
9/22/22	9/22	A45551	CHK: 210000	19772 STATEWIDE ELEVATOR INSPE 5935 333.65CR 1,407,990.11CR
9/22/22	9/22	A45552	CHK: 210001	19772 PERMIAN BASIN MATERIALS, 6906 1,009.87CR 1,408,999.98CR
9/22/22	9/22	A45553	CHK: 210002	19772 BDP INDUSTRIES INC 6924 13,614.25CR 1,422,614.23CR
9/22/22	9/22	A45554	CHK: 210003	19772 PREMIER WATERWORKS, INC 6983 1,795.80CR 1,424,410.03CR
9/22/22	9/22	A45555	CHK: 210004	19772 DC SUPPLY, LLC 7039 1,299.00CR 1,425,709.03CR

FUND : 01 -GENERAL FUND		PERIOD TO USE: Sep-2022 THRU Sep-2022							
DEPT : N/A		ACCOUNTS: 1001 THRU 1001							
POST	DATE	TRAN #	REFERENCE	PACKET=====DESCRIPTION=====	VEND	INV/JE #	NOTE	=====AMOUNT=====	=====BALANCE=====
1001				CASH IN BANK					
* (CONTINUED) *									
9/22/22	9/22	A45556	CHK: 209987	19771 ADVANCED ANALYSIS, INC	1022			254.00CR	1,425,963.03CR
9/22/22	9/22	A45557	CHK: 209988	19771 CITY OF LUBBOCK	1470			17,236.38CR	1,443,199.41CR
9/22/22	9/22	A45558	CHK: 209989	19771 DPC INDUSTRIES INC	1570			300.00CR	1,443,499.41CR
9/22/22	9/22	A45559	CHK: 209990	19771 LAMESA PRESS REPORTER, I	2590			56.00CR	1,443,555.41CR
9/22/22	9/22	A45560	CHK: 209991	19771 UNIFIRST HOLDINGS, INC	4079			74.97CR	1,443,630.38CR
9/22/22	9/22	A45561	CHK: 209992	19771 WARREN CAT	4122			1,883.17CR	1,445,513.55CR
9/22/22	9/22	A45562	CHK: 209993	19771 M & M EXTERMINATORS	4470			1,421.20CR	1,446,934.75CR
9/22/22	9/22	A45563	CHK: 209994	19771 CATHERINE M LANHAM, PH.D	5821			300.00CR	1,447,234.75CR
9/22/22	9/22	A45564	CHK: 209995	19771 ADVANCED BUSINESS SOLUTI	5870			205.15CR	1,447,439.90CR
9/22/22	9/22	A45565	CHK: 209996	19771 MITCH HALL LAMESA, LLC	6799			161.60CR	1,447,601.50CR
9/22/22	9/22	A45566	CHK: 209997	19771 AUERILLO GARZA	7028			27.40CR	1,447,628.90CR
9/27/22	9/27	A45573	CHK: 210017	19787 BENMARK SUPPLY CO., INC.	5250			27,450.00CR	1,475,078.90CR
9/27/22	9/27	A45574	CHK: 210011	19784 ATMOS ENERGY CORPORATION	1730			2,068.66CR	1,477,147.56CR
9/27/22	9/27	A45575	CHK: 210012	19784 TYLER TECHNOLOGIES, INC.	2310			1,691.04CR	1,478,838.60CR
9/27/22	9/27	A45576	CHK: 210013	19784 MANDRY TECHNOLOGY SOLUTI	5160			4,012.35CR	1,482,850.95CR
9/27/22	9/27	A45578	CHK: 210015	19784 SIERRA SPRINGS	6114			116.31CR	1,482,967.26CR
9/27/22	9/27	A45579	CHK: 210016	19784 RELIANT ENERGY	6316			294.28CR	1,483,261.54CR
9/27/22	9/27	A45580	DFT: 000056	19785 INTERNAL REVENUE SERVICE	5832			36,311.07CR	1,519,572.61CR
9/27/22	9/27	A45581	CHK: 210005	19785 CAPROCK FEDERAL CREDIT U	1390			21,051.38CR	1,540,623.99CR
9/27/22	9/27	A45582	CHK: 210006	19785 PAYROLL FUND	3270			103,747.54CR	1,644,371.53CR
9/27/22	9/27	A45583	CHK: 210007	19785 JAE FITNESS	6023			240.22CR	1,644,611.75CR
9/27/22	9/27	A45584	CHK: 210008	19785 TX CHILD SUPPORT SDU	6905			271.09CR	1,644,882.84CR
9/27/22	9/27	A45585	CHK: 210009	19785 TX CHILD SUPPORT SDU	7077			179.30CR	1,645,062.14CR
9/27/22	9/27	A45586	CHK: 210010	19785 TX CHILD SUPPORT SDU	7120			300.00CR	1,645,362.14CR
9/27/22	9/28	U31508	CHECK 210033	23244 REFUND: ORTIZ, ANALEE				75.23CR	1,645,437.37CR
9/27/22	9/28	U31508	CHECK 210034	23244 REFUND: SCOTT, TERRY LEE				8.41CR	1,645,445.78CR
9/27/22	9/28	U31508	CHECK 210035	23244 REFUND: AGUIRRE, KAYLA				17.51CR	1,645,463.29CR
9/27/22	9/28	U31508	CHECK 210036	23244 REFUND: DURAN, ANN				34.27CR	1,645,497.56CR
9/27/22	9/28	U31508	CHECK 210037	23244 REFUND: HOLLADAY, GEOFF				98.62CR	1,645,596.18CR
9/27/22	9/28	U31508	CHECK 210038	23244 REFUND: BEAM, MKENZY K				41.42CR	1,645,637.60CR
9/27/22	9/28	U31508	CHECK 210039	23244 REFUND: BAILEY, RONALD				71.84CR	1,645,709.44CR
9/27/22	9/28	U31508	CHECK 210040	23244 REFUND: LENNON, LEE S				75.02CR	1,645,784.46CR
9/27/22	9/28	U31508	CHECK 210041	23244 REFUND: ALVAREZ, BOBBY M				68.44CR	1,645,852.90CR
9/27/22	9/28	U31508	CHECK 210042	23244 REFUND: LANGLEY, KARISA A				68.44CR	1,645,921.34CR
9/27/22	9/28	U31508	CHECK 210043	23244 REFUND: HIPPI, REBECCA L				22.06CR	1,645,943.40CR
9/27/22	9/28	U31508	CHECK 210044	23244 REFUND: LINDSEY, JUSTIN T				3.93CR	1,645,947.33CR
9/27/22	9/28	U31508	CHECK 210045	23244 REFUND: DRIVER PIPELINE CO, IN				1,979.34CR	1,647,926.67CR
9/28/22	9/28	A45606	DFT: 000057	19795 INTERNAL REVENUE SERVICE	5832			175.62CR	1,648,102.29CR
9/28/22	9/28	A45607	CHK: 210021	19798 AFLAC INSURANCE	1020			3,756.56CR	1,651,858.85CR
9/28/22	9/28	A45608	CHK: 210022	19798 CAPROCK FEDERAL CREDIT U	1390			115.44CR	1,651,974.29CR
9/28/22	9/28	A45609	CHK: 210023	19798 TEXAS MUNICIPAL RETIREME	3973			37,446.11CR	1,689,420.40CR
9/28/22	9/28	A45615	CHK: 210029	19798 LEGAL SHIELD	5900			218.14CR	1,689,638.54CR
9/28/22	9/28	A45616	CHK: 210030	19798 NEW YORK LIFE	5921			203.92CR	1,689,842.46CR
9/28/22	9/28	A45617	CHK: 210018	19797 FULBRIGHT & CASSELBERRY	2090			2,210.20CR	1,692,052.66CR
9/28/22	9/28	A45618	CHK: 210019	19797 PAYROLL FUND	3270			392.50CR	1,692,445.16CR
9/28/22	9/28	A45619	CHK: 210020	19797 SENIOR CITIZENS	3675			3,750.00CR	1,696,195.16CR
9/28/22	9/28	A45620	CHK: 210031	19799 DAWSON COUNTY APPRAISAL	1605			15,166.09CR	1,711,361.25CR

FUND : 01 -GENERAL FUND
DEPT : N/A

PERIOD TO USE: Sep-2022 THRU Sep-2022
ACCOUNTS: 1001 THRU 1001

POST DATE TRAN # REFERENCE PACKET-----DESCRIPTION----- VEND INV/JE # NOTE -----AMOUNT----- ==BALANCE==

1001 CASH IN BANK

* (CONTINUED) *

9/28/22	9/28	A45621	CHK: 210032	19799	DAWSON CO. WELFARE ASSOC	1610		188.00CR	1,711,549.25CR
9/29/22	9/29	A45633	CHK: 210046	19802	ADVANCED ANALYSIS, INC	1022		508.00CR	1,712,057.25CR
9/29/22	9/29	A45635	CHK: 210048	19802	DACO	1580		1,863.58CR	1,713,920.83CR
9/29/22	9/29	A45636	CHK: 210049	19802	VERA, FERNANDO	4085		718.75CR	1,714,639.58CR
9/29/22	9/29	A45637	CHK: 210050	19802	RUDOLFO SAUSED, JR.	5989		718.75CR	1,715,358.33CR
9/29/22	9/29	A45638	CHK: 210051	19802	ALERT-ALL CORP.	6237		1,784.25CR	1,717,142.58CR
9/29/22	9/29	A45639	CHK: 210052	19802	GLORIA RODRIGUEZ	7030		365.00CR	1,717,507.58CR
9/29/22	9/29	A45640	CHK: 210053	19802	DANNY L JACOBS	7186		718.75CR	1,718,226.33CR
9/29/22	10/03	A45669	CHK: 929225	19811	PROFESSIONAL TURF PRODUC	3413		3,790.79CR	1,722,017.12CR
9/30/22	10/04	B74715	Deposit 000007	11655	HEALTH INS. TSF. - G/F		JE# 029729	33,856.67CR	1,755,873.79CR
9/30/22	10/04	B74721	Misc 000012	11656	WORKER COMP TSF TO RISK MGMT		JE# 029735	6,992.00CR	1,762,865.79CR
9/30/22	10/04	B74727	Misc 000018	11657	LIABILITY TSF G/F TO RISK MGMT		JE# 029741	6,248.00CR	1,769,113.79CR
9/30/22	10/12	B74799	Misc 000024	11667	COURT TRANSFER TO STATE AGCY.		JE# 029768	5,350.74CR	1,774,464.53CR
9/30/22	10/12	B74800	Misc 000025	11668	TO RECORD DUE TO/FROM		JE# 029769	316.89CR	1,774,781.42CR
9/30/22	10/12	B74800	Misc 000025	11668	TO RECORD DUE TO/FROM		JE# 029769	260.99CR	1,775,042.41CR
9/30/22	10/12	B74800	Misc 000025	11668	TO RECORD DUE TO/FROM		JE# 029769	318.85CR	1,775,361.26CR
9/30/22	10/12	B74800	Misc 000025	11668	TO RECORD DUE TO/FROM		JE# 029769	6.34CR	1,775,367.60CR
9/30/22	10/13	B74802	Misc 000026	11670	TEXAS VFD/FFPC PENSION		JE# 029771	20,000.00CR	1,795,367.60CR
=====				SEPTEMBER ACTIVITY DB:	0.00	CR:	1,795,367.60CR	1,795,367.60CR	

SELECTION CRITERIA

FISCAL YEAR: Oct-2021 / Sep-2022
 FUND: Include: 01
 PERIOD TO USE: Sep-2022 THRU Sep-2022
 TRANSACTIONS: CREDIT

ACCOUNT SELECTION

ACCOUNT RANGE: 1001 THRU 1001
 DEPARTMENT RANGE: - THRU -
 ACTIVE FUNDS ONLY: NO
 ACTIVE ACCOUNT ONLY: NO
 INCLUDE RESTRICTED ACCOUNTS: NO
 DIGIT SELECTION:

PRINT OPTIONS DETAIL

OMIT ACCOUNTS WITH NO ACTIVITY: NO
 PRINT ENCUMBRANCES: NO
 PRINT VENDOR NAME: NO
 PRINT PROJECTS: NO
 PRINT JOURNAL ENTRY NOTES: NO
 PRINT MONTHLY TOTALS: YES
 PRINT GRAND TOTALS: NO
 PRINT: INVOICE #
 PAGE BREAK BY: NONE

*** END OF REPORT ***

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 4

3SUBJECT: AMEND ORDINANACE O-01-13 RECORDS MANAGEMENT OFFICER:
PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS Ordinance First Reading

SUMMARY STATEMENT

City Council to consider amending Ordinance O-01-13 on first reading "Designation of Records Management Officer" designating City Secretary as the Records Management Officer.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to pass an Ordinance on first reading "Designation of Records Management Officer" designating City Secretary as the Records Management Officer. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval.

ORDINANCE NO.

AMEND ORDINANCE NO. 0-01-13 SECTION 1.06.005" DESIGNATION OF RECORDS MANAGEMENT OFFICER" DESIGNATING THE CITY SECRETARY AS RECORDS MANAGEMENT OFFICER IN ACCORDANCE WITH TITLE 6, SUBTITLE C, LOCAL GOVERNMENT CODE (LOCAL GOVERNMENT RECORDS ACT;

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a city government must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, the City of Lamesa desires to amend Ordinance No. 0-01-13 Section 1.06.005 and to designate the City Secretary as the Records Management Officer in accordance with Title 6, Subtitle C, Local Government Code.

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

SECTION 1. That Section 1.06.005 Designation of Management Officer of the Code of Ordinances of the City of Lamesa, Texas be, and is hereby amended to read as follows:

Section 1.06.005 Records Management Officer

The City Secretary and the successive holders of said office, shall serve as Records Management Officer for the City of Lamesa. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

SECTION 2. The effective of this Amended Ordinance November 15, 2022

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Lamesa, Texas on this the 12th day of October, 2022.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council of the City of Lamesa, Texas, on this the 15th day of November, 2022.

ATTEST:

APPROVED :

Betty Conde
City Secretary

Josh Stevens
Mayor

ARTICLE 1.06 RECORDS MANAGEMENT*

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.001 Definition of city records

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information-recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner. (1998 Code, sec. 15.001)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.002 Additional definitions

In this article, unless the content of any section makes such definition inapplicable thereto, the following words shall mean:

Department head. The officer who by ordinance, order or administrative policy is in charge of an office of the city that creates or receives records.

Essential record. Any record of the city necessary to the resumption or continuation of operations of the city in an emergency or disaster, to the re-creation of the legal and financial status of the city, or to the protection and fulfillment of obligations to the people of the state.

Permanent record. Any record of the city for which the retention period on a records control schedule is given as permanent.

Records control schedule. A document prepared by or under the authority of the records management officer listing the records maintained by the city, their retention periods, and other records disposition information that the records management program may require.

Records liaison officers. The persons designated under [section 1.06.009](#) of this article.

Records management. The application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

Records management committee. The persons designated in [section 1.06.006](#) of this article.

Records management officer. The person designated in [section 1.06.005](#) of this article.

Records management plan. The plan developed under [section 1.06.007](#) of this article.

Retention period. The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

(1998 Code, sec. 15.002)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.003 City records declared public property

All city records as defined in section 1.06.001 of this article are hereby declared to be the property of the city. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited. (1998 Code, sec. 15.003)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.004 Policy

It is hereby declared to be the policy of the city to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all city records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice. (1998 Code, sec. 15.004)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.005 Records management officer

(a) Designation. The administrative assistant and the successive holders of said office, shall serve as records management officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the state library within thirty days of the initial designation or of taking up the office, as applicable. (Ordinance O-01-13 adopted 1/22/13)

(b) Duties. In addition to other duties assigned in this article, the records management officer shall:

- (1) Administer the records management program and provide assistance to department heads in its implementation;
- (2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) In cooperation with department heads, identify essential records and establish a disaster plan for each city office and department to ensure maximum availability of records in order to reestablish operations quickly and with minimum disruption and expense;
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) Establish standards for filing and storage equipment and for recordkeeping supplies;

- <https://z2codes.franklinlegal.net/franklin/PrintViewer.jsp?printCollection=0>
- (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;
 - (7) Provide records management advice and assistance to all city departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;
 - (8) Monitor records retention schedules and administrative rules issued by the state library and archives commission to determine if the records management program and the city's records control schedules are in compliance with state regulations;
 - (9) Disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records;
 - (10) Instruct records liaison officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;
 - (11) Direct records liaison officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this article;
 - (12) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
 - (13) Maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
 - (14) Report annually to the city council on implementation of the records management plan in each department of the city, including summaries of the statistical and fiscal data compiled under subsection (13); and
 - (15) Bring to the attention of the city council noncompliance by department heads or other city personnel with the policies and procedures of the records management program or the Local Government Records Act.

(1998 Code, sec. 15.005)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.006 Records management committee

A records management committee consisting of the city manager, city secretary, director of finance, chief of police, and personnel director is hereby established. The committee shall:

- (1) Assist the records management officer in the development of policies and procedures governing the records management program;
- (2) Review the performance of the program on a regular basis and propose changes and improvements if needed;
- (3) Review and approve records control schedules submitted by the records management officer;
- (4) Give final approval to the destruction of records in accordance with approved records control schedules; and

- (5) Actively support and promote the records management program throughout the city.

(1998 Code, sec. 15.006)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.007 Records management plan

- (a) Records management plan to be developed. The records management officer and the records management committee shall develop a records management plan for the city for submission to the city council. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the city, and to properly preserve those records of the city that are of historical value. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by state law and this article effectively.
- (b) Approval of plan. Once approved by the city, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.
- (c) Authority of plan. State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this article and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the city.

(1998 Code, sec. 15.007)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.008 Duties and responsibilities of department heads

In addition to other duties assigned in this article, department heads shall:

- (1) Cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this article;
- (2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and
- (3) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this article.

(1998 Code, sec. 15.008)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.009 Records liaison officers

(a) Designation. Each department head shall designate a member of his or her staff to serve as records liaison officer for the implementation of the records management program in the department. If the records management officer determines that in the best interests of the records management program more than one records liaison officer should be designated for a department, the department head shall designate the number of records liaison officers specified by the records management officer. Persons designated as records liaison officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the city maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a records liaison officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as records liaison officer for his or her department.

(b) Duties. In addition to other duties assigned in this article, records liaison officers shall:

- (1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- (2) In cooperation with the records management officer, coordinate and implement the policies and procedures of the records management program in their departments; and
- (3) Disseminate information to department staff concerning the records management program.

(1998 Code, sec. 15.009)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.010 Records control schedules

(a) Preparation. The records management officer, in cooperation with department heads and records liaison officers, shall prepare records control schedules on a department-by-department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of city records as the records management plan may require.

(b) Amendment. Each records control schedule shall be monitored and amended as needed by the records management officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.

(c) Adoption.

(1) Before its adoption, a records control schedule or amended schedule for a department must be approved by the department head and the members of the records management committee.

(2) Before its adoption, a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The records management officer shall submit the records control schedules to the director and librarian.

(d) Implementation. A records control schedule for a department that has been approved and adopted under section 1.06.007 shall be implemented by department heads and records liaison officers according to the policies and procedures of the records management plan.

(e) Destruction of records.

(1) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the department head requests in writing to the records management committee that the record be retained for an additional period.

(2) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the records management committee.

(1998 Code, sec. 15.010)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.011 Destruction of unscheduled records

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the records management officer has submitted to and received back from the director and librarian an approved destruction authorization request. (1998 Code, sec. 15.011)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.012 Records center

A records center, developed pursuant to the plan required by section 1.06.007, shall be under the direct control and supervision of the records management officer. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under section 1.06.007. (1998 Code, sec. 15.012)

ARTICLE 1.06 RECORDS MANAGEMENT*

Sec. 1.06.013 Micrographics

Unless a micrographics program in a department is specifically exempted by order of the city council, all microfilming of records will be centralized and under the direct supervision of the records management officer. The records management plan will establish policies and procedures for the microfilming of city records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the state library and archives commission. The plan will also establish criteria for determining the eligibility of records for microfilming and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject to periodic review by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules. (1998 Code, sec. 15.013)

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 5

SUBJECT: ORDINANCE TO AMENDING CHAPTER 3 "BUILDING REGULATIONS: OF THE CODE OF ORDINANCES OF THE CITY OF LAMESA, TEXAS:
PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBIT: Ordinance First Reading

SUMMARY STATEMENT

City Council to consider passing an Ordinance on First reading amending Chapter 3 entitled "Building Regulations" of the Code of Ordinances of the City of Lamesa.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to pass an Ordinance on first reading amending Chapter 3 entitled "Building Regulations" of the Code of Ordinances of the City of Lamesa. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend Approval.

AN ORDINANCE AMENDING CHAPTER 3 ENTITLED “BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF LAMESA, TEXAS.

On the 18th day of October, 2022, there came on and was held at the City Hall of the City of Lamesa, Texas, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act (Texas Government Code, Chapter 551) and there being a quorum present and acting throughout the meeting, the following ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, to-wit:

WHEREAS, the City Council desires to amend Chapter 3 of the Code of Ordinances of the City of Lamesa, which amendment is in the best interest of the City of Lamesa.

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

SECTION 1. That Chapter 3 of the Code of Ordinances of the City of Lamesa, Texas, entitle BUILDING REGULATIONS, be, and is hereby, amended to read as follows:

**CHAPTER 3
BUILDING REGULATIONS**

Sec. 3.01.001 Building Inspector

- (a) Office created. There is hereby created the office of Building Inspector to be conducted under the supervision of the City Manager.
- (b) Bond. The Building Inspector shall execute and deliver to the City Secretary a surety bond in the amount of one thousand dollars (\$1,000.00), payable to the City, conditioned upon the faithful performance of duties in compliance with this section.

ARTICLE 3.02 BUILDING BOARD

Sec. 3.02.003 Established; membership

- (a) Composition. There is hereby created a Building Board consisting of fourteen (14) members, any seven (7) of which shall constitute a quorum. The board shall include the City Manager, or any person duly designated by him, who shall be chairman of the board, the Building Inspector, the chief Electrical Inspector of the City, two (2) licensed and active master electricians, two (2) active journeyman electricians, two (2) licensed and active master plumbers, two (2) journeyman plumbers, one (1) property owner who resides in the City, and two (2) builders or persons engaged in the building or contracting business.
- (b) Appointment and term of members. Each Building Board member shall be appointed by

the City Council and shall hold office for two (2) years from the date of such appointment or until such member's successor is appointed and qualified.

(c) Compensation of members. All members of the Building Board shall serve without pay.

Sec. 3.02.004 Appeals

(a) Right of appeal; filing. Any person aggrieved by a decision or ruling of the Building Inspector shall have the right to appeal such decision or ruling to the Building Board for its review. Such appeal shall be perfected by a request in writing to the City Manager for a hearing in which the nature of the applicant's grievance is briefly described and his correct name and address stated.

(b) Date for hearing; decision. The chairman of the Building Board shall set a date and time for the hearing within three (3) days, at which time the board shall hear the testimony and evidence of all parties concerned. A decision of the Building Board shall be issued within three (3) days after the hearing.

(c) Appeal to City Council. If the appellant is then aggrieved by the decision of the Building Board, appeal may be made fro

(d) m the Board's decision to the City Council, and such appeal shall be perfected by a letter addressed to the Mayor or the City Manager. A member of the Building Board shall have no vote on his or her own appeal before the Board.

Secs. 3.03.005-3.03.050 Reserved

Sec. 3.03.051 International Codes adopted

(a) All of the Codes of the International Code Council, 2012 Editions, are hereby adopted as the Building Code of the City, except as the provisions of such Codes conflict with the other provisions of this Chapter.

(b) A copy of each said Codes is incorporated herein as though set out completely in detail.

Sec. 3.03.052 Penalty

Any person, firm or corporation found violating any of the provisions of the City's Building Code as adopted in Sec. 3.03.051 of this Code of Ordinances shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision of Section 1.01.009 of this Code of Ordinances. Each day's violation shall constitute a separate offense.

Sec. 3.03.053 Fees

(a) Payment. No permit required by the Building Code shall be issued until the prescribed fee shall have been paid. No amendment to a permit shall be approved until the additional fee, if any, is paid.

(b) Any person performing any work without a required permit shall be accessed the penalty set forth in Appendix 3 to this Chapter.

- (c) New Construction. Building permits shall be issued by the Building Inspector or his/her designee upon application and payment of the appropriate fee set forth in Appendix 3 to this Chapter.
- (d) Renovation and Remodeling. Permit Fees for the renovation and remodeling of existing structures shall be as set forth in Appendix 3 to this Chapter.
- (e) If by reason of faulty work, negligence, omission or for any other reason, a subsequent inspection must be made in excess of the rough-in and final inspection, a fee as set forth in Appendix 3 to this Chapter.
- (f) If work performed pursuant to a permit fails an inspection, each subsequent reinspection shall be made after the fee set forth in Appendix 3 to this Chapter has been paid.

Sec. 3.03.054 Plan review fees

When construction documents and/or other data are required to be submitted in order to verify conformance with applicable codes prior to the issuance of a permit, a plan review fee shall be paid at the time of acquiring that permit, which fees are separate and in addition to applicable permit fees. The initial plan review fee shall be set forth in Appendix 3 to this Chapter. Resubmittal of plans for the purpose of verifying that corrections identified in the initial review have been made shall be the same as the initial plan review fees. Subsequent reviews, either to verify corrections have been made or to review change orders or other plan amendments, shall be the same as the initial plan review fees, which must be paid in advance of review if the permit has already been issued.

Secs. 3.03.055-3.03.101 Reserved

Sec. 3.03.102 Right-of-Way Construction Permits

All permits and inspection fees for which no fee has been approved or for each permit or inspection not listed in the approved fee schedules hereunder shall be issued upon the payment of the fee as set forth in Appendix 3 to this Chapter.

Sec. 3.03.103 Backflow Prevention Device Fees

- (a) Certified Backflow Prevention Assembly Tester Registration Fee: The annual registration fee for approved certified backflow prevention assembly testers shall be as set forth in Appendix 3 to this Chapter.
- (b) Deposit Fee for Fire Hydrant Water Meter with Backflow Prevention: There shall be, refundable upon return, a rental deposit fee for fire hydrant water meters with backflow prevention devices as set forth in Appendix 3 to this Chapter.
- (c) Private Contractors Testing Fees: No additional charge shall be assessed by the City for testing conducted by private contractors.

Sec. 3.03.104 Building Contractor Registration

All Building Contractors shall be registered with the City.

Division 3. Plumbing Code*

Sec. 3.03.105 Plumbing Code Adopted

(a) The International Plumbing Code, 2012 Edition, is hereby adopted as the Building Code for the City. (Ordinance 0-05-12, sec. 2, adopted 4/3/12)

(b) A copy of The International Plumbing Code, 2012 Edition, is incorporated herein as though set out completely in detail.

Sec. 3.03.106 Plumbing Permit Fees~~The plumbing permit fee for renovation and new construction shall be as set forth in Appendix 3 to this Chapter.~~

(a) All other plumbing permit fees shall be as set forth in Appendix 3 to this Chapter.

Sec. 3.03.107 Plumbing, Gas, and Mechanical Advisory and Appeal Board

(a) Establishment and Membership

(1) The Board shall be known as the City's Plumbing, Gas, and Mechanical Advisory and Appeals board and shall consist of eight (8) members with the following qualifications:

(A) Two Licensed Master Plumbers

(B) Two licensed Journeyman Plumbers

(C) One Licensed HVAC Contractor

(D) One representative of the local gas provider

(E) One representative of the South Plains Health District

(F) One citizen representative

(G) The City Building Official or authorized representative shall be an ex-officio member and serve as secretary for the Board without voting privileges.

(2) The members of the Board shall be appointed by the City Council and serve staggered terms of two (2) years. Vacancies occurring in the membership shall be filled by appointment for the unexpired term, by the City Council.

(b) Powers and duties; appeals.

(1) Notice of appeal. The Board shall require notice of appeal in writing stating grounds for appeal and other such matters. A person directly interested, affected, or aggrieved in decisions made by the Building Official or the Building Official's subordinates pertaining to the administration of this division may request an appeal of such decision before the Board. The appellant and the Building Official, Plumbing Inspector, or their designated representative shall be given reasonable notice of the time and place of appeal.

(2) Appeals from board's actions. Any action of the Board may be appealed by a person directly interested, affected, or aggrieved in the action by written petition filed with the Board and the City Secretary within twenty-one (21) days of such action for a hearing before the City Council.

(3) Advisory responsibility. The Board shall submit to the City Council recommendations for the improvement and revision of the adopted codes as it may deem necessary and proper regarding new information, materials, methods, or techniques.

(4) Quorum. A majority of the Board shall constitute a quorum for the transaction of business.

(5) Compensation. All members shall serve without

compensation. **Secs. 3.03.108-3.03.150 Reserved**

Division 4. Electrical

Code **Sec. 3.03.15 Scope**

All electrical work performed within the City shall be performed in conformity with the provisions of the City Electrical Code, and it is hereby declared to be unlawful for any person, firm or entity to perform any electrical work in violation of the provisions of the City Electrical Code.

Sec. 3.03.152 Definitions

For the purposes of this division, the following words shall be defined as herein stated. In the event of a dispute as to the meaning on an application of any word, phrase, or descriptive term as used herein, a determination of the meaning by the Electrical Advisory and Appeals Board shall be conclusive and binding on all interested parties. For the purpose of this division, the following words shall have the following meanings:

Board. The term "Board" shall mean the Electrical Advisory and Appeals Board.

Building Inspector. The person charged with the administration of this division.

Direct supervision. The continual oversight and control of electrical apprentices by a licensed residential wireman, for residential work only, a licensed journeyman electrician or a licensed master electrician, who shall be physically present at the jobsite or installation at all times any electrical work is in progress. The term shall also mean the continual oversight and control of all journeyman electricians, residential wireman and electrical apprentices by the master electrician, who shall personally direct day-to-day activities, work of the firm, prepare bids, enter into agreements or sign contracts and manage the firm's financial affairs.

Electrical apprentice. Any person who holds an electrical apprentice license issued by the Texas Department of Licensing and Regulation.

Electrical contractor. A person or entity holding an electrical contractor license issued by the Texas Department of Licensing and Regulation.

Electrical Inspector. The duly appointed Electrical Inspector of the City and all duly appointed

assistant Electrical Inspectors.

Electrical installation. The installation of wiring, devices or equipment for the distribution, transmission or utilization of electrical energy.

Electrical maintenance work. The replacement or repair of existing electrical appurtenances, apparatus, equipment, machinery, or controls used in connection with the use of electrical energy in, on, outside, or attached to a building, residence, structure, property, or premises. Electrical maintenance work does not include the installation of any new electrical appurtenances, apparatus, equipment, machinery, or controls beyond the scope of any existing electrical installation.

Fixture. A unit which supports a means of illumination.

General supervision. Exercise of oversight by a master electrician on behalf of any electrical contractor, or electrical sign contractor, or by a master sign electrician on behalf of an electrical sign contractor of performance by all classes of electrical licensees of electrical work bearing responsibility for the work's compliance with applicable codes under Texas Occupations Code, Chapter 1305.

Journeyman electrician. A person who works for or under the supervision of or by the direction of a master electrician in the electrical trade, has passed a journeyman electrician examination approved by the State of Texas, and is qualified as provided in this division. The journeyman electrician shall be physically present on the jobsite at all times electrical work is in progress and shall maintain continual oversight and control of all electrical apprentices.

Master electrician. Any person who holds a master electrician license issued by the Texas Department of Licensing and Regulation.

Master sign electrician. Any person who holds a master sign electrician license issued by the Texas Department of Licensing and Regulation.

Maintenance electrician. Any person who holds a maintenance electrician license issued by the Texas Department of Licensing and Regulation and is a full-time employee of a company or business and whose duty it is to maintain existing electrical installations, including all fixtures and appurtenances contained in a designated property building or buildings either: (1) owned by his employer; or (2) operated under a maintenance contract by his employer. A person holding this license shall not otherwise engage himself as a maintenance electrician of any building other than those designated on the maintenance license.

National Electrical Code. The current edition of the National Electrical Code (NFPA 70) as approved by the National Fire Protection Association and adopted by the City.

Offer to perform. To make a written or oral proposal, to contract in writing or orally to perform electrical work or electrical sign work, or to advertise in any form through any medium that a person or business entity is an electrical contractor or electrical sign contractor, or that implies in any way that a person or business entity is available to contract for or perform electrical work or electrical signwork.

On-site supervision. A licensed individual other than an electrical apprentice must exercise the supervision of electrical work or electrical sign work. Continuous supervision of an electrical apprentice is not required, though the on-site supervising licensee is responsible for review and inspection of the electrical apprentice's work to ensure compliance with any applicable codes or standards.

Opening or outlet. The location where a ceiling light, bracket light, wall light, porch light, or a floodlight is to be mounted and any electrical consuming opening or outlet.

Residential appliance. A unit of electrical equipment that is designed and installed in a dwelling by direct connection to any existing electrical circuit to perform a specific function, such as a water heater, for example. The term does not include general use equipment, such as an electric motor, for example, that is not designed for a specific function.

Residential appliance installer. Any person who holds a license issued by the Texas Department of Licensing and Regulation as a residential appliance installer and who, on behalf of a residential appliance installation contractor, performs electrical work that is limited to residential appliance installation as defined by Texas Occupations Code, Section 1305.002(12-e).

Residential appliance installation contractor. Any person who holds a license issued by the Texas Department of Licensing and Regulation as a residential appliance installation contractor in the business of residential appliance installation as defined by Texas Occupations Code, Section 1305.002(12-d).

Residential wireman. Any person who holds a license issued by the Texas Department of Licensing and Regulation as a residential wireman who performs only work limited to electrical installations in single-family and multifamily dwellings as defined in Texas Occupations Code, Section 1305.002(13).

Sign electrician journeyman. Any person who holds a license issued by the Texas Department of Licensing and Regulation as a journeyman sign electrician.

Signs. Any physical device, panel, or installation attached to or located on a building or structure, used to display any message or communicate any thought or idea and which uses electricity for its intended operation.

Sec. 3.03.153 Applicability

It shall be unlawful for any person to make any electrical installation or to make any alteration, repair or addition to an existing electrical installation, except as permitted herein.

Sec. 3.03.154 Exemptions

(a) Traffic/signal work. The provisions of this division shall not apply to the fire, police or public safety installation, or other similar installations installed and maintained by the City or installed under contract by a private installer for a government agency.

(b) Franchises. The provisions of this division shall not apply to electric light, heat and power companies, telephone and telegraph companies and cable television or other communication companies, operating under a City franchise or state or federal laws in the installation,

maintenance, removal or repair of wires or other equipment used in connection with their business or plants.

(c) Manufacturers of electrical equipment. Nothing herein shall be construed to prohibit manufacturers of electrical apparatus or equipment from carrying on reasonable electrical experiments with materials and products within the confines of their own premises and all installations therein, provided further that the Electrical Inspector may require the manufacturer to make whatever changes the inspector believes necessary for the protection of public life, welfare and property.

(d) Street lighting. The provisions of this division shall not apply to installations in connection with the illumination of public streets, alleys or parkways by the City, the state highway department, the public electric utility company or federal highway agencies.

Sec. 3.03.155 Penalty

(a) Penalty. Any person or persons, who installs, or causes to be installed, maintains or causes to be maintained, electrical wiring, devices, or equipment used in connection with the installation or maintenance of electrical wiring, devices, and equipment in violation of the provisions of this Code, or who fails to do any act required hereby, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by fine as provided in Section 1.01.009 of this Code.

(b) Liability of corporations, associations, officers, and agents. Violation of any of the terms or provisions of this Code by any corporation or association or their officers or agents shall be subject to the penalty provided in Section 1.01.009 of this Code.

(c) Revocation of registration. Conviction for the violation of any provision of this Code shall be deemed just cause for the revocation of any registration which such person may have or hold under the provisions of this Code and examinations for reissue of such registration shall be at the discretion of the Board.

(d) Enforcement. The Building Inspector, the Electrical Inspector, and their assistants shall be empowered to cause criminal charges to be filed in a court of competent jurisdiction consistent with the enforcement of this Code.

Sec. 3.03.156 Electrical Inspector; enforcement

(a) Office created; assistant authorized. There is hereby created the office of Electrical Inspector of the City, within which may be assistant Electrical Inspectors.

(b) Appointment. The Electrical Inspector and the Assistant Electrical Inspectors shall be appointed by the Building Inspector with the approval of the City Manager. The Electrical Inspector shall be under the administrative supervision of the Building Inspector.

(c) Enforcement. The Building Inspector, Electrical Inspector, and their designated representatives shall be empowered to compel the suspension of any electrical installation being done in violation of this division.

Sec. 3.03.157 Right of Entry; identification

(a) Right of Entry.

(1) Whenever necessary to make an inspection to enforce any of the provisions of this division or whenever the Building Inspector, the Electrical Inspector, or their designated representative has reasonable cause to believe that a condition exists in violation of the electrical code thus making such building or premises unsafe, dangerous, or hazardous, said official may enter such building or premises at all reasonable times to inspect same or perform any duty imposed upon the Electrical Inspector by this division. If such building or premises is occupied, there shall first be presented proper credentials and entry requested.

(2) If such building or premises is unoccupied, reasonable effort shall be made to locate the owner or other person having charge or control of the building or premises and request entry.

(3) If entry is refused, the Building Inspector, Electrical Inspector, or their designated representative shall have recourse to any remedy provided by law to secure entry.

(b) Identification. When on duty, the Electrical Inspector shall carry a means of identification furnished by the City and shall show same upon the request of any person at the jobsite.

Sec. 3.03.158 Liability for damages

The Building Inspector, Electrical Inspector, or their designated representative charged with the enforcement of this division, acting in good faith and without malice in the discharge of their duties, shall not thereby render themselves personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of their duties.

Sec. 3.03.159 Records

(a) Required records. The Electrical Inspector shall keep or cause to be kept a written record of all of the following which are required to be issued or performed under the provisions of this division.

(1) Permits.

(2) Licenses.

(3) Inspections.

(4) Condemnations.

Sec. 3.03.160 Inspections generally

The Electrical Inspector shall:

(1) Inspect all electrical installations which shall include alterations, repairs and additions, to assure compliance with the provisions of this division.

(A) There shall be a minimum of a rough-in inspection and a final inspection on such electrical installation. The owner whose installation is ready for inspection shall allow the Electrical Inspector's office twenty-four (24) hours, Saturdays, Sundays and holidays recognized by the City excepted, after notification to inspect before the work proceeds on the electrical

installation.

(B) The licensed master electrician or homeowner shall be responsible for notifying the Electrical Inspector when the electrical installation is ready for rough-in inspection. An electrical installation shall be considered ready for rough-in inspection at such time as all raceways, panel board cabinets, service equipment, outlet boxes, junction boxes, conductors and conductor splices are installed and before concealment.

(C) Upon application of the master electrician or his authorized representative in charge of the project, the Electrical Inspector shall make a final inspection of the installation, and, if such work is found to comply with this division, a certificate of inspection shall be issued stating that the work has been done according to the provisions of this division and the rules governing the respective class to which it belongs. Such certificate shall not relieve the master electrician of responsibility for any defective work that may have been concealed or escaped the notice of the Electrical Inspector.

(2) Make inspections of existing electrical installations when he reasonably believes they are unsafe, improper, and constitute a hazard to life or property.

Sec. 3.03.161 Tags indicating approval or disapproval

(a) At the completion of the initial or rough-in inspection, the Electrical Inspector or his deputy shall, if such installation is approved, cause a green "approval" tag to be affixed to a visible and accessible point on the electrical work approved. If such inspector determines that such installation is not acceptable, he shall affix to such electrical work, a red "violation" tag which shall have printed thereon in substance, a warning that the work or installation will not pass inspection, and that it is a violation of City ordinances to conceal or continue any of the electrical work until the installation is reinspected and approved. If, upon reinspection, the violation has been satisfactorily corrected, the Electrical Inspector shall then cause the red "violation" tag to be removed and the green "approval" tag to be affixed in its place. The same process shall be followed upon the final inspection, with a red "violation" tag to be affixed if the installation is not approved. Approval on final inspection, or final reinspection, shall be denoted by placing a green "approval" tag on the approved installation. Whenever a red "violation" tag is affixed on the installation, at either the rough-in or final inspection, the Electrical Inspector shall note on the back of such tag the precise violation involved and such other factual information as the Electrical Inspector may feel necessary to inform the master electrician of the specific items that need to be corrected.

(b) No person, firm or corporation engaged in any work at the building site shall ever cause, allow or suffer electrical work to be covered over unless same bears an inspection tag showing final approval, nor shall any red, or green inspection tag be affixed to any electrical work by anyone other than the City's Electrical Inspector or his deputies.

(c) It shall be unlawful for any person to remove, destroy or deface a red or green tag, or for a contractor or any other person to conceal any wiring or conduit which has not been approved as indicated by the presence of the inspection tag. The Electrical Inspector shall have the authority to require any person, firm or corporation to uncover any wiring or electrical equipment which has been concealed without the knowledge or permission of the Electrical Inspector.

Sec. 3.03.162 Correction of unsafe, improper or unlawful installations

- (a) Notice. The Electrical Inspector shall, upon determining that an unsafe, improper or unlawful electrical installation exists, immediately notify the owner of the premises, his agent, or the electrician performing work in the premises. The notice shall be in writing, specifying the unsafe, improper or unlawful electrical installation, and shall allow the parties a reasonable time, as determined by the Electrical Inspector, to correct the deficiency.
- (b) Default (electricity ordered discontinued). If corrective action is not begun immediately or the deficiency is not corrected within the prescribed time, the Electrical Inspector shall, if he believes the public welfare endangered, in writing, order the electrical supply to the premises discontinued.

Sec. 3.03.163 Stop-work notice

- (a) Authority to stop work. The Electrical Inspector shall stop the installation, alteration, operation or repair of any electrical work on or in any premises when, in the inspector's opinion, the work is being done in a reckless, careless or unsafe manner or in a manner which violates the provisions of this division.
- (b) Posting of notice. Upon determining that particular work should stop, the Electrical Inspector shall post a notice to that effect on the consumer's premises and thereafter no person shall proceed with the installation until the Electrical Inspector has cancelled the stop-work notice.
- (c) Effect of posting red tag or card. The posting of a red tag or card on the premises shall constitute a stop-work notice, as stated on the red tag.
- (d) Removing or damaging notice. It shall be a violation of this division to remove, deface, damage or mutilate, or conceal the stop-work notice.

Sec. 3.03.164 Electrical Advisory and Appeals Board

- (a) Establishment; membership.
 - (1) The Electrical Advisory and Appeals Board shall consist of nine (9) members with the following qualifications:
 - (A) One electrical contractor.
 - (B) Two master electricians.
 - (C) Two journeyman electricians.
 - (D) One representative of the local electric service provider.
 - (E) One person who by experience has knowledge of the trade.
 - (F) One citizen representative.
 - (2) The City Building Inspector or authorized representative shall be an ex-officio member and serve as secretary for the Board without voting privileges. The members of the Board shall be appointed by the City Council and serve staggered terms of two (2) years.

Vacancies occurring in the membership shall be filled by appointment for the unexpired term by the City Council.

(b) Powers and duties; appeals.

(1) Notice of appeal. A person directly interested, affected, or aggrieved by a decision or ruling of the Building Inspector or the Building Inspector's Assistant pertaining to the administration of this Code may appeal such decision or ruling to the Electrical Advisory and Appeals Board. The Board shall require notice of appeal in writing stating the grounds for appeal. The Board shall set a date and time for hearing and shall give appellant, the Building Inspector and Electrical Inspector, or their designated representative, notice of the time and place of the hearing.

(2) Appeals from Board's actions. Any action of the Board may be appealed by a person directly interested, affected, or aggrieved in the action by written petition filed with the Board and the City Secretary within twenty-one (21) days of such action for a hearing before the City Council.

(3) Advisory responsibility. The Board shall submit to the City Council such recommendation for the improvement and revision of the adopted codes as it may deem necessary and advisable as new information, materials, methods or techniques are available.

Sec. 3.03.165 General license requirements

(a) A person, firm, or corporation shall not perform work requiring an electrical license under Texas Occupations Code, Chapter 1305, and Texas Administrative Code, Chapter 73, except as provided by section 1305.003. A person, firm, or corporation may not perform or offer to perform electrical work or residential appliance installation unless the person or business holds the appropriate license issued by the Texas Department of Licensing and Regulation.

(b) A licensed applicant or licensee shall file with the City a completed certificate of insurance or other evidence satisfactory to the City when applying for initial and renewal licenses and at any other time requested by the City.

(c) Such applicant shall furnish the Building Inspector with a certificate of insurance on an industry standard certificate of insurance form with a thirty-day cancellation notice.

(d) The insurance policy shall include a provision that in the event such coverage is cancelled or reduced, the insurance company shall notify the Building Inspector prior to such cancellation or reduction in coverage.

Sec. 3.03.166 Licensed contractor's responsibilities

(a) A person shall not engage in the business of electrical contracting without being licensed, insured, or bonded and registered in the manner required by this section as a licensed electrical contractor, licensed electrical sign contractor, or a licensed residential appliance installation contractor.

(b) Any person desiring to engage in the business of electrical contracting shall make application for registration at the office of the Electrical Inspector. This registration must

include the name and license number of the person holding the master electrician's license, the name of the business and contractor license number under which work is to be performed, the street address, mailing address and permanent telephone number of the place of business, and the names and license number of all journeymen and residential wiremen employed by the firm.

(c) Upon application for registration, the Electrical Inspector shall verify that the vehicle(s) used by the contractor has signage as required by section 1305.166 of the Texas Occupations Code which requires:

- (1) The contractor shall display the business name and license number issued on each vehicle.
- (2) The required information must be printed in letters and numbers at least two inches (2") high and in a color that contrasts with the color of the background surface.
- (3) The required information must be permanently affixed in conspicuous places on both sides of the vehicle.

Sec. 3.03.167 Scope of license

(a) The maintenance electrician's license shall not be construed in any way to allow the holder thereof to install any new circuit, outlet, or additions, or to perform any electrical work for which a permit is required, or to perform any work required by this division to be performed by a master electrician, master sign electrician, journeyman electrician or journeyman sign electrician.

(b) Every electrical apprentice shall undertake electrical work only when under the direct supervision of a master electrician, master sign electrician, journeyman electrician or journeyman sign electrician, or for residential installations by a residential wireman. Commercial installations shall require the direct supervision of no less than a journeyman electrician.

Sec. 3.03.168 Suspension or revocation of electrical registration

(a) The Board may request suspension of the registration of any electrician who has committed any of the following:

- (1) The practice of any fraud or deceit in obtaining a permit or registration;
- (2) Intentionally violating any provision of this Code; or
- (3) Any gross negligence, incompetency or misconduct in the performance of electrical work within the City.

(b) In considering charges for violation of any provision of this Code, the Board shall proceed upon sworn information furnished by an official of the City, or by some person having knowledge of an alleged violation in the performance of electrical work. Such information shall be in writing and shall be duly verified by the person familiar with the allegations made. The Board, if it deems the information sufficient to support further action on its part, shall issue an order setting the matter for hearing at a specified time and place and the secretary of the Board, with the advice and counsel of the City Attorney, shall cause a copy of the Board's order and of the information to be personally served upon the electrician or served by certified mail, return receipt requested, at least fifteen (15) days before the date set for the hearing.

Sec. 3.03.169 Application for permit; permit fees

Applications for permits, either by phone or in person by the contractor, must be secured prior to commencement of any work. Contractors may pay in advance, or apply for an account to be paid once a month. Contractors will be billed monthly. If an approved contractor fails to pay his/her account within 15 days after the date of the billing statement, no permits can be issued to the contractor until the past-due account has been paid in full. The permit fees for electrical work are as set forth in Appendix 3 to this Chapter.

Sec. 3.03.170 Electrical Permit Fees

(a) In each instance a permit is required to perform electrical work in, on or about any new construction or any building renovation within the City, the fee charged for such electrical permit shall be as set forth in Appendix 3 to this Chapter.

(b) All structures moved into the City shall meet the requirements of the Building Code of the City and shall be subject to inspection. The owner of the structure shall remove adequate portions of the walls and ceilings to allow any required inspection. The owner of the structure may request inspection prior to placement within the City service area provided at least 48 hours advanced notice is given. In addition to all other applicable fees, the fees charged for out-of-City inspections shall be those set forth in Appendix 3 to this Chapter

Sec. 3.03.171 reserved

Sec. 3.03.172 Permit for temporary installations

(a) When a permit to install work of a temporary character, for a time to be specified in such permit, and not in any case to exceed thirty (30) days, shall have been issued by the Electrical Inspector, strict compliance with the rules of permanent work will not be exacted, provided the character of the work is entirely safe for the period designated in the permit. No temporary work or alterations shall be allowed on live circuits unless protected by a proper switch and fuse.

(b) Should the temporary electrical installation be needed beyond the thirty-day period, subsequent permits may be issued. An inspection shall be made before the issuance of any subsequent permit, and each subsequent permit shall be for a period not to exceed thirty (30) days.

(c) Upon the expiration of a temporary permit, the holder thereof shall immediately discontinue the use of the temporary installation. All temporary wiring installed must be removed.

Sec. 3.03.173 Ready-built homes

For all buildings constructed in lumberyards or on premises within the City limits, other than buildings constructed on a permanent foundation, and for buildings to be moved into and located within the City limits, all wiring installation shall be made by a bonded and licensed master electrician in conformity with the provisions of this Code, and all required permits shall be obtained.

Sec. 3.03.174 Emergency work

In case of emergency necessitating immediate new wiring or repairs to electrical wiring at a time when the office of the Electrical Inspector is closed, the electrical work may be performed without first obtaining a permit, but application for the required permit must be made to the Electrical Inspector the next business day. The permit shall be issued when all requirements for its issuance are met.

Sec. 3.03.175 Expiration of permit

(a) Every permit shall expire by limitation and become null and void if the installation authorized by such permit is not commenced within ninety (90) days from the date of such permit or if the installation authorized by such permit is suspended or abandoned, at any time after the work is commenced, for a period of sixty (60) days.

(b) Before such work can be recommenced, a new permit shall be obtained. The fee therefor shall be one-half (1/2) of the amount paid for the original permit.

Sec. 3.03.176 Surrender of unused permit

A master electrician or homeowner who has obtained an electrical permit shall surrender said permit to the Electrical Inspector within sixty (60) days of the issuing date of the permit to be eligible for a refund of the permit fee, provided no work has begun on the electrical installation.

Sec. 3.03.177 Electrical code adopted

All installations hereafter made within the corporate limits of the City shall be done in a good and workmanlike manner in accordance with the provisions of the 2014 Edition of the National Electrical Code, as adopted by the National Fire Protection Association, and all of the National Electrical Code and incorporated references and appendices, are made a part of this Code, except as they may conflict with the specific provisions herein.

Sec. 3.03.178 Local amendments to the National Electrical Code

(a) Minimum size wire and use of aluminum conductors.

(1) Nothing less than No. 12 AWG copper wire will be permitted within the corporate limits of the City, with the following exceptions:

(A) That ground wire in nonmetallic cable shall be in accordance with the National Electrical Code; and

(B) For special circuits such as controls, public address systems, annunciators and signals, ordinary switch legs for lighting systems will not be construed as control wiring.

(2) Use of aluminum conductors shall not be permitted for use in any structure within the City with the following exceptions:

(A) Aluminum underground feeders shall be allowed and will terminate at the first means of disconnect in the structure being served.

(b) Wiring and meters in townhouses, apartments and condominiums.

(1) Wiring in townhouse units. In townhouse units separated by a two-hour firewall meeting Building Code requirement, type NM wiring methods may be used. All electrical wiring in common or party walls is to be placed in conduit. Electrical outlets, boxes and fixtures installed in common walls shall not be less than eighteen (18) inches apart horizontally or vertically.

(2) Wiring in apartment buildings. Apartment buildings of more than four (4) dwelling units shall have all wiring encased in approved raceways.

(3) Meters in apartment houses and condominiums. Apartment houses of more than five (5) individual dwelling units and residential condominiums shall be provided with individual metering devices to each dwelling.

(c) Change in location or use of building.

(1) Change in location. Should any residence or building be moved from one location to another and should the wiring be nonconforming to the new location, the residence or building shall be rewired.

(2) Change in use. Should the occupancy of a residence be changed entirely from residential to another use, the wiring shall be made to conform to the requirements of the new use.

(d) Service disconnects and service entrance wiring.

(1) Service disconnects. All residential services rated 200 amperes or less shall be equipped with a disconnecting switch set on the exterior of buildings within 2 feet of the meter.

(2) Disconnect switches. Fusible disconnects shall not be permitted for use as a disconnecting means on residential services rated 200 amperes or less.

(3) Size of conductors, service. Minimum size of meter base and conductors for any service use shall be rated a minimum of 100 ampere, and the minimum size conductors shall be No. 4 copper from the point of the service entrance to main circuit breaker panel.

Sec. 3.03.179 Fire damage

(a) Inspection of premises. When, in the opinion of the Fire Marshal or Electrical Inspector, a fire originated due to faulty electrical wiring, overloading of wiring or equipment or any unauthorized electrical installation, it shall be the duty of the Electrical Inspector to inspect the premises involved.

- (b) Reconnection of service when lines cut for firefighting. Where lines or electrical services have been cut in the firefighting process, no electrical service shall be reinstated or reconnected until the premises conforms to the provisions of this Code.
- (c) Authority to disconnect service where hazardous conditions exist. Where the lines have not been cut in the firefighting process, and the Fire Marshal or Electrical Inspector deems such premises to be dangerous or hazardous to life and property, he shall order the electrical service to be disconnected immediately and remain disconnected until such defects have been corrected to the satisfaction of the Electrical Inspector.

Sec. 3.03.180 Violations

- (a) Penalty. Any person who offers to perform or who installs or causes to be installed, maintains or causes to be maintained, electric wiring, devices, or equipment used in connection with the installation of and/or maintenance of electric wiring, devices, and equipment in violation of the provisions of this division, or who fails to do any act required hereby shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section 1.01.009, of this Code. Each and every day the violation continues shall constitute a distinct and separate offense.
- (b) Liability of corporations, associations, officers, and agents. Violation of any terms or provisions of this Code by any corporation or association shall subject the officers and agents of such corporation or association to the penalty provided in this section.
- (c) Criminal charges. The Building Inspector, Electrical Inspector, or their designated representative is empowered to cause criminal charges to be filed in a court of competent jurisdiction consistent with the enforcement of this Code.

Secs. 3.03.181-3.03.200 Reserved

Division 5. National Fire Protection Association 1194, Standard for Recreational Vehicle Parks and Campgrounds

Sec. 3.03.201 Adopted

- (a) The NFPA 1194, Standard for Recreational Vehicle Parks and Campgrounds, 2014 edition, is hereby adopted as the Building Code for the City.
- (b) A copy of said code is incorporated herein as though set out completely in detail.

Secs. 3.03.202-3.03.250 Reserved

Sec. 3.03.251 Mechanical Permit Fees

- (a) The mechanical permit fee for renovation and new construction shall be as set forth in Appendix 3 to this Chapter.
- (b) All other mechanical permit fees shall be as set forth in Appendix 3 to this Chapter.

(c) If work performed pursuant to a permit fails the initial inspection, the reinspection fee shall be as set forth in Appendix 3 to this Chapter.

ARTICLE 3.04 STRUCTURAL STANDARDS CODE*

Division 1. Generally

Sec. 3.04.001 Applicability

The provisions herein shall be controlling in the use, maintenance and occupancy of all dwellings (permanent, movable, and mobile), dwelling units and/or structures within the area of jurisdiction of the City. (1998 Code, Sec. 32.031)

Sec. 3.04.002 Title; scope

(b) Title. The provisions of this article shall constitute and be known as the Structural Standards Code of the City of Lamesa and shall apply to all buildings and structures or portions thereof and all related structures and their premises which are located within the corporate limits of the City, any and all territory subsequently annexed into the corporate limits of the City, and all areas lying within 5000 feet of the corporate limits of the City, and shall apply to any individual, corporation, organization, government, governmental subdivision or agency, business trust, partnership, association, or other legal entity, including all federal installations, within the corporate limits of the City. Additionally, the provisions of Sections 214.001, 214.0015, and 214.003 of the Local Government Code of the State of Texas are hereby adopted and made a part of this article and the City shall exercise all authority granted under said statute.

(b) Minimum standards established. The Structural Standards Code of the City establishes minimum standards for occupancy and does not replace or modify standards otherwise established for construction, replacement or repair of buildings. All parts of an existing structure must be brought to the minimum standards set out in the Structural Standards Code of the City as part of any construction permit issued by the Building Official. A Certificate of Occupancy will not be issued until the entire structure meets the minimum standards.

(c) Scope. Every building, structure or dwelling, permanent, movable or mobile, shall conform to the requirements of this Code regardless of the primary use of the building, structure or dwelling, and regardless of when such building, structure or dwelling may have been constructed, altered, or repaired.

(d) Code is remedial. This Code is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof (which are public safety, health, and general welfare) through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of permanent, movable and mobile buildings, dwellings and structures.

(e) Hazardous structures. This Code does not alter the provisions for the immediate security or demolition of hazardous structures in cases where there exists imminent danger to life or health.

(1998 Code, sec. 32.032)

Sec. 3.04.003 Definitions

(a) For the purposes of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as set forth in this section.

(b) Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular.

(c) The following definitions shall apply in the interpretation and enforcement of this article:

Alter or alteration. Any change or modification in construction or occupancy.

Applicable governing body. The City Council of the City of Lamesa, with the power to administer and enforce the provisions of this Code, as adopted and amended.

Approved. Approved by the Building Inspector.

Basement. A portion of a building located partly underground, but having less than one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof."

Building Inspector. The officer, or other person, charged with the administration and enforcement of this article, or his duly authorized representative.

Cellar. A portion of a building located partly or wholly underground, having one-half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not such building is occupied or vacant; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling, nor shall trailers be included as a dwelling.

Dwelling unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating, whether or not such unit is occupied or vacant.

Extermination. The control and extermination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, or trapping, or by any other recognized and legal pest elimination methods.

Family. One or more persons living together, whether related by blood, marriage or adoption, and having common housekeeping facilities.

Floor area. The total area of all habitable space in a building or structure.

Garbage. The animal, mineral and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

Infestation. The presence, within or around a dwelling, of any insects, rodents, or other pests.

Multiple dwelling. Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied, as the home or residence of more than two (2) families living independently of each other and doing their own cooking in the building, and shall include flats and apartments.

Openable area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner. The holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying any actual possession thereof; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, or other person, firm, or corporation in control of a building, or their duly authorized agents. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if of these regulations pertaining to the property which apply to the owner.

Person. Any individual, firm, corporation, association or partnership.

Plumbing. The practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of stormwater, liquid waste, or sewage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

Premises. A lot, plot or parcel of land, including the buildings or structures thereon. In the case of multi-dwelling units, each dwelling unit as defined in this article shall be considered a separate premises.

Public area. An unoccupied open space adjoining a building, and on the same property, that is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department.

Repair. The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, or plumbing, gas piping, wiring or heating installations, or that would be in violation of a provision of law or ordinance. The term "repairs" shall not apply to any change of construction.

Required. Required by some provision of this code.

Residential occupancy. Buildings in which families or households live or in which sleeping accommodations are provided, and all dormitories, shall be classified as "residential occupancy." Such buildings include, among others, the following: dwellings, multiple dwellings, and lodging houses.

Rooming house. Any dwelling, or part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

Stairway. One or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one story to another in a building or structure.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or part thereof."

Supplied. Paid for, furnished, or provided by or under control of the owner or operator.

Temporary housing. Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

Ventilation. The process of supplying and removing air by natural or mechanical means to or from any space.

Yard. An open unoccupied space on the same lot with a building extending along the entire length of a street or rear or interior lot line.

(d) Whenever the words "dwelling," "dwelling units," "rooming house," "rooming units," or "premises" are used in this article, the same shall be construed as though they were followed by the words "or any part thereof."

(1998 Code, sec. 32.037)

Sec. 3.04.004 Existing buildings

The provisions of this code shall apply to any building, dwelling or structure regardless of when said building, dwelling or structure was constructed, altered or repaired. (1998 Code, sec. 32.033)

Sec. 3.04.005 Maintenance required; responsibility for maintenance

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building when erected, altered, or repaired shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises to the extent set out in this code. The tenant shall be responsible for the maintenance of buildings, structures, and premises to the extent set out in this code. (1998 Code, sec. 32.034)

Sec. 3.04.006 Moving building or structure

(a) Permit required. No structure or building shall be moved from one lot to another or erected within the City limits until a permit for the moving of such structure or building shall have been issued. No permit shall be issued for the moving of such structure or building unless the structure or building conforms with the provisions of this article.

(b) Failure to obtain permit. Any structure hereafter erected or moved without a permit and not in conformity with this Code shall be removed at the owner's expense.

(1998 Code, sec. 32.035)

Sec. 3.04.007 Pending actions

Nothing in this article or in the Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred, nor any cause or causes or action accrued or existing, under any act or ordinance repealed hereby. Nor shall any

right or remedy which now exists be lost, impaired or affected by this Code. (1998 Code, sec. 32.036)

Secs. 3.04.008-3.04.040 Reserved

Division 2. Minimum Standards for Basic Equipment and Facilities

Sec. 3.04.041 General standards

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to exist, which does not comply with the following requirements:

- (1) Sanitary facilities required. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet, all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- (2) Location of sanitary facilities. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, and the tub or shower, shall be located in a room affording privacy to the user.
- (3) Hot and cold-water supply. Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
- (4) Water heating facilities. Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition.
- (5) Heating facilities.
 - (A) Every dwelling unit shall have heating facilities which are properly installed, and which are maintained in safe and good working condition.
 - (B) Where a gas or electric central heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents to which heating appliances may be connected so as to adequately heat same.
- (6) Cooking and heating equipment. All cooking and heating equipment and facilities shall be installed in accordance with the City's building, gas or electrical code and shall be maintained in a safe and good working condition.
- (7) Garbage disposal facilities. Every dwelling unit shall have access to adequate garbage disposal facilities or garbage storage containers, the type and location of which facilities or containers comply with the regulations for solid waste disposal.

(1998 Code, sec. 32.040)

Sec. 3.04.042 Light and ventilation

(a) General requirements. No person shall occupy as owner-occupant, or sublet to another for occupancy, any dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to exist, which does not comply with the following requirements:

(1) Light. Every habitable room shall, where practical, have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be seven (7) percent of the floor area of any such room, except sleeping rooms, where the minimum total window area shall be the lesser of seven (7) percent of the floor area or twelve (12) square feet. If light-obstructing structures are located less than five (5) feet from the window, and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room. Existing structures as of the date of enactment of this article shall not be required to be modified to comply herewith.

(2) Ventilation. Year-round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes.

(b) Habitable rooms. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved equivalent ventilation. Existing structures as of the date of enactment of this article shall not be required to be modified to comply herewith.

(c) Bathrooms. Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system and except that no existing structure as of the date of enactment of this article shall be required to be modified to comply herewith.

(d) Electric lights and outlets required. Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room of such dwelling shall contain at least one (1) separate floor or wall-type electric convenience outlet, and every kitchen, bathroom, laundry room, furnace room, corridors or hallways, and porches shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed in accordance with the City's codes, and shall be connected to the source of electrical power in a safe manner.

(e) Light in public halls and stairways. Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not

more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting. All public outdoor walkways or sidewalks within multiple complexes shall be adequately lighted at all times. Adequate lighting shall be defined as an average horizontal footcandle level of 0.2 lumens per square foot with no value of less than 0.02 lumens per square foot.

(1998 Code, sec. 32.041)

Sec. 3.04.043 Electrical system

No person shall occupy as owner-occupant or let or sublet to another for occupancy any building, dwelling or structure, nor shall any vacant building, dwelling or structure be permitted to exist, which does not comply with the following requirements:

- (1) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, and capable of being used and installed and connected to the source of electric power.
- (2) Where the determination is made, upon examination of the existing electrical service supply, that such electrical service supply is being used in such manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, the following shall be used for determining the adequacy of such service supply and main disconnect switch:

Total Number of Lighting Fixtures

Electrical Outlets Only

Capacity of Main Service Supply and Main Disconnect Switch

0 - 24

60-amp service

25 - 50

100-amp service

- (3) The minimum capacity of the service supply and the main disconnect switch shall be sufficient to adequately carry the total load required.

(1998 Code, sec. 32.042)

Sec. 3.04.044 Exterior and interior of structure

No person shall occupy as owner-occupant, or let or sublet to another for occupancy, any building, dwelling or structure, nor shall any building, dwelling or structure be permitted to exist, which does not comply with the following requirements:

- (1) Foundation. The building foundation walls, piers, or other structural elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.
- (2) Exterior walls. The exterior walls shall be substantially watertight, shall be made impervious to the adverse effects of weather, and shall be maintained in sound condition and good repair.
- (3) Roofs. Roofs shall be maintained in a safe manner and shall have no defects which admit rain or cause damage in the walls or interior portion of the building.
- (4) Means of egress. Every dwelling unit shall have safe, unobstructed means of egress, with minimum ceiling height of seven feet (7') leading to a safe and open space at ground level.
- (5) Stairs, porches, and appurtenances. Every inside and outside stair, porch and other appurtenance shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- (6) Protective railings. Protective railings shall be required on any unenclosed structure over five (5) feet from the ground level or on any steps containing four (4) risers or more.
- (7) Windows and doors. Every window, exterior door, basement door or cellar door, and hatchway shall be substantially weathertight, watertight and rodent-proof and shall be kept in good repair.
- (8) Windows to be openable. Every window required for light and ventilation for habitable rooms in dwellings or dwelling units shall be capable of being opened.
- (9) Door hardware. Every exterior door shall be provided with proper hardware and maintained in good condition.
- (10) Door frames. Every exterior door of a dwelling or dwelling unit shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.
- (11) Protective treatment. All exterior wood surface, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
- (12) Accessory structures. Garages, storage buildings and other accessory structures shall be maintained and kept in good repair.
- (13) Interior floor, wall and ceilings. Every floor, interior wall and ceiling shall be substantially rodent-proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (14) Structural supports. Every structural element of the building, dwelling or structure shall be structurally sound and show no evidence of deterioration which would render same incapable of carrying the loads which normal use may cause to be placed thereon.
- (15) Protective railings for interior stairs. Interior stairs and stairwells with more than four (4) risers shall have handrails located in accordance with the requirements of the Building Code.

Handrails or protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.

(1998 Code, sec. 32.043)

(16) Anchors for manufactured carports. Every manufactured carport shall be affixed to the ground with no less than six (6) J-bolts of at least seven (7) inches in length and 1/2 inch in diameter encased in at least twelve (12) inches of concrete below ground. Installation of manufactured carports on a pre-existing concrete slab must be anchored and bolted to existing concrete with 6 inch expansion anchor in 1/2 inch diameter, 3 on each side at ground level. (Ordinance 0-18-17 adopted 8/29/17)

Sec. 3.04.045 Minimum dwelling space

No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to exist, which does not comply with the following requirements:

(1) Required space in dwelling unit. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space per additional occupant. Existing structures as of the date of enactment of this article shall not be required to be modified to comply herewith.

(2) Required space in sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes for more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof. Existing structures as of the date of enactment of this article shall not be required to be modified to comply herewith.

(3) Minimum ceiling height. At least one-half of the floor area of every habitable room, foyer, hall or corridor shall have a ceiling height of at least seven feet (7'), and the floor area of that part of any room where the ceiling height is less than seven feet (7') shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(4) Occupancy of dwelling unit below grade. No basement or cellar space shall be used as a habitable room or dwelling unit unless the floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(1998 Code, sec. 32.044)

Sec. 3.04.046 Sanitation requirements

No person shall occupy as owner-occupant, or let or sublet to another for occupancy, any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking and eating therein, nor shall any vacant dwelling building be permitted to exist, which does not comply with the following requirements:

- (1) Maintenance of public areas. Every owner of a dwelling containing three or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (2) Cleanliness. Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls or which is provided for his particular use.
- (3) Garbage disposal. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and other organic waste which might provide food for rodents, as well as all rubbish, in a clean and sanitary manner in accordance and complying with the applicable City ordinances.
- (4) Extermination of insects, rodents and other pests. Every occupant of a single dwelling building and every owner of a building containing two or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises.
- (5) Use and operation of supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(1998 Code, sec. 32.045)

Sec. 3.04.047 Rooming houses

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this code.

- (1) Water closet, lavatory, and bath facilities.
 - (A) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water or sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared.
 - (B) All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.
- (2) Water heater required. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.
- (3) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- (4) Exit requirement. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the governed area or of the state.

(5) Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house, and he shall be further responsible for the sanitary maintenance of the entire premises owned, leased or occupied by the operator.

(1998 Code, sec. 32.046)

Sec. 3.04.048 Unsafe structures

All structures, dwellings, apartment houses, rooming houses, buildings or outbuildings which are unsafe, unsanitary, or unfit for human habitation, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, abandonment, or lack of adequate egress, are hereby deemed to be unsafe buildings. All such unsafe buildings are hereby declared illegal and a public nuisance and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of this article and the laws of the state. (1998 Code, sec. 32.047)

ARTICLE 3.05 SUBSTANDARD STRUCTURES*

Sec. 3.05.001 Purpose

This article covers all aspects of substandard, dangerous and dilapidated structure demolition and removal under the authority of the City and is enacted to implement the stated purpose of protecting the health, safety and welfare of the people of the City.

Sec. 3.05.002 Applicability of article

The provisions of this article shall apply to all buildings and structures or portions thereof and all related structures and their premises which are located within the corporate limits of the City, any and all territory subsequently annexed into the corporate limits of the City, and all areas lying within 5,000 feet of the corporate limits of the City, and shall apply to any individual, corporation, organization, government, governmental subdivision or agency, business trust, partnership, association, or other legal entity, including all federal installations, within the City limits.

Sec. 3.05.003 Applicability of state law

The provisions of sections 214.001, 214.0015, and 214.003 of the Local Government Code of the state shall apply and the City shall exercise all authority granted under said statute.

Sec. 3.05.004 Definitions

For the purposes of this article, the following words and terms have the meanings ascribed to them by this section, unless the context clearly indicates otherwise:

Building. Includes any erection or structure of any kind or any part thereof.

Building Code. The edition of the National [International] Building Code as adopted by the City.

Building Inspector. The legally designated inspection authority of the City, or his authorized representative.

City Council. The governing body of the City.

Dangerous building. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings" under the terms of this article:

(1) Any building:

(A) With roof, ceiling, floors, sills, or foundations, or any combination thereof, rotted or decayed and falling apart;

(8) With improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used; or

(C) With windows or doors out or open to outdoor space or not otherwise protected against the entry of vermin, disease vectors, or vandals;

(2) Any building which is uninhabitable, untenable and unsightly, due to obsolescence and deterioration caused by neglect or vandalism or fire damage or old age or the elements;

(3) Any building which is structurally unsafe or in danger of falling and injuring the person or property of another;

(4) Any building which is a fire menace, to wit, by being in a dilapidated condition, as fully described in subsections (1), (2) or (3) hereof, and which has an accumulation of rubbish and trash in and around said building which is likely to become a fire, or to be set on fire, endangering the person or property of another;

(5) Any building which is in the condition or conditions described in subsection (1), (2), (3), or (4) hereof which is damp and in an unsanitary condition which is likely to create disease and sickness; or

(6) Any building which is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare.

Dilapidated building. The same as "dangerous building."

Nuisance building. The same as "substandard building" under the terms of this article.

Owner. The owner or owners of the freehold of the premises or lesser estate therein, or a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of a structure.

Premises. A lot or parcel of land, including a building or dwelling, and auxiliary structures thereon, or any part of such building, dwelling or structure.

Structure. The same as "building."

Structure maintenance ordinance. Article 3.04 of this Chapter.

Substandard building. All buildings or structures which have any or all of the following conditions shall be deemed a "substandard building" under the terms of this article:

- (1) Any building which may be deemed as a "dangerous building" as described in this article;
- (2) Any building which may be deemed as an "unsafe building" as defined in section 8.1 of the Building Code;
- (3) Any building which may be deemed as an "unsafe structure" as defined in section 3.04.048 of this Chapter;
- (4) Any building which has been abandoned and is open, permitting the unauthorized entry of any person, and if such entry or entries have in fact occurred as evidenced by such signs of vandalism;
- (5) Any building which by virtue of its materials or condition will have an adverse effect on adjacent premises by reducing the desirability of living conditions in the immediate neighborhood and cause a substantial depreciation in property values;
- (6) Any portion of a building or structure remaining on a site after the demolition or destruction of that building or structure;
- (7) Any building which is vermin infested; or
- (8) Any building having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

Unsafe building. The same as "dangerous building."

Sec. 3.05.005 Minimum standards for continued use and occupancy

Any building that is not substandard as defined in this article shall be deemed as meeting the minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction, and any building deemed as a dangerous or substandard building by this article shall not be deemed as meeting said minimum standards for continued use and occupancy.

Sec. 3.05.006 Declaration of nuisance

All substandard buildings, as defined in this article, located within the corporate limits of the City or in an area lying within 5,000 feet of the corporate limits of the City are declared to be public nuisances and unlawful, and shall be abated by repair, rehabilitation, removal, or demolition as provided herein or by any other procedures provided by law.

Sec. 3.05.007 Enforcement

- (a) Enforcement officer. The provisions of this article shall be administered and enforced by the Building Inspector, or his duly authorized representative, of the City.
- (b) Notice of violation.

(1) Whenever the Building Inspector or any other agent of the City has reason to believe that a violation of any provision of this article or any applicable state or federal law or regulation has occurred, written notice shall be served upon the alleged violator or violators. The notice shall contain:

(A) An identification, which is not required to be a legal description, of the building and the property on which it is located;

(B) A description of the violation of the standards that is present in the building; and

(C) A statement that, if the conditions are not corrected within ten (10) days after such notice is served, charges for violation of this article may be filed in municipal court, or proceedings may be commenced as provided herein to abate said condition.

(2) Notice shall be deemed made when personally delivered or mailed to the alleged violator by U.S. mail certified, postage prepaid, return receipt requested.

(c) Remedies. In the event that corrective action is not taken within the specified time, or if the condition or conditions constitute a clear and present danger to the public health and welfare which requires immediate action, the City or its agent may prosecute any alleged violations in the municipal court or in a court of appropriate jurisdiction, or institute a civil suit for injunctive relief or civil penalty in a court of proper jurisdiction to relieve such condition, or initiate the process to abate the condition as hereinafter provided.

(d) Action by Building Inspector. In the event that the Building Inspector is:

(1) Unable to locate the owner of a substandard building for the purpose of securing voluntary compliance or for prosecution in municipal court; or

(2) Otherwise unable to secure compliance with this article,

then the Building Inspector may begin proceedings to secure the repair, removal or demolition of said substandard structure by the process as provided in this Chapter.

(e) Efforts to obtain voluntary compliance. Nothing in this section shall prevent the City or its agents from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

Sec. 3.05.008 Liability

Neither the City, nor any authorized agent or employee of the City acting under the terms of this Chapter, shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article.

Sec. 3.05.009 Access to premises

The Building Inspector shall enforce the provisions of this article, and, upon presentation of proper identification to the owner of such property, and in such manner as to not cause unreasonable inconvenience to the persons in possession, may enter any building, structure, or

premises, during all reasonable hours, to make inspections or examinations thereof in order to perform the duties imposed on him by this article.

Sec. 3.05.010 Notice of violation

(a) Notice to owner. When it shall be determined by the Building Inspector that a building or structure is deemed a substandard building or structure within the terms of this article, the Building Inspector may cite the owner of such building or structure, or his authorized agent or representative, to appear before the City Council and show cause why such building should not be declared a public nuisance and why the owner should not be ordered to repair, renovate, remove or demolish and clear such building or structure from the premises. The date of such hearing shall not be less than ten (10) days after the owner and any lienholders are cited as hereinafter provided.

(b) Notice to lienholders. The Building Inspector shall notify each mortgagee and lienholder of such public hearing and such mortgagees or lienholders shall be served with the same form of notice as is served on the owner.

(c) Service of citation. Notice shall be by citation served upon such owner and any lienholder by personal delivery of a copy thereof to the owner of the property, as such ownership appears on the last City tax roll, or by depositing such citation properly addressed, postage prepaid, by U.S. mail certified, return receipt requested, and by attaching a copy of such citation in a place of prominence on such building or structure. In the event personal service cannot be effected on the owner, or if the owner is unknown, notice shall be given to owner by publishing the same in a newspaper of general circulation in the county at least ten (10) days prior to the date set for a hearing, which notice shall state the time and place of such hearing.

(d) Contents of citation. The citation shall contain:

(1) The street address or a legal description sufficient for identification of the premises upon which the building is located.

(2) A statement that the Building Inspector has found the building to be in violation of the provisions of this article, with a brief and concise description of the condition or conditions found to render the building substandard.

(3) A statement advising that a hearing has been set before the City Council for the purpose of making a determination of whether the building is a substandard building or structure under the provisions of this article, specifying the date, time and place of such hearing.

(4) A statement advising that, if the City Council finds that such building is a substandard building or structure, the City Council may order the abatement of said condition or conditions by repair, renovation, removal, or demolition by the owner within a reasonable time to be set by the City Council and that the City may repair, renovate, remove or demolish said building if the owner does not comply with such order in the time provided.

Sec. 3.05.011 Hearing; abatement by City

(a) Generally. On the date and at the time and place designated for hearing, a hearing shall be had at which the City Council shall determine whether or not such building or structure complies with the minimum standards of continued use and occupancy or is a substandard building or structure under the terms of this article.

(b) Order by City Council; abatement by City; lien for City's expenses.

(1) After proper hearing, if the City Council determines that a building or structure is in violation of standards set out in this article, the City Council may order the building or structure be vacated, secured, repaired, removed, or demolished by the owner within a reasonable specified time.

(2) If the owner, or a lienholder, does not take the ordered action within the specified time, the City may vacate, secure, remove, or demolish the building or structure at its own expense.

(3) Unless the premises upon which the building or structure is located constitutes the homestead of the owner, the City may assess a lien against such premises for all expenses incurred by the City in connection with the vacation, securing, removal or demolition of such building or structure. Such lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the County Clerk. The notice must contain:

(A) The name and address of the owner if that information can be determined with reasonable effort;

(B) A legal description of the real property on which the building is located;

(C) The amount of expenses incurred by the City and the balance due.

If the notice is given and the opportunity to repair, remove, or demolish the building is afforded to each mortgagee and the lienholder, the lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the City's lien attaches.

(c) Notice to owners and lienholders. After proper hearing, a copy of the City Council's order, which shall be in the form of a resolution, shall be served upon each owner and lienholder, by mailing a copy of such order to such owner and lienholders by U.S. certified mail, postage prepaid, return receipt requested. A copy of such order shall also be posted in a prominent place upon the premises.

(d) Interference with abatement. Any person who shall use, enter or occupy such premises, and/or any person who shall interfere with or hinder the demolition or removal of any building or structure under the terms of this article, shall be deemed guilty of a misdemeanor and shall be subject to a fine as prescribed herein.

Sec. 3.05.012 Repair of residences with ten or fewer dwelling units; appointment of receiver

(a) Limitation on repair of residences with ten or fewer dwelling units.

(1) The City may repair a substandard building only to the extent to bring the building into compliance with the minimum standards if the building is a residence building with ten (10) or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum housing standards.

(2) The City may repair the building at the expense of the City and assess a lien on the land and building for such expenses.

(b) Court-appointed receiver. The City may bring an action in district court against an owner of residential property that is not in substantial compliance with City ordinances regarding fire protection, structural integrity, zoning, or disposal of refuse. The court may appoint a receiver to take control and rehabilitate the property in order to make any repairs necessary to bring the property into compliance with the minimum standards as provided in this article.

Sec. 3.05.013 Assessment of City's expenses

(a) Statement of expenses. Whenever any work is done on any building or structure by the City under the provisions above, the Building Inspector, on behalf of the City, shall file a sworn statement of the expenses incurred with the county clerk. Such statement shall specify the amount of such expenses and the date or dates on which the work was done or the expenses incurred, and costs of demolishing, cleaning, or removing the building or structure. A copy of said statement shall be mailed to the owner by U.S. mail, return receipt requested, to the address on the tax roll.

(b) Lien. When this sworn statement is filed with the county clerk, the City shall have a prior lien on the lot or real estate upon which the work was done to secure the expenses involved. Such lien shall be inferior only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of ten percent (10%) per annum from the date the statement was filed with the County Clerk. The sworn statement of expenses for work done and filed with the County Clerk, or a certified copy thereof, shall be prima facie proof of the amount expended for such repairs, demolition, clearance or removal.

(Ordinance 0-5-18 adopted 4/17/18)

ARTICLE 3.06 MANUFACTURED HOUSING*

Sec. 3.06.001 Purpose

This article covers all aspects of manufactured housing regulation under the authority of the City and is enacted to implement the stated purpose of protecting the health, safety and welfare of the people of the City. (1998 Code, sec. 32.081)

Sec. 3.06.002 Applicability of article

The provisions of this article shall apply to all territory within the corporate limits of the City and to any and all territory subsequently annexed into said corporate limits as specified, and shall apply to any individual, corporation, organization, government, governmental subdivision or agency, business trust, partnership, association, or other legal entity. (1998 Code, sec. 32.082)

Sec. 3.06.003 Applicability of state law

The provisions of Texas Occupations Code, Chapter 1201, otherwise known as the Texas Manufactured Housing Standards Act, shall apply and the City shall exercise all authority granted under said statute, and when it appears that a violation of said statute, or any rule, regulation, permit, license, or other order of an appropriate state agency granted in said statute, occurs or is occurring within the jurisdiction of the City, or is causing or will cause injury to or an adverse effect on the health, welfare or physical property of the City or its inhabitants, then the City may cause a civil suit to be instituted in district court through its own attorney for the injunctive relief or civil penalties, or both, as authorized in said statute, against the person who committed, is committing, or is threatening to commit the violation. (1998 Code, sec. 32.083)

Sec. 3.06.004 Definitions

(a) For the purposes of this article, the following words and terms have the meanings ascribed to them by this section, unless the context clearly indicates otherwise:

Chief Building Inspector. The Building Inspector of the City, and includes all persons authorized to perform building, electrical, plumbing, and mechanical inspections pursuant to the codes of the City.

HUD-code manufactured home. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, which is built on a permanent chassis [and] designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. section 3282.8(g).

Installation. When used in reference to manufactured housing, means the transporting of manufactured homes or manufactured home components to the place where they will be used by the consumer, the construction of the foundation system, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, the installation of air conditioning, and minor adjustments.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, which is built on a permanent chassis [and] designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Manufactured housing, manufactured housing unit, or manufactured home. A HUD-code manufactured home or mobile home, and collectively means and refers to both.

(b) The definitions of "mobile home," "HUD-code manufactured home," and "manufactured housing" set forth in this section are binding on all persons as a matter of law. A mobile home is not a HUD-code manufactured home and a HUD-code manufactured home is not a mobile home for any purpose under this article or under the laws of the state.

(1998 Code, sec. 32.084)

Sec. 3.06.005 Installation of mobile homes prohibited

(a) It shall be unlawful for any person to install a mobile home, as defined within this article and constructed before June 15, 1976, for use or occupancy as a residential dwelling within the corporate limits of the City.

(b) The provisions of this section shall not apply to a mobile home installed before the effective date of this article and used as a residential dwelling within the City. A building permit issued for the installation of said mobile home or a record of taxes paid may serve as sufficient evidence of said previous installation.

(1998 Code, sec. 32.085)

State law reference-Authority to prohibit installation of mobile homes used for residences, V.T.C.A., Occupations Code, sec. 1201.008.

Sec. 3.06.006 Allowable installation of manufactured housing

(a) Upon application to the chief Building Inspector of the City and upon the issuance of the required permit and payment of the applicable fee, the installation of HUD-code manufactured homes shall be permitted as residential dwellings in those areas determined appropriate by the City.

(b) An application to install a new HUD-code manufactured home for use and occupancy as a residential dwelling is deemed approved and granted unless the chief Building Inspector denies the application in writing within 45 days from receipt of the application setting forth the reason.

(c) This section shall not affect the validity of any deed restriction that is otherwise valid.

(1998 Code, sec. 32.086)

Sec. 3.06.007 Construction and safety standards

(a) All manufactured housing placed within the City limits shall conform with the federal Mobile Home Construction and Safety Standards, dated June 16, 1976, established for manufactured housing by the United States Department of Housing and Urban Development relating to manufactured housing and shall bear a label or seal of compliance indicating such compliance.

(b) All other structures on-site shall comply with all City codes and ordinances. In addition, compliance shall be made with the appropriate sections of this code concerning foundations, supports, and utility connections.

(1998 Code, sec. 32.087)

Sec. 3.06.008 Installation standards

The following requirements shall be applicable to manufactured homes installed within the City, and shall be in addition to any other requirements found in the Building Code:

(1) Minimum anchoring standards. The "Mobile Homes Tie Down Standards" contained in the Standard Building Code, 1990 edition, shall apply in all respects to the anchoring and tie-down of manufactured homes within the City and shall apply to subsequent installation of previously occupied mobile homes within the City.

(2) Minimum underpinning standards.

(A) All manufactured homes and all mobile homes installed within the City shall have constructed a continuous skirt or underpinning constructed around the perimeter of said home within thirty (30) days of said installation.

(B) The intervening space between floor sills and the ground shall be protected by a nonbearing wall below the floor level of the structure extending from the bottom of the frame to the ground level and fully enclosing the perimeter of the structure and fastened securely to the exterior wall of the structure.

(1998 Code, sec. 32.088)

Sec. 3.06.009 Inspections and permit

(a) A permit shall be secured from the chief Building Inspector by any person desiring to install a manufactured housing unit within the City. Such permit shall be secured before any preparation of the lot is begun and prior to moving in a manufactured housing unit upon such lot.

(b) A single permit shall be issued for the placement or installation of a manufactured home. This permit shall include electrical, plumbing, and such mechanical inspections as may be required. As set forth in Appendix 3 shall be charged for the manufactured home installation permit, and all other fees required by the electrical, plumbing, and Building Codes shall be waived. Any additions to the manufactured housing unit shall require permits in accordance with the Building Code, the electrical code, and the plumbing code.

(c) It shall be unlawful for any person to make or have made any connection with any water, wastewater, electrical, or natural gas service to a manufactured housing unit or mobile home without having first obtained a permit as specified in this section.

(d) An electrical inspection shall be required to restore electric service to any mobile home or manufactured housing unit from which service has been discontinued.

(e) Additional charges for reinspection's may be made when additional inspections are required by the chief Building Inspector.

(1998 Code, sec. 32.089)

Sec. 3.06.010 Access to premises

The Building Inspector of the City shall have access at all reasonable hours to all premises upon which manufactured housing units are placed for the purpose of insuring compliance with the terms of this article applicable to said manufactured housing units, and any refusal shall result in refusal of the issuance of any permit required under this article or revocation of any issued permit until such permission is granted. (1998 Code, sec. 32.090)

Sec. 3.06.011 Enforcement

(a) Notice of violation. Whenever the chief Building Inspector or any other agents of the City have reason to believe that a violation of any provision of this article or any applicable state or federal law or regulation has occurred, such officer or agent may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this article, law or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may order that corrective action be taken within a reasonable time.

(b) Remedies. In the event that said corrective action is not taken within a reasonable or specified time, or if the conditions constitute a clear and present danger to the public health and welfare which requires immediate action, the City or its agents may prosecute any alleged violations in the municipal court or in a court of appropriate jurisdiction, or institute a civil suit for injunctive relief or civil penalty in a court of proper jurisdiction to relieve such condition.

(c) Efforts to obtain voluntary compliance. Nothing in this section shall prevent the City or its agents from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

(1998 Code, sec. 32.091)

ARTICLE 3.07 FLOOD DAMAGE PREVENTION*

Division 1. Generally

Sec. 3.07.001 Statutory authorization

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council has enacted the following ordinance:

Sec. 3.07.002 Findings of fact

(a) The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 3.07.003 Statement of purpose

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

Sec. 3.07.004 Methods of reducing flood losses

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 3.07.005 Definitions

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Alluvial fan flooding. Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure. A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard. The land area that would be inundated by the 1-percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a 1-percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, AI-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, ~~AR/A~~, VO, VI-30, VE or V.

Base flood. The flood having a 1-percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, AI-A30, AR, VI-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development. Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building. For insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See flood elevation study.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood protection system. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain or flood prone area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See regulatory floodway.

Functionally dependent use. A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary [of the Interior] to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior; or
 - (B) Directly by the Secretary of the Interior in states without approved programs.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction. For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by motor vehicle; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

- (5) Contains functioning indoor plumbing, bathing and sanitary facilities.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See area of special flood hazard.

Start of construction. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(IO), (d)(3), (e)(2), (e)(4), or (e)(5) [of the National Flood Insurance Program regulations] is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the North American Vertical Datum (NAVO) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 3.07.006 Lands to which this article applies

This Chapter shall apply to all areas designated as flood zones of special flood hazard within the jurisdiction of the City.

Sec. 3.07.007 Basis for establishing the areas of special flood hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Dawson County, Texas and Unincorporated Areas," dated February 4, 2011, with accompanying flood insurance rate maps (FIRM) dated February 4, 2011, and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

Sec. 3.07.008 Establishment of development permit

A floodplain development permit shall be required to ensure conformance with the provisions of this Chapter.

Sec. 3.07.009 Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.

Sec. 3.07.010 Abrogation and greater restrictions

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 3.07.011 Interpretation

In the interpretation and application of this article, all provisions shall be;

- (1) Considered as minimum requirements;

- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 3.07.012 Warning and disclaimer of liability

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

Sec. 3.07.013 Penalties for noncompliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 3.07.014-3.07.030 Reserved

Division 2. Administration

Sec. 3.07.031 Designation of the floodplain administrator

The City Manager/City Inspector is hereby appointed the Floodplain Administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program regulations) pertaining to floodplain management.

Sec. 3.07.032 Duties and responsibilities of the floodplain administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 3.07.007, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 3 of this article.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones AI-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by section 65.12.

Sec. 3.07.033 Permit procedures

(a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
- (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 3.07.062(2);
- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
- (5) Maintain a record of all such information in accordance with section 3.07.032(1);
- (b) Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this article and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 3.07.034 Variance procedures

- (a) The Board of Adjustment, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this Chapter.
- (c) Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision in the court of competent jurisdiction.

- (d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 3.07.033(b) of this article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (section 3.07.003).
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

U) Prerequisites for granting variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (2) Variances shall only be issued upon:
 - (A) Showing a good and sufficient cause;
 - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (1) The criteria outlined in subsections (a)-(i) of this section are met; and
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Secs. 3.07.035-3.07.060 Reserved

Division 3. Provisions for Flood Hazard Reduction

Sec. 3.07.061 General standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 3.07.062 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.07.007, Section 3.07.032(8), or Section 3.07.063(c) of this Chapter, the following provisions are required:

- (1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 3.07.033(a)(1), is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(A) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than 1 foot above grade.

(C) Openings may be equipped **with** screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

(A) Require that all manufactured homes to be placed within zone A on a community's FHBMs or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(B) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites: (i) outside of a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(C) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the

community's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:

(i) The lowest floor of the manufactured home is at or above the base flood elevation;
or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational vehicles. Require that recreational vehicles placed on sites within zones AI-30, AH, and AE on the community's FIRM either: (A) be on the site for fewer than 180 consecutive days; or (B) be fully licensed and ready for highway use; or (C) meet the permit requirements of Section 3.07.033(a), and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 3.07.063 Standards for subdivision proposals

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Sections 3.07.002, 3.07.003 and 3.07.004 of this Chapter.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of Section 3.07.008, Section 3.07.033, and the provisions of division 3 of this article.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 3.07.007 or Section 3.07.032(8) of this Chapter.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 3.07.064 Floodways

Located within areas of special flood hazard established in section 3.07.007, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If subsection (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this division.

(3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by section 65.12.

(Ordinance 0-02-11 adopted 2/1/11)

ARTICLE 3.08 STREETS AND SIDEWALKS*

Division 1. Generally

Sec. 3.08.001 Barricading or covering excavations or obstructions

Any person having charge of any public or private improvement in the City who shall leave any hole, ditch, other excavation or any obstruction in or adjoining any public square, street, alley, sidewalk or other public place without guarding or covering the same so as to prevent persons or animals from the danger of falling therein, or providing warning lights or flares thereon, shall be guilty of a misdemeanor. (1998 Code, sec. 91.003; Ordinance adopting Code)

State law reference-Municipal regulation of obstructions on streets, etc., V.T.C.A., Transportation Code, Chapter 311.

Sec. 3.08.002 Access driveways to state highways

Texas Administrative Code, Title 43, Part 1, Chapter 11, subchapter C, is hereby adopted by the City for the public safety and protection of the citizens of the City and is made a part of this Chapter 3 for all purposes.

Sec. 3.08.003 Line and grade limit for sidewalk and curb construction

No person who owns property in this City or his agent shall place any curb or sidewalk in this City without first obtaining from the City the correct line and grade limit where same is to be placed, and the same shall then be placed in conformity with the line and grade limit. Any person violating this section shall be fined as provided in section 1.01.009 of this code; and any sidewalk placed without following the provisions of this section, and which is incorrectly placed, shall be deemed a public nuisance and shall be abated as such. (1998 Code, sec. 91.005)

Secs. 3.08.004-3.08.050 Reserved

Division 2. Right-of-Way Management*

Part I. In General

Sec. 3.08.051 Purpose and intent

This division covers all aspects of right-of-way management and regulation under the authority of the City and is enacted to implement the stated purpose of protecting the health, safety and welfare of the people of the City. It is intended to implement the applicable provisions of Chapter 283 of the Local Government Code of Texas entitled "Management of Public Right-of-Way Used by Telecommunications Provider in Municipality." (1998 Code, sec. 91.010)

Sec. 3.08.052 Applicability

The provisions of this division shall apply to all territory within the corporate limits of the City and to any and all territory subsequently annexed into said corporate limits and to the extraterritorial jurisdiction of the City as specified, and shall apply to any individual, corporation, organization, government, governmental subdivision or agency, business trust, partnership, association, or other legal entity, including all federal installations involved in any aspect of the management of City-owned right-of-way within the City limits. (1998 Code, sec. 91.011)

Sec. 3.08.053 Definitions

Certificated telecommunications provider. A person who has been issued a certificate of convenience and necessity, certificate of operating authority, or service provider certificate of operating authority by the state public utility commission to offer local exchange telephone service.

Street or public way or public right-of-way or public rights-of-way or rights-of-way or right-of-way. The surface of, and the space above and below, the area dedicated for a public street, roadway, highway, land, path, public way or place, alley, court, boulevard, sidewalk, parkway, drive, waterway, utility easement in which the municipality has an interest or any other easement now or hereafter held or under the control of the City, to which the City holds the property rights in regard to the use for utilities. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications.

User of the right-of-way. Any person, company, partnership, agency or other public or private entity, excepting the City or a person or entity performing an excavation or other work for and at the direction of the City, making or seeking to make any excavation in or under the surface of or use of any portion of any public street, alley, sidewalk, or any other public place for the installation, repair or removal of any pipe, conduit, duct, tunnel, utility pole, or any other facility or installation or for any other purpose.

Utility service provider. A person who has been granted a permit, franchise, right-of-way use agreement, easement or other formal consent to utilize the City's right-of-way issued by the City Council in order to offer utility services, including electric, gas, cable television, telecommunications services, water, wastewater, or any other service utilizing the public right-of-way within the City limits.

(1998 Code, sec. 91.012)

Sec. 3.08.054 Violations; penalty

(a) For a violation of this division:

(1) Any violation or failure to abide by, or comply with, any provision or requirement of this division shall be a violation of the Code of Ordinances of the City and shall be punishable as a class C misdemeanor, subject to a fine as provided in this code, per occurrence, unless otherwise provided by state law.

(2) Each day upon which there exists a violation of this division, or a failure to abide by or comply with any provision or requirement of this division, shall constitute a separate occurrence. Each day a violation of this division occurs shall constitute a distinct and separate offense.

(3) Prosecution pursuant to this section is in addition to and does not supplant other remedies.

(b) For unauthorized use of public right-of-way:

(1) A person commits an offense if a person uses the public right-of-way to provide a utility service that has not been authorized by the City.

(2) A person commits an offense if a person places facilities on public structures or utility infrastructure to provide a service not allowed under the terms of a municipal consent or other authorization.

(3) Each unauthorized use of the public right-of-way and each unauthorized placement of facilities constitute a separate offense. Each day a violation of this ordinance occurs shall constitute a distinct and separate offense.

(4) An offense under this subsection is a class C misdemeanor, punishable by a fine as provided in this Code.

(1998 Code, sec. 91.017)

Sec. 3.08.055 Conflicts with state law

If any provision of this division is found to be in conflict with the provisions of Chapter 283, Texas Local Government Code, the provisions of Chapter 283, Texas Local Government Code shall control. (1998 Code, sec. 91.018)

Sec. 3.08.056 Rights and duties of franchised or certificated utilities

Subject to any applicable state or federal regulations, franchised or certificated utilities shall have the following rights:

(1) Tree trimming. The right, license, privilege and permission is hereby granted to franchised or certificated utility companies with poles on the City's right-of-way, to reasonably trim trees upon and overhanging the streets, alleys, sidewalks and public places of the City, so as to prevent the branches of such trees from coming in contact with the wires or cables of the franchised or

certificated utility companies, and, when so ordered by the City, said trimming shall be done under the supervision and direction of the Director of Public Works or of any City official to whom said duties have been or may be delegated. All pruning shall be done in accordance with ANSI A300-1995.

(2) Placement of poles and conduit. All poles to be placed in the City's right-of-way shall be of sound material and reasonably straight, and shall be so set that they will not interfere with the flow of water to any gutter or drain, and so that the same will not interfere with the ordinary travel on the street or sidewalk. The location and route of all poles, stubs, guys, anchors, conduits and cables to be placed and constructed and the location of all conduits to be laid on the right-of-way within the limits of the City under this section shall be subject to the reasonable and proper regulation, control, direction, and prior approval of the Director of Public Works or of any City official to whom such duties have been or may be delegated. Nothing in this division is intended to add to or detract from any authority granted by state law to the City.

(3) Temporary removal of wires. A franchised or certificated utility company with lines over the City's right-of-way, on the request of any person, shall remove or raise or lower its wires within the City temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal or raising or lowering of wires shall be paid by the benefited party or parties, and the franchised or certificated utilities may require such payment in advance. The franchised or certificated utilities shall be given not less than five (5) days' advance notice to arrange for such temporary wire changes.

(1998 Code, sec. 91.015)

Sec. 3.08.057 Rights of City

(a) City has first priority. In the exercise of functions for the public benefit, the City has first priority over all other uses of the public rights-of-way. The City reserves the right to lay sewer, gas, water, and other pipelines or cables and conduits, and to do underground and overhead work, and attachment, restructuring or changes in aerial facilities, in, across, along, over or under a public street, alley or right-of-way occupied by a user of the right-of-way, and to change the curbs, sidewalks or the grade of streets.

(b) Right to make additional use of poles and conduits. Subject to any applicable state or federal regulations, the City shall have the right to make additional use, for any public purpose to the extent other third parties are allowed use, of any poles or conduits controlled or maintained exclusively by or for the franchised or certificated utility company in any street, provided:

(1) Such use by the City does not interfere with the use by the franchised or certificated utility company; and

(2) The City holds the franchised or certificated utility company harmless against and from all claims, demands, causes of actions, suits, actions, proceedings, damages, costs or liabilities of every kind and nature whatsoever arising out of the City's use of said poles or conduits.

The franchised or certificated utility company may be compensated for such use at market rates.

(1998 Code, sec. 91.016)

Secs. 3.08.058-3.08.090 Reserved

Part II. Use of Right-of-Way

Sec. 3.08.091 **Generally**

No person, company, partnership, agency or other public or private entity may make use of any public street, alley, sidewalk, or any other public place except as provided herein. (1998 Code, sec. 91.013)

Sec. 3.08.092 **Authorized users**

Authorized users of the right-of-way shall include the following:

- (1) All members of the public utilizing the right-of-way for the purpose of traveling from one place to another in accordance with all applicable City ordinances and state laws.
- (2) A service or utility service provider, including a certified telecommunications provider, that has been granted a permit, franchise, right-of-way use agreement, easement or any other formal permission, consent or operating authority to utilize the City's right-of-way by the City in accordance with the provisions of this code, the City charter and state and federal law.
- (3) A person operating a motor vehicle selling goods on the streets that has obtained a valid itinerant business permit issued by the City.
- (4) A person or group engaged in a parade, procession or other temporary use in accordance with the provisions of this code.
- (5) A person who has obtained an easement, right-of-way use agreement or permit from the City Council to encroach upon the public right-of-way abutting their property for the purpose of erecting a line, burying an underground pipe, wire or cable, [or erecting an] awning, fence, building or other structure as provided in this code.
- (6) Abutting property owners utilizing that portion of the right-of-way between the road surface or curb line and their property for the purpose of parking or landscaping in accordance with the applicable sections of this code. However, no portion of this division shall be interpreted as to relieve the abutting property owner of their responsibility under the provisions of this code to maintain that portion of the abutting right-of-way to such standards as may be required in this code.
- (7) A person obstructing a street or sidewalk under an exception provided by section 3.08.193(b) of this code.

(1998 Code, sec. 91.013(b))

Sec. 3.08.093 Conditions of permit, franchise or other formal consent to use

(a) Limitations. The issuance of a permit, franchise, right-of-way use agreement, easement or other formal consent to utilize the City's right-of-way does not in any way confer upon the user any property rights in the continued use of said right-of-way. It is specifically understood that the City has no obligation to renew or extend any said permit, franchise, right-of-way use agreement, easement or other formal consent beyond its stated term.

(b) Maximum term. The issuance of a permit, franchise, right-of-way use agreement, or other formal consent to utilize the City's right-of-way shall be for a period of time not to exceed five (5) years except as provided in the City charter. If the City Council takes no action following the expiration of said permit, franchise, right-of-way use agreement or other formal consent, the user may continue said use under the current terms until action is taken by the City Council with respect to said use.

(c) Liability.

(1) Upon acceptance of a permit, franchise, right-of-way use agreement, or other formal consent to utilize the City's right-of-way, the right-of-way user shall be liable for any damage or loss occasioned by any act or omission occurring in connection with said use, and shall fully indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney's fees and costs of defense), proceedings, actions, demands, causes of action, liability, suits of any kind and nature, including personal or bodily injury (including death), property damage, or other harm for which recovery of damages is sought that is found by a court of competent jurisdiction to be caused by the negligent act, error, or omission of the user of the right-of-way, any agent, officer, director, representative, employee, affiliate, or subcontractor of the user of the right-of-way, or their respective officers, agents, employees, directors, or representatives, while installing, repairing, or maintaining facilities in the public right-of-way, unless otherwise provided for by law.

(2) The right-of-way user or City shall promptly advise the other in writing of any known claim or demand against the right-of-way user or City related to or arising out of the right-of-way user's activities in a public right-of-way.

(3) Neither the City nor any officer or employee thereof shall be held responsible for any damages caused by any such use in any street, alley, sidewalk or other public place made by any person pursuant to the provisions of this section.

(1998 Code, sec. 91.013(c)(1))

Sec. 3.08.094 Long-term occupancy

(a) Formal consent required. To occupy a specific portion of a City street or right-of-way for a period of more than 180 days, a permit, franchise, right-of-way use agreement, easement or other formal consent to utilize the City's right-of-way issued by the City Council is required.

(b) Specific requirements for formal consent. Formal consent from the City Council is required for long-term occupancy of City right-of-way. Long-term occupancy formal consent is required for, but not limited to:

(1) Utility service providers.

(A) General requirement. The occupancy of the public right-of-way within the City by a utility service provider shall be governed by a franchise with the City, unless exempted by state or federal laws.

(B) Certificated telecommunications providers exempted.

(1) In general. A certificated telecommunications provider is exempt from the formal consent provisions of this division except that the City shall exercise police power based regulations in the management of the activities of certificated telecommunications providers within a public right-of-way only to the extent that they are reasonably necessary to protect the health, safety, and welfare of the public.

(2) Right-of-way fees.

a. No additional fees required. A certificated telecommunications provider that provides telecommunications services within the City shall pay only the compensation amount determined by the state public utilities commission under section 283.055 of the Local Government Code, and any restoration costs permitted by section 3.08.137 of this code, for use of the public right-of-way in the City. Said compensation is in lieu of any permit, license, approval, inspection, or other similar fee or charge, including all general business license fees customarily assessed by the City for the use of a public right-of-way against persons operating telecommunications-related businesses.

b. Effect of payment of fees. A certificated telecommunications provider that complies with chapter 283 of the Texas Local Government Code is authorized to erect poles or construct conduit, cable, switches, and related appurtenances and facilities and excavate within a public right-of-way to provide telecommunications service.

c. Prohibition on other fees. A certificated telecommunications provider is not required to pay any compensation other than the fee authorized by section 283.055 of the Local Government Code, and any restoration costs permitted by section 3.08.137 of this code, including an application, permit, excavation, or inspection fee, for the right to use a public right-of-way to provide telecommunications services in the municipality.

(i) Permits.

a. Permits issued without cost. A construction permit shall be issued without cost to a certificated telecommunications provider locating facilities in or on public rights-of-way within the City. The terms of the permit shall be consistent with construction permits issued to other persons excavating in a public right-of-way.

b. Processing. The City shall promptly process each valid and administratively complete application of a certificated telecommunications provider for any permit, license, or consent to excavate, set poles, locate lines, construct facilities, make repairs, affect traffic flow, obtain zoning or subdivision regulation approvals, or for other similar approvals, and make every reasonable effort to not delay or unduly burden that provider in the timely conduct of its business.

(C) Removal of obsolete facilities.

(i) Utility service providers, including certificated telecommunications providers, shall remove installed facilities when such facilities are no longer in service, and either create a visual blight or create a nuisance for the public or when requested by the City.

(ii) When permanent structures in a public right-of-way are removed or abandoned, the City shall be notified through the Director of Public Works. The Director of Public Works may direct such remedial measures as deemed necessary for public safety and the integrity of the public right-of-way and the utility service provider shall perform the measures so directed.

(2) Abutting property owners.

(A) Formal consent required. Property owners must obtain formal consent to occupy space under or over the surface of any street, alley, or right-of-way abutting their property for the purpose of placing pipes, conduits, wires, cables, fences or other structures relating to their use of the property. This subsection shall not apply to connections made to or by a franchised or certificated or permitted utility or service provider.

(B) Issuance of permit. The property owner shall apply to the City Council for a right-of-way occupancy permit on a form to be provided by the City Manager. The City Manager shall submit the permit application to the City Council for action within thirty (30) days. The City Council may disapprove, approve, or approve the application with special conditions. Upon approval of the application, with or without special conditions, the City secretary shall issue a conditional right-of-way occupancy permit to the applicant.

(C) Rights and conditions. The formal consent to an abutting landowner's use or occupation of space under or over the surface of any street, alley, or right-of-way shall be subject to the rights of a utility service provider also occupying said right-of-way and shall be subject to all of the applicable provisions of this division relating to the installation and maintenance of said occupancy.

(D) Revocation of permit. The City Manager may recommend to the City Council the revocation of a right-of-way occupancy permit and shall give written notice to the permit holder stating the reason for the proposed revocation and the date of a hearing before the City Council. Said notice shall be delivered personally or by registered mail to the permit holder or an authorized representative. The City Council may revoke the permit, or add or modify conditions contained therein. Notice of the City Council decision shall be provided to the permit holder. The permit holder shall immediately comply with the decision of the City Council.

(E) Permit fees. The application fee for a right-of-way occupancy permit shall be fifty dollars (\$50.00). No additional fees shall be required if the activity does not raise the cost of street maintenance and repair, does not reduce the useful life of the street, or does not require any other personnel or material cost to be expended by the City. If any such costs are to be borne by the City, the permit fee will be based upon actual expenses incurred by the City according to a schedule to be provided by the Director of Public Works.

(F) Awnings. Formal consent for the placement of an awning shall be in accordance with the provisions of Section 3.08.193(b) of this Chapter.

(1998 Code, sec. 91.013(c)(2))

Sec. 3.08.095 Temporary occupancy

(a) Consent or permit required. To temporarily occupy a specific portion of a City street or right-of-way for a period of less than 180 days, other than as permitted above, a written temporary right-of-way occupancy permit issued by the Director of Public Works and Building Official is required.

(b) Specific requirements for consent or permit. A temporary right-of-way occupancy permit is required for, but not limited to:

(1) Construction activities, including, but not limited to:

- (A) Placement of construction refuse containers on City right-of-way;
- (B) Construction trailers placed on City right-of-way;
- (C) Construction work that uses any portion of City right-of-way;
- (D) Temporary storage of construction materials on City right-of-way;
- (E) Placing of cranes or construction equipment on City right-of-way.

(2) The written permit shall specify the conditions for the temporary street occupancy.

(c) Fee. No fee shall be required if the activity does not raise the cost of street maintenance and repair, does not reduce the useful life of the street, and does not require any other personnel or material cost to be expended by the City. If any such costs are to be borne by the City, the permit fee will be based upon actual expenses incurred by the City according to a schedule to be provided by the Director of Public Works. Any person required to pay the permit fee who desires to protest or otherwise challenge imposition of the fee shall tender to the City payment in full of the fee when due, accompanied by a written notice containing the following information:

- (1) A statement that the required payment is tendered under protest; and
- (2) A description of the factual and legal basis for the protest.

(d) Extension of consent or permit. The Director of Public Works may extend the term of a temporary right-of-way occupancy consent or permit for one (1) additional 180-day period upon

receiving a written request from the holder and upon approval by the City Manager. Additional extensions will require approval by the City Council.

(e) Revocation of consent or permit. The Director of Public Works may revoke a temporary right-of-way occupancy consent or permit by giving written notice to the holder. Said notice shall give the reason for the revocation and may be delivered in person or by mail to the holder or an authorized representative. Said revocation may be either for cause, or at will without cause.

(f) Appeals. A person directly and adversely affected by a decision made by the Director of Public Works pursuant to the provisions of this section may appeal the Director of Public Works' decision by filing a written notice of appeal with the City Manager no later than seven (7) working days after receiving notice of the director's decision. The notice of appeal shall set forth the name, mailing address and telephone number of the person appealing. The notice of appeal shall include or attach a statement describing the action being appealed, setting forth the grounds for the appeal, and describing the action requested of the City Manager. The scope of the appeal shall be limited to the grounds specified in the notice of appeal. No later than thirty (30) days after the filing of a timely notice of appeal, the City Manager shall render a decision on the appeal. The City Manager's decision may affirm, reverse or modify the decision appealed. A copy of the City Manager's decision shall be provided to the person appealing at the address shown on the notice of appeal. Said person may appeal the City Manager's decision to the City Council by filing a written notice of appeal no later than ten (10) working days after the City Manager's decision is received by the person.

(1998 Code, sec. 91.013(c)(3))

Secs. 3.08.096-3.08.130 Reserved

Part III. Construction in Right-of-Way

Sec. 3.08.131 Generally

No person shall commence or continue with the construction, installation, or maintenance, which disturbs the surface or blocks the roadway for more than two (2) hours, of facilities or structures within the right-of-way in the City except as provided in this part. (1998 Code, sec. 91.014(a))

Sec. 3.08.132 Notification required

In order to protect the health, safety and welfare, all users of the right-of-way shall notify the City through its Director of Public Works and obtain permission before performing any construction, installation or maintenance activities of facilities in the right-of-way. The director may require the notification to be in writing. If there is an emergency necessitating response work or repair, a right-of-way user is authorized to begin that repair or emergency response work or take any action required under the circumstances, provided that the right-of-way user notifies the public works director as promptly as possible after beginning the work. (1998 Code, sec. 91.014(b))

Sec. 3.08.133 Construction standards

(a) The Director of Public Works shall be notified at least seventy-two (72) hours in advance that construction is ready to proceed by the right-of-way user, its contractor or representative.

(b) All construction shall be in conformance with all City codes and applicable state and federal laws and regulations.

(c) Persons performing construction activities in the right-of-way shall be responsible for the following:

(1) The workmanship or any damages caused by a contractor or subcontractor; provided however, that the requirements are not intended to affect the relationship between the user of the right-of-way and its contractors;

(2) Immediate notification of the Director of Public Works or director of utilities of any damage to other utilities, either City or privately owned;

(3) Prior approval from the Director of Public Works of any street or sidewalk cut and the prompt repair of any cut to the standards required by the City;

(4) Insuring that installed facilities do not interfere with City utilities, in particular gravity dependent facilities;

(5) Obtaining and verifying the location of all lines from all affected utilities prior to any excavation or boring;

(6) Obtaining the approval of both the Director of Public Works and the director of utilities prior to the placement of manholes;

(7) Stormwater management and erosion control that complies with state and federal guidelines, including:

(A) Erosion control measures, such as silt fences, must be in place before work begins;

(B) The person performing construction work may be required to show proof of EPA approved plans relating to stormwater and erosion control when applicable or a letter stating they are not required to obtain such plans;

(8) Ensuring that all traffic-control measures conform to acceptable standards set by

(9) Clearance of wires above ground or rails within the City and also underground work shall conform to the basic standards of the National Electrical Safety Code, National Bureau of Standards, United States Department of Commerce, as promulgated at the time of erection thereof;

(10) A transmission or distribution line owned by an electric utility provider must be constructed, operated, and maintained, as to clearances, in the manner described by the National Electrical Safety Code Standard ANSI (c)(2), as adopted by the American National Safety Institute and in effect at the time of construction.

(1998 Code, sec. 91.014(c))

Sec. 3.08.134 Alteration of facilities to accommodate public improvements

Whenever by reason of widening or straightening streets, water or wastewater line projects, or any other public works project it shall be deemed necessary by the City Council to remove, alter, change, adapt, or conform the underground or overhead facilities of a right-of-way user, such alterations shall be made by the owner of the facilities at their expense within ninety (90) days from receipt of notice to make the alterations, unless a different schedule has been approved by the City Manager. This section shall not be construed to prevent the owner of the facilities to recover the cost of relocation or removal from private third parties who initiate the request for relocation or removal. (1998 Code, sec. 91.014(d))

Sec. 3.08.135 Improperly installed facilities

(a) Any person performing work in the City right-of-way shall properly install, repair, upgrade and maintain such facilities.

(b) Facilities installed after the effective date of this division shall be considered to be improperly installed, repaired, upgraded or maintained if:

- (1) The installation, repairs, upgrade or maintenance endangers persons or property;
- (2) The facilities do not meet the applicable City, state or federal codes or regulations;
- (3) The facilities are not capable of being located using standard practices;
- (4) The facilities are not located in the proper place in accordance with the directions of the Director of Public Works or the director of utilities; or
- (5) The facilities are placed in an area that interferes with City-owned facilities, such as water or wastewater lines or streets. Privately owned facilities shall be considered to interfere with City-owned facilities if the privately owned facility is within three (3) feet horizontally or one (1) foot vertically of City-owned facilities.

(1998 Code, sec. 91.014(e))

Sec. 3.08.136 Restoration of property

(a) Users of the right-of-way shall restore property affected by construction of facilities to a condition that is equal to the condition of the property prior to the performance of the work.

(b) This includes, but is not limited to, replacing all ground cover with that equal to the type of ground cover damaged during work or better either by sodding or seeding, as directed by the Director of Public Works.

(c) Restoration must be to the reasonable satisfaction of the Director of Public Works and the abutting property owner. The restoration shall include, but is not limited to:

- (1) Installation of all manholes and hand-holes, as required;

(2) All bore pits, potholes, trenches or any other holes shall be filled daily, unless other safety measures are approved by the Director of Public Works;

(3) Leveling of all trenches and backhoe lines;

(4) Restoration of the excavation site to specifications required by the Director of Public Works or to standards as may be approved by the City Council;

(5) Restoration of all landscaping.

(d) Restoration must be made in a timely manner as specified by and to the satisfaction of the Director of Public Works.

(1998 Code, sec. 9I.014(f))

Sec. 3.08.137 Restoration of pavement

Unless otherwise specified, restoration of the asphalt pavement of any street, alley or other public place shall be performed by the user of the right-of-way or by City forces in accordance with applicable City standards. Nothing in this part shall relieve the person opening or tearing up any pavement from the responsibility of maintaining the excavation or installation in a safe condition until it is repaved by City forces or otherwise restored. In addition to all other applicable fees or charges, the person making the street cut, or otherwise damaging such pavement, shall pay for repaving at a rate to be established by the City. (1998 Code, sec. 9I.014(g))

Sec. 3.08.138 Repair of sunken pavement over excavation

In case the pavement or the surface of the street or alley over any excavation should become depressed or broken at any time within two (2) years after the excavation has been completed and before complete resurfacing of the street or alley, natural wear of the surface, and any fault of the City excepted, the right-of-way user shall, upon written notice from the Director of Public Works, immediately proceed to ascertain the cause of the failure and the right-of-way user shall make repairs to the installation or backfill and have the pavement restored as specified by the Director of Public Works within five (5) days, or a longer time period as may be agreed upon by the director. If the pavement is not restored as specified by the Director of Public Works within five (5) days, or such longer time period as agreed upon by the director, and unless delayed by conditions beyond the right-of-way user's control, the director may cause the work to be done after giving the right-of-way user twenty-four (24) hours' second and final notice. The actual reasonable cost thereof incurred by the City shall be assessed against the right-of-way user. After the cost is paid to the City, the City shall be responsible for any future repairs of that portion of pavement over the excavation that was repaired by the City, unless such future repairs are required through no fault of the City. (1998 Code, sec. 9I.014(h))

Sec. 3.08.139 Liability of City

Neither the City nor any officer or employee thereof shall be held responsible for any damages caused by any excavations in any street, alley, sidewalk or other public place made by any person pursuant to the provisions of this part. The right-of-way user shall be solely liable for any damage or loss occasioned by any act or omission occurring in connection with the excavation, and shall fully indemnify, hold harmless and defend the City, its officers and employees from and against any and all suits, actions, judgments, losses, costs, demands, claims, expenses (including attorney's fees), damages, and liabilities of every kind to which the City, its officers or employees may be subjected. The City shall promptly notify a right-of-way user of any claim or suit served upon the City alleging negligent or wrongful conduct by the right-of-way user, unless otherwise provided by law. (1998 Code, sec. 91.014(i))

Sec. 3.08.140 Insurance

(a) No person shall commence or continue with the construction, installation, or operation of facilities within the right-of-way in the City, unless waived by the City Manager in advance for good cause, without providing proof of general liability insurance in the amount of one million dollars (\$1,000,000.00) as approved by the Director of Public Works, except as otherwise provided by City ordinance. Said proof shall be in the form of an original certificate of insurance, acceptable evidence of self-insurance, or a certificate of self-insurance issued by the state department of insurance, within ninety (90) days, and shall state:

- (1) The policy number;
- (2) The name of the insurance company;
- (3) The name and address of the agent or authorized representative of the insurance company;
- (4) The name, address and telephone number of the insured;
- (5) The policy expiration date; and
- (6) The specific coverage amounts.

(b) The coverage provided must be on an "occurrence" basis and must include coverage for personal injury, contractual liability, premises liability, medical damages, and underground, explosion and collapse hazards.

(c) Each policy must include a cancellation provision in which the insurance provider is required to notify the City in writing not fewer than thirty days before canceling, failing to renew, or reducing policy limits.

(d) The City shall be entitled, upon request and without incurring expense, to review the insurance policies (or certified copies thereof), including endorsements thereto, which relate to the insurance requirements specified herein and, at its discretion, to require proof of payment or policy premiums.

(e) The City shall not be responsible for paying the cost of insurance coverage required herein.

(1998 Code, sec. 91.014(j))

Sec. 3.08.141 As-built plans

Upon completion of underground or surface work permitted under this part and at the discretion of the Director of Public Works, the user of the right-of-way shall furnish, within ninety (90) days, to the Director of Public Works and to the director of utilities of the City, plans reflecting the actual installation of the improvements showing a correct plan view to scale, details and a profile showing the locations of all elements of the installation based on data obtained in the field during construction. (1998 Code, sec..91.014(k))

Secs. 3.08.142-3.08.190 Reserved

Division 3. Damage and Obstructions

Sec. 3.08.191 Generally

Any person who shall willfully damage, injure or tear up any improvement, sidewalk, crosswalk, drain or sewer or any part thereof in any street, pavement or sidewalk within the City, or who shall obstruct the making or repairing of any sidewalk, crosswalk or pavement, or who shall hinder or obstruct the person employed to make such public improvement or repair under the official action of the City Council, shall be deemed guilty of a misdemeanor. (1998 Code, sec. 91.021)

Sec. 3.08.192 Damaging public improvement

Any person who shall willfully destroy or assist in injuring or destroying any bridge or its appurtenances, or signboard, or any culvert, causeway, gutter or other public improvement within the City, shall be deemed guilty of a misdemeanor. (1998 Code, sec. 91.022)

Sec. 3.08.193 Obstruction of passage

(a) Generally. It shall be unlawful for any person to obstruct in any way or to prevent the free passage of traffic on any street or sidewalk, to set up any awning post on any sidewalk or suspend or put up any awning, sign, sample or any other article less than eight feet (8') above the sidewalk, or to place, throw or deposit or cause to be placed, thrown or deposited any article whatever upon any street or sidewalk, so as to obstruct a full and free passage over any part of the same.

(b) Exemptions. The provisions of this section do not apply:

(1) To any merchant or grocer, while actually receiving or sending away any package of merchandise, if the same does not occupy more than one-third (1/3) of the width of the sidewalk or remain thereon for more than six (6) hours;

(2) To prevent merchants, dealers and auctioneers from occupying with signs, samples or other articles not exceeding two feet (2') from the inside of the sidewalk and adjoining their place of business;

(3) To prevent carpenters or builders from occupying not exceeding one-half (1/2) of the sidewalk adjacent to any improvement they may be engaged in erecting, nor from crossing or passing over such sidewalk with material for said improvement or building; provided, however, that all scaffolding erected over or on said sidewalk shall be put up in a good substantial manner so as not to endanger the safety of others;

(4) To any awning or canopy post set up on any sidewalk in a district zoned for commercial use if the owner of the property applies for and obtains a permit from the City Council. The City Council may issue a permit for the placement of said awning posts if the following conditions are met:

(i) The owner of the building to which the awning or canopy is to be attached applies for a building permit from the Building Inspector for same;

(ii) The awning or canopy posts will not obstruct the free passage of traffic on said sidewalk;

(iii) If the awning or canopy posts are to be no closer than two feet (2') behind the curb line;

(iv) If no part of the awning or canopy is to extend beyond a point two feet (2') behind the vertical plane passing through the nearest carline;

(v) If the property owner signs an agreement to assume all liability for said awning or canopy and to hold the City harmless from any action resulting from any injury or damages caused by said awning; and

(vi) If the building owner pays the nonrefundable application fee as set forth in Appendix 3 to cover the costs of inspections and notices to be sent out to all affected property owners.

(c) The City Council shall hear and consider said application and hear any comments after a written notice of the date and place of the hearing is given to the adjacent property owners at least 10 days before the hearing is held. The Building Inspector and Chief of Police shall submit reports to the City Council attesting to the potential for obstruction of the free passage of traffic on said sidewalk and shall address any other resulting conditions which may affect the public safety and welfare.

(d) Upon approval of the City Council, the Building Inspector may issue a building permit for the construction of the awning or canopy.

(e) Any permit granted under the provisions of this subsection shall be revocable by action of the City Council when the Building Inspector finds the awning to be unsafe and that it is in the best interest of the City that such permit be revoked; or when it is necessary for the City or any of its franchised utilities to perform repairs, modifications, or new construction within the easement on which the awning or canopy is constructed.

(f) For the purposes of this section, a canopy or awning shall mean any roof-like structure of a permanent fixed nature attached to or which projects from the wall of the main structure and supported by posts, built and designed for the purpose of shielding from the elements, persons or chattels.

(5) To any decorative planter box or trash bin set up on any sidewalk in a district zoned for commercial use if the following conditions are met:

(A) The decorative planter box or trash bin will not obstruct the free passage of traffic on said sidewalk;

(B) If the decorative planter box or trash bin is not to be closer than three feet (3') from the center line of the sidewalk; and

(C) The property owner shall upon placement of said planter box or trash bin upon said sidewalk assume all liability for said decorative planter box or trash bin and shall hold the City harmless from any action resulting from any injury or damaged caused by said decorative planter box or trash bin.

(g) Notice to remove. Any obstruction mentioned in this section not removed within ten (10) days after notice by the chief of police to remove the same will subject the offender, on conviction thereof, to the penalty provided in this code.

(1998 Code, sec. 91.023)

Sec. 3.08.194 View and passage obstructions

(a) Definitions.

Intersection visibility triangle. A triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two carlines twenty-five (25) feet from the street corner intersection (of the property lines extended) and intersecting the curb lines.

Parkway area. That area between the curb line or grade line of any public street and the abutting private property line.

(b) Prohibited within intersection visibility triangle. It shall be unlawful to set out, maintain or permit or cause to be set out or maintained any tree, shrub, plant, sign or other structure having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the intersection visibility triangle. This restriction shall not apply to permanent structures authorized by the zoning ordinance or to traffic-control signs and signals, street signs or utility poles placed within such area by authority of the City Council.

(c) Prohibited within parkway areas. It shall be unlawful to plant, set out or maintain, or permit or cause to be planted, set out or maintained, any tree, shrub or plant within any parkway area, other than within the intersection visibility triangle, which exceeds two (2) feet in height above curb level. This prohibition shall not apply to trees located within a parkway which are trimmed and maintained at all times so that no tree branch or limb is less than fifteen (15) feet

above curb level and which are planted no less than twenty-five (25) feet apart; provided, however, such trees shall not interfere with the free passage of vehicles on the street or alley or pedestrians on the sidewalk or obscure the view of motor vehicle operators of any traffic-control device or street sign or otherwise create a traffic hazard.

(d) Prohibited extensions of limbs and branches. It shall be unlawful to maintain or permit the branches or limbs of any tree, shrub or plant to extend over any portion of a parkway area, street or alley which tree, shrub or plant branches or limbs are less than fifteen (15) feet above curb level.

(e) Enforcement; performance of work by City. It shall be the duty of the Building Inspector to cause a written notice to be served upon the owner or occupant of any property upon which any of the above violations occur to correct such violation within ten (10) days after service of such notice. If such violation is not corrected within the ten (10) day period, upon reasonable notice and hearing, the City Manager or his or her designated representative is hereby authorized and directed to cause the tree, plant, shrub or structure constituting such violation to be trimmed, pruned, or removed to eliminate such prohibited condition, with the cost of such trimming, pruning or removal to be assessed against the property owner or abutting property owner, as the case may be. This shall be in addition to any other remedy provided in this section.

(f) Penalty. Violation of any provision of this section shall constitute a misdemeanor.

(Ordinance 0-22-16 adopted 10/28/16)

Secs. 3.08.195-3.08.220 Reserved

Division 4. Liability and Responsibilities*

Sec. 3.08.221 Liability for damage due to defective sidewalk, curb or driveway

The abutting property owner or person enjoying the use of any property abutting on a sidewalk, curb, or driveway entrance that has become defective and has caused damage or injury as a result of such defective condition shall be primarily liable in damages for any loss or damage sustained as a result of such defective condition. The City shall not be held as assuming any such liability by reason of the approval or disapproval of any access, facilities, surfacing, or appurtenances not made in accordance with standards or specifications of this article. (1998 Code, sec. 91.041)

Sec. 3.08.222 Duty and liability of special users

It shall be the duty of any property owner, landlord, tenant, lessee, sublessee, person, firm, or corporation making special use of any sidewalk, curb, or driveway entrance for the purpose of ingress or egress, for loading, downspout drains, or any other special use whatsoever kind or character, whether recited herein or not, to keep such sidewalk, parkway, curb, and driveway abutting such property in a good and safe condition and free from any defects and hazards of whatsoever kind and character. Such special user shall be liable in damages for any loss or damage sustained as a result of any defective condition of the sidewalk, driveway, curb, loading elevator, downspout drain, or other special use or facility of whatsoever kind or character. (1998 Code, sec. 91.042)

Sec. 3.08.223 Duty of abutting property owner to repair defective sidewalk, driveway, etc.

When a sidewalk, driveway, curb, gutter, or appurtenance becomes defective, unsafe, or hazardous, it shall be the duty of the owner of the abutting property to reconstruct or repair same and the expense of such work shall be borne by the abutting property owner. When a sidewalk, driveway, curb, gutter, or appurtenance is found to be defective, unsafe or hazardous, the Building Inspector shall notify the owner of the abutting property to reconstruct or repair same. Any owner who fails to reconstruct or repair such defective, unsafe, or hazardous condition within thirty (30) days from the date of the written notice from the Building Inspector to do so shall be guilty of a misdemeanor. (1998 Code, sec. 91.043)

ARTICLE 3.09 RECREATIONAL VEHICLE PARKS AND RECREATIONAL VEHICLES

Sec. 3.09.001 Definitions

Improved surface. A continuous surface for the movement, parking or storage of a vehicle, designed and constructed for all weather conditions and graded for proper drainage. Materials used for an improved surface include gravel, paving bricks, asphalt, concrete, or similar permanent hard surface materials sufficient to prevent mud, dust, and loose material.

Recreational vehicle (**RV**). A vehicular type unit that is primarily designed as temporary living quarters for recreational, camping or seasonal use; has its own motive power or is mounted on or towed by another vehicle; is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment; does not require a special highway use permit for operation on the highways; and can be easily transported and set up on a daily basis by an individual.

Recreational vehicle park. Any parcel or tract of land under the control of any person, organization or governmental entity wherein ten or more recreational vehicle, recreational park trailer, and/or other recreational vehicle sites are offered for use for overnight stays.

Recreational vehicle site. A specific area within a recreational vehicle park that is set aside for use by a recreational vehicle.

Sec. 3.09.002 Permit required for recreational vehicle park

It shall be unlawful for any person to maintain or operate a recreational vehicle park within the corporate limits of the City unless such person holds a valid permit issued by the City.

The annual permit fee for each recreational vehicle park shall set forth in this Appendix 3 Building Regulations fees.

Sec. 3.09.004 Application for permit

(a) Application for recreational park permits shall be filed with the City inspector and upon approval by inspection shall be granted an annual permit.

(b) Applications shall be submitted by the applicant or their duly authorized agent and shall contain:

- (1) The name and address of the applicant;

- (2) The name and address of the recreational vehicle park;
- (3) A site plan of the recreational vehicle park;
- (4) The name, address and phone number of the recreational vehicle park manager; and
- (5) Such additional information as may be requested to determine if the recreational vehicle park will comply with the requirements of this article.

Sec. 3.09.005 Hearing on denial

Any person whose application for permit is denied by the City inspector may request an appeal of the denial to the zoning board of adjustment in writing, no later than ten (10) days after the denial. If the applicant does not request an appeal within the ten-day period, the City inspector's decision shall be final.

Sec. 3.09.006 Permit renewal

An application for renewal of the permit shall be made by the permit holder on or before December 31st of each year, and such application shall specify any changes in the information occurring after the original permit or the latest renewal was issued.

Sec. 3.09.007 Approval of transfer

Every person holding a permit shall give notice in writing to the City inspector within ten (10) days after having sold, transferred or otherwise conveyed or assigned an interest in or control of any recreational vehicle park. Request for transfer of a permit shall be made within the ten (10) days. Within thirty (30) days of receiving the request for transfer the City inspector shall approve the request, provided that the recreational vehicle park and the applicant are in compliance with this article.

Sec. 3.09.008 Location of recreational vehicle parks

Recreational vehicle parks may be located only in an area zoned for such use under the provisions of the City's zoning ordinance. Recreational vehicle parks shall comply with the provisions of NFPA Standard 1194, 2014 edition, as adopted by the City.

Sec. 3.09.009 Requirements for recreational vehicle parks

All recreational vehicle parks shall comply with the following requirements:

- (1) Minimum recreational vehicle site. Each recreational vehicle park shall provide recreational vehicle parking sites and each site shall be clearly defined and must provide convenient access for the placement of a recreational vehicle. Only one (1) recreational vehicle is permitted per recreational vehicle site. Each recreational vehicle site shall have an area of not less than one thousand two hundred and fifty (1,250) square feet and be at least twenty-five (25) feet wide and fifty (50) feet in depth.
- (2) Separation of recreational vehicles. Pads for recreational vehicles shall be separated by a minimum of ten (10) feet and each recreational vehicle shall be separated from each other and

accessory structures by ten (10) feet and shall be located no closer than five (5) feet to adjacent property lines.

(3) Soil ground cover and drainage. Exposed ground surfaces in all parts of the park shall be paved, covered with other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust. The park shall be located on a well-drained site, properly equipped to ensure rapid drainage and to be free from stagnant pools of water.

(4) Park entrance. The entrance to the park shall be designed to minimize congestion and hazards and allow the free movement of traffic on adjacent streets.

(5) Site pads. Recreational vehicle site pads shall be improved with compacted crushed road base material, asphalt, or concrete adequate to support the weight of the recreational vehicle. The pad shall not heave, shift, or settle unevenly under the weight of the recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.

(6) Utilities provided. Each recreational vehicle site shall be equipped with water, sewer, and electrical hookups which shall conform to this code and all ordinances of the City.

(7) Service buildings. Service buildings shall be permanent structures complying with all applicable ordinances regulating building, electrical, plumbing, gas, and mechanical installations, and shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public.

(8) Sewage disposal. An adequate and safe sewer system shall be constructed and maintained in accordance with City codes.

(9) Electricity. All electric service shall be underground and installed in accordance with City codes.

(10) Garbage receptacles. Each recreational vehicle park shall provide adequate facilities for the collection and removal of refuse and garbage.

(11) Fuel. Bottled gas for cooking and heating purposes shall be properly connected and stored and shall comply with the provisions of NFPA Standard 58 as referenced in NFPA Standard 1194, 2014 edition.

(12) Access to spaces for firefighting. Approaches to all recreational vehicle spaces shall be kept clear for firefighting personnel and equipment.

Sec. 3.09.010 Park supervision

(a) Each park shall have a park manager.

(b) The park manager shall operate the park in compliance with this article and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities, and its equipment in good repair and in a clean and sanitary condition.

(c) The park manager shall maintain a register of park occupancy.

Sec. 3.09.011 Inspection

The City inspector, fire chief, and chief of police are each hereby authorized and directed to make such inspections as necessary to determine compliance with this article, and shall have the power to enter at reasonable times upon the property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.

Sec. 3.09.012 Notices, hearings, and orders of revocation of permits

(a) Notice of violation. Whenever it is determined that there are grounds to believe that there has been a violation of any provision of this article, the City inspector shall give notice of such alleged violation to the permit holder. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reason for its issuance;
- (3) Allow ten (10) days for compliance;
- (4) Be served upon the permit holder or the permit holder's agent, provided that such notice or order shall be deemed to have been properly served upon such permit holder or agent when a copy has been served upon such permit holder or agent or when a copy thereof has been served in person or sent by certified mail to his or her last known address; and

(5) Specify the remedial action that, when taken, will effect compliance with the provisions of this article.

(b) Citations. If the provisions of this article are not complied with within the time period specified, citations for violations may be issued.

(c) Appeal from notice. Any person affected by any notice that has been issued in connection with the enforcement of any provision of this article may request a hearing before the City Council; provided that such person shall file within ten (10) days after the notice was served, in the City secretary's office, with a copy to the office of the City inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds thereof. If the person affected does not appeal within the ten-day period, the notice of violation shall be final and the City [may] revoke the permit to operate the recreational vehicle park if the park remains in noncompliance with this article.

(d) Issuance of order. After such hearing, the City Council shall issue an order in writing sustaining, modifying, or withdrawing the notice of violation, which order shall be served by certified mail upon the petitioner. Any failure to comply with the order sustaining or modifying the finding of a violation shall constitute grounds for immediate revocation of the permit to operate a recreational vehicle park.

(e) Revocation of permits. The City inspector may revoke any permit to maintain and operate a park when the permit holder has been found by the City Council to have violated the provisions of this article, or if the permit holder received a notice of violation and did not appeal the notice

to the City Council and has not corrected the violations in the notice, and/or if found guilty by a court of competent jurisdiction of violating any provision of this article.

(f) Reinstatement. After such revocation, a new permit may be reissued if the circumstances leading to revocation have been remedied and the park is being maintained and operated in full compliance with this article.

Sec. 3.09.013 Penalty

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City, shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each provision violated, and each day there is a failure to comply with the terms of any provision of this article is considered a separate offense.

Sec. 3.09.014 Occupancy of recreational vehicle

Recreational vehicles, defined as a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by motor vehicle;
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- (5) Contains functioning indoor plumbing, bathing and sanitary facilities,

may be temporarily occupied under the following conditions:

- (1) When located in a recreational vehicle park permitted by the City.
- (2) When used as temporary living quarters for construction sites when approved by the City inspector and the City Manager.
- (3) In conjunction with a recognized event sponsored by the City for the duration of the event.
- (4) In any location where a permit is granted by the City inspector for a period up to 30 days. The request for a permit shall be in written form, and signed by the property owner. The request shall be accompanied by a site plan showing the proposed location of the recreational vehicle and other structures on the property. The request must also address how utilities will be supplied to the recreational vehicle. A permit will be issued at a cost of twenty-five (\$25.00) dollars and may be renewed twice.

(5) A recreational vehicle may be temporarily occupied for a period of no more than ten (10) days in a twelve (12) month period, provided the recreational vehicle is located on the side or rear yard of a property owner's residence or on an improved surface on the property.

(Ordinance 0-02-15 adopted 1/20/15)

(6) When occupied by a person who is ill, convalescing or disabled requiring care from a relative or friend occupying the permanent residence located on the property or when occupied by a person providing required care to a relative or friend who is ill, convalescing or disabled occupying the permanent residence located on the property, only for the duration of the illness, period of convalescence or disability, subject to the following requirements:

(A) A permit is obtained from the City inspector;

(B) Documentation from the ill, convalescing or disabled person's physician is presented documenting the illness, condition or disability requiring the care from the friend or relative;

(C) Connection of the recreational vehicle to electricity and City water and sewer utilities specifically metered to the recreational vehicle; and

(D) Compliance with all area and setback requirements of the City.

A person shall not occupy a car, truck or other motorized vehicle not meeting the definition of recreational vehicle as defined herein as a temporary or permanent residence.

Sec. 3.09.015 Parking and storage of recreational vehicles

The parking and storage of recreational vehicles shall be permitted in any zoning district and shall comply with the following:

(1) Recreational vehicles shall not be parked or stored on any City street or alley.

(2) Recreational vehicles may be parked and/or stored at a residence provided that:

(A) All slides, extensions, and pop-ups are in the stowed position (except when loading, unloading, cleaning or repairing).

(B) No utilities (includes water and sewer) are connected to the recreational vehicle. Electric service may be allowed to maintain systems on the recreational vehicle.

(C) Recreational vehicles shall be parked or stored only on improved surfaces or in side or rear yards.

(3) The recreational vehicle is not occupied for personal or rental use.

(4) Exceptions:

(A) The provisions of this section shall not prohibit the loading, unloading, cleaning or repairing of recreational vehicles by the owner of the recreational vehicle for a limited time

necessary to complete such actions, but not exceeding seventy-two (72) hours in a thirty-day period.

(B) Where otherwise allowed by this section for temporary occupancy.

Sec. 3.09.016 Standards for recreational vehicle parks and recreational vehicles

The provisions of the National Fire Protection Association Standard 1194, 2014 edition, are hereby adopted as code requirements for recreational vehicle parks located within the City to the extent such provisions do not conflict with the provisions of this article. NFPA Standard 1194, 2014 edition, is hereby incorporated in this article the same as if set forth at length herein.

(Ordinance O-02-15 adopted 1/20/15)

Appendix 3 Building Regulations fees

Fine for work started without permit		\$500.00	ea		
Permit Type		Minimum Fee w/ First Inspection	Unit	Additional Inspections	Redtag / Reinspection Add \$15.00 per trin
Building	Residential Construction	\$45.00	ea.	\$30.00	\$45.00
	Commercial Construction	\$65.00	ea.	\$30.00	\$45.00
	Building removal or moving	\$45.00	ea.	\$30.00	\$45.00
	Building demolition	\$45.00	ea.	\$30.00	\$45.00
	Curb Cut	\$45.00	ea.	\$30.00	\$45.00
	Manufactured Home Permit (move-in)	\$210.00	ea.		
	Roofing	\$45.00	ea.	\$30.00	\$45.00
	In House Plan Review	\$45.00	per hour		
		Permit fee plus plan review fees (hourly)			
	3rd party Plan Review		Pass thru fee plus \$45.00		
	Flood Plain Certificate	Application Fee	\$45.00	ea.	ea.
		Permit Review Fee	\$45.00	per hour	per hour
		Record Retention Fee	\$25.00	ea.	ea.

Mechanical /Electrical / Plumbing Fees

Fine for work started without permit		\$500.00	ea		
	Permit Type	Fee w/ First Inspection	Unit	Additional Inspections	Redtag / Reinspection Add \$15.00 per
Plumbing	Rough-in (water, sewer, gas)	\$45.00	ea.	\$30.00	\$45.00
	Top out (water, sewer, gas)	\$45.00	ea.	\$30.00	\$45.00
	Sewer replaced, repaired, installed	\$45.00	ea.	\$30.00	\$45.00
	Each vented appliance installed	\$45.00	ea.	\$30.00	\$45.00
	Water heater replacement	\$45.00	ea.	\$30.00	\$45.00
	Water treatment system	\$45.00	ea.	\$30.00	\$45.00
	Lawn irrigation system	\$45.00	ea.	\$30.00	\$45.00
	Cross connection control device	\$45.00	ea.	\$30.00	\$45.00
	Gas reconnection	\$45.00	ea.	\$30.00	\$45.00
	Final (water, sewer, gas)	\$45.00	ea.	\$30.00	\$45.00
	Water Well	\$500.00	ea.	\$30.00	\$45.00
Mech	Mechanical Inspection	\$45.00	ea.	\$30.00	\$45.00
Electrical	New Construction and Renovation	\$45.00	ea	\$30.00	\$45.00
	Alteration to Existing Buildings	\$45.00	ea	\$30.00	\$45.00
	Alter, change-out installation of meter loop	\$45.00	ea	\$30.00	\$45.00
	Construction meter loop	\$45.00	ea	\$30.00	\$45.00
	Sign connections	\$45.00	ea	\$30.00	\$45.00
	Reconnection of service	\$45.00	ea	\$30.00	\$45.00
	Any inspection not listed	\$45.00	ea	\$30.00	\$45.00
	Electrical Contractor Registration	No Fee			

Recreational Vehicle Park	Annual Permit	\$100.00	first (10) spaces	plus	\$50.00	each additional (10) Spaces
---------------------------	---------------	----------	-------------------	------	---------	-----------------------------

Long-term Right of Way Use Permit Application Fee \$105.00

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and declared of no further force and effect.

SECTION 3. Effective date: That this Ordinance adopted hereby, shall become effective November 15, 2022.

Upon being put to a vote, the foregoing Ordinance was Passed, on First Reading on the 18th day of October, 2022, by a majority vote; and then on the 15th day of November, 2022, there came on an was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act (Texas Govt. Code, Chapter 551). There being a quorum present and acting throughout the meeting, the foregoing ordinance was formally submitted by motion and duly seconded for the consideration and action of the meeting, and upon being put to a vote, the foregoing ordinance was Passed on Second and Final Reading and Adopted this 15th day of November, 2022, by a majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas and recorded in the ordinance book thereafter.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 6

SUBJECT: ADOPT FINANCIAL POLICY
PROCEEDING: Approval
SUBMITTED BY: City Staff
EXHIBITS Resolution

SUMMARY STATEMENT

Consider passing a resolution approving the City's Financial Policy for Fiscal Year 2022-2023. *(Finance Director)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to pass a resolution approving the City's Financial Policy for Fiscal Year 2022- 2023. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval.

CITY OF LAMESA

FINANCIAL POLICY STATEMENT

FISCAL YEAR 2022 - 2023

Section 1.00.	In General
Section 2.00.	Budgets
Section 3.00.	Accounting
Section 4.00.	Financial Management
Section 5.00.	Fund Balance
Section 6.00.	Investments
Section 7.00.	Audit and Financial Reporting
Section 8.00.	Purchasing and Contracting

SECTION 1.00. In General.

- 1.1. Scope.
- 1.2. Purpose and Objectives.

References

State Law - General fiscal powers of a home rule municipality, Local Government Code, Sec 101.022.

Library Reference -Governmental Accounting, Auditing and Financial Reporting, G.F.O.A.; City Financing, Chapter 13, Municipal Law & Practice (Singer).

1.1. Scope.

- A.** This Financial Policy Statement applies to the budgeting, accounting, financial management, investment, auditing and financial reporting aspects of all operating funds, departments, programs, and activities of the City of Lamesa for Fiscal Year 2022-2023 beginning on October 1, 2022 and ending on September 30, 2023.
- B.** The financial assets of all other funds shall be administered in general accordance with the provisions of this policy, except when otherwise required by federal or state law, the city charter or ordinances, or by contractual obligation.

1.2 Purpose and Objectives.

- A. Purpose.** This policy is intended to provide a framework for the efficient and effective allocation and management of the financial resources of the City of Lamesa.
- B. Objectives.** In order to achieve this purpose, these policies have the following objectives:
 - (1) to ensure that important policy making decisions are handled in a consistent manner and not controlled by financial problems or emergencies;
 - (2) to provide sound principles to guide the decision making process of the city council and administration;
 - (3) to set forth operational guidelines which minimize the cost of the city government while ensuring an effective level of services; and
 - (4) to employ revenue policies which fairly distribute the cost of services and provides adequate funds to operate municipal services.

SECTION 2.00. Budgets.

- 2.1. General Policy.
- 2.2. Budget Formulation.
- 2.3. Budget Execution
- 2.4. Special Revenue Funds.

References

City Charter - Budget, .Art. IV, Sec. 30.

State Law - Municipal Budget, Local Government Code, Chapter 102.

Library Reference - City Financing, Chapter 13, Municipal Law & Practice (Singer).

2.1. General Policy.

- A. Current operating revenue should be sufficient to support current operating expenditures.
- B. Debt or bond financing will not be used to finance current operating expenditures.
- C. The budget will be prepared in a format consistent with the requirements of state law and in a manner that clearly reflects the operational plans for the forthcoming year. In addition, the city may submit its budget document for consideration for the Award for Distinguished Budget Presentation from the Governmental Finance Officer's Association.

2.2. Budget Formulation.

- A. **Budget Preparation.** As set forth in the City Charter, the City Council shall on the first day of July of each year or as soon thereafter as practicable prepare a budget to cover all proposed expenditures of the city for the succeeding year. The budget shall be prepared in conformity with the provisions of State (Local Government Code, Chapter 102) which requires that the budget be prepared in such a form as to:
 - (1) Make clear a comparison between the proposed expenditures, the estimated expenditures for the current year, and the actual expenditures for the preceding year.
 - (2) Show each of the various programs and projects for which appropriations are set up on the proposed budget.
 - (3) Show a complete financial statement of the city, including:
 - (a) all outstanding obligations of the city;
 - (b) cash on hand to the credit of each fund;
 - (c) the funds received from all sources during the preceding year;
 - (d) the funds available from all sources during the ensuing year;
 - (e) the estimated revenue available to cover the proposed budget; and
 - (f) the estimated tax rate required to cover the proposed budget.

B. Budget Enactment

- (1) **Public Hearings.** At least 15 days prior to the time when the City Council enacts the budget for the fiscal year beginning October 1st, the city manager, as budget officer, shall file a proposed operating budget, including proposed expenditures and the means of financing them, with the city secretary. Such budget shall be available for the inspection of any taxpayer. Public hearings shall be conducted not less than 15 days subsequent to the time of filing.
- (2) **Budget Ordinance.** Prior to October 1st, the budget shall be legally enacted through passage of an ordinance.

2.3. Budget Execution.

A. Budget Control

- (1) **City Charter Provisions.** The City Charter provides that no public money shall ever be spent or appropriated, except in case of public calamity, unless funds are currently in the possession of the city to cover said expenditures or appropriations; and that no expenditure shall ever be made by the city except upon checks drawn upon the account for which a previous appropriation shall have been made, signed by the city treasurer, and countersigned by the city manager or mayor.
- (2) **City Officers.** The director of finance shall keep all books in a manner as will clearly show the financial condition of the city at all times, keep all moneys belonging to the city, give receipts therefore, and disburse the same upon checks or warrants. The treasurer shall sign all checks and warrants as prepared by the director of finance upon city funds and be countersigned by the city manager or mayor. The city manager shall monitor the financial condition of the city, including the expenditures of the various departments.

- B. Transfers of Allocations.** The city manager is authorized to transfer allocated amounts between classifications, departments, and unappropriated surpluses if such transfers do not significantly change the work program contemplated in the approved budget; however any expenditures that alter the total amounts must be approved by the City Council.

2.4. Special Revenue Funds.

The City does not fully budget for the individual Special Revenue Funds, since budgetary control is maintained on an individual grant or need basis. Since grant periods may differ from the City's fiscal year, a comparison of budgetary information for the Special Revenue Funds would not be meaningful; however, an estimate of revenues and expenditures is presented in the operating budget for informational purposes.

Section 3.00. Accounting

- 3.1. General Policy.
- 3.2. Basis of Accounting.
- 3.3. Fund Accounting Policy.
- 3.4. Account Groups: Fixed Assets and Long term Liabilities.

References

City Charter - Budget Art. IV, Sec. 30.

State Law - Municipal Budget, Local Government Code, Chapter 102.

Library Reference -Governmental Accounting, Auditing and Financial Reporting,
G.F.O.A.

3.1. General Policy.

- A. The city will establish and maintain the accounting systems according to the generally accepted principles and standards of the Government Finance Officer's Association and the National Committee on Governmental Accounting.
- B. The city manager, through his appointee, the director of finance, will be responsible for maintaining an adequate and effective system of accounts and for adhering to an internal accounting control system that gives reasonable assurance that assets are being safeguarded against loss from unauthorized use and disposition, and that the financial records can be relied upon for preparing financial statements and maintaining accountability for assets.
- C. The annual audit will be performed by an independent public accounting firm which will issue an official opinion on the financial statements, with a management letter detailing areas that need improvement if required.
- D. Full disclosure will be provided in the financial statements and bond representations.
- E. Expenditures and revenues will be monitored on a monthly basis.
- F. All bills paid by the city will be presented to the city council for review on a monthly basis.
- G. The city may submit documentation to obtain the Certificate of Achievement in Financial Reporting from the Governmental Finance Officer's Association.

3.2. Basis of Accounting

- A. **Modified Accrual Basis of Accounting.** Basis of accounting refers to the timing of when revenues and expenditures or expenses are recognized in the accounts and reported in the financial statements. All governmental funds are accounted for using the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as net current assets. Sanitation collection fees are recorded as revenue when billed, which is on a cycle billing basis. Major revenues that are determined to not be susceptible to accrual because they are either not available soon enough to pay liabilities of the current period or are not objectively measurable include paving assessments, hotel-motel occupancy taxes, licenses, permits, fines, and forfeitures.
- B. **Exceptions.** Expenditures are generally recognized under the modified accrual basis of accounting when the related fund liability is incurred. Exceptions to this rule include:
 - (a) accumulated unpaid sick pay, vacation, and other employee benefits which are not accrued; except in the Water and Wastewater Enterprise Fund.
 - (b) principal and interest on general long-term debt which is recognized when due; and

- C. **Accrual Basis of Accounting.** All proprietary funds are accounted for using the accrual basis of accounting. Their revenues are recognized when they are earned, and their expenses are recognized when they are incurred. Unbilled Water and Wastewater Fund services are accrued at year-end.

3.3. **Fund Accounting Policy**

The accounts of the city are organized on the basis of funds or groups of accounts, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts which include its assets, liabilities, fund equity, revenues, and expenditures. The resources available to the city are allocated to and accounted for in individual funds based upon the purposes for which they are intended and are the means by which spending activities are controlled. The various funds are grouped into three broad categories as follows:

A. **Governmental Funds**

These funds are grouped together because of their similarity in their source and disposition, expendability, or government-type nature. They account for the acquisition, use, and balances of expendable financial resources and the related current liabilities.

(1) **General Fund (01)**

The General Fund is the general operating fund of the City. It is used to account for all financial resources except those to be accounted for in other specific funds. This fund includes all general tax revenues and other receipts that are not restricted by law or contractual agreement to some other fund. General operating expenditures, fixed charges, and capital improvement costs not paid through other funds are paid from this fund.

General Fund Capital Reserve Account

This restricted assets account holds funds accumulated and retained for future capital improvement needs or contingencies; or to be held for future bond reserve requirements.

(2) **Special Revenue Funds**

Special Revenue Funds are used to account for the proceeds of specific revenue resources (other than special assessments, expendable trusts, or major capital projects) that are legally restricted to expenditures for specified purposes.

(a) **Hotel-Motel Occupancy Tax Fund (12)**

Accounts for moneys collected from Hotel-Motel Occupancy Tax and distributed by the Hotel-Motel Tax Committee for purposes allowed by state law.

(b) **Housing Assistance Program Fund (08)**

Accounts for moneys received from the federal government for Section 8, housing assistance and distributed as rent subsidies.

(c) **Community Development Grant Fund (15)**

Accounts for moneys received from the state and spent on specified activities related to community development block grants.

B. **Proprietary Funds**

(1) **Enterprise Funds**

Enterprise funds are used to account for operations that are financed and operated in a manner similar to a private business and which provides services to the general public primarily on a user charge basis. They account for all

assets, liabilities, and equities and match revenues and expenses to determine net income.

(a) Water Enterprise Fund (02)

The Water and Wastewater Enterprise Fund accounts for the operations of the Water and Wastewater Systems, which provides services to the general public on a user charge basis.

Water Capital Reserve Account

This restricted assets account holds funds retained from the Water Improvement Bonds Debt Service Account that are to be retained for future capital improvement needs or contingencies; or to be held for future bond reserve requirements.

Water Construction Account

This restricted assets account is used to account for construction liabilities for projects funded by long-term debt obligations.

Water Debt Service Account

This restricted assets account is used to account for the accumulation of financial resources for, and the payment of principal and interest on long-term debt (Certificate of Obligations) to be paid from revenues generated by utility extensions

Customer's Deposits Account

This restricted assets account holds the deposits posted by water & sewer customers, the earnings thereon, forfeited deposits, and the return of deposits upon termination of service.

Well Drilling Permit Fee Account

This restricted assets account holds the fees collected for well drilling permits, which fees are designated for the purposes of repayment of the City's CRMWA obligation.

(b) Solid Waste Management Enterprise Fund (03)

The Solid Waste Management Enterprise Fund accounts for the operation of the Solid Waste Collection and Disposal Systems, which provides services to the general public on a user charge basis.

Solid Waste Capital Reserve Account

This restricted assets account holds funds accumulated and retained for future capital improvement needs or contingencies; or to be held for future bond reserve requirements.

SWMF Post Closure

This restricted assets count holds funds accumulated and retained for future landfill closures.

Water Tower Reserved Account

This restricted assets account holds funds accumulated and retained for future water tower maintenance

(c) Wastewater Enterprise Fund (20)

The Wastewater Management Enterprise Fund accounts for the operation of the Wastewater Collection and Wastewater Treatment Plant.

Internal Service Fund

Internal service funds are used to account for the financing of goods and services provided by one department or agency to other departments or agencies of the governmental unit, or to other governmental units, on a cost reimbursement basis.

Risk Management Fund (21)

Accounts for moneys set aside to provide funds for future Worker's Compensation claims, fund safety programs, and for the self-funded employee medical benefits program.

Risk Management & Safety Account

This account holds funds accumulated and retained for future Liability Insurance, Worker's Compensation claims and to fund safety programs covering all departments. (Combines funds from old Worker's Compensation and Social Security Funds)

Self-Funded Employee Medical Benefits Account

This account holds funds accumulated and retained for the self-funded employee medical benefits program.

C. Trust and Agency Funds

Trust and Agency Funds account for assets held by the City in a trustee or agency capacity or as an agent for individuals, private organizations, or other governmental units.

(1) Expendable Trust Funds

Expendable Trust Funds account for assets that may only be expended for purposes designated by a trust agreement or by state law.

(a) Forfeited Property Expendable Trust Fund (24)

Accounts for all funds that are forfeited in accordance with Chapter 59 of the Code of Criminal Procedure (Article 59.06, C.C.P.) and the Texas Controlled Substances Act (Article 4476-15, Section 5:08 V.A.T.C.S.) and any other statute providing for the use of seized and/or forfeited property by the city or any of its agencies.

General Account

This account holds funds forfeited in accordance with the provisions of Chapter 59 of the Code of Criminal Procedure (Article 59.06, C.C.P.).

Special Account

This account holds funds forfeited in accordance with the provisions of the Texas Controlled Substances Act (Article 4476-15, Section 5:08 V.A.T.C.S.).

(2) Agency Funds

Agency Funds are used to account for assets held for other funds, governments, or individuals and are custodial in nature and do not involve measurement of operations.

(a) State Agency Fund (05)

Accounts for state court costs collected by the municipal court (Governor's Tax).

(b) Deferred Compensation Agency Fund (23)

Accounts for deferred employee compensation and investment income which are temporarily held in accordance with State Law and Section 457 of the Internal Revenue Code.

3.4. Account Groups: Fixed Assets and Long Term Liabilities

Fixed assets used in governmental fund type operations are accounted for in the General Fixed Assets Account Group, rather than in governmental funds. Long-term liabilities expected to be financed from governmental funds are accounted for in the General Long-Term Debt Account Group. The two account groups are not "funds." They are concerned only with the measurement of financial position. They are not involved with measurement of results or operations, and do not reflect available financial resources or related liabilities.

A. General Fixed Assets Account Group

The General Fixed Assets Account Group is a self-balancing account group and represents a summary of the fixed assets of the city, other than assets of the Proprietary Funds. It is used to show the value of the city's general fixed assets. Capital outlays in funds other than Proprietary Funds are recorded as expenditures of those funds at the time of purchase and are subsequently recorded for control purposes in the General Fixed Assets Account Group. Public domain or infrastructure general fixed assets including roads, curbs and gutters, streets and sidewalks, and drainage systems are capitalized along with other general fixed assets. All fixed assets are valued at historical cost or at estimated fair market value at date received, if donated. No depreciation is provided on such assets.

B. General Long-Term Debt Account Group

The General Long-Term Debt Account Group is a self-balancing account group and represents a summary of the city's debt which is to be paid by taxes levied by the city. This account group does not include debt accounted for in the Proprietary Funds.

SECTION 4.00. Financial Mangement

- 4.1. Revenue Policy.
- 4.2. Reserve Policy.
- 4.3. Cash Management Policy.
- 4.4. Capital Improvement Policy.
- 4.5. Debt Policy.
- 4.6. Enterprise Fund Policy.
- 4.7. Miscellaneous.

References

City Charter -. Depository, Art. IV, Sec. 22. The city council is authorized to select a depository for city funds in accordance with Chapter 3 of Title 47 of the Revised Statutes of 1925, as amended (Local Government Code, Chapter 105) and to follow all the terms and provisions of same.

State Law - General fiscal powers of a home rule municipality, Local Government Code, Sec 101.022; Depositories for Municipal Funds, Local Government Code, Chapter 105; Financing capital improvements, Local Government Code, Chapter 395;

Library Reference - City Financing, Chapter 13, Municipal Law & Practice (Singer).

4.1. Revenue Policy

A. General Policy

- (1) The city will maximize the utilization of user charges in lieu of ad valorem taxes for services that can be individually identified and where costs are directly related to the level of service.
- (2) The cumulative increase of revenue from the levy of the Ad Valorem property tax will not exceed five percent from the preceding fiscal year:
 - (a) excluding taxable value gained through annexation or new construction;
 - (b) excluding increases in the property tax rate mandated by the voters or by court order.

B. Estimates and Projections

- (1) Estimated revenues and fee schedules are to be reviewed as a part of the budget process.
- (2) Revenue estimates are to be based upon the following:
 - (a) Staff judgment based upon local and outside economic and factors.
 - (b) Trend projections based upon historical data.

C. Basis for General Fund Service Charges and Fees

Service charges and fees provided from the General Fund will be based upon:

- (1) Fee policies applicable to each fund or activity.
- (2) The related costs of the service provided.
- (3) The impact of projected or past inflation on the provision of services.
- (4) The equability of comparable fees.

4.2. Reserve Policy

A. In General

- (1) **Purpose.** The City of Lamesa shall have such reserve funds available that may be needed to meet any unexpected operating expenditures or expenses that may arise. In addition, each fund shall accumulate reserve funds as may be necessary to meet substantial planned or expected future expenditures or expenses.
- (2) **Types of Reserves.** There shall be four primary types of reserves; operating reserves, contingency reserves, capital reserves, and debt reserves.

B. Operating Reserves

- (1) **Purpose.** Operating reserves provide for unexpected or unanticipated expenditures during the year. A sufficient amount shall be appropriated as part of the operating budget to cover personnel contingencies such as merit pay, extra help, and overtime.
- (2) **Policy.** Operating Reserves are to be appropriated as part of the departmental or program budget and are utilized as needed in amounts that reflect previous patterns of activity and reasonably possible circumstances that may arise. Any unappropriated funds shall not be carried over into the next fiscal year.

C. Contingency Reserves

- (1) **Purpose.** Contingency Reserves are established in order to:
 - (a) provide for temporary funding on unforeseen needs of an emergency or non-recurring nature;
 - (b) permit orderly budget adjustments when revenues are lost thorough the action of other government bodies or due to unforeseen climatic or economic fluctuations;
 - (c) provide a local match for public or private grants;
 - (d) meet unexpected increases in service delivery costs.
 - (e) provide funds in order to maintain adequate short term cash flow and to reduce the demand for short term borrowing between the time the budget is adopted and the property tax revenues become due.
- (2) **Policy.** Contingency Reserves shall be constituted from the remaining fund balance or unreserved retained earnings of each operating fund. It is the goal of the city to maintain a year-to-year remaining fund balance in each fund in an amount necessary to maintain adequate short term cash flow and to reduce the demand for short term borrowing. The remaining fund balance or unreserved retained earnings should be at least five percent (5%) of general operating revenues; except in those years when such reserves are utilized to provide for adjustments due to economic or climatic fluctuations.

D. Capital Reserves.

- (1) **Purpose.** Capital Reserves are established in order to provide for normal replacement of existing capital equipment and additional capital improvements financed on a "pay as you go" basis.
- (2) **Policy.** Capital Reserves will be budgeted and held in appropriate restricted assets accounts. The reserve will be maintained in an amount adequate to finance the replacement of equipment. The replacement of equipment will be based upon an approved equipment replacement schedule.

E. Debt Reserves

- (1) **Purpose.** Debt Reserves will be established as needed to protect bond holders from payment defaults. Adequate bond reserves are essential in maintaining good bond ratings and the marketability of bonds. Debt reserves are established by bond ordinance and normally provide for reserve equal to the debt service requirements.
- (2) **Policy.** No debt reserves are currently budgeted or operational.

F. Landfill Post-Closure Care Reserve

- (1) **Purpose.** The Landfill Post-Closure Reserves is established in accordance with federal and state mandates and is intended to provide for adequate capital reserves to meet future cash outflows to cover post-closure maintenance costs and closure costs for the landfill operated by the City.
- (2) **Policy.**
 - (a) Reserves will be budgeted and held in an appropriate restricted assets account.
 - (b) The reserve will be maintained in an amount adequate to meet minimum state and federal funding requirements.
 - (c) The transfer from the Capital Equipment Reserve Account to the Landfill Post-Closure Reserve Account is authorized and all future transfers on an annual basis are authorized in an amount to cause the reserves to accumulate in an amount necessary to maintain compliance with appropriate federal and state requirements.

4.3. Cash Management Policy.

A. Depository

- (1) **Selection of Depository.** The selection of a depository for the city is governed by the provisions of the investment policy as contained in this policy statement (see Section 5.04(B)), State Law (Local Government Code, Chapter 105) and the City Charter (Art IV, Sec 22).
- (2) **Contract Provisions.** The contracted bank will be used as the depository for all funds other than those restricted in bond covenants and as provided in the investment policy.
- (3) **Payment of Funds.** The funds of the city may be paid out of the depository only at the direction of the city treasurer in accordance with procedures provided in the City Charter (Art IV, Sec 30). The payment of obligations of the city shall be made by check, draft, wire transfer, or other method of payment mutually acceptable to the city and the depository.

B. Investments

The city will invest idle funds only in compliance with the City's investment policy as approved by the City Council. (see Section 5.00)

4.4. Capital Improvement Policy

The capital replacement and expansion program is included as a part of the annual operating budget. The following policies will apply for Fiscal Year 2018-2019:

A. Capital Replacements. Capital replacements are those capital expenditures relating to the normal replacement of worn or obsolete fixed assets of the city.

- (1) Expenditures relating to normal replacement will be budgeted and paid for from appropriated funds.

- (2) In those cases where the life expectancy of the asset being replaced is more than two years, capital equipment warrants and/or lease purchase financing will be considered.
- B. **Capital Expansion.** Significant capital expansion projects relate to the construction of new or expanded facilities. The policy of the city is to pay for these projects by debt financed over the life of the improvement and the annual debt service funded from current rates; or by use of State or Federal grants.

4.5. Debt Policy

- A. **General Policy.** The following general policies will apply:
 - (1) The total general obligation debt will not exceed ten percent (10%) of the assessed valuation.
 - (2) The city will use special assessment revenue or self supporting bonds, certificates of obligation, tax anticipation notes or any other method allowed by law, where appropriate, instead of general obligation bonds.
- B. **Capital Debt Decisions.** The following will be considered in any capital debt decisions:
 - (1) A determination of the project's acceptability from the standpoint of a positive cost-benefits ratio and long term goals of the comprehensive plan.
 - (2) An evaluation of the project's cash flow to determine its financial viability.
 - (3) The project's priority in relation to other projected capital improvements.
- C. **Long Term Debt Financing**
 - (1) The city will utilize long term debt financing when the following conditions exist:
 - (a) Non-continuous capital improvements are required.
 - (b) The proposed improvement will benefit future citizens.
 - (2) Long-term debt will be handled by:
 - (a) Conservatively projecting the revenue sources that will be utilized to pay the debt.
 - (b) Financing the improvement over a period not greater than the usual life of the improvement.
 - (c) Determining that the cost benefit of the improvements not including interest costs is positive.
- D. **Short or Intermediate Term Capital Equipment Financing.** The city will attempt to utilize lease/purchase, seven-year term or less warrant financing for capital equipment replacement when the terms of the lease/purchase or warrant financing are advantageous to the city.

4.6. Enterprise Fund Policy

- A. **Enterprise Funds**

The Water and Wastewater Enterprise Fund and the Solid Waste Management Enterprise Fund are the only current enterprise funds. They are completely self-supported through user charges.
- B. **Enterprise Fund Service Charges**
 - (1) **Rate Requirements.** Water and Wastewater and Solid Waste Disposal service charges shall be set at a level to provide for the net income requirement in each fiscal year and shall be sufficient to finance all operating, capital and debt service costs to the enterprise funds.

- (a) **Net Income.** The excess of total revenue over total expenses for the fiscal year. (Also called net profit) The net income of the enterprise fund activities shall be at least equal to the annual costs of the principle reductions of outstanding bonds.
 - (b) **Operating Ratio.** Enterprise fund income shall be sufficient to maintain an operation ratio of at least 1.00. The operating ratio shall be calculated by dividing the total operating revenues by the total operating expenses.
 - (c) **Exceptions.** As a means to smooth out fluctuations in income and to return to the customer rates collected in excess of operating costs; an exception to the net income level and operating ratio goals, as stated above, may be made in those years when the projected unreserved retained earnings balance from the previous year is in excess of five percent (5%) of the total projected revenues for the next fiscal year, if:
 - (i) the excess retained earnings are the result of unforeseen climatic or economic fluctuations;
 - (ii) the remaining operating ratio does not fall below 0.93; and
 - (iii) the decreased operating ratio and net income levels will not unfavorably affect the city's ability to obtain a favorable bond rating or unduly affect the future financial condition of the fund.
- (2) **Basis for Service Charges.** Charges for services provided from Enterprise Funds will be based upon:
- (a) **Full Cost Recovery.** All costs associated with delivering any service provided by an enterprise fund shall be fully recovered by appropriate charges to those using the service.
 - (b) **Cost of Delivery.** The cost of delivering any service provided by an enterprise fund shall be based upon the cost of manpower, capital, time, and materials used to provide for the service.
 - (c) **Out of City Limits Charges.** All charges to out of city limits customers shall be set according to city ordinance. The current level of charges for out of city limits customers is two hundred percent (200%) of normal rates.
- (4) **Service Charge Rate Structures.**
- (a) **Water Service Charges.** Water service charges shall be based upon a measured and graduated service rate structure. The rate shall be determined by metering the volume of water consumed within a billing cycle (one month) and billing the customer according to a graduated rate structure that decreases at specified points as volume increases.
 - (b) **Wastewater Service Charges.** Wastewater service charges shall be based upon a flat rate structure for residential and small commercial customers. Users of larger volumes of water will be charged according to a measured rate based upon a percentage of the volume of water consumed during the period.
 - (c) **Sanitation Service Charges.** Sanitation service charges shall be based upon an incremental rate structure. The rate shall be based upon the level of service provided to the customer and shall take into consideration such variables as frequency of collection, volumes of wastes collected, and number and types of collection containers required. Additional charges may be made according to additional costs associated with the handling of specific types of wastes.

- (d) **Landfill Service Charges.** Landfill service charges shall be based upon an incremental rate structure. The rate shall be based upon the origin of the wastes, the volumes to be deposited, and the types involved.
- (e) **Vector Control Service Charges.** Vector control service charges shall be based upon a flat rate structure to be charged during the months the service is required and delivered.

C. General Fund Transfers. The following transfers are allowed to the General Fund:

- (1) **Gross Receipts Fees.** The city charges an estimate of the amount street use franchise fees that will be charged to the fund activities as if they were privately owned. The Gross receipts fee shall not be more than five percent (5%) of the gross receipts of the enterprise funds. These fees will be recognized as revenues in the General Fund.
- (2) **Payment in Lieu of Taxes (P.I.L.O.T.).** The city charges an estimate of the amount of property taxes that will be charged to the fund activities as if they were privately owned. They shall be based upon the current property tax rate. These fees will be recognized as revenues in the General Fund.
- (3) **Administrative Reimbursements.** Departments operated out of the General Fund provide services to the enterprise fund activities. These services are reimbursed to the General Fund at actual or estimated costs.
- (4) **Operating Transfer.** An additional transfer of funds to the General Fund to cover operating expenses as may be authorized by the city council.

4.7. Miscellaneous

A. Employee Retirement Benefits

- (1) **Texas Municipal Retirement System.** The city is a member of the Texas Municipal Retirement System. The rate of contribution for the city is based upon a periodic actuarial analysis for the normal cost and unfunded liability and the number of employees participating in the system.
- (2) **Deferred Compensation Plan.** In addition to the T.M.R.S. benefits, the city offers its employees a deferred compensation plan created in accordance with Section 457 of the Internal Revenue Code. The plan allows employees to defer a portion of their salary until future years with the related Federal income taxes deferred until the funds are paid to the participating employee or beneficiary under the terms of the agreement. The current plan is administered by the ICMA Retirement Corporation.

B. Worker's Compensation. The city is self insured under the TML Worker's Compensation Self-Insurance Pool. Premium payments are made from the Risk Management and Safety Fund, an internal service fund. This program is self-funded from charges to each department based upon the number of employees.

C. Inventories. Inventories consist primarily of supplies, valued at cost using the first-in, first-out method. Water and Wastewater Department inventory supplies are purchased on a yearly bid and charged out as used.

D. Employee Health Insurance. The city is self-insured for employee health insurance. The city pays medical costs and claims from the Risk Management and Safety Fund, an internal service fund. This program is self-funded from charges to each department based upon the number of employees.

SECTION 5.00. Fund Balance

- 5.1. In general
- 5.2. Definitions
- 5.3. Committed Fund Balance
- 5.4. Assigned Fund Balance
- 5.5. Minimum Unassigned Balance
- 5.06 Replenishment of Minimum Fund Balance Reserves
- 5.7. Order of Expenditure of Funds
- 5.8. Appropriation of Unassigned Fund Balance
- 5.9. Monitoring and Reporting

References

Governmental Accounting Standards Board (GASB) Statement No. 54
City of Lamesa: Resolution No. R-21-11

5.1 In General

- A. **Purpose.** This policy is to establish a key element of the financial stability of the City of Lamesa by setting guidelines for fund balance. Unassigned fund balance is an important measure of economic stability and it is essential that the City maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances. This policy will ensure the City maintains adequate fund balances in the City's various operating funds with the capacity to:
- 1. Provide sufficient cash flow for daily financial needs,
 - 2. Secure and maintain investment grade bond ratings,
 - 3. Offset significant economic downturns or revenue shortfalls, and
 - 4. Provide funds for unforeseen expenditures related to emergencies

5.2. Definitions

- A. **Fund Equity.** A funds equity is generally the difference between its assets and its liabilities.
- B. **Fund Balance.** The fund equity of a governmental fund for which an accounting distinction is made between the portions that are spendable and non-spendable. Fund balance is classified into five categories:
- (1) **Nonspendable fund balance** – includes the portion of net resources that cannot be spent because of their form (i.e. inventory, long-term loans, or prepaids) or because they must remain in-tact such as the principal of an endowment.
 - (2) **Restricted fund balance** – includes the portion of net resources on which limitations are imposed by creditors, grantors, contributors, or by laws or regulations of other governments (i.e. externally imposed limitations). Amounts can be spent only for the specific purposes stipulated by external resource providers or as allowed by law through constitutional provisions or enabling legislation. Examples include grant awards and bond proceeds.
 - (3) **Committed fund balance** – includes the portion of net resources upon which the City Council has imposed limitations on use. Amounts that can be used only for the specific purposes determined by a *formal action* of the City Council. Commitments may be changed or lifted only by the Council taking the same *formal action* that originally imposed the constraint. The formal action must be approved before the end of the fiscal year in which the commitment will be reflected on the financial statements.

- (4) **Assigned fund balance** – includes the portion of net resources for which an *intended* use has been established by the City Council or the City Official authorized to do so by the City Council. Assignments of fund balance are much less formal than commitments and do not require formal action for their imposition or removal. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed which indicates that resources are, at a minimum, intended to be used for the purpose of that fund.
- (5) **Unassigned fund balance** – includes the amounts in the general fund in excess of what can properly be classified in one of the other four categories of fund balance. It is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose. Negative residual amounts for all other governmental funds are reported in this classification.

- 5.3. **Committed Fund Balance.** The City Council is the City's highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Council at the City's Council meeting. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period (i.e. the Council may approve the calculation or formula for determining the amount to be committed).
- 5.4. **Assigned Fund Balance.** The City Council authorizes the City Manager as the City Official responsible for the assignment of fund balance to a specific purpose as approved by this fund balance policy.
- 5.5. **Minimum Unassigned Fund Balance.** The City's goal is to achieve and maintain an unassigned fund balance in the general fund equal to 33% of expenditures. The City considers a balance of less than 8.34% to be cause for concern, barring unusual or deliberate circumstances. In the event that the unassigned fund balance is calculated to be less than the policy stipulates, the City shall plan to adjust budget resources in subsequent fiscal years to restore the balance.
- 5.6. **Replenishment of Minimum Fund Balance Reserves.** If unassigned fund balance unintentionally falls below 8.34% or if it is anticipated that at the completion of any fiscal year the projected unassigned fund balance will be less than the minimum requirement, the City Manager shall prepare and submit a plan to restore the minimum required level as soon as economic conditions allow. The plan shall detail the steps necessary for the replenishment of fund balance as well as an estimated timeline for achieving such. These steps may include, but are not limited to:
- (1) identifying new, nonrecurring, or alternative sources of revenue;
 - (2) increasing existing revenues, charges and/or fees; use of year end surpluses;
 - (3) and/or enacting cost saving measures such as holding capital purchases, reducing departmental operating budgets, freezing vacant positions, and/or reducing the workforce.

The replenishment of fund balance to the minimum level shall be accomplished within a three-year period. If restoration of the reserve cannot be accomplished within such a period without severe hardship to the City, then the Council shall establish an extended time line for attaining the minimum balance.

5.7. Order of Expenditure of Funds. When multiple categories of fund balance are available for expenditure (for example, a construction project is being funded partly by a grant, funds set aside by the City Council, and unassigned fund balance), the City will first spend the most restricted funds before moving down to the next most restrictive category with available funds.

5.08 Appropriation of Unassigned Fund Balance Appropriation from the minimum unassigned fund balance shall require the approval of the Council and shall be utilized only for one-time expenditures, such as capital purchases, and not for ongoing expenditures unless a viable revenue plan designed to sustain the expenditure is simultaneously adopted. The Council may appropriate unassigned fund balances for emergency purposes, as deemed necessary, even if such use decreases the fund balance below the established minimum.

5.09. Monitoring and Reporting. The Director of Finance shall be responsible for monitoring and reporting the City's various reserve balances. The City Manager is directed to make recommendations to the Council on the use of reserve funds both as an element of the annual operating budget submission and from time to time throughout the fiscal year as needs may arise. Compliance with the provisions of the policy shall be reviewed as a part of the annual operating budget adoption process and subsequent review will be included in the annual audit and financial statement preparation procedures.

SECTION 6.00. Investments

- 6.1. In General.
- 6.2. Investment Authorities
- 6.3. Investment Policy
- 6.4. Investment Plan

References

City Charter -. Depository, Art. IV, Sec. 22. The city council is authorized to select a depository for city funds in accordance with Chapter 3 of Title 47 of the Revised Statutes of 1925, as amended (Local Government Code, Chapter 105) and to follow all the terms and provisions of same.

State Law - Public Funds Investment Act, Government Code, Chapter 2256; Depositories for Municipal Funds, Local Government Code, Chapter 105.

Library Reference – Municipal Law & Practice (Singer), Sec. 308, The City Depository.

6.1. In General.

- A. Purpose.** This policy is intended to cover all aspects of public fund investments under the authority of the City of Lamesa. It is enacted to guide the implementation and compliance with the Public Funds Investment Act, Government Code, Chapter 2256, as amended.
- B. Objective.** It is the policy of the City of Lamesa to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands on the city and conforming to all state statutes governing the investment of public funds.
- C. Basis and Authority for Investment Policy.** This policy is enacted to implement the stated purpose of Public Funds Investment Act, Government Code, Chapter 2256, as amended.
- D. Applicability of Investment Policy.** The provisions of this chapter shall apply to all financial assets of the City of Lamesa, Texas except for its deferred compensation plan which is separately administered by the ICMA Retirement Corporation. The investments of all of the city's funds shall be placed in a pooled fund group in order to maximize the investment potential of the city's investments. Funds included in the pooled fund group are:

(1) Governmental Funds

(a) General Fund (01)

General Fund Capital Reserve Account

General Fund Investments

(b) Special Revenue Funds

- (1) Hotel-Motel Occupancy Tax Fund (12)
- (2) Housing Assistance Program Fund (08)
- (3) Community Development Grant Fund (15)

- (4) Special Revenue Fund (17)
- (2) **Proprietary Funds**
- (a) **Enterprise Funds**
- (1) **Water Enterprise Fund (02)**
 Water & Wastewater Capital Reserve Account
- Water Tower Reserve
 - USDA Certificates of Obligation, Series 2021
- Water & Wastewater Debt Service Account USDA
 Treatment Plant Debt Service Reserve C/O Series 2006
 Capital Improvement Project-Water Elevated Tanks
 Customer's Deposits Account
- (2) **Solid Waste Management Enterprise Fund (03)**
 Solid Waste Post Closure Reserve Account
 Solid Waste Equipment Reserve Account
- (3) **Municipal Golf Course (18)**
 (4) **Wastewater Enterprise fund (20)**
- (b) **Internal Service Fund**
- (1) **Risk Management Fund (21)**
 Risk Management & Safety Account
 Self-Funded Employee Medical Benefits Account
- (3) **Trust and Agency Funds**
- (a) **Expendable Trust Funds**
- (1) **Forfeited Property Expendable Trust Fund (24)**
 General Account
 Special Account
- (b) **Agency Funds**
- (1) **State Agency Fund (05)**

E. Standard of Care.

- (1) **Prudence.** The standard of prudence to be used by the investment officers so named in this policy shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Said officers acting in accordance with written procedures and the investment policy and exercising due care shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.
- (2) **Investment Objectives.** Investment of funds shall be governed by the following investment objectives, in order of priority:

- (a) Preservation and safety of principal.
- (b) Liquidity
- (c) Yield

(3) **Determination of Standard.** In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (a) the investment of all funds, or funds under the city's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- (b) whether the investment decision was consistent with the provisions of this policy.

F. **Annual Policy Review and Approval by City Council.** The city council of the City of Lamesa shall review and approve this investment policy and investment strategies not less than annually. Said review may be included within the financial policy statement or annual budget as approved by the city council.

G. **Definitions.**

Amortization. To liquidate (a debt) by installment payments.

Accretion. Growth or increase in size by gradual external addition.

Book Value. The face or par value of an investment plus accrued interest or minus amortization or plus the accretion.

Certificate of Deposit (CD). A time deposit with a specific maturity evidenced by a certificate.

Collateral. Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public moneys.

Demand Deposit. A deposit of funds that may be withdrawn on the demand of the depositor, (city checking account).

Funds. Public funds in the custody of the city that:

- (a) are not required by law to be deposited in the state treasury; and
- (b) the city has authority to invest.

Liquidity. A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes..

Market Value. The price at which a security is trading and could presumably be purchased or sold.

Maturity. The date upon which the principal or stated value of an investment becomes due and payable.

Pooled Fund Group. An internally created fund of the city in which one or more institutional accounts of the city are invested.

Prudent Person Rule. An investment standard that requires investments to be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Public Funds Investment Act. Shall refer to the Texas Public Funds Investment Act codified as Chapter 2256 of the Government Code of Texas.

Rate of return. The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

Safety. Refers to the ability if the issuer to redeem the instrument at maturity. U.S. Government guaranteed obligations are considered risk free and all other instruments are evaluated against this standard.

Time Deposit. A deposit of funds subject to a contract between the depositor and the depository under which the depositor may not withdraw any of the funds by check or by another manner until the expiration of a certain period following written notice of the depositor's intent to withdraw the funds.

Treasury Bills. A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Treasury Bond. Long-term U.S. Treasury securities having initial maturities of more than ten years.

Treasury Notes. A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Yield. The rate of annual income return on an investment, expressed as a percentage.

- (a) Income yield is obtained by dividing the current dollar income by the current market price for the security.
- (b) Net yield or yield to maturity is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Treasury Bill. A U.S. government short-term security sold to the public each week, maturing in 91 to 182 days.

6.2. Investment Authorities.

- A. Delegation of Authority.** Authority to manage the City of Lamesa's investment program is derived from the authority granted by the city council in this policy and the Public Funds Investment Act. The investment officials of the city shall be the investment officer, director of finance and the city treasurer. Management responsibility for the investment program is hereby delegated to the investment officer who shall institute written procedures for the operation of the investment program consistent with this investment policy. The director of finance and the city treasurer are designated as subordinate investment officials. The investment officer shall establish a system of controls to regulate the activities of subordinate investment officials.
- B. Limitation of Authority.** A person may not deposit, withdraw, invest, transfer, or manage in any other manner funds of the city without the express written authority of the city council, city manager, or director of finance of the city. No person may engage in investment transactions except as provided under the terms of this policy and the procedures established by the investment officer
- C. Investment Officer.** The City Manager of the City of Lamesa, and his or her successor, shall be and is hereby designated as the investment officer of the City of Lamesa for the purposes of this policy and the Public Funds Investment Act and shall be responsible for the performance of such obligations and duties as provided in this policy and state law.
- D. Director of Finance/Assistant Finance Director.** The Director of Finance/Assistant Finance Director of the City of Lamesa, and his or her successor, shall be and is hereby designated as the chief financial officer of the City of Lamesa for the purposes of this policy and the Public Funds Investment Act and shall be responsible for the performance of such obligations and duties as provided in this policy and state law.
- E. City Treasurer.** The City Treasurer of the City of Lamesa, and his or her successor, shall serve as deputy investment officer with the authority to act in the absence of the investment officer, and shall be responsible for the performance of such obligations and duties as provided in this policy and state law.
- F. Ethics and Conflict of Interest.**
- (1) In General.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.
- (2) Disclosure of Material Financial Interests.** Investment officials, as designated under the provisions of this policy, shall disclose, by filing a statement, to the city council any personal business relationship or material financial interests in financial institutions that conduct business within the city or with an entity seeking to sell an investment to the city, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the city, particularly with regard to the time of purchases and sales.

(3) Disclosure of Relationship. Any investment official, as designated under the provisions of this policy, who is related within the second degree of consanguinity, as determined under Chapter 573 of the Government Code of Texas, to an individual seeking to sell an investment to the city shall file a statement disclosing that relationship.

(4) Statement to be Filed. A statement required under this section must be filed with the Texas Ethics Commission and the City Council of the City of Lamesa, Texas.

G. Limitation of Investment Officer's Liability. The investment officials of the city, including the investment officer, director of finance/assistant finance director and the city treasurer, shall not be held responsible for any loss of city funds through the negligence, failure, or wrongful act of a financial institution providing investment services to the city. This section does not release said officers from responsibility for a loss resulting from the official misconduct of said officers, including a misappropriation of the funds, or from responsibility for the funds until an investment is made.

H. Training. The investment officials of the city, including the investment officer, director of finance, assistant finance director and the city treasurer, shall attend such training as may be required by the Public Funds Investment Act. Said officials shall also attend such training in investment controls, security risks, strategy risks and market risks as necessary for the prudent management of the city's investments.

6.3. Investment Policy

A. Objective. The primary objectives, in priority order, of the City of Lamesa's investment activities shall be:

- (1) Preservation and Safety of Principal.** Safety of principal is the foremost objective of the investment program. Investments of the City of Lamesa shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
- (2) Liquidity.** The city's investment portfolio will remain sufficiently liquid to enable the city to meet all operating requirements which might be reasonably anticipated.
- (3) Yield or Return on Investments.** The city's investment portfolio shall be designed with the objective of attaining a rate of return throughout the budgetary and economic cycles, commensurate with the city's investment risk constraints and the cash flow characteristics of the portfolio.

B. Pooled Fund Group. A pooled fund group shall be created from the, governmental, proprietary, and trust and agency funds of the city. All funds of the city covered by this policy shall be invested in the pooled fund group.

C. Authorized and Suitable Investment Securities.

- (1) Authorized Securities and Investments.** The following are authorized investments under this policy:

- (a) **Certificate of Deposit.** A certificate of deposit is an authorized deposit under this policy if it is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor; and secured by obligations that are secured in any other manner and amount provided by law for deposits of the city.
 - (b) **Time Deposits.** City funds not immediately required to pay obligations of the city may be invested in time deposits or interest bearing demand accounts with the city's depository, as provided in the depository contract, at a legal interest rate under federal law.
 - (c) **Public Funds Investment Pool.** Eligible public funds investment pools as defined by the Public Funds Investment Act, Chapter 2256 of the Texas Government Code, which meet criteria outlined in Sections 2256.016 and 2256.019 of the Texas Government Code upon approval by the City Council.
 - (d) **Obligations of the United States of America, its agencies, and instrumentalities** (i.e. Treasury Bills).
- (2) **Unauthorized Securities.** Any security designated, as an unauthorized investment under the provisions of the Public Funds Investment Act is not authorized under this policy:
 - (3) **Maximum Allowable Maturity.** To the extent possible, the city will attempt to match its investment with anticipated cash flow requirements. Unless matched to a specific cash flow, the city will not directly invest in certificates of deposit or securities maturing more than one year from the date of purchase. Reserve funds may be invested in certificates of deposit or securities exceeding one year if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds. The maximum weighted average maturity of six (6) months.
 - (4) **Collateralization.** Collateralization will be required on all certificates of deposit. Collateral will always be held by an independent third party with whom the city has a custodial agreement. A clearly marked evidence of ownership shall be supplied to the city and retained. The right to collateral substitution is granted.

D. Selection and Purchase of Investment Securities.

- (1) **Authorized Financial Dealers and Institutions.** The City shall invest funds only with the following types of qualified financial institutions:
 - (a) **City Depository.** The city may invest funds with a financial institution qualified as a depository for the City of Lamesa. All financial institutions that desire to provide investment services to the city shall qualify as a depository under the provisions of Chapter 105 of the Local Government Code of Texas.
 - (b) **Public Funds Investment Pools.** The City may invest in eligible public funds investment pools as defined by the Public Funds Investment Act, Chapter 2256 of the Texas Government Code, which meet criteria outlined in Section 2256.016 and 2256.019 of the Texas Government Code. The City Council shall authorize participation in a public funds investment pool by resolution. An investment pool must furnish to the City's investment officer or other authorized

representative, an offering circular or similar disclosure instrument that contains information required by Government Code 2256.016 (b).

(c) Other Financial Institutions. The city may invest funds with any financial institution that is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, (i.e. Certificate of Deposits).

- (2) Selection and Compliance of Brokers/Dealers - Certification Process.** The selection process for institutions authorized to provide investment services to the city shall comply with the provisions of Chapter 105 of the Local Government Code of Texas and Chapter 2256 of the Government Code of Texas.
- (3) Diversification Requirements.** The purpose of diversification of the city's investments shall be to reduce overall portfolio risks while attaining market average rates of return. The investments of the city may be invested in a single financial institution, provided that the investment portfolio is not concentrated in a single security type or specific maturity sector.

E. Internal Control, Evaluation and Reporting.

- (1) Internal Control/Compliance Audit.** The city, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the city's investment policy.
- (2) Quarterly Reporting Requirements.** The investment officer is charged with the responsibility of preparing and presenting quarterly reports to the city council. The report shall include all funds covered by this policy for the preceding reporting period and shall:
 - (a)** describe in detail the investment position of the city on the date of the report;
 - (b)** be prepared jointly by all investment officers of the city;
 - (c)** be signed by each investment officer of the city;
 - (d)** contain a summary statement of the pooled fund group that states the:
 - (i)** beginning market value for the reporting period;
 - (ii)** additions and changes to the market value;
 - (iii)** ending market value for the period;
 - (e)** state the book value and the market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested;
 - (f)** state the maturity date of each separately invested asset that has a maturity date;

- (g) state the account or pooled fund group for which the investment was acquired;
- (h) state the compliance of the investment portfolio as it relates to;
 - (i) the investment strategy expressed in the city's investment policy; and
 - (ii) to relevant provisions of the Public Funds Investment Act.

6.4. Annual Investment Plan

- A. **Applicability of Investment Plan.** This investment plan shall be effective from the date of adoption through Fiscal Year 2021-2022 ending on September 30, 2022. The investment policy shall apply in all matters pertaining to said plan. This investment plan is intended to satisfy the "separate written investment strategy" requirements of Section 2256.005 (d) of the Public Funds Investment Act.
- B. **Selection of Authorized Financial Institutions.**
 - (1) **Authorized Financial Institutions.** The city may invest funds with any financial institution that is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, (i.e. Certificates of Deposits). A financial institution providing investment services to the city must qualify as a depository under the provisions of Chapter 105 of the Local Government Code of Texas.
 - (2) **Investment Duties of Depository.** The depository chosen by the City of Lamesa for the five year period beginning on January 1, 2019 and ending on December 31, 2021 shall be the designated financial institution authorized to provide investment services to the city during the period covered by this plan.
- C. **Suitability of Investments.** This plan is intended to be non-speculative with the objective of preserving the safety of principal with sufficiently liquid, and attaining a satisfactory rate of return. Only investments allowed by the investment policy shall be deemed suitable during the term of this plan.
- D. **Safety of Principal.** Safety of principal is the foremost objective of this plan. Investments of the City of Lamesa shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. Collateralization will be required on all certificates of deposit. Collateral will always be held by an independent third party with whom the city has a custodial agreement. A clearly marked evidence of ownership shall be supplied to the city and retained. The right to collateral substitution is granted
- E. **Liquidity.** The city's investment portfolio will remain sufficiently liquid to enable the city to meet all operating requirements which might be reasonably anticipated. Time deposits will be utilized to satisfy this requirement.
- F. **Investment Marketability Requirements.** No marketable investment will be held by the city. Only time deposits and certificates of deposit issued by the depository will be utilized.

- G. **Diversification.** The city's portfolio will be held by a single institution, the city's depository. The funds of the city may be invested in time deposits or certificates of deposit according to the anticipated need for such funds.
- H. **Yield Objectives.** The city's investment portfolio shall be designed with the objective of attaining a rate of return throughout the budgetary and economic cycles, commensurate with the city's investment risk constraints and the cash flow characteristics of the portfolio.
- I. **Maturity Requirements and Restrictions.** The time deposits of the city will structured in a manner to be available as needed to meet all operating requirements which might be reasonably anticipated

SECTION 7.00. Audit and Financial Reporting

- 7.1. Annual Audit and Financial Statement.
- 7.2. Scope of the Audit.
- 7.3. Auditing Standards to be Used.
- 7.4. Term of Audit Engagement.

References

City Charter - . Audit and examination of the city books and accounts, Art. IV, Sec. 29..

State Law - Audit of municipal finances, Local Government Code, Chapter 103.

Library Reference -Governmental Accounting, Auditing and Financial Reporting, G.F.O.A.

7.1. Annual Audit and Financial Statement.

- A. General Policy.** The city shall have its records and accounts audited annually and shall have an annual financial statement prepared based on the audit.
- B. Auditor.** The City shall employ an independent certified public accountant who is licensed by the State of Texas as a public accountant to conduct the audit and to prepare the annual financial statement.
- C. Financial Statement.** The annual financial statement, including the auditor's opinion on the statement shall be filed in the office of the city secretary within 120 days after the first day of the City's fiscal year (July 29th). Said financial statement shall be available for public inspection.

7.2. Scope of the Audit.

- A.** The financial statement audit is to determine whether:
 - (1) the financial statements present fairly the financial position, results of operations and cash flows or changes in financial positions in accordance with generally accepted accounting principles, and
 - (2) whether the City of Lamesa has complied with laws and regulations for those transactions and events that may have a material effect on the financial statements.
- B.** The financial related audit will also include determining whether:
 - (1) financial reports and related items are fairly presented,
 - (2) financial information is presented in accordance with established or stated criteria, and
 - (3) the City of Lamesa has adhered to specific financial compliance requirements.
- C.** As a part of the audit of the general purpose financial statements, the annual audit will also include obtaining an understanding of the City's internal control structure and reporting any reportable conditions relating to the internal control systems coming to the attention of the auditors. To comply with Office of Management and Budget Circular A-128, a study and evaluation of the internal control structure will include internal accounting and administrative controls for all major federal financial assistance programs or 50% of all federal programs if expenditures for major programs are less than 50% of total federal program expenditures. Any material weakness noted during the study and evaluation of internal accounting and administrative controls will be reported.

SECTION 8.00. Purchasing and Contracting

- 8.01. In General.
- 8.02. Competitive Bidding and Contracting
- 8.03. Cooperative Purchasing

References

City Charter -. Competitive bidding, Art. III, Sec. 26.

State Law - Purchasing and contracting authority of municipalities, Local Government Code, Chapter 252; Authority of city council to elect to have state law supersede the charter as it relates to purchasing and contracting, , Local Government Code, Section 252.002., enacted by resolution, January 17, 1994; State cooperative purchasing program participation by city, Local Government Code Sections 271.081-271.083, enacted by resolution , May 2, 1989.

Library Reference - Municipal Law & Practice (Singer), Chapter 30, Contracts.

8.1. In general.

- A. **General policy.** It is the policy of the City to obtain all services, supplies, materials and equipment at the lowest cost to the City consistent with those standards of quality, performance, service and availability which will best meet the needs of the City.
- B. **Intent of policy.** It is the intent of this policy to:
 - (1) promote the practice of requiring competitive purchasing practices to keep costs at a minimum and to give interested vendors an equal opportunity to supply goods and services to the City and;
 - (2) Cover all aspects of purchasing and contracting under the authority of the City of Lamesa; and
 - (3) comply with the provisions of the City Charter and applicable provisions of State Law including Chapters 252 and 271 of the Local Government Code, as amended.
- C. **Legal guidelines.**
 - (1) **City Charter.** The provisions of Article III, Section 26 of the City Charter of the City of Lamesa shall govern the purchasing and contracting activities of the City of Lamesa.
 - (2) **State Law.** The provisions of Chapter 22 of the Local Government Code shall govern the purchasing and contracting activities of the City of Lamesa that are covers by said laws.
 - (3) **State law controls over city charter.** The provisions of Title 8, Chapter 252 of the Local Government Code of the State of Texas supersede the provisions of the Charter of the City of Lamesa relating to competitive bidding (Article III, Section 6) to the extent the provisions conflict with the City Charter of the City of Lamesa effective January 18, 1994.
- D. **Award standards.** In the procurement process, the award will be made to the vendor with the lowest responsible and responsive quotation or bid unless, in the judgment of the responsible authority, such an award would not serve the best interest of the City. Whenever practicable and in the best interest of the City, purchases will be grouped together to take advantage of quantity discounts.

- D. As part of the audit of the general purpose financial statements, transactions and records pertaining to federal laws, rules and regulations, and all instances of noncompliance will be reported to the City of Lamesa.

7.3. Auditing Standards to be Used.

The audit is to be performed in accordance with generally accepted auditing standards and Government Auditing Standards, issued by the Comptroller General of the United States; and the provisions of Office of Management and Budget Circular A-128, "Audits of State and Local Governments".

7.4. Term of Audit Engagement.

A contract for audit services shall be for one fiscal year. An initial agreement may be extended up to an additional four years, upon Council approval, following satisfactory delivery of the services as specified.

- E. **Authorized purchases.** Only those employees specifically designated are authorized to make purchases in the name of the City. Authority to make purchases means the authority to sign purchase requests or specific delegation of authority by a department head or by the city manager.
- F. **Unauthorized purchases.** Unauthorized purchases become the obligation and financial responsibility of the individual who made the commitment.

8.2. Definitions

The following definitions shall apply:

- (1) **Bidder.** Refers to the person, firm or entity that submits a bid or proposal for in response to a solicitation..
- (2) **Competitive Procurement Process:** refers to all methods of obtaining prices from multiple vendors.
- (3) **Quotation:** refers to pricing obtained through a number of informal, generally rapid methods, including telephone, faxed or written quotations.
- (4) **Bid:** refers only to pricing obtained through a formal sealed bid process.
- (5) **Proposal:** refers only to information obtained from a vendor concerning goods and services through a formal sealed proposal process for high technology procurements under Section 252.021 of the Local Government Code.
- (6) **Purchase order:** refers to an order placed by the purchasing agent for the purchase of goods or services on the City's standard purchase order form.
- (7) **Request for Bid:** refers to the document issued to solicit bids and is used when product or services being procured can be precisely described.
- (8) **Request for Proposal:** refers to the document used to solicit proposal from vendors for high technology procurements under Section 252.021 of the Local Government Code.
- (9) **Responsible Authority:** refers to the City Council for purchases over \$50,000 and to the city manager for purchases under \$50,000.
- (10) **Responsible Bidder:** refers to a bidder or proposer who has the capability in all respects to perform the contract requirements in a manner which will assure reliability and good performance.

8.3. Authorized Procurement Processes.

A. In general.

- (1) **Advertisement.** All formal sealed bids must be publicly advertised as follows:
 - (a) **Publication of notice.** State law requires that if the formal sealed competitive process applies to the purchase, notice of the time and place at which bids will be publicly opened and read aloud must be published at least once a week for two consecutive weeks in a newspaper published in the municipality. The date of the first publication must be before the 14th day before the date set to publicly open the bids.
 - (b) **Request for proposals.** State law requires that if the competitive sealed proposals requirement applies to the purchase, notice of the request for proposal must be given in the same manner as that prescribed by Subsection (a) for the notice for the competitive sealed bids.
 - (c) **Road machinery specifications.** State law requires that if the contract is for the purchase of machinery for construction or maintenance of roads, streets, the notice for bids and the order for purchase must include a general specification of the machinery desire.

(2) Non responsive bids.

- (a) In general.** The City will not consider non-responsive bids or proposals, i.e. those with material deficiencies, omissions, errors or inconsistencies.
- (b) Bidder's responsibility.** Bidders are expected to examine all documents that make up the solicitation. The bidder has the responsibility to notify the City of any perceived ambiguity, inconsistency or error that they may discover upon examination of the specifications or solicitation.
- (c) Clarification.** The City may make post-bid inquiries or requests for clarifications as to minor irregularities; and there may be additional discussion between the vendors and the City during the review of proposals.

(3) Invoices.

The person making a direct purchase or accepting a delivery is responsible for submitting an invoice to the department head. The department head is responsible for submitting the invoice to the director of finance. Failure to submit an invoice may result in the purchase becoming the obligation and financial responsibility of the individual who made the purchase.

B. Formal sealed bid competitive process.

- (1) In general.** Purchases greater than \$50,000 require either a Request for Bid or Request for Proposal. Both require a formal sealed competitive bid process.

- (a)** The **Request for Bid** is used when goods or services being procured can be precisely described. Price is generally the determining factor in the award provided the criteria set forth in the Request for Bid are met. There is a public opening of the bids at a City Council meeting. The award is made to the lowest responsible and responsive bidder.
- (b)** The **Request for Proposal** is used for high technology procurements under Section 252.021 of the Local Government Code. The City during the review of proposals may seek clarification and additional information concerning the proposal. The following requirements of state law must be met:
 - (i)** Requests for proposals made under Section 252.021 of the Local Government Code must solicit quotations and must specify the relative importance of price and other evaluation factors.
 - (ii)** Discussions in accordance with the terms of a request for proposals and with regulations adopted by the City Council may be conducted with offerors who submit proposals and who are determined to be reasonably qualified for the award of the contract. Offerors shall be treated fairly and equally with respect to any opportunity for discussion and revision of proposals. TO obtain the best final offers, revisions may be permitted after submissions and before the award of the contract.
 - (iii)** If the competitive sealed proposals requirement applies to the contract, the contract must be awarded to the responsible offer or whose proposal is determined to be the advantageous to the City considering the relative importance of price and the other evaluation factors included in the request for proposals.

- (2) Bidding process.** All purchases in an amount of \$50,000.00 or more must be through the process of a competitive formal sealed bidding process and must be approved by the City Council prior to the issuance of a purchase order.

- (a) Specifications.** The mayor and city council shall approve all specifications and authorize the calling for bids. Pending advertisement

of such proposed bids, specifications shall be on file in the office of the city secretary, subject to the inspection of all persons desiring to bid.

- (b) **Notice.** The bid shall be advertised in the official newspaper at least once in each week for two consecutive weeks inviting competitive bids for labor and materials embraced in the proposed contract.
- (c) **Delivery of bids.** All bids submitted shall be sealed and delivered to the city secretary.
- (d) **Award of bids.** The City Charter provides the following process for the awarding of bids:
 - (i) At the time in the bid notice the bids shall be opened in the presence of a majority of the city council.
 - (ii) No bid shall be awarded except to one of the bidders.
 - (iii) The council shall determine the most advantageous bid for the city and shall award the bid to such bidder.
 - (iv) The council shall always have the right to reject any and all bids, and in the event all bids are rejected, may call for new bids, which shall be advertised in like manner as the original bids.
 - (v) No bid shall ever be awarded except by approval of a majority of the city council.

C. **Competitive Procurement Process**

- (1) **In general.** Except as otherwise provided herein, purchases of services, supplies, materials and equipment needed by the City must be based on the principle of competitive procurement.
- (2) **Competitive Procurement Process Thresholds**
 - (a) **Purchases over \$50,000.** The competitive procurement process may be used for purchases in an amount over \$50,000 for a purchase made under an exemption as provided in Section 252.022 of the Local Government Code.
 - (b) **Purchases under \$50,000 and more than \$3,000.**
 - (i) **In general.** All purchases in an amount under \$50,000 and more than \$3,000 must be made through a Competitive Procurement Process after solicitation of at least 3 quotations or following a formal sealed competitive process if required by the city manager. These quotations shall be documented on the purchase request form.
 - (ii) **Purchase order required.** All purchases in an amount under \$50,000 and more than \$3,000 must:
 - a. be approved by the department head and the city manager; and
 - b. be submitted to the purchasing agent on an approved purchase request form; and
 - c. have a purchase order issued prior to the purchase.
 - (c) **Purchases under \$3,000.**

All purchases in amounts less than \$3,000 must be made through a Competitive Procurement Process after solicitation of quotations. The purchasing agent or any authorized other person seeking quotations shall attempt to obtain at least 3 quotations if possible. These quotations shall be documented on the purchase

Request form. Approval of such purchases will be made in accordance with following guidelines:

- (i) Purchases in an amount under \$3,000.00 that are approved in the annual operating budget must:
 - a. be approved by the department head; and
 - b. be submitted to the purchasing agent on an approved purchase request form; and
 - c. have a purchase order issued prior to purchase.
- (ii) Purchases in an amount under \$3,000.00 and more than \$500.00 and not approved in the annual operating budget must:
 - a. be approved by the department head and the city manager prior to the purchase; and
 - b. be submitted to the purchasing agent on an approved purchase request form; and
 - c. have a purchase order issued prior to the purchase.
- (iii) Purchases in the amount under \$500.00 and not approved in the annual operating budget must:
 - a. be approved by the department head prior to the purchase; and
 - b. be submitted to the purchasing agent on an approved purchase request form; and
 - c. have a purchase order issued prior to the purchase.

(d) Exceptions may be made to the procurement process for:

- (i) **Purchases under \$250.00.** Authorized employees may make purchases in amounts less than \$250.00 without a purchase order according to the guidelines established by the department head and approved by the city manager (10/20/15, Agenda Item #17, City Council denied request to increase PO threshold from \$250.00 to \$500.00).
- (ii) **Emergency purchases.** These may be made only to meet bona fide emergencies arising from unforeseeable causes. Emergency purchases should be made on the basis of competitive procurement whenever practicable. Appropriate documentation shall be maintained on the justification for any departure from the competitive process. After the emergency has abated, the employee making the purchase shall complete a purchase request and obtain ratification and approval of the purchase from the department head and purchasing agent.

Emergency purchases are authorized when:

- a. There occurs a public calamity that requires the immediate appropriation of money to relieve the necessity of the city's residents or to preserve the property of the municipality.
 - b. Procurement is necessary to preserve or protect the public health or safety of the city's residents
 - c. Procurement is necessary because of unforeseen damage to public machinery, equipment, or other property.
- (iii) **Sole source purchases.** Sole source purchases are made only when items are unique and possess specific characteristics that can only be filled by only one source. The authorization and justification for these

purchases shall be documented.

Examples of authorized procurement of items that are available from only one source, including:

- a. items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
- b. films, manuscripts, or books;
- c. electricity, gas, water, and other utility services;
- d. captive replacement parts or components for equipment;
- e. books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
- f. management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;

(iv) Cooperative purchases with the State, a state agency, another governmental entity, or local governmental purchasing cooperative where there is sharing of responsibility or costs and where it is possible for the City to purchase from an established state contract.

(v) Professional services

- a. **Definition.** A procurement for personal, professional, or planning services as defined in Section 2254.002 of the Government Code of the State of Texas. This includes the following services:
 - 1. accounting
 - 2. architecture
 - 3. land surveying
 - 4. medicine
 - 5. optometry
 - 6. professional engineering
 - 7. real estate appraising
- b. **Authority for exemption.** Section 252.022(a)(4) exempts professional services from the bidding requirements.
- c. **Selection.** The selection of a provider of professional services shall be made in accordance with the provisions of Section 2254.003 and .004 of the Government Code of the State of Texas

(vi) Land. A purchase of land or a right-of-way.

(vii) Personal property. Personal property that is sold:

- a. at an auction by a state licensed auctioneer;
- b. at a going out of business sale held in the compliance with Subchapter F, Chapter 17, Business & Commerce Code;
- c. by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or

D. Purchase orders.

- (1) In general.** A purchase order is an order placed by the purchasing agent for the purchase of goods or services on the City's standard purchase order form. The purchase order becomes a contract when accepted by the bidder or person

making a proposal. The purchase order is the bidder's authority to deliver and invoice the City for goods and services specified and the City's commitment to accept the goods and services for an agreed upon price.

- (2) **Purchase order required.** No purchase shall be made in an amount over \$250.00 without an approved purchase order.
- (3) **Purchase request.** No purchase order shall be issued without the prior submission of a purchase request to the purchasing agent. The request must have an appropriate level of approval for the purchase.
- (4) **Approval required.** The purchasing agent shall process the purchase request and either order the item or instruct the purchaser to obtain the item following the appropriate guidelines.
- (5) **Authority to sign purchase orders.** The following persons have the authority to sign purchase orders:
 - (a) the Mayor
 - (b) the city manager
 - (c) the director of finance
 - (d) the city treasurer
 - (e) the purchasing agent
- (6) **Standing purchase orders**
 - (a) Standing purchase orders are to be used when a department intends to:
 - (i) Purchase repetitive, specified services of items, or category of items from the same supplier over a specified time (month, year, etc.).
 - (ii) Order standard materials or maintenance, repair, and operating supplies which require numerous shipments.
 - (iii) Obtain more favorable pricing or service through volume commitments.
 - (b) The purchasing agent shall review standing orders annually, solicit bids or quotes and obtain updated pricing when appropriate.

8.4. **Purchasing Authority and Limits.**

A. Purchasing agent.

- (1) **Authority.** The city manager may appoint a purchasing agent who shall have the responsibility to coordinate all purchasing and contracting activities of the City of Lamesa.
- (2) **Purchase requests.** The purchasing agent shall be responsible for approving all purchase requests submitted by employees with purchasing authority.

B. Department heads.

- (1) **Authority.** Each department head is responsible for approval of all purchases for the department. The department head may delegate the task to a subordinate or subordinates in the department.
- (2) **Purchase orders.** Employees shall be responsible for obtaining purchase requests to be submitted to the purchasing agent.

8.05. Cooperative Purchases.

The City, pursuant to the authority granted by Sections 271.081-271.083 Local Government Code as amended, is authorized to participate in the purchasing programs of the State Purchasing and General Services Commission and the Houston-Galveston Area Council of Governments. The city manager is authorized and directed to sign and deliver all necessary requests and other documents in connection therewith for and on behalf of the City of Lamesa.

8.06. Special conditions.

- A. Equipment Lease/Purchase Agreements.** Purchases made by lease are subject to the same competitive process as any other purchase at the same threshold.
- B. Hazardous Chemical Products.** All solicitations for the purchase of chemicals or compounds which may contain toxic or hazardous substances, i.e. cleaning supplies, and chemicals of all types, shall require the vendor to certify and warrant the items or products to be delivered shall be properly labeled as required by federal and state law and that by delivery of the items or products the vendor does not violate any of the prohibition of federal and state law. Whenever toxic or hazardous chemicals are purchased, the vendor shall provide Material Safety Data Sheets (MSDS) to the City.

8.7 Conflict of interest.

- A. In general.** No officer or employee of the City shall be pecuniary interest directly or indirectly in any contracts made in behalf of the City and any contract made in violation hereof is void. What constitutes a significant interest or a relationship that may give rise to an actual or apparent conflict of interest often must be judged on a case by case basis. If in doubt, the employee should consult the city manager or city attorney.
- B. Situations that must be avoided.** Certain situations must be avoided since even full disclosure would not satisfy legal requirements and approval of such actions could not be granted by the city. Examples of these situations include:
 - (1) Council members.** Purchase from businesses owned in whole or in part by members of the City Council.
 - (2) Personal gain.** Using for personal gain City supported work products, results, materials, property records, or non-public information without the right to do so.
 - (3) Contract negotiation.** Negotiating or giving final approval to contracts between the City and other organizations and individuals with which the employee has direct or indirect consulting or other significant relationships;
 - (4) Gratuities and special favors.** Employees may not accept gratuities or special favors from individuals and organizations which might reasonably be interpreted as having any possibility of influencing the recipients in the conduct of their duties. Acceptance of any gift of substance is strictly prohibited. Employees may accept minor advertising tokens such as caps, calendars and other small items with the company's logo if the item is of a nominal value and the acceptance of such cannot reasonably be interpreted as having any possibility of influencing the recipients in the conduct of their duties.
- C. Situations requiring disclosure.** The following situations may be undertaken only with full disclosure by the employee and approval from the city manager, in consultation with the City Attorney, if necessary. The existence of such situations should be on record and the reasons for approval documented in writing. Examples of situations requiring disclosure and approval in advance include:
 - (1) Outside Organization.** Undertaking, modifying, or orienting the employee's activities to serve the needs of an outside organization or individual;

- (2) **Purchases.** Recommending the purchase of equipment, instruments, materials, services, or other items from a private firm in which the individual has an interest, direct or indirect.

8.8. Shipments and Deliveries.

A. Deliveries.

- (1) **Purpose.** To outline responsibilities and procedures for the receipt and storage of materials and supplies, and processing of damage and other contractual claims arising from purchasing transactions.
- (2) **Responsibilities and procedures**
 - (a) **Purchasing agent.** The purchasing agent is responsible for the receipt and distribution of all goods delivered unless arrangements have been made for direct delivery to a department point.
 - (b) **Inspection of deliveries.** The person receiving deliveries will inspect shipments for obvious damage, irregularities, or other discrepancies. However, the requisitioning department is ultimately responsible for the acceptance of the merchandise. Individuals accepting direct shipments should follow these basic guidelines.
 - (i) Do not sign the freight bill until after inspecting all incoming boxes or cartons.
 - (ii) Verify the number of cartons listed on the freight bill with the actual number of cartons received.
 - (iii) If a carton appears damaged:
 - a. Insist the carton be opened and jointly inspected before the driver leaves.
 - b. Note any damage in writing on the freight bill and have the driver sign your copy.
 - c. Notify the purchasing agent immediately to arrange for damaged merchandise to be returned for proper replacement or credit.
 - d. Retain all damaged cartons and packing materials.
 - (iv) If upon further inspection, there appears to be a problem with the shipment (shortages, incorrect items, etc.) notify the purchasing agent immediately to arrange for return for proper replacement or credit.
 - (c) **Invoices.** The person accepting a delivery is responsible for submitting any shipping invoice to the department head. The department head is responsible for submitting the shipping invoice to the director of finance.

B. Material return.

- (1) **Purpose.** To outline responsibilities and procedures for returning damaged or incorrect materials received.
- (2) **Responsibilities and procedures.**

- (a) It is the responsibility of the purchasing agent to arrange the filing of all claims for damaged materials, and to initiate requests for replacement shipments.
 - (b) The return of any supplies or materials to the vendor, whether resulting from damage, mis-shipment, or other reasons, should be arranged through the purchasing agent to assure applicable credits or refunds are received.
 - (c) Requisitioning departments should notify the purchasing agent immediately of any problems with the delivery. Provide the following information:
 - 1. Vendor name and purchase order number.
 - 2. Date received
 - 3. A list of the items damaged or affected by differences, irregularities, or non-conformity with specifications, and a detailed description thereof.
 - 4. Condition of the parcel(s) upon receipt.
 - 5. Location of the parcel(s).
 - (iv) After arrangements have been made with the purchasing agent to return the items to the vendor, the items may be delivered to the purchasing agent, or scheduled to be picked up as part of the shipper's normal delivery route. The purchase order reference number must be prominently displayed on all items being processed for return.
- (3) **Exceptions.** Goods may be returned for immediate exchange directly to the supplier. The exchange should be for the same item(s) at the same price(s).

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 7

SUBJECT: APPROVAL OF TMLIEBP HEALTH INSURANCE
PROCEEDING: Action
SUBMITTED BY: City Staff

SUMMARY STATEMENT

City Council to consider approving the Calendar Year 2022 2023 TMLIEBP health insurance.

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to approve the Calendar Year 2022 2023 TMLIEBP health insurance. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval.

CITY OF LAMESA
Health Plan Renewal for 2023



Stop Loss Carrier	Contract Basis	Annualized Fixed Costs	Annual Aggregate	Expected Costs	Maximum Annualized Cost	
Unlimited Plan Benefit Maximum						
TML-BCBSTX Copay-2500-6K ER (Current)	12 month	\$583,716.00			\$583,716.00	current
TML-BCBSTX Copay-2500-6K ER (Renewal)	12 month	\$688,784.00			\$688,784.00	18% increase
TML-BCBSTX Copay-3000-6K ER (Alternative)	12 month	\$665,114.00			\$665,114.00	13.85% increase

Premiums based on 66 total employees and 14 dependents:

EO=52, EC=8, ES=6, EF=0

Recommend to take the Alternative plan option...it represents a \$500 deductible increase with no other changes.

This is the 5th renewal with TML and they originally saved the City \$300,000 plus. Still the best rates in the marketplace.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 8

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS, APPROVING AN ECONOMIC INCENTIVE AND PERFORMANCE AGREEMENT BETWEEN LAMESA ECONOMIC DEVELOPMENT CORPORATION AND LBI SERVICES

PROCEEDING: Action Item

SUBMITTED BY: City Staff

EXHIBITS: Resolution

SUMMARY STATEMENT

City Council to consider passing a resolution approving an Economic Incentive and Performance Agreement between Lamesa Economic Development Corporation and LBI Services. *(EDC Director)*

COUNCIL ACTION

DISCUSSION _____

Motion by Council Member _____ to pass a resolution approving an Economic Incentive and Performance Agreement between Lamesa Economic Development Corporation and LBI Services. Motion seconded by Council Member _____ and upon being put to a vote the motion _____.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

CITY MANAGER'S MEMORANDUM

Recommend approval

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS,
APPROVING AN ECONOMIC INCENTIVE AND PERFORMANCE AGREEMENT
BETWEEN LAMESA ECONOMIC DEVELOPMENT CORPORATION AND LBI
SERVICES OF TEXAS.**

On the 18th day of October, 2022, there came on and was held at the regular meeting place, the City Hall, an open meeting of the City Council of the City of Lamesa, Texas, held pursuant to the provisions of the Texas Open Meetings Act, and there being a quorum present and acting throughout the meeting, the following resolution was formally submitted by motion and duly seconded for the consideration and action of the meeting, to-wit:

WHEREAS, Lamesa Economic Development Corporation has deemed it in the best interest of the Lamesa Economic Development Corporation to enter into an Economic Incentive and Performance Agreement with LBI Services of Texas, to assist with the opening of a Crane and Hoist business in Lamesa, ; and

WHEREAS, the City Council of the City of Lamesa deems it in the best interest of the City to approve such Economic Incentive and Performance Agreement.

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

That the City Council of the City of Lamesa, Texas, hereby approves the Economic Incentive and Performance Agreement between Lamesa Economic Development Corporation and LBI Services of Texas, on the terms and conditions set out in the Economic Incentive and Performance Agreement attached hereto as Exhibit A.

That Josh Stevens, the Mayor of the City of Lamesa be, and he is hereby, authorized to execute such Incentive and Performance Agreement on behalf of the City of Lamesa.

Upon being put to a vote, the resolution was Passed, Approved, and Adopted this 18th day of October, 2022, by a majority vote and ordered to be spread upon the minutes of the City Council of the City of Lamesa, Texas, and recorded in the resolution book thereafter.

ATTEST:

APPROVED:

Betty Conde
City Secretary

Josh Stevens
Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM:9

**SUBJECT: DISCUSSION AND UPDATE ON THE LAMESA ANIMAL
CONTROL FACILITY.**

PROCEEDING:
SUBMITTED BY: City Staff

SUMMARY STATEMENT

City Council to discuss the Lamesa Animal Control Facility.

COUNCIL ACTION

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM:10

SUBJECT: CITY STAFF REPORTS
SUBMITTED BY: City Staff
EXHIBITS:

SUMMARY STATEMENT

City Council to hear city departmental reports:

- a. **POLICE CHIEF REPORT:** Police Chief to report on the city's recent events:
- b. **FIRE CHIEF REPORT:** Fire Chief to report on the city's recent events:
- c. **UTILITIES DIRECTOR REPORT:** Utilities Director to report on the city's recent events:

COUNCIL ACTION

No City Council action required.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM:11

SUBJECT: FINANCIAL REPORT
SUBMITTED BY: Finance Director
EXHIBITS: Report

SUMMARY STATEMENT

Finance Director to report on the city's finances.

COUNCIL ACTION

No City Council action required.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM:12

SUBJECT: INVESTMENT REPORT
SUBMITTED BY: Finance Director
EXHIBITS: Quarterly Investment Reports

SUMMARY STATEMENT

Finance Director to report on the City's investments through the 4th quarter of FY 2021/2022.

COUNCIL ACTION

No action is required.

CITY MANAGER'S MEMORANDUM

Finance Director will provide report at City Council meeting.



City of Lamesa **Financial Statement Summary** **As of: September 30th, 2022**

	Current	
	Month-to-Date	Year-to-Date
General Fund (1)		
Revenues	\$ 434,955.77	\$ 5,341,020.22
Expenditures	\$ 497,115.45	\$ 5,706,429.18
Revenues Over/(Under) Expenditures	\$ (62,159.68)	\$ (365,408.96)
Water Fund (2)		
Revenues	\$ 417,002.81	\$ 4,722,341.24
Expenditures	\$ 111,575.21	\$ 3,860,090.73
Revenues Over/(Under) Expenditures	\$ 305,427.60	\$ 862,250.51
Solid Waste Fund (3)		
Revenues	\$ 191,388.49	\$ 2,271,506.61
Expenditures	\$ 228,746.30	\$ 2,057,560.59
Revenues Over/(Under) Expenditures	\$ (37,357.81)	\$ 213,946.02
Golf Course Fund (18)		
Revenues	\$ 11,782.25	\$ 187,190.58
Expenditures	\$ 22,066.99	\$ 262,326.11
Revenues Over/(Under) Expenditures	\$ (10,284.74)	\$ (75,135.53)
Wastewater & Collection (20)		
Revenues	\$ 127,521.91	\$ 1,511,889.25
Expenditures	\$ 131,668.22	\$ 885,427.37
Revenues Over/(Under) Expenditures	\$ (4,146.31)	\$ 626,461.88
All Funds		
Revenues	\$ 1,182,651.23	\$ 14,033,947.90
Expenditures	\$ 991,172.17	\$ 12,771,833.98
Revenues Over/(Under) Expenditures	\$ 191,479.06	\$ 1,262,113.92

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2022

01 -GENERAL FUND

FINANCIAL SUMMARY

100.00% OF YEAR COMP.

ACCT#	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	BUDGET BALANCE
REVENUE SUMMARY						
01-TAXES		3,737,768.00	155,429.26	3,894,712.43	104.20	(156,944.43)
02-FRANCHISES AND STREET		521,500.00	66,934.75	510,787.43	97.95	10,712.57
03-PERMITS, LICENSES AND		67,700.00	31,699.83	104,218.81	153.94	(36,518.81)
04-FINES		50,000.00	7,755.00	75,760.34	151.52	(25,760.34)
05-RECREATIONAL AND RENTA		42,000.00	3,768.31	29,051.16	69.17	12,948.84
06-OTHER GOVERNMENTAL AGE		264,116.00	31,106.00	243,119.33	92.05	20,996.67
07-TRANSFERS		0.00	0.00	0.00	0.00	0.00
08-CHARGES FOR CURRENT SE		18,200.00	240.00	15,105.35	83.00	3,094.65
09-MISCELLANEOUS REVENUES		433,026.81	138,022.62	468,265.37	108.14	(35,238.56)
19-SOURCE (CHG TO 49XXX)		0.00	0.00	0.00	0.00	0.00
TOTAL REVENUES		5,134,310.81	434,955.77	5,341,020.22	104.03	(206,709.41)

EXPENDITURE SUMMARY

GENERAL ADMIN SERVICES	209,668.00	11,528.21	177,434.98	84.63	32,233.02
FINANCIAL SERVICES	109,160.00	17,796.78	111,697.60	102.32	(2,537.60)
PERSONNEL/RISK MGT SERV	73,995.00	11,202.84	55,925.67	75.58	18,069.33
COMMUNITY DEVELOPMENT SER	1,050.00	103.92	1,247.04	118.77	(197.04)
HOUSING ASSISTANCE SERV	35,627.00	7,568.57	32,970.76	92.54	2,656.24
CITY COUNCIL	50,003.00	5,223.44	48,862.64	97.72	1,140.36
CITY HALL	232,365.62	7,062.83	247,407.75	106.47	(15,042.13)
INTERGOVERNMENTAL	46,690.00	2,582.61	37,870.13	81.11	8,819.87
MUNICIPAL COURT	158,518.00	11,708.18	145,491.56	91.78	13,026.44
VEHICLE REPAIR SERVICES	53,744.00	2,895.31	32,139.33	59.80	21,604.67
VEHICLE PREVENTIVE MNT	394.00	113.02	54.17	13.75	448.17
FIRE SERVICES	776,703.54	63,025.40	705,372.84	90.82	71,330.70
VOLUNTEER FIRE SERVICES	115,041.46	28,753.27	121,871.59	105.94	(6,830.13)
PD - GEN'L ADMIN SERV	383,612.00	24,911.51	370,533.30	96.59	13,078.70
COMMUNICATIONS SERVICES	288,302.00	18,055.78	263,351.40	91.35	24,950.60
GEN'L LAW ENFORCEMENT SER	1,220,398.74	84,748.65	1,232,400.84	100.98	(12,002.10)
CRIMINAL INVESTIGATIONS	299,180.00	21,534.09	262,712.99	87.81	36,467.01
JUVENILE SERVICES	0.00	0.00	0.00	0.00	0.00
ANIMAL CONTROL SERVICE	49,754.13	3,863.39	50,475.03	101.45	(720.90)
EMERGENCY MANAGEMENT SERV	18,754.00	143.19	14,910.36	79.50	3,843.64
NARCOTICS INTERDICTION	0.00	0.00	0.00	0.00	0.00
STREET MAINTENANCE SERV	358,501.30	36,777.56	372,204.45	103.82	(13,703.15)
STREET CONST/SEAL COAT	525,543.90	106,666.89	519,396.45	98.83	6,147.45
STREET CLEANING SERVICES	(4,195.00)	(230.95)	(2,615.39)	62.35	(1,579.61)
TRAFFIC SERVICES	149,151.00	15,964.92	133,697.52	89.64	15,453.48
INSPECTION SERVICES	222,945.00	12,367.65	206,281.28	92.53	16,663.72
PARK MAINTENANCE SERVICES	375,630.66	17,409.47	336,063.42	89.47	39,567.24
PARK IRRIGATION SERVICES	(12,261.00)	(2,051.24)	(14,122.27)	115.18	1,861.27
COMMUNITY BUILDING SERV	38,464.00	3,503.14	38,105.08	99.07	358.92
RECREATIONAL FACILITIES	246,062.10	5,559.74	156,948.14	63.78	89,113.96

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2022

01 -GENERAL FUND

FINANCIAL SUMMARY

100.00% OF YEAR COMP.

ACCT#	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	BUDGET BALANCE
	SWIMMING POOL SERVICES	<u>79,209.00</u>	<u>959.00</u>	<u>47,848.86</u>	<u>60.41</u>	<u>31,360.14</u>
	TOTAL EXPENDITURES	6,102,011.45	497,115.45	5,706,429.18	93.52	395,582.27
	REVENUES OVER/(UNDER) EXPENDITURES	(967,700.64)	(62,159.68)	(365,408.96)	37.76	(602,291.68)
	OTHER SOURCES (USES)	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	REVENUES & OTHER SOURCES OVER (UNDER) EXPENDITURES & OTHER (USES)	(967,700.64)	(62,159.68)	(365,408.96)	37.76	(602,291.68)

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2022

02 -WATER & WASTEWATER ENTER.

FINANCIAL SUMMARY

100.00% OF YEAR COMP.

ACCT#	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>REVENUE SUMMARY</u>						
11-OPERATING REVENUES		4,170,750.00	380,277.25	4,228,176.15	101.38	(57,426.15)
12-NON-OPERATING REVENUES		<u>56,961.37</u>	<u>36,725.56</u>	<u>494,165.09</u>	<u>867.54</u>	<u>(437,203.72)</u>
TOTAL REVENUES		4,227,711.37	417,002.81	4,722,341.24	111.70	(494,629.87)
<u>EXPENDITURE SUMMARY</u>						
WATER PRODUCTION SERVICES		<u>1,628,687.00</u>	<u>107,936.69</u>	<u>1,466,100.83</u>	<u>90.02</u>	<u>162,586.17</u>
WATER DIST/WASTEWATER SER		<u>1,783,700.00</u>	<u>(35,945.70)</u>	<u>1,922,306.94</u>	<u>107.77</u>	<u>(138,606.94)</u>
WASTEWATER TREATMENT SERV		<u>0.00</u>	<u>0.00</u>	<u>454.77</u>	<u>0.00</u>	<u>(454.77)</u>
ENGINEERING SERVICES		<u>98,087.00</u>	<u>8,079.44</u>	<u>71,636.80</u>	<u>73.03</u>	<u>26,450.20</u>
TECHNICAL SERVICES		<u>82,549.00</u>	<u>5,964.40</u>	<u>69,718.73</u>	<u>84.46</u>	<u>12,830.27</u>
UTILITY BILLING/COLLECT		<u>386,923.00</u>	<u>25,540.38</u>	<u>329,872.66</u>	<u>85.26</u>	<u>57,050.34</u>
INSPECTION SERVICES		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL EXPENDITURES		3,979,946.00	111,575.21	3,860,090.73	96.99	119,855.27
REVENUES OVER/(UNDER) EXPENDITURES		247,765.37	305,427.60	862,250.51	348.01	(614,485.14)
<u>=====</u>						
OTHER SOURCES (USES)		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
REVENUES & OTHER SOURCES OVER (UNDER) EXPENDITURES & OTHER (USES)		247,765.37	305,427.60	862,250.51	348.01	(614,485.14)
<u>=====</u>						

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2022

03 -SOLID WASTE ENTERPRISE

FINANCIAL SUMMARY

100.00% OF YEAR COMP.

ACCT#	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>REVENUE SUMMARY</u>						
05-RECREATIONAL AND RENTA		0.00	0.00	0.00	0.00	0.00
21-OPERATING REVENUES		2,002,499.00	169,372.57	2,068,549.17	103.30	(66,050.17)
22-NON-OPERATING REVENUES		<u>204,253.00</u>	<u>22,015.92</u>	<u>202,957.44</u>	<u>99.37</u>	<u>1,295.56</u>
TOTAL REVENUES		2,206,752.00	191,388.49	2,271,506.61	102.93	(64,754.61)
<u>EXPENDITURE SUMMARY</u>						
SOLID WASTE COLLECTION SV		1,164,062.00	38,310.37	1,115,608.43	95.84	48,453.57
SANITARY LANDFILL SERVICE		786,439.00	175,079.73	783,938.01	99.68	2,500.99
SPECIALIZED COLLECTION SV		101,418.00	2,806.29	80,587.09	79.46	20,830.91
ENVIRONMENTAL HEALTH SERV		<u>102,669.00</u>	<u>12,549.91</u>	<u>77,427.06</u>	<u>75.41</u>	<u>25,241.94</u>
TOTAL EXPENDITURES		2,154,588.00	228,746.30	2,057,560.59	95.50	97,027.41
REVENUES OVER/(UNDER) EXPENDITURES		52,164.00	(37,357.81)	213,946.02	410.14	(161,782.02)
OTHER SOURCES (USES)		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
REVENUES & OTHER SOURCES OVER (UNDER) EXPENDITURES & OTHER (USES)		52,164.00	(37,357.81)	213,946.02	410.14	(161,782.02)

FINANCIAL STATEMENT

AS OF: SEPTEMBER 30TH, 2022

20 -WASTEWATER FUND

FINANCIAL SUMMARY

100.00% OF YEAR COMP.

ACCT#	ACCOUNT NAME	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	BUDGET BALANCE
<u>REVENUE SUMMARY</u>						
41-OTHER FINANCING		<u>1,526,900.00</u>	<u>127,521.91</u>	<u>1,511,889.25</u>	<u>99.02</u>	<u>15,010.75</u>
TOTAL REVENUES		1,526,900.00	127,521.91	1,511,889.25	99.02	15,010.75
<u>EXPENDITURE SUMMARY</u>						
WASTEWATER		<u>1,010,596.91</u>	<u>131,668.22</u>	<u>885,427.37</u>	<u>87.61</u>	<u>125,169.54</u>
TOTAL EXPENDITURES		1,010,596.91	131,668.22	885,427.37	87.61	125,169.54
REVENUES OVER/(UNDER) EXPENDITURES		516,303.09	(4,146.31)	626,461.88	121.34	(110,158.79)
<u>OTHER SOURCES (USES)</u>						
OTHER SOURCES (USES)		<u>0.00</u>	<u>23.47</u>	<u>(2,160.42)</u>	<u>0.00</u>	<u>2,160.42</u>
REVENUES & OTHER SOURCES OVER (UNDER) EXPENDITURES & OTHER (USES)		516,303.09	(4,122.84)	624,301.46	120.92	(107,998.37)



City of Lamesa
Balance Sheet Summary
As of : September 30th, 2022

General Fund (1)

Assets	\$	4,480,823.74
Liabilities	\$	1,457,780.33

Water Fund (2)

Assets	\$	17,913,937.35
Liabilities	\$	6,559,874.17

Solid Waste Fund (3)

Assets	\$	4,992,986.63
Liabilities	\$	2,312,216.87

Golf Course Fund (18)

Assets	\$	99,955.95
Liabilities	\$	192,654.87

Wastewater & Collection (20)

Assets	\$	2,946,232.42
Liabilities	\$	4,820,159.28

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

01 -GENERAL FUND

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
ASSETS		
01-1001	CASH IN BANK	598,407.98
01-1002	PETTY CASH	0.00
01-1003	RETURNED CHECKS	4,860.18
01-1004	TAXES RECEIVABLE-DELIQUENT	333,544.75
01-1005	TAXES RECEIVABLE CURRENT	74,644.74
01-1006	PROV. FOR UNCOLLECT TAXES	240,561.73}
01-1007	MISC ACCT. RECEIVABLE	2,665.05
01-1008	PROV. UNCOLLEC. ACCT/REC	184.11}
01-1009	PAVING LEIN RECEIVABLE	196,455.27
01-1010	UNCOLLECTABLE PAVING LEIN	152,590.55}
01-1011	A/R LUBBOCK TASK FORCE	1,886.02}
01-1012	A/R TNRCC	0.00
01-1013	OFFICE SUPPLIES INVENTORY	0.00
01-1014	DUE FROM DAWSON COUNTY	3,460.55
01-1015	CASH IN BANK - PAYROLL	392.50
01-1016	DUE FROM DEBT SERVICE	0.00
01-1017	FUEL TAX C.D.	0.00
01-1018	DUE TO/FROM 1997 TAN	0.00
01-1019	DUE TO/FROM SOLID WASTE FUND	0.00
01-1020	DUE FROM INVESTMENT FUND	3,133,976.60
01-1021	CAPITAL EQUIPMENT RESERVE	0.00
01-1022	BUILDING & COMPUTER RESERVE	0.00
01-1023	DUE FROM FIRE DEPT. GRANTS	0.00
01-1024	DUE FROM JUSTICE GRANT	0.00
01-1025	DUE TO/ FROM STATE AGENCY	0.00
01-1026	DUE FROM OTHER GOVERNMENTS	0.00
01-1027	DUE TO/FROM CAPITAL PROJECT	0.00
01-1028	SALES TAX RECEIVABLE	8,507.88
01-1029	DUE TO/FROM DEBT SERVICE	0.00
01-1030	DUE FROM MOTEL TAX FUND	0.00
01-1031	DUE TO/FROM SPECIAL REV. FUND	0.00
01-1032	DUE FROM INVESTMENT-CIVIC CTR.	0.00
01-1033	ACCOUNTS RECEIVABLE	0.00
01-1034	SALES TAX REC./TX COMPTROLLER	392,229.97
01-1035	DUE FROM IMS FLEX ACCT.	0.00
01-1036	FRANCHISE TAX RECEIVABLE	107,187.75
01-1037	DUE FROM WASTEWATER	0.00
01-1038	DUE FROM DAWSON COUNTY	0.00
01-1040	TAN I&S RESERVE	0.00
01-1044	CIP - F PARK LIGHT PROJECT	0.25
01-1045	CITY OF LAMESA - CFS FESTIVAL	4,869.11
01-1046	CRIME LINE	2,696.03
01-1047	PD SEIZURE FUND	8,965.80
01-1050	DUE TO/FROM RISK MGMT & SAFE	0.00
01-1055	DUE FROM INVESTMENT FUND	0.00
01-1056	DUE FROM TEXstar POOL	709.07
01-1060	DUE FROM ECONOMIC DEVELO	15,479.68
01-1061	DUE FROM BUILDING SECURITY	0.00
01-1062	DUE FROM PEG FUND	0.00

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

01 -GENERAL FUND

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
01-1063	DUE FROM POLICE DONATION FUND	0.00
01-1064	DUE FROM TECHNOLOGY FUND	0.00
01-1065	DUE FROM ECONOMIC DEV./AUDITOR	(13,792.01)
01-1066	DUE FROM S.W.A.T FUND	0.00
01-1067	DUE FOR TRUANCY FUND	0.00
01-1068	DUE FROM MUNICIPAL JURY FUND	0.00
01-1070	DUE FROM FORFEITED TRUST	0.00
01-1071	DUE FROM WWF-LAND PURCHASE	0.00
01-1072	DUE TO/FROM GOLF COURSE	0.00
01-1080	D.A.R.E.	0.00
01-1085	DUE FROM HOUSING AUTHORITY	0.00
01-1090	XFER FOR RETIREMENT/C.O.'	0.00
01-1095	DUE FROM LEAP	<u>785.00</u>
		<u>4,480,823.74</u>

TOTAL ASSETS

4,480,823.74

LIABILITIES

01-2013	PAVING LIEN REFUND PAYABLE	0.00
01-2014	SALES TAX PAYABLE	11,003.29
01-2015	VOUCHERS PAYABLE	1,080,350.31
01-2016	COMMUNITY BLDG.DEPOSITS	10,990.00
01-2017	REFUND OF CASH DEPOSITS	591.00
01-2018	WAGES PAYABLE	0.00
01-2019	GROUP INSURANCE PAYABLE	0.00
01-2020	WITHHOLDING TAX PAYABLE	0.00
01-2021	SOCIAL SECURITY PAYABLE	0.00
01-2022	T.M.R.S. PAYABLE	0.00
01-2023	AUTO ALLOWANCE PAYABLE	0.00
01-2024	BONDS	0.00
01-2025	DEDUCTIONS PAYABLE	0.00
01-2026	WORKERS COMPENSATION	(25.00)
01-2027	AIRPORT	0.00
01-2028	OPTIONAL LIFE PAYABLE	0.00
01-2029	DUE TO SWMF	0.00
01-2030	GOVERNOR'S TAX PAYABLE	0.00
01-2031	TRANS.FOR RET.BONDS	0.00
01-2032	DUE TO STATE AGENCY	0.00
01-2033	C.D.B.G.	0.00
01-2034	DUE TO LAMESA HOUSING	(16,913.07)
01-2035	TRANS. FROM DEVELOP. FUND	0.00
01-2036	TEEN COURT ADMIN FEE	430.00
01-2037	DUE TO RISK MGT & SAFETY	0.00
01-2038	DUE TO/FROM WATER FUND	0.00
01-2039	WARRANTS PAYABLE	0.00
01-2040	UNITED FUND	49.00
01-2041	SALES TX DUE TO LEDC -TX COMPT	65,371.66
01-2042	DUE TO LEAP -SALES TAX	65,371.66
01-2043	TMRS EMPLOYEE BACK PAY	886.49
01-2044	FLEX SPENDING ACCT. (FSA)	0.00

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

01 -GENERAL FUND

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
01-2045	PROV. FOR COMP.ABSENCES	(0.13)
01-2048	1992 C O DEBT-PRINCIPAL	0.00
01-2049	1992 C.O. DEBT	0.00
01-2050	ICMA-RC PAYABLE	0.00
01-2051	COURT BONDS PAYABLE	0.00
01-2052	COURT BUILDING SECURITY FUND	0.00
01-2053	COURT TECHNOLOGY FEE	0.00
01-2054	MVBA COLLECTIONS	1,059.43
01-2055	TAN I&S PRINCIPAL	0.00
01-2056	TAN I&S INTEREST	0.00
01-2057	NORTHLAND PEG FEES	0.00
01-2058	NTS PEG FEES	0.00
01-2059	DUE FROM TRUANCY FUND	0.00
01-2070	GROUP INS. PRE-TAX	3,528.89
01-2075	EMPLOYEE REIMB. SICK LEAVE	0.00
01-2080	DEFERRED REVENUE-PAVING	0.00
01-2081	DEFERRED REVENUE-TAXES	167,627.78
01-2082	DEFERRED REVENUE-MISC. POLICE	(0.14)
01-2083	DEFERRED REVENUE REVITAL GRANT	0.00
01-2084	DEFERRED REVENUE- CIVIC CENTER	0.00
01-2085	AFLAC PRE-TAX	(1,434.58)
01-2086	DEFERRED REV.-POLICE DONATIONS	0.00
01-2087	DEFERRED REV.-COURTHOUSE PROJ.	0.00
01-2088	DEFERRED REVENUE-SWAT DONATION	0.00
01-2089	DEFERRED REVENUE/FIRE PROTECTI	0.00
01-2090	AFLAC POST TAX	(269.86)
01-2091	DEFERRED REV.-L.I.S.D. BUYPONE	1,286.50
01-2092	AIR MED CARE	185.00
01-2094	NEW YORK LIFE INS. PAYABLE	0.00
01-2095	VISION INS. PAYABLE	629.09
01-2096	EMPLOYEE LEGAL SERV. PAYABLE	181.30
01-2097	WORK BOOTS PAYABLE	(1,545.66)
01-2098	DEFERRED REV. - SPORTS COMPLEX	43,864.72
01-2099	JAE FITNESS PAYABLE	(745.03)
01-2150	ACCRUED PAYABLES	0.00
01-2160	ACCRUED PAYROLL LIABILITY	25,307.68
01-2999	PROFIT & LOSS	<u>0.00</u>
TOTAL LIABILITIES		<u>1,457,780.33</u>

EQUITY

01-3001	FUND BALANCE	3,388,452.37
01-3002	RESERVE-CAPITAL EQUIPMENT	0.00
01-3003	RESERVE-BUILDING & COMPUTER	0.00
01-3010	C.O. INTEREST	0.00
01-3011	C.O. PRINCIPAL	0.00
01-3012	TAN INTEREST	0.00
01-3013	TAN PRINCIPAL	0.00
01-3014	OTHER PRINCIPAL	0.00
01-3015	OTHER INTEREST	<u>0.00</u>
TOTAL BEGINNING EQUITY		3,388,452.37

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

01 -GENERAL FUND

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
<hr/>		
TOTAL REVENUE		5,341,020.22
TOTAL EXPENSES		<u>5,706,429.18</u>
TOTAL REVENUE OVER/(UNDER) EXPENSES	(365,408.96)
TOTAL EQUITY & REV. OVER/(UNDER) EXP.		<u>3,023,043.41</u>
TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.		4,480,823.74
		<u>=====</u>

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

02 -WATER & WASTEWATER ENTER.

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
ASSETS		
02-1001	CASH IN BANK	1,218,536.30
02-1002	CASH IN DRAWER	0.00
02-1003	DUE FROM INVESTMENTS/WATER DEP	31,593.44
02-1004	CAPITAL EQUIPMENT RESERVE	1,953,395.98
02-1005	W.S.G. CHGS. RECEIVABLE	189,893.55
02-10051	REFUNDS PAYABLE	2,520.58
02-10052	UTILITY A/R SUSPENSE	0.00
02-10053	UNAPPLIED US REVENUE	(28,458.84)
02-10054	US GL RECON REPORT	0.00
02-10059	UNBILLED REVENUE RECEIVABLE	257,344.45
02-1006	PROV.FOR UNCOLLECT. ACCTS	(68,638.85)
02-1007	INVENTORY SUPPLIES	305,198.49
02-1008	WW. TRMT PLNT .RES.INVESTMENTS	98,230.44
02-1009	UTILITY SYSTEM IMPROV RESERVE	0.00
02-1010	UNAMORTIZED TAN ISSUE COSTS	0.00
02-1011	AMORT.OF DISC. & PREMIUMS	0.00
02-1012	WATER SYSTEM LAND	50,378.47
02-1013	WATER RIGHTS PURCHASED	6,680,247.00
02-1014	WALKS, DRIVES & FENCES	10,292,588.09
02-1015	BUILDINGS	187,349.78
02-1016	WELLS & WELL HOUSES	0.00
02-1017	BOOSTER STAT. AND STORAGE	347,071.00
02-1018	WATER LINES, VALVES & FITT	256,996.50
02-1019	WATER TAPS AND METERS	6,816,494.00
02-1020	AUTOMOTIVE & MISC.EQUIP.	2,404,449.71
02-1021	FIRE HYDRANTS	0.00
02-1022	WATER SYST. DEPRECIATION	(14,544,680.09)
02-1023	SEWER SYSTEM-LAND & LAGOON	0.00
02-1024	SEWAGE LIFT STATIONS	0.00
02-1025	DISPOSAL PLANT	0.00
02-1026	SEWER LINES	0.00
02-1027	SEWER SYS. DEPRECIATION	0.00
02-1028	DUE TO/FROM SOLID WASTE	0.00
02-1029	ELECTRICAL INVENTORY	0.00
02-1030	WATER RESERVE	537,167.83
02-1031	ACCOUNTS REC. - TRRA	0.00
02-1032	06 TAN ISSUANCE COSTS	0.00
02-1033	06 TAN AMORTIZATION	29,278.00
02-1034	DUE TO FROM WATER FUND	0.00
02-1035	DUE FROM TCDP GRANT	0.00
02-1036	DUE FROM INV. FUND-TX NOTE 06	19,444.07
02-1037	DUE TO INV. - WELLS & TOWER	419,415.43
02-1039	WATER TREATMENT PLANT	0.00
02-1040	WW TRMT PLANT RES.	0.00
02-1041	USDA WATER IMPROVEMENT GRNT.	0.00
02-1050	CASH IN BANK-TRMT PLANT	0.00
02-1051	UTILITY SYSTEM & REPLACEMENT	28,081.96
02-1060	CIP - NEW WATER WELL PROJECT	(0.71)
02-1065	CIP - LUBBOCK HWY LIFTSTATION	0.16

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

02 -WATER & WASTEWATER ENTER.

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
02-1070	CIP - ELEVATED STORAGE TANK	0.24
02-1075	CIP - WATER MAIN IMP, HWY 87	(0.48)
02-1076	CIP - USDA WATER IMP. PROJECT	12,837.41
02-1080	NET PENSION ASSET (LIABILITY)	169,935.03
02-1081	DEFERRED OUTFLOW-PENSION CONTR	29,540.26
02-1082	DEFERRED OUTFLOW-PENSION INV E	217,728.15
02-1083	L.E.D.C. PRISON TOWER REC.	0.00
		<u>17,913,937.35</u>

TOTAL ASSETS

17,913,937.35

LIABILITIES

02-2010	DUE TO LAMESA EDC	0.00
02-2013		0.00
02-2025	REVENUE RECOVERY LIABILITY	(236.77)
02-2026	REVENUE RECOVERY FEES	3,654.45
02-2027	UNDEPOSITED METER DEPOSIT	0.00
02-2028	WATER DEPOSITS	296,294.98
02-2029	T.M.R.S. PAYABLE	0.00
02-2030	F.I.C.A. PAYABLE	0.00
02-2031	VOUCHERS PAYABLE	0.00
02-2032	BONDS PAYABLE-PRISON	0.00
02-2033	CONTRIBUTED BY DEVELOPERS	255,845.00
02-2034	CONTRIBUTED BY U.S. GOV'T	236,875.39
02-2035	RES.RETIRE.OF BONDS & INT	0.00
02-2036	EARNED SURPLUS INVESTED	0.00
02-2037	EARNED SURPLUS UNAPPROPR.	0.00
02-2038	INT. ON B.F. INVESTMENT	0.00
02-2039	TRANS. FOR RET. OF BONDS	0.00
02-2040	OPERATING TRANSFER	0.00
02-2041	BOND INTEREST EXPENSE	0.00
02-2042	HANDLING FEES	0.00
02-2043	CAPITAL PROJECT FUNDS	440,420.21
02-2045	PROV.COMPENSATED ABSENCES	24,116.15
02-2046	DUE TO/FROM GENERAL FUND	0.00
02-2047	DUE TO SOLID WASTE	0.00
02-2048	DUE TO RISK MGT & SAFETY	0.00
02-2049	1992 C.O. DEBT NON CURRENT	0.00
02-2050	NOTE PAYABLE- 2006 TAX NOTES	0.00
02-2051	NOTE PAYABLE-CAT FINANCE	0.00
02-2052	LEASE PAYABLE-AAIG(NON-CURRENT	1,377,885.07
02-2053	NOTES PAYABLE-WSB (NONCURREN).	(0.40)
02-2054	BONDS PAYABLE - USDA	0.00
02-2055	CONTRIBUTED CAPITAL-TCDP	864,400.00
02-2056	CONTRIBUTED CAPITAL-TDCJ	133,567.10
02-2057	DUE TO G/F - LAND PURCHASE	0.00
02-2058	DUE TO SWMF - LAND PURCHASE	75,000.00
02-2059	DUE TO CAP. PROJ.-LAND PURCHAS	0.00
02-2060	AFLAC PRE-TAX	0.00
02-2061	DUE TO/FROM GOLF COURSE FUND	0.00

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

02 -WATER & WASTEWATER ENTER,

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
02-2070	GROUP INS. PRE-TAX	0.00
02-2085	AFLAC PRE-TAX	0.00
02-2090	AFLAC POST TAX	0.00
02-2095	VISION INS. PAYABLE	0.42
02-2160	ACCRUED PAYROLL LIABILITY	6,086.32
02-2900	CURRENT PORTION 91 C.O.'S	0.00
02-2901	CURRENT PORTION - USDA	0.00
02-2902	CURRENT PORTION-2006 TAN	0.00
02-2903	CURRENT PORTION-CAT FINANCE	0.00
02-2904	LEASE PAYABLE-AAIG (CURRENT)	(134,162.81)
02-2905	NOTES PAYABLE-WSB (CURRENT)	(0.33)
02-2906	NOTES PAYABLE-SOUTH PLAINS COM	0.00
02-2909	TAX NOTE 2013 - ST	0.00
02-2910	TAX NOTE 2013 L-T	0.00
02-2911	CURRENT PORTION COMP ABSE	(1,473.20)
02-2912	TAX NOTE 2013-A L-T	0.00
02-2913	TAX NOTE 2013A - S-T	0.00
02-2914	TAX NOTE 2014 L-T	0.00
02-2915	TAX NOTE 2014 S-T	0.00
02-2916	TAX NOTE 2019 - LT	0.00
02-2920	DEFERRED REV-LIFTSTATION PROJ.	0.00
02-2925	CONJ. USE SERIES 2011-NONCURRE	1,084,625.00
02-2926	CONJ USE SERIES 2011-CURRENT	85,809.00
02-2927	REFUNDING 2010 - NON CURRENT	(14,336.00)
02-2928	REFUNDING SERIES 2010-CURRENT	14,336.00
02-2929	RECLAMATION 2010 - NON CURRENT	0.00
02-2930	RECLAMATION 2010 - CURRENT	0.00
02-2931	GROUNDWATER 2009-NON CURRENT	188,556.00
02-2932	GROUNDWATER 2009 - CURRENT	21,463.00
02-2933	GROUNDWATER 2008 - NONCURRENT	0.00
02-2934	GROUNDWATER 2009 - CURRENT	0.00
02-2935	GROUNDWATER 2005-NONCURRENT	0.00
02-2936	GROUNDWATER 2005 - CURRENT	0.00
02-2937	GROUNDWATER 2012-NONCURRENT	641,464.00
02-2938	GROUNDWATER 2012-CURRENT	99,285.00
02-2939	2014 BOND (2005) ST	1.00
02-2940	2014 BOND (2005) LT	7,715.00
02-2941	2014 PREMIUM (2005)	0.00
02-2942	2014 BOND (2006) ST	54,584.00
02-2943	2014 BOND (2006) LT	366,071.00
02-2944	2014 PREMIUM (2006)	54,816.00
02-2945	2017 BACKHOE LOADER LT	1,162.37
02-2946	2017 BACKHOE LOADER ST	17,480.00
02-2947	CHEVROLET SILVERADO CL	16,605.40
02-2950	DEFERRED OUTFLOW-PENSION	341,965.82
02-2999	PROFIT & LOSS	<u>0.00</u>
TOTAL LIABILITIES		<u>6,559,874.17</u>

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

02 -WATER & WASTEWATER ENTER.

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
-----------	---------------------	---------

EQUITY

02-3001	FUND BALANCE	10,491,812.67
02-3002	RESERVE-UTILITY SYSTEM IMPROV	0.00
02-3010	C.O. INTEREST	0.00
02-3012	TAN INTEREST	<u>0.00</u>
	TOTAL BEGINNING EQUITY	10,491,812.67

TOTAL REVENUE	4,722,341.24
---------------	--------------

TOTAL EXPENSES	<u>3,860,090.73</u>
----------------	---------------------

TOTAL REVENUE OVER/(UNDER) EXPENSES	862,250.51
-------------------------------------	------------

TOTAL EQUITY & REV. OVER/(UNDER) EXP.	<u>11,354,063.18</u>
---------------------------------------	----------------------

TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.	17,913,937.35
---	---------------

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

03 -SOLID WASTE ENTERPRISE

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
ASSETS		
03-1001	CASH IN BANK	1,114,035.62
03-1002	CASH IN BANK - DEBT SERVICE	0.00
03-1003	CASH IN BANK - CAPITAL RESERVE	0.00
03-1004	DUE FROM GENERAL FUND	0.00
03-1005	DUE FROM WASTEWATER	0.00
03-10059	UNBILLED REVENUE RECEIVABLE	104,951.40
03-1006	DUE FROM WWF- LAND PURCHASE	75,000.00
03-1007	DUE FROM INVESTMENTS-DEBT SERV	0.00
03-1008	DUE FROM INV.-CAPITAL RESERVE	127,261.01
03-1010	UNAMORTIZED TAN ISSUE COSTS	0.00
03-1011	GARBAGE CHG. RECEIVABLE	116,878.45
03-1012	UNCOLLECTIBLE GARB.CHGS.	(42,398.46)
03-1013	GRANT PROCEEDS RECEIVABLE	0.00
03-1014	LAND	143,957.00
03-1015	BUILDINGS	2,386,652.61
03-1019	AUTOMOTIVE & MISC.EQUIP.	6,812,486.93
03-1020	DUE FROM INVESTMENT FUND	0.00
03-1021	CAPITAL EQUIPMENT RESERVE	277,120.16
03-1022	POST CLOSURE RESERVE	665,942.15
03-1023	ENVIROMENTAL OPER CENTER RES	0.00
03-1024	RESERVE FOR TAN I&S	0.00
03-1027	05 TAN ISSUANCE COSTS	0.00
03-1028	ACCUM. AMORT-ISSUANCE COSTS	(0.27)
03-1030	CIP - NEW LANDFILL CELL #4	(0.45)
03-1050	ACCUMULATED DEPRECIATION	(7,014,314.15)
03-1080	NET PENSION ASSET (LIABILITY)	91,815.74
03-1081	DEFERRED OUTFLOW-PENSION CONTR	15,960.57
03-1082	DEFERRED OUTFLOW-PENSION INV	<u>117,638.32</u>
		<u>4,992,986.63</u>
TOTAL ASSETS		4,992,986.63
LIABILITIES		
03-2010	DUE TO/FROM GENERAL FUND	0.00
03-2013		0.00
03-2020	DUE TO/FROM WASTE WATER	0.00
03-2021	POSTCLOSURE RESERVE	0.00
03-2022	DUE TO RISK MGT & SAFETY	0.00
03-2030	CONTRIBUTED CAPITAL - SCALE	41,191.00
03-2040	TAN INTEREST EXPENSE	0.00
03-2041	BOND INTEREST EXPENSE	0.00
03-2042	LOSS ON EQUIPMENT	0.00
03-2044	CUR.PROV FOR COMP.ABSENCE	734.56
03-2045	PROV-COMPENSATED ABSENCE	19,468.44
03-2049	1992 C.O. DEBT NON-CURRENT	0.00
03-2050	N/P - CATEPILLAR (DOZER)	(0.25)
03-2051	EST.LIAB.LANDFILL CLOSURE	632,000.60
03-2052	OUTSOURCE LEASE-MAD VAC S-T	0.00

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

03 -SOLID WASTE ENTERPRISE

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
03-2053	CATERPILLAR LEASE - S-T	0.15
03-2054	2005 TAX NOTE -CURRENT PORTION	0.00
03-2055	N/P CATERPILLAR (BULLDOZER)	(0.31)
03-2056	TAN I&S INTEREST	0.00
03-2060	AFLAC PRE-TAX	0.00
03-2065	N/P KSB - GARBAGE TRUCK	0.00
03-2070	GROUP INS. PRE-TAX	0.00
03-2085	AFLAC PRE-TAX	0.00
03-2090	AFLAC POST TAX	0.00
03-2095	VISION INS. PAYABLE	0.00
03-2096	N/P-CATERPILLAR 930H - LT	0.00
03-2097	N/P - CATERPILLAR 930H - ST	0.00
03-2098	N/P CATERPILLAR (BACKHOE) ST	0.00
03-2160	ACCRUED PAYROLL LIABILITY	4,694.22
03-2165	N/P MACK TRUCK W/ SIDELOAD -LT	127,675.00
03-2166	N/P MACK TRUCK W/ SIDELOAD -ST	(38,278.00)
03-2901	CURRENT PORTION 92 C.O.'S	0.00
03-2902	CURRENT PORTION-1997 TAN	0.00
03-2903	OUTSOURCE LEASE- MAD VAC L-T	0.00
03-2904	CATERPILLAR LEASE - L-T	0.00
03-2905	2005 TAX NOTE (LT)	0.00
03-2906	ST-CATERPILLAR LOADER 2015	11,742.00
03-2907	LT - CATERPILLAR LOADER 2015	77,629.00
03-2908	ST-CATERPILLAR BULL DOZER 2015	41,634.00
03-2909	LT-CATERPILLAR BULL DOZER 2015	(41,634.00)
03-2910	TAX NOTE 2012 - LT	0.00
03-2911	TAX NOTE 2012 - ST	0.00
03-2912	2016 MACK DUMP TRUCK - LT	0.00
03-2913	2016 MACK DUMP TRUCK - ST	(43,995.42)
03-2914	TAX NOTE COMPACTOR 2019 - LT	586,214.00
03-2915	CHEVROLET SILVERADO CL	11,283.45
03-2916	CHEVY SILVERADO LEASE -ST	5,913.00
03-2917	SKID STEER CL	11,205.23
03-2918	SKID STEER LEASE - ST	8,830.00
03-2919	MOTOR GRADER CL	143,761.00
03-2920	MOTOR GRADER LEASE - ST	16,546.00
03-2921	COMPACTOR 2020 - L-T	657,584.67
03-2922	COMPACTOR 2020 - S-T	(74,831.88)
03-2924	TAX NOT 19 SCRAPER 2019 - S-T	(71,913.40)
03-2950	DEFERRED INFLOW-PENSION	<u>184,763.81</u>
TOTAL LIABILITIES		<u>2,312,216.87</u>
EQUITY		
=====		
03-3001	FUND BALANCE	2,359,595.56
03-3002	INVESTMENT IN PROPERTY	0.00
03-3003	UNRESERVED FUND BALANCE	0.00
03-3004	POSTCLOSURE RESERVE	107,228.18
03-3005	RESERVE ENVIROMENTAL OPER CNTR	0.00
03-3010	C.O. INTEREST	0.00
03-3012	TAN INTEREST	<u>0.00</u>
TOTAL BEGINNING EQUITY		2,466,823.74

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

03 -SOLID WASTE ENTERPRISE

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
<hr/>		
	TOTAL REVENUE	2,271,506.61
	TOTAL EXPENSES	<u>2,057,560.59</u>
	TOTAL REVENUE OVER/(UNDER) EXPENSES	213,946.02
	TOTAL EQUITY & REV. OVER/(UNDER) EXP.	<u>2,680,769.76</u>
	TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.	4,992,986.63
		=====

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

18 -MUNICIPAL GOLF COURSE

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
ASSETS		

18-1001	CASH	(147,455.67)
18-1002	MEMORIAL FUND	7,231.36
18-1005	GOLF FEES RECEIVABLE	48,485.95
18-1006	ALLOWANCE FOR BAD DEBTS	(38,843.45)
18-1020	LAND IMPROVEMENTS	79,362.32
18-1021	EQUIPMENT	336,530.53
18-1022	DEPRECIATION	(265,151.68)
18-1023	BUILDINGS & IMPROVEMENTS	25,634.27
18-1028	SALES TAX RECEIVABLE	0.00
18-1030	DUE TO/FROM WATER FUND	0.00
18-1080	NET PENSION ASSET (LIABILITY)	22,061.36
18-1081	DEFERRED OUTFLOW-PENSION CONTR	3,834.98
18-1082	DEFERRED OUTFLOW-PENSION INV.	<u>28,265.98</u>
		<u>99,955.95</u>
TOTAL ASSETS		99,955.95

LIABILITIES		

18-2010	DUE TO/FROM GENERAL FUND	0.00
18-2013	NOTES PAYABLE-OUTSORCE/CURR.	0.00
18-2014	SALES TAX PAYABLE	0.00
18-2015	NOTE PAYABLE-WELL FARGO-CURREN	0.00
18-2016	DUE TO RISK MGMT.	96,624.00
18-2017	NOTES PAYABLE	0.00
18-2018	NOTES PAYABLE - OUTSOURCE	0.00
18-2044	COMP. ABSENCES - CURRENT	7,778.47
18-2045	COMP. ABSENCES - LONG TERM	12,161.53
18-2160	ACCRUED PAYROLL LIABILITY	1,293.75
18-2902	RANGE BALL SERVER -ST PORTION	0.00
18-2903	PNC GOLF CAR LEASE - LT	61,029.00
18-2904	PNC GOLF CAR LEASE - ST	(29,361.52)
18-2906	RANGE BALL SERVER- LT PORTION	(33,841.16)
18-2907	TORO MOWER LT	32,576.00
18-2950	DEFERRED INFLOW-PENSION	<u>44,394.80</u>
TOTAL LIABILITIES		<u>192,654.87</u>
EQUITY		

18-3001	FUND BALANCE	(<u>17,563.39</u>)
TOTAL BEGINNING EQUITY		(17,563.39)
TOTAL REVENUE		187,190.58
TOTAL EXPENSES		<u>262,326.11</u>
TOTAL REVENUE OVER/(UNDER) EXPENSES		(75,135.53)
TOTAL EQUITY & REV. OVER/(UNDER) EXP.		(<u>92,698.92</u>)
TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.		99,955.95

BALANCE SHEET

AS OF: SEPTEMBER 30TH, 2022

20 -WASTEWATER FUND

ACCOUNT #	ACCOUNT DESCRIPTION	BALANCE
-----------	---------------------	---------

ASSETS

=====

20-1001	CASH	1,123,515.53
20-10059	UNBILLED REVENUE RECEIVABLE	89,753.99
20-1006	ALLOWANCE FOR BAD DEBTS	(17,052.87)
20-1010	SEWER CHARGES RECEIVABLE	68,909.10
20-1020	DUE FROM INVESTMENT FUND	830,713.71
20-1021	LAND	95,540.50
20-1025	SEWER PLANT/LIFT STATIONS	102,084.40
20-1035	CIP - LIFTSTATION	573,224.20
20-1980	DEFERRED OUTFLOW/2019 REF BOND	<u>79,543.86</u>
		<u>2,946,232.42</u>

TOTAL ASSETS

2,946,232.42

LIABILITIES

=====

20-2010	DUE TO GENERAL FUND	0.00
20-2020	DUE FROM WASTEWATER FUND	0.00
20-2044	COMP. ABSENCES - CURRENT	0.00
20-2045	COMP. ABSENCES - LONG TERM	0.00
20-2054	BOND PAYABLE - USDA	0.00
20-2094	ACCRUED INT. LONG TRM DEBT	0.00
20-2160	ACCRUED PAYROLL LIABILITY	1,917.34
20-2901	CURRENT PORTION - USDA	0.00
20-2916	TAX NT 2019 LIFT STATION - L-T	677,941.00
20-2917	TAX NT 19 LIFT STATION - S-T	(128,356.80)
20-2918	2019 REFUNDING BONDS	3,925,000.00
20-2980	BOND ISSUANCE PREM.2019 REF BO	<u>343,657.74</u>
	TOTAL LIABILITIES	<u>4,820,159.28</u>

EQUITY

=====

20-3001	FUND BALANCE	(2,550,477.19)
	TOTAL BEGINNING EQUITY	(2,550,477.19)

TOTAL REVENUE	1,564,138.12
---------------	--------------

TOTAL EXPENSES	<u>887,587.79</u>
----------------	-------------------

TOTAL REVENUE OVER/(UNDER) EXPENSES	676,550.33
-------------------------------------	------------

TOTAL EQUITY & REV. OVER/(UNDER) EXP.	(1,873,926.86)
---------------------------------------	-----------------

TOTAL LIABILITIES, EQUITY & REV.OVER/(UNDER) EXP.	2,946,232.42
---	--------------

=====

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 13

SUBJECT: CITY MANAGER REPORT
SUBMITTED BY: City Manager

SUMMARY STATEMENT

COUNCIL ACTION

No City Council action required.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 14

SUBJECT: MAYOR'S REPORT
SUBMITTED BY: Mayor

SUMMARY STATEMENT

Mayor to report on future events.

COUNCIL ACTION

No City Council action required.

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 15

SUBJECT: **EXECUTIVE SESSION**
PROCEEDING: Closed Session
SUBMITTED BY
AUTHORITY: Texas Open Meetings Act (Section 551.087)

SUMMARY STATEMENT

Council to consider convening into closed executive session regarding:

Sec. 551.071, Texas Government Code Consultation with Attorney regarding contemplated litigation under the provisions of the Texas Open Meetings Act).

Sec. 551.074, Texas Government Code: "Personnel Matters; CLOSED MEETING. (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee."

Motion by Council Member _____ to enter into executive session. Motion seconded by Council Member _____ and upon being put to a vote the motion passed.

VOTING: "AYE" _____ "NAY" _____ "ABSTAIN" _____

**CERTIFIED AGENDA: EXECUTIVE SESSION OF
THE CITY COUNCIL OF THE CITY OF LAMESA, TEXAS**

On this day, October 18, 2022, at a regular meeting of the City Council of the City of Lamesa, Texas the Council adjourned into a closed executive session; notice of said session having been given by a notice posted at the City Hall, 601 South First Street at least seventy-two hours in advance.

A. ANNOUNCEMENT BY PRESIDING OFFICER:

"The City Council will begin its executive session on October 18, 2022, at _____ P.M."

The subject matter of each executive session deliberation is as follows:

Sec. 551.071, Texas Government Code Consultation with Attorney regarding contemplated litigation under the provisions of the Texas Open Meetings Act).

Sec. 551.074, Texas Government Code: "Personnel Matters; CLOSED MEETING. (a) This chapter does not require a governmental body to conduct an open meeting: (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee."

B. ANNOUNCEMENT BY PRESIDING OFFICER:

"The City Council has completed its executive session on October 18, 2022 at _____ P.M."

C. CERTIFICATION:

I hereby certify that this agenda of an executive session of the City Council of the City of Lamesa, Texas is a true and correct record of the proceedings pursuant Texas Open Meetings Act (Chapter 551, Government Code).

WITNESS my hand this _____, 2022.

Josh Stevens, Mayor

City Council Agenda

City of Lamesa, Texas

DATE OF MEETING: OCTOBER 18, 2022

AGENDA ITEM: 16

ADJOURNMENT: Announcement by the Mayor - "The next regularly scheduled meetings of the City Council of the City of Lamesa will be **November 15th, 2022** at 5:30 P.M."