

**WOLFFORTH CITY COUNCIL AGENDA
DECEMBER 4, 2023 – 6:00 P.M.
WOLFFORTH CITY HALL
COUNCIL CHAMBERS
302 MAIN STREET
WOLFFORTH, TEXAS**

The order of these agenda items may be changed. The City Council may discuss and/or take action on each of the following items:

Call Meeting to Order

Invocation – Council Member Gregory Stout

Pledge of Allegiance – Mayor Charles Addington

Roll Call and Establish a Quorum

Safety Review

Citizen Engagement

This is an opportunity for the public to address the City Council regarding an item on the agenda, except public hearings that are included on the agenda. Comments related to public hearings will be heard when the specific hearing begins. Citizen comments are limited to three (3) minutes per speaker, unless the speaker requires the assistance of a translator, in which case the speaker is limited to six (6) minutes, in accordance with applicable law. Each speaker shall approach the designated speaker location, complete the public comment sign in sheet and state his/her name and city of residence before speaking. Speakers shall address the City Council with civility that is conducive to appropriate public discussion. Speakers can address only the City Council and not individual city officials or employees. The public cannot speak from the gallery but only from the designated speaker location.

Recognition and Proclamations

Debbie Perkey

Consent Agenda

Items considered to be routine are enacted by one motion without separate discussion. If the City Council desires to discuss an item, the item is removed from the Consent Agenda and considered separately.

- 1. Consider and take appropriate action on minutes from November 20, 2023 Council Meeting**
- 2. Consider and take appropriate action on report regarding June 2023 hailstorm property claim**
- 3. Consider and take appropriate action on Resolution 2023-022**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ADOPTING THE CITY OF WOLFFORTH INVESTMENT POLICY ATTACHED HERETO AS EXHIBIT "A"; DECLARING THAT THE CITY COUNCIL HAS COMPLETED ITS REVIEW OF THE INVESTMENT POLICY AND INVESTMENT STRATEGIES OF THE CITY

AND THAT EXHIBIT "A" RECORDS ANY CHANGES TO EITHER THE INVESTMENT POLICY OR INVESTMENT STRATEGIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4. Consider and take appropriate action on UCA Pay Application No. 2 for 12" Distribution Line project**

Items for Individual Consideration

- 5. Consider and take appropriate action on Resolution 2023-023**

A RESOLUTION ORDERING AND DECLARING THAT THE HOME RULE CHARTER APPROVED BY A MAJORITY VOTE OF THE CITIZENS OF WOLFFORTH, TEXAS ON NOVEMBER 7TH, 2023, IS ADOPTED

- 6. Oath by Mayor and Certification of Charter**
- 7. Drawing for Council Member Places**
- 8. Consider and take appropriate action on presentation from Water Conservation Committee Chair Steve Haynes**
- 9. Take action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP pursuant to Section 552.001(b) of the Texas Local Government Code, said contract being for the collection of delinquent utility accounts owed to the City of Wolfforth and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code; and upon approval, the governing body for the City of Wolfforth finds: 1) there is substantial need for the legal services specified in said contract; 2) the legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Wolfforth; and 3) the legal services cannot be reasonably obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained.**
- 10. Consider and take appropriate action on Ordinance 2023-029**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES; PROVIDING FOR A FEE TO DEFRAY COSTS OF COLLECTING DELINQUENT UTILITY ACCOUNTS RECEIVABLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE

- 11. Consider and take appropriate action on Ordinance 2023-030**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ANNEXING THE ROAD RIGHT-OF-WAY OF HIGHWAY 179 FROM 20TH STREET SOUTH TO FM 1585 INTO THE CITY OF WOLFFORTH; EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER

DESCRIBED PROPERTY WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE.

12. Consider and take appropriate action on Ordinance 2023-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ANNEXING THE ROAD RIGHT-OF-WAY OF FLINT AVENUE FROM THE ALLEY AT 15TH AND 16TH STREET TO 17TH STREET ALONG SADDLEBACK RANCH INTO THE CITY OF WOLFFORTH; EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE.

13. Consider and take appropriate action on Ordinance 2023-032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ANNEXING THE ROAD RIGHT-OF-WAY OF CR 7250 FROM FLINT EAST TO DOWDEN ROAD INTO THE CITY OF WOLFFORTH; EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE.

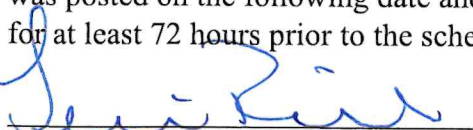
14. Consider and take appropriate action on January and February 2024 City Council Meeting dates

15. Council Requests for Future Agenda Items

16. Adjourn

The City Council of the City of Wolfforth reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any matters listed on this agenda, as authorized by the Texas Government Code Sections 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). Executive sessions are closed to the public as provided in Chapter 551 of the Texas Government Code. Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

"I, the undersigned authority do hereby certify that the Notice of Meeting was posted at City Hall of the City of Wolfforth, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: December 1, 2023 at 5:00 p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."



Terri Robinette, City Secretary

AGENDA ITEM #1

MINUTES OF A REGULAR MEETING CITY COUNCIL OF WOLFFORTH, TEXAS 302 Main Street, WOLFFORTH, TX Monday, November 20, 2023, 6:00 p.m.

MEMBERS PRESENT: Mayor Pro Tem Doug Hutcheson,
Council Member Austin Brashier, Council Member Charlotte
McDonald, Council Member David Cooper, Council Member
Gregory Stout

MEMBERS ABSENT:

OTHERS PRESENT: City Manager Randy Criswell; City Secretary Terri Robinette;
Public Works Director Henry High; EDC Director Danielle Sweat;
Development Director Tara Tomlinson; Fire Chief Lance Barrett

OTHERS PRESENT BY TEAMS: Mayor Charles Addington; City Attorney Mike
Guevara

Mayor Pro Tem Doug Hutcheson opened the meeting at 6:00 p.m.

1. Public Comments

A. Roger Nietsch concerning damage to his property located in the 1100 block of
North 7th from collapsed alley. Request to be placed on a future agenda.

2. Motion by Council member David Cooper, second by Council member Charlotte
McDonald to approve the Consent Agenda. Motion carried unanimously.

A. Consider and take appropriate action on minutes from November 6, 2023

B. Consider and take appropriate action on October 2023 departmental reports

3. Motion by Council member Charlotte McDonald, second by Council member David
Cooper to approve Resolution 2023-021.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH,
TEXAS, CANVASSING RETURNS AND DECLARING RESULTS OF THE
SPECIAL ELECTION HELD ON NOVEMBER 7, 2023, TO DETERMINE BY A
BALLOT PROPOSITION WHETHER THE MUNICIPALITY SHALL ADOPT A
HOME RULE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Motion passed unanimously.

4. PUBLIC HEARING was opened at 6:11pm to consider an amendment to the Wolfforth Zoning Ordinance Article 14.03.006 Use Table

A. There were no public comments, and the public hearing was closed at 6:11pm.

5. Motion by Council member Charlotte McDonald, second by Council member David Cooper to approve Ordinance 2023-028.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING CITY OF WOLFFORTH ZONING ORDINANCE BY AMENDING ARTICLE 14.03 USE REGULATIONS SECTION 14.03.008 USE TABLE; ADDING THE USE OF MEAT PROCESSING WITH RETAIL FRONT IN THE C-3 (HEAVY COMMERCIAL) DISTRICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Motion passed unanimously.

6. Motion by Council member David Cooper, second by Council member Gregory Stout to approve the preliminary plat for DP Partners Coffee Addition. Motion passed unanimously.
7. Motion by Council member David Cooper, second by Council member Charlotte McDonald to approve the purchase from Daco Fire Equipment for new ambulance. Motion passed unanimously.
8. Motion by Council member Charlotte McDonald, second by Council member David Cooper to approve the purchase from Daco Fire Equipment for a new pumper fire engine. Motion passed unanimously.
9. The Wolfforth City Council convened into Executive Session at 6:31pm on November 20, 2023 to discuss matters pertaining to the following:
 - A. 551.071 Consultation with Attorney: To consult with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 – Open Meetings (i) Pending or Contemplated Litigation

10. The City Council reconvened into open session at 6:44pm on November 20, 2023. No action was taken.
11. With no other business to come before the Council, a motion was made by Council member David Cooper, second by Council member Charlotte McDonald to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 6:45pm.

PASSED AND APPROVED THIS THE 4TH DAY OF DECEMBER, 2023.

Charles Addington, II, Mayor

ATTEST:

Terri Robinette, City Secretary

AGENDA ITEM COMMENTARY – ITEM #2

ITEM TITLE

Report regarding June 2023 hailstorm property claim

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

Terri Robinette, City Secretary

BACKGROUND

As everyone will recall, a hailstorm came through Wolfforth on June 23, 2023. The storm resulted in approximately \$67,688 in damages to various roofs on City-owned buildings, and damaged 24 vehicles totaling \$57,371.20 including what were then brand-new police vehicles. We've been working with TMLIRP on these damages, and Terri and I recently met with a company named 4T Partnership, a TMLIRP partner company who helps in large property damage claims. They offer turn-key support to us at no cost to help us manage these roof repairs, which would be very difficult for us to do otherwise, to make sure all repairs are made, acceptable, properly inspected, properly bid, etc. We have agreed to utilize their services and would be happy to discuss further if there are any questions.

We will incur some deductible costs for the repair of this damage but need to get our roofs fixed. We waited until hail season was over and hope to begin repairs by the end of the year on all roofs. The vehicles are more of a challenge since all body shops seem to be completely swamped with work. It will likely be months before all vehicle damage is repaired.

At this time, we don't need any Council action, we just wanted to ensure you were informed and answer any questions you may have.

EXHIBITS

Vehicle Damage Summary

Property Damage Summary

COUNCIL ACTION/STAFF RECOMMENDATION

Update only; no action needed.

Vehicle Estimate Summary

Year	Make	Model	VIN	Department	Total Cost of Repairs	Less Deductib	Net Check
2107	Chevy	PU	1GC4KOCY8HF230178	Fire	\$ 771.70	\$ 500.00	\$ 271.70
2016	Chevy	PU	1GC1KUEG3GP283101	Fire	\$ 3,345.35	\$ 500.00	\$ 2,845.35
2016	Chevy	PU	3GCUKNEC8GG214994	Public Works	\$ 1,429.55	\$ 500.00	\$ 929.55
2015	GMC	PU	1GTO2XEG6FZ103095	Public Works	\$ 1,275.10	\$ 500.00	\$ 775.10
2021	Chevy	PU	1GC3YLE73MF115191	Public Works	\$ 1,109.50	\$ 500.00	\$ 609.50
2021	Chevy	PU	1GC3YLE75MF115502	Public Works	\$ 3,235.94	\$ 500.00	\$ 2,735.94
2017	Chevy	PU	1GCOKUEGXHZ150602	Public Works	\$ 1,219.90	\$ 500.00	\$ 719.90
2020	Chevy	Tahoe	1GNLCDEC2LR165120	PD	\$ 4,353.88	\$ 500.00	\$ 3,853.88
2020	Chevy	Tahoe	1GNLCDEC5LR168786	PD	\$ 1,199.20	\$ 500.00	\$ 699.20
2021	Chevy	PU	3GCUYAEf8MG181685	Development	\$ 1,273.70	\$ 500.00	\$ 773.70
2022	Dodge	PU	1C6RR7XT8NS213352	PD	\$ 1,474.35	\$ 500.00	\$ 974.35
2019	Chevy	Tahoe	1GNLCDEC6KR245227	PD	\$ 3,030.60	\$ 500.00	\$ 2,530.60
2019	GMC	PU	1GT12NEG0KF276857	Fire	\$ 2,516.30	\$ 500.00	\$ 2,016.30
2021	Chevy	Tahoe	1GNSCLED7MR289142	Fire	\$ 4,456.21	\$ 500.00	\$ 3,956.21
2022	Chevy	Tahoe	1GNSCLED2NR297523	PD	\$ 1,544.35	\$ 500.00	\$ 1,044.35
2022	Chevy	Tahoe	1GNSCLED4NR297975	PD	\$ 4,032.19	\$ 500.00	\$ 3,532.19
2018	Chevy	PU	3GCUKNEC8JG324919	Public Works	\$ 1,320.95	\$ 500.00	\$ 820.95
2007	Ford	Expedition	1FMFU16547LA72217	Fire	\$ 3,227.95	\$ 500.00	\$ 2,727.95
2008	Ford	F-150	1FTRX12WX8FB20004	Public Works	\$ 2,046.60	\$ 500.00	\$ 1,546.60
2022	Ford	Explorer	1FMSK7BH6NGB40221	PD	\$ 1,335.65	\$ 500.00	\$ 835.65
2011	Ford	PU	1FTFW1EF5BFD38909	Public Works	\$ 1,339.70	\$ 500.00	\$ 839.70
2020	Ford	PU	1FTEW1E51LKE74790	PD	\$ 4,770.35	\$ 500.00	\$ 4,270.35
2016	Chevy	PU	3GCUKNEC0GG216383	PD	\$ 4,076.65	\$ 500.00	\$ 3,576.65
2022	Chevy	PU	1GCPDBEK1NZ614843	Development	\$ 2,985.53	\$ 500.00	\$ 2,485.53
					\$ 57,371.20	\$ 12,000.00	\$ 45,371.20



Sexton Claim Service

Sexton Claim Service
3934 Lark Rd.
Ropesville, TX
Phone: (806) 470-7170

alan@sextonclaims.com

Coverage	Item Total	%	ACV Total	%
ID #1 - 502 5th St. - Training Center	0.00	0.00%	0.00	0.00%
ID #2 - 328 E. Hwy 62/82 - Office Building	0.00	0.00%	0.00	0.00%
ID #4 - 303 Cedar - Volunteer Fire Station and Loose Equipment	0.00	0.00%	0.00	0.00%
ID #6 - 301 Cedar - Maintenance Bulding/Office	0.00	0.00%	0.00	0.00%
ID #13 - 328 E. Hwy 62/82 - Concession/Pressbox	5,587.79	8.26%	5,587.79	9.10%
ID #15 - 328 E. Hwy 62/82 - Playground Equipment	0.00	0.00%	0.00	0.00%
ID #17 - 100 E. 5th St. - Well #1 Pump House	0.00	0.00%	0.00	0.00%
ID #19 - 502 5th St. - Pump House #2	0.00	0.00%	0.00	0.00%
ID #20 - 400 Main St. - Pump House #4	0.00	0.00%	0.00	0.00%
ID #21 - 900 Main - Pump House #5	0.00	0.00%	0.00	0.00%
ID #23 - #6 Bennett Circle - Pump House #7	226.20	0.33%	226.20	0.37%
ID #24 - 302 E. 20th - Pump House #8	0.00	0.00%	0.00	0.00%
ID #25 - 1300 Aberdeen Ave. - Pump House #9	0.00	0.00%	0.00	0.00%
ID #28 -FM 179 1/8 Mi S/Hwy 62/82 - Dog Pound	0.00	0.00%	0.00	0.00%
ID #38 - Corner 179 & 5th St. - Senior Citizens Facility	5,068.14	7.49%	5,068.14	8.25%
ID #39 - 800 Blk of 9th St. - Well House #13	0.00	0.00%	0.00	0.00%
ID #40 - 508 E. Hwy 62/82 - Public Library	0.00	0.00%	0.00	0.00%
ID #41 - 328 E. Hwy 62/82 - (5) Baseball Scoreboards	0.00	0.00%	0.00	0.00%
ID #42 - 512 Dowden Rd. - Pump House #14	900.31	1.33%	723.31	1.18%
ID #43 - 620 N. 7th St. - Pump House #15	0.00	0.00%	0.00	0.00%
ID #44 - 609 N. 11th St. - Pump House #16	0.00	0.00%	0.00	0.00%
ID #45 - 1304 Abbey - Pump House #17A (Well)	748.03	1.11%	602.42	0.98%
ID #46 - 1304 Abbey - Pump House #17B (Electrical)	434.19	0.64%	347.06	0.56%
ID #49 - Nottingham & 66th - Lift Station	0.00	0.00%	0.00	0.00%
ID #50 - Buckingham & 66th - Lift Station	0.00	0.00%	0.00	0.00%



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ID #52 - 302 N. Main - City Hall/Police Dept	950.43	1.40%	950.43	1.55%
ID #53 - 306 Main - Records Storage (Fire Administration)	0.00	0.00%	0.00	0.00%
ID #54 - 328 E. Hwy 62/82 - Pavilion	0.00	0.00%	0.00	0.00%
ID #55 - 908 Canterbury Ave. - Recreation Facility	37,604.14	55.56%	33,728.36	54.90%
ID #56 - 908 Canterbury - Restrooms	0.00	0.00%	0.00	0.00%
ID #58 - 908 Canterbury Ave. - Pavilion	7,303.58	10.79%	6,433.74	10.47%
ID #60 - 908 Canterbury Ave. - Pergola (North)	3,869.88	5.72%	3,361.42	5.47%
ID #61 - 908 Canterbury Ave. - Pergola (Center)	2,184.53	3.23%	1,886.64	3.07%
ID #62 - 908 Canterbury Ave. - Pergola (South)	1,628.64	2.41%	1,405.22	2.29%
ID #71 - 113 Loop 193 - EDR/Pumps/Stacks/Filters/Dri	0.00	0.00%	0.00	0.00%
ID #77 - 410 Ranger - Pump House #21	232.64	0.34%	232.64	0.38%
ID #79 - 159 Park Rd - Pump House #19	0.00	0.00%	0.00	0.00%
ID #80 - 744 Ventoso - Pump House #18	0.00	0.00%	0.00	0.00%
ID #84 - 308 Main St. - Storage Building	0.00	0.00%	0.00	0.00%
ID #86 - 9202 92nd St. - Pump House A5	0.00	0.00%	0.00	0.00%
ID #87 - 9806 Dawson Rear - Pump House A1	0.00	0.00%	0.00	0.00%
ID #88 - 9002 Barton Ave. Rear - Pump House #2	0.00	0.00%	0.00	0.00%
ID #89 - 9012 Alcove Ave. Rear - Pump House A4	0.00	0.00%	0.00	0.00%
ID #90 - 9216 Canoga Ave. Rear - Pump House A7	0.00	0.00%	0.00	0.00%
ID #91 - 9215 Dawson Rear - Pump House #A8	0.00	0.00%	0.00	0.00%
Unscheduled Bldg - FM179 1/8 Mi S/Hwy 62/82 40' West of ID #28 -	949.50	1.40%	879.76	1.43%
Total	67,688.00	100.00%	61,433.13	100.00%

AGENDA ITEM COMMENTARY – AGENDA ITEM #3

ITEM TITLE

Consider and take appropriate action on Resolution approving the City of Wolfforth's Investment Policy.

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

The Public Funds Investment Act requires that the City's Investment Policy be reviewed annually and subsequently approved by the City Council by Resolution. A copy of the Investment Policy is included as an exhibit. No changes have been made since last year.

The City Secretary and I have completed our training as required by the PFIA and our policy, as well as the Assistant City Manager.

No changes have been made to the Policy since last year.

EXHIBITS

Resolution

City of Wolfforth's Investment Policy

COUNCIL ACTION/STAFF RECOMMENDATION

Staff recommends approval of the Resolution and Investment Policy as presented.

Exhibit A

City of Wolfforth, Texas



Investment Policy

Reviewed and Approved:

December 4, 2023

Investment Policy

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I. PURPOSE

Chapter 2256 of the Texas Government Code, as amended from time to time by the Texas State Legislature ("Public Funds Investment Act" or "PFIA") requires each city to adopt rules governing its investment practices and to define the authority of the Investment Officer(s). The Investment Policy addresses the methods, procedures and practices which must be exercised to ensure effective and prudent fiscal management of City funds.

II. SCOPE

A. The Investment Policy applies to the investment and management of all funds under direct authority of the City including but not limited to investment of general funds, enterprise funds, special funds, reserve funds, interest and sinking funds, and bond funds. Retirement funds are not governed by this policy. This Policy establishes guidelines for who can invest City funds, how City Funds will be invested, and when and how a periodic review of investments will be made. In addition to the guidelines of this policy, bond funds (as defined by the Internal Revenue Service) shall be managed in accordance with their governing resolution and all applicable State and Federal Law.

B. Review and Amendment

The City Council is required by state statute and by this Investment Policy to review this Investment Policy and investment strategies not less than annually and to adopt a resolution or an ordinance stating the review has been completed and recording any changes made to either the policy or strategy statements.

III. STANDARD OF CARE

The standard of care used by the City shall be the "prudent investor rule", as set forth in Tex. Gov't Code Ann. Sec. 2256.006 and shall be applied in the context of managing the overall portfolio within the applicable legal constraints. The Prudent Investor Rule states that:

"Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived."

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (1) 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
- (2) Whether the investment decision was consistent with the written investment policy of the City.

All participants in the investment program will seek to act responsibly as custodians of the public trust. Investment Officers will avoid any transaction that might impair public confidence in the City's ability to govern effectively. Investment Officers shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the City recognizes that in a marketable, diversified portfolio, occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment rate of return.

Investment Officers, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for market price changes, provided that these deviations from expectations are reported as soon as possible to the Mayor and the City Council, and that appropriate action is taken by the Investment Officers and their oversight managers to control adverse developments.

IV. OBJECTIVES

A. Preservation and Safety of Principal

Preservation of principal is the foremost objective of the City. Each investment transaction shall seek first to ensure that capital losses are avoided, whether the loss occurs from the default of an issuer or from erosion of market value.

B. Liquidity

The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which can be reasonably anticipated. Liquidity will be achieved by maintaining appropriate cash-equivalent balances, matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

C. Yield

The investment portfolio of the City shall be designed to meet or exceed the average rate of return on 91-day U.S. treasury bills throughout budgetary and economic cycles, considering the City's investment risk constraints and the cash flow characteristics of the portfolio. Legal constraints on debt proceeds that are not exempt from federal arbitrage regulations are limited to the arbitrage yield of the debt obligation. Investment Officers will seek to optimize the yield of these funds in the same manner as all other City funds. However, if the yield achieved by the City is higher than the arbitrage yield, positive arbitrage income will be rebated to the federal government as required by applicable federal regulations.

V. INVESTMENT COMMITTEE

A. Members

An Investment Committee, consisting of the Mayor, the City Manager, and the City Secretary shall review the City's investment strategies and monitor the results of the investment program

periodically. This review can be done by reviewing the quarterly written reports and by holding Committee meetings as necessary. The Committee will be authorized to invite other advisors to attend meetings as needed.

B. Scope

The Investment Committee shall include in its deliberations such topics as economic outlook, investment strategies, portfolio diversification, maturity structure, potential risk to the City's funds, evaluation and authorization of broker/dealers, rate of return on the investment portfolio, review and approval of training providers, and compliance with the Investment Policy. The Investment Committee will also advise the City Council of any future amendments to the Investment Policy that are deemed necessary or recommended.

C. Procedures

The Investment Committee should meet at least annually to discuss the investment program and policies.

VI. RESPONSIBILITY AND CONTROL

A. Investment Officers

The City Manager and City Secretary are hereby appointed as "Investment Officers."

No person shall engage in an investment transaction except as provided under the terms of this Policy and the procedures established by this Policy. This Policy explicitly authorizes the Investment Officers to withdraw, transfer, deposit, and enter into related bank agreements, and invest the City's funds.

B. Delegation

Routine management responsibility and the establishment of written procedures for the operation of the investment program consistent with this Investment Policy are assigned to the City Manager. Such procedures shall include explicit delegation of authority to persons responsible for the daily cash management operation, the execution of investment transactions, overall portfolio management, and investment reporting. The City Manager may delegate the daily investment responsibilities to either internal investment officials or an external investment advisor. However, the use of an external investment advisor must be approved in advance by the City Council. The Investment Officers and/or investment officials will be limited by compliance with all federal regulations, ordinances, and the statements of investment strategy.

C. Internal Controls

Internal controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentations by third parties, unanticipated changes in financial markets, or imprudent actions by Investment Officers. Controls deemed most important would include control of collusion; separation of duties; third-party custodial safekeeping; avoidance of bearer-only securities; clear delegation of authority; specific limitations regarding securities losses and remedial action; written confirmation of telephone

transactions; minimizing the number of authorized investment officials; and documentation of any rationale for investment transactions.

In conjunction with the annual independent audit, a compliance audit of management controls on investments and adherence to the Investment Policy and incorporated Investment Strategies shall be performed by the City's independent auditor.

D. Ethics and Conflicts of Interest

An Investment Officer of the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. These disclosures shall be to the Texas Ethics Commission and the City Council. For purposes of this section, an Investment Officer has a personal business relationship with a business organization if:

- (1) the Investment Officer owns ten (10) percent or more of the voting stock or shares of the business organization, or owns \$5,000 or more of the fair market value of the business organization; or
- (2) funds received by the Investment Officer from the business organization exceed ten (10) percent of the Investment Officer's gross income for the previous year; or
- (3) the Investment Officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the Investment Officer.

Investment Officers of the City shall refrain from personal and business activities involving any of the City's custodians, depositories, broker/dealers or investment advisors which may influence the Officer's ability to conduct his duties in an unbiased manner. Investment Officers will not utilize investment advice concerning specific investments or classes of investments obtained in the transaction of the City's business for personal investment decisions, will in all respects subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchase and sales and will keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

E. Investment Training Requirements

To ensure quality and capability of investment management, each Investment Officer shall attend at least ten (10) hours of training relating to their investment responsibilities within twelve (12) months after assuming their duties. In addition to this initial requirement, each Investment Officer shall receive not less than eight (8) hours of instruction relative to their investment responsibilities during each subsequent two-year period aligned with the City's fiscal year. The investment training session shall be provided by an independent source approved by the Investment Committee. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization,

an institute of higher learning or any other sponsor other than a business organization with whom the City may engage in an investment transaction. Such training shall include education in investment controls, credit risk, market risk, investment strategies, and compliance with investment laws, including the Public Funds Investment Act. A list will be maintained of the number of hours and conferences attended for each Investment Officer and a report of such information will be provided to the Investment Committee.

VII. AUTHORIZED INVESTMENTS

- A. Obligations of the United States or its agencies and instrumentalities, *excluding* mortgaged back securities, collateralized mortgage obligations, and real estate mortgage investment conduits.
- B. Direct obligations of the State of Texas or its agencies and instrumentalities
- C. Other obligations, the principal and interest on which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the state of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or by the explicit full faith and credit of the United States;
- D. Obligations of states, agencies, counties, cities, and other political subdivisions of any State having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than “A” or its equivalent;
- E. Fully collateralized repurchase agreements having a defined termination date; placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas; and secured by obligations described by a combination of cash and securities listed in A - D above and pledged with a third party selected or approved by the City; and having a market value of not less than the principal amount of the funds disbursed. The term repurchase agreement includes reverse repurchase agreements. *Repurchase agreements must also be secured in accordance with State law. Each counter party to a repurchase agreement is required to sign a copy of the Security Industry and Financial Markets Association (SIFMA) Master Repurchase Agreement as approved by the City. An executed copy of this Agreement must be on file before the City will enter any transaction with a counter party. All Master Repurchase Agreements must be approved by the City Council.*
- F. Certificates of deposit must be issued by a depository institution that has its main office or a branch office in the state of Texas that are:
 - (1) Guaranteed or insured by the FDIC or its successors; or

- (2) Secured by obligations that are described by A – D above, which are intended to include all direct Federal agency or instrumentality issued mortgage-backed securities, but excluding those mortgage-backed securities that have a market value of not less than the principal amount of the certificates; or
- (3) Secured in any other manner provided by law for deposits of the City; or
- (4) Governed by a Depository Agreement that complies with Federal and State regulation to properly secure a pledged security interest.

- G. Money market mutual funds regulated by the Securities and Exchange Commission, with a dollar weighted average portfolio maturity of 60 days or less that fully invest dollar-for-dollar all City's funds without sales commissions or loads and, whose investment objectives include seeking to maintain a stable net asset value of \$1 per share. The City may not invest funds under its control in an amount that exceeds 10% of the total assets of any individual money market mutual fund or exceeds 80% of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service in money market mutual funds;
- H. Joint Investment Pools of political subdivisions in the State of Texas which invest in instruments and follow practices allowed by current law. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service and managed in compliance with the PFIA.

If an investment in the City's portfolio becomes an unauthorized investment due to changes in the Investment Policy or the Public Funds Investment Act, the City is not required to liquidate it. If an authorized investment is rated in a way that causes it to become an unauthorized investment, the Investment Officers of the City shall take all prudent measures to liquidate the investment. Investment Officers shall consider the time remaining until maturity of the investment, the overall quality of the investment, and the quality and amounts of any collateral which may be securing the investment in determining the appropriate steps to take.

VIII. PORTFOLIO AND INVESTMENT ASSET PARAMETERS

- A. Competitive Process for Investments
It is the policy of the City to provide a competitive environment for all individual investment purchases and sales, and financial institution, money market mutual fund, and local government investment pool selections.
- B. Maximum Maturities
The City will manage its investments to meet anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in instruments maturing more than five years from the date of purchase.
- C. Maximum Dollar-Weighted Average Maturity

Under most market conditions, the composite portfolio will be managed to achieve a one year or less dollar-weighted average maturity.

D. Diversification

The allocation of assets in the portfolios should be flexible depending upon the outlook for the economy and the investment markets. In establishing specific diversification strategies, the following general policies and constraints shall apply.

- (1) Portfolio maturities and call dates shall be staggered in a way that avoids undue concentration of assets in a specific sector. Maturities shall be selected which provide the stability of income and reasonable liquidity.
- (2) To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements. Risk of market price volatility shall be controlled through maturity diversification.
- (3) The City shall not invest more than 50% of the investment portfolio in repurchase agreements, excluding bond proceeds and reserves.
- (4) The City shall not invest more than 50% of the investment portfolio in any individual money market mutual fund.
- (5) The Investment Committee shall review diversification strategies and establish or confirm guidelines on at least an annual basis. The Investment Committee shall review the quarterly investment reports and evaluate the probability of market and default risk in various investment sectors as part of its consideration.

IX. AUTHORIZED BROKER/DEALERS

- A. The Investment Committee will, at least annually, authorize a list of broker/dealers, who are eligible to provide investment services to the City. These firms may include:

- (1) All primary government securities dealers; and
- (2) Those regional broker/dealers who qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule), and who meet other financial credit criteria standards in the industry.

These firms will be selected based on their competitiveness, participation in agency selling groups and the experience and background of the salesperson handling the account.

- B. All broker/dealers who desire to become qualified bidders for investment transactions must supply the Investment Officers with the following:

- (1) Audited financial statements;
- (2) Proof of Financial Industry Regulatory Authority (FINRA) registration; and
- (3) Resumes of all sales representatives who will represent the financial institution or broker/dealer firm in dealings with the City.

All business organizations, as defined by Section 2256.005, (including local government investment pools and discretionary investment management firms) shall provide an executed written instrument, by the qualified representative, in a form acceptable to the City and the business organization substantially to the effect that the business organization has received and reviewed the Investment Policy of the City and acknowledges that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio, requires an interpretation of subjective investment standards, or relates to investment transactions of the City that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

X. SAFEKEEPING OF INVESTMENT ASSETS

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted using the delivery versus payment (DVP) basis. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the safekeeping bank. The safekeeping bank is responsible for matching up instructions from the City's Investment Officers on an investment settlement with what is wired from the counterparty, prior to releasing the City's designated funds for a given purchase. Securities will be held by a third-party safekeeping bank designated by the Investment Officers and evidenced by safekeeping receipts or statements. The security shall be held in the name of the City or held on behalf of the City in a bank nominee name. The safekeeping bank's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City. A safekeeping agreement must be in place which clearly defines the responsibilities of the safekeeping bank.

XI. COLLATERAL

- A. The City's depository bank(s) shall comply with Chapter 2257 of the Texas Government Code, (The Public Funds Collateral Act) and shall execute a mutually acceptable depository pledge agreement. The collateralized deposit portion of the agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations. The agreement:
- (1) Must be in writing;
 - (2) Must be executed by the Depository and the City contemporaneously with the acquisition of the asset;
 - (3) Must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the City; and
 - (4) Must remain part of the Depository's "official record" upon its execution.

- B. The Federal Reserve Bank, Federal Home Loan Bank and other financial institutions authorized under the Public Funds Collateral Act, are eligible as custodial agents for collateral, subject to City approval. An authorized City representative will approve and release all pledged collateral.
- C. Market Value
The Market Value of pledged Collateral must be equal to or greater than 103% of the principal and accrued interest for cash balances in excess of the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Share Insurance Fund (NCUSIF) insurance coverage. The securities comprising the collateral will be marked to market on a monthly basis using quotes by a recognized market pricing service quoted on the valuation date, and the City will be sent reports monthly. The City reserves the right to accept or reject, at its sole discretion, any proposed collateral.
- D. Collateral Substitution
Collateralized investments often require substitution of collateral. The custodial agent must contact the City for approval and settlement. The substitution will be approved if its value is equal to or greater than the required collateral value.
- E. Collateral Reduction
Should the collateral's market value exceed the required amount, the custodial agent may request approval from the City to reduce Collateral. Collateral reductions may be permitted only if the collateral's market value exceeds the required amount.
- F. Letters of Credit
Letters of Credit, issued by an agency or instrumentality of the United States, are acceptable collateral for financial institution deposits. They must be equal to or greater than 100% of the principal and accrued interest for cash balances more than the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Share Insurance Fund (NCUSIF) insurance coverage.

XII. INVESTMENT REPORTS

- A. Reporting Requirements
The Investment Officers shall prepare a quarterly investment report in compliance with section 2256.023 of the Public Funds Investment Act. The report shall be submitted to the City Council and the Investment Committee.
- B. Investment Records
An investment official designated by the City Manager shall be responsible for the recording of investment transactions and the maintenance of the investment records. Reconciliation of the accounting records and of any investments shall also be performed.
- C. Weighted average yield to maturity shall be the City's performance measurement standard.

D. Information to maintain the investment program and the reporting requirements, including pricing or marking to market the portfolio, may be derived from various sources such as: broker/dealer research reports, newspapers, financial on-line market quotes, direct communication with broker/dealers, market pricing services, investment software for maintenance of portfolio records, spreadsheet software, or external financial consulting services relating to investments.

E. Auditor Review

The City's independent external auditor must formally review the quarterly investment reports annually to ensure compliance with the Public Funds Investment Act and any other applicable State Statutes.

XIII . INVESTMENT STRATEGIES

To minimize the risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirements of the funds. Investment strategies by fund are as follows:

A. Operating Funds

Investment strategies for operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This may be accomplished by purchasing quality, short-to-medium term securities which will complement each other in a laddered structure. The dollar-weighted average maturity of 365 days or less will be calculated using the stated final maturity dates of each security, and the maximum allowable maturity shall be two years.

B. Bond Proceeds

The investment maturity of bond proceeds (excluding reserve and debt service funds) shall generally be limited to the anticipated cash flow requirement of the "temporary period," as defined by Federal tax law. During the temporary period, which is generally three years for capital projects, bond proceeds may be invested at an unrestricted yield. After the expiration of the temporary period, bond proceeds are subject to yield restriction and shall be invested considering the anticipated cash flow requirements of the funds and market conditions to achieve compliance with the applicable regulations. The maximum maturity for all bond proceeds shall not exceed the anticipated project spending dates. Interest more than the allowable arbitrage earnings will be segregated and made available for necessary payments to the US Treasury

C. Debt Service Funds

Investment strategies for Debt Service Funds shall be to ensure adequate funding for each consecutive debt service payment. The Investment Officers shall invest in such a manner as not to exceed an “unfunded” debt service date with the maturity of any investment. An unfunded debt service date is defined as a coupon or principal payment date that does not have cash or investment securities available to satisfy said payment.

D. Bond Reserve Funds

Market conditions, Bond Ordinance constraints and Arbitrage regulation compliance will be considered when formulating a Reserve Fund strategy. Maturity limitation shall generally not exceed the call provisions of the Bond Ordinance and shall not exceed the final maturity of the bond issue.

E. Other Funds

The anticipated cash requirements of other City Funds will govern the appropriate maturity mix. Appropriate portfolio strategy shall be determined based on market conditions. Policy compliance, City financial condition, and other risk return constraints will be considered when formulating investment strategy. Maximum maturity shall not exceed five years and each fund’s weighted average life shall not exceed three years.

XIV. GLOSSARY OF CASH MANAGEMENT TERMS

Accretion – common investment accounting entry in which the book value of securities purchased at a discount are gradually written up to the par value. The process has the effect of recording the discount as income over time.

Accrued Interest – Interest earned, but not yet paid, on a bond.

Agency – See Federal Agency

Amortization – common investment accounting entry in which the book value of securities purchased at a premium are gradually written down to the par value.

Bid - The indicated price at which a buyer is willing to purchase a security or commodity.

Book Value – The original acquisition cost of an investment plus or minus the accrued amortization or accretion.

Broker – A financial firm that brings securities buyers and sellers together in return for a fee. The term “broker” is often used interchangeably with “dealer” to refer to a seller of investment securities.

Cash Settlement - A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.

Collateralization - Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

Collateralized Mortgage Obligation (CMO) – A derivative mortgage-backed security (MBS) created from pools of home mortgage loans. A single MBS is divided into multiple classes, each class containing a unique risk profile and security characteristics. A number of CMO classes are expressly prohibited by Texas State law.

Commercial Paper - An unsecured short-term promissory note issued by corporations, with maturities ranging from 1 to 270 days. Commercial paper must carry a minimum rating of A1P1 in order to be eligible under the Texas Public Funds Investment Act.

Coupon Rate - The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate."

Credit Risk - The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Derivative – Financial instruments whose value is derived from the movement of an underlying index or security.

Dealer – A dealer, as opposed to a broker, acts as a principal in all securities transactions, buying and selling for their own account. Often times, the terms “broker” and “dealer” are used interchangeably to refer to a seller of investment securities.

Delivery Versus Payment (DVP) - A type of securities transaction in which the purchaser pays for securities at the time of delivery either to the purchaser or his/her custodian.

Derivative Security - Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

Discount - The amount by which the par value of a security exceeds the price paid for the security.

Diversification - A process of investing assets among a range of security types by sector, maturity, and quality rating.

Dollar Weighted Average Maturity (WAM) - The average maturity of all the securities that comprise a portfolio.

Federal Agency – A debt instrument, either fully guaranteed or sponsored by the U.S. government. The typical definition of agency includes the government sponsored enterprises of Fannie Mae, Freddie Mac, the Federal Farm Credit Bank (FFCB) and the Federal Home Loan Bank (FHLB).

Federal Deposit Insurance Corporation (FDIC) - A federal agency that insures bank deposits, currently up to \$250,000 per account (thru December 31, 2013). Public deposits that exceed this amount must be properly collateralized with investment securities or insured through a surety bond.

Interest Rate - See "Coupon Rate."

Internal Controls - An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met.

Interlocal Cooperation Act –Law permitting joint participation by local governments providing one or more government functions within the State. This law (Section 791.001 et seq. of the Texas Government Code ("the Act")) has allowed for the creation of investment pools in Texas.

Investment Advisors Act of 1940- Law which requires all Investment Advisors to be registered with the SEC to protect the public from fraud.

Investment Policy - A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities. The Texas Public

Funds Investment Act requires that public entities have a written and approved investment policy.

Investment Pool – An entity created under the Interlocal Cooperation Act to invest public funds jointly on behalf of the entities that participate in the pool.

Liquidity – A liquid investment is one that can be easily and quickly converted to cash without substantial loss of value. Investment pools and money market funds, which allow for same day withdrawal of cash, are considered extremely liquid.

Local Government Investment Pool (LGIP) - An investment by local governments in which their money is pooled as a method for managing local funds.

Market Risk - The risk that the value of a security will rise or decline as a result of changes in market conditions.

Market Value - A security's par amount multiplied by its market price.

Master Repurchase Agreement – A written contract covering all future transactions between the two parties to a repurchase agreement.

Maturity - The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity."

Money Market Mutual Fund - Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

Mortgage-Backed Security (MBS) – Security backed by pools of home loan mortgages.

Financial Industry Regulatory Authority (FINRA) - formerly the National Association of Securities Dealers (NASD) - A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

Net Asset Value (NAV) – The value of a mutual fund or investment pool at the end of the business day. NAV is calculated by adding the market value of all securities in a fund or pool, deducting expenses, and dividing by the number of shares in the fund or pool.

Offer - An indicated price at which market participants are willing to sell a security. Also referred to as the "Ask price."

Par - Face value or principal value of a bond, typically \$1,000 per bond. A security's par value is multiplied by its coupon rate to determine coupon payment amount.

Premium - The amount by which the price paid for a security exceeds the security's par value.

Primary Government Securities Dealer (Primary Dealer) – One of 23 (as of 4/2011 large government securities dealers who are required to submit daily reports of market activity and monthly financial statements to the New York Federal Reserve Bank. Primary Dealers are required to continually “make a market” in Treasury securities, buying or selling when asked, thereby creating a liquid secondary market for US debt obligations.

Principal - The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

Prudent Person Rule - An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

Repurchase Agreement (repo or RP) - An agreement by one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

Reverse Repurchase Agreement (Reverse Repo) - An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

Safekeeping - Holding of assets (e.g., securities) by a financial institution.

Total Return - The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. $(\text{Price Appreciation}) + (\text{Dividends paid}) + (\text{Capital gains}) = \text{Total Return}$

Treasury Bills - Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three- and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

Treasury Notes - Intermediate U.S. government debt securities with maturities of two- to 10-years and issued in denominations ranging from \$1,000 to \$1 million or more.

Uniform Net Capital Rule - SEC Rule 15C3-1 outlining capital requirements for broker/dealers.

Volatility - A degree of fluctuation in the price and valuation of securities.

Yield - The current rate of return on an investment security generally expressed as a percentage of the security's current price.

Yield Curve - A graphic representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.

Yield-to-maturity - The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

RESOLUTION 2023-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ADOPTING THE CITY OF WOLFFORTH INVESTMENT POLICY ATTACHED HERETO AS EXHIBIT "A"; DECLARING THAT THE CITY COUNCIL HAS COMPLETED ITS REVIEW OF THE INVESTMENT POLICY AND INVESTMENT STRATEGIES OF THE CITY AND THAT EXHIBIT "A" RECORDS ANY CHANGES TO EITHER THE INVESTMENT POLICY OR INVESTMENT STRATEGIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the Public Funds Investment Act, Chapter 2256, TEX. GOVERNMENT CODE, the City Council of the City of Wolfforth, Texas is required to have adopted investment policies and strategies; and

WHEREAS, Section 2256.005, Tex. Government Code requires the City Council to review the investment policies and investment strategies not less than annually and to adopt a resolution or order stating the review has been completed and recording any changes made to either the investment policies or investment strategy.

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

SECTION 1. That the City of Wolfforth Investment Policy attached hereto as Exhibit "A" be and the same is hereby adopted and shall govern the investment policies and investment strategies for the City and shall define the authority of the Investment Officer(s) of the City from and after the effective date of this resolution.

SECTION 2. That the City Council of the City of Wolfforth has completed its review of the investment policies and investment strategies and any changes made to either the investment policies or investment strategies are recorded in Exhibit "A" hereto.

SECTION 3. That all provisions of the resolutions of the City of Wolfforth, Texas, in conflict with the provisions of this resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this resolution shall remain in full force and effect.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of the resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution which shall remain in full force and effect.

SECTION 5. That this resolution shall become effective immediately from and after its passage.

DULY RESOLVED AND ADOPTED by the City Council of the City of Wolfforth, Texas, on this the 4th day of December, 2023.

Charles Addington, II, Mayor

ATTEST:

Terri Robinette, City Secretary

AGENDA ITEM COMMENTARY – AGENDA ITEM #4

ITEM TITLE

Consider and take appropriate action on Pay Request Number 2 from UCA for 12-inch Loop Line Project

INITIATOR/STAFF INFORMATION SOURCE

Randy Criswell, City Manager

BACKGROUND

Pay Request Number 2 for the 12-inch Loop Line project has been received and is attached as an exhibit. This project was awarded in July 2023, and as you will recall, is the project to construct a 12-inch distribution line to serve as a loop for our system and connect to the new proposed elevated storage tank to be constructed on Alcove.

The breakdown is as follows:

a. Original Contract Amount:	\$1,367,505.00
b. Work performed this Pay Request:	\$ 154,424.50
c. Total work performed	\$ 318,434.50
d. Retainage	\$ 31,843.45
e. Paid Previous Applications	\$ 147,609.00
f. Balance to finish	
Amount due: (c-d-e)	\$ 138,982.05

EXHIBITS

Pay Request Number 2

COUNCIL ACTION/STAFF RECOMMENDATION


Staff recommends payment in the amount of \$138,982.05.



Contractor's Certification

Your check may be converted to ACH

By:

By:  Date: 11/03/2023

Utility Contractors of America, Inc.

Approved For Payment:

By: 

OJD Engineering

By: Marcus J. Lee Date: _____

OJD Engineering



23-229 - Wolfthorpe Distribution Line									
Job Name:					Progress Estimate				
Application Period:					Application Number: 2				
10/01/23 - 10/31/23					Application Date: 10/31/2023				
A		B		C		D		E	
Item		Sched Value		This Period		Previous Period		To Date	
Item	Description	Units	Quantity	Unit Price	Scheduled Value	Quantity	Amount	Quantity	Amount
1	12" C-900 DR-18 PVC Water Line	LF	11240	\$85.00	\$955,400.00	1,500.00	\$ 127,500.00	2980.00	\$ 253,300.00
2	18" Steel casing by method other than open	LF	538	\$395.00	\$212,510.00	0.00	\$ -	0.00	\$ -
3	12" Gate Valve with Box	EA	25	\$5,420.00	\$135,500.00	3.00	\$ 16,260.00	6.00	\$ 32,520.00
5	12" Waterline Plug	EA	1	\$1,125.00	\$1,125.00	0.00	\$ -	0.00	\$ -
6	Ductile Iron Fittings	LBS	3500	\$9.50	\$33,250.00	500.00	\$ 4,750.00	500.00	\$ 4,750.00
7	Tie to Existing Water	EA	2	\$2,575.00	\$5,150.00	0.00	\$ -	0.00	\$ -
8	Remove and Replace Asphalt Paving	SY	7	\$385.00	\$2,695.00	27.70	\$ 10,664.50	27.70	\$ 10,664.50
9	Remove and Replace Concrete Paving	SY	11	\$425.00	\$4,675.00	0.00	\$ -	0.00	\$ -
	Bonds	LS	1	\$17,200.00	\$17,200.00	1.00	\$ 17,200.00	1.00	\$ 17,200.00
	Totals				\$1,367,505.00		\$ 154,424.50		\$ 318,434.50
									\$ 1,057,040.00
									\$ 4,675.00
									\$ 1,125.00
									\$ 28,500.00
									\$ 5,150.00
									\$ 395,711.00
									\$ 0.00%
									\$ 100.00%
									\$ 23.29%
									\$ 702,100.00
									\$ 212,510.00
									\$ 102,980.00
									\$ 1,125.00
									\$ 28,500.00
									\$ 5,150.00
									\$ 395,711.00
									\$ 0.00%
									\$ 100.00%
									\$ 23.29%
									\$ 702,100.00
									\$ 212,510.00
									\$ 102,980.00
									\$ 1,125.00
									\$ 28,500.00
									\$ 5,150.00
									\$ 395,711.00
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									\$ 100.00%
									\$ 23.29%
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									\$ 1,125.00
									\$ 28,500.00
									\$ 5,150.00
									\$ 395,711.00
									\$ 0.00%
									\$ 100.00%
									\$ 23.29%
									\$ 702,100.00
									\$ 212,510.00
									\$ 102,980.00
									\$ 1,125.00
									\$ 28,500.00
									\$ 5,150.00
									\$ 395,711.00
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									\$ 100.00%
									\$ 23.29%
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AGENDA ITEM COMMENTARY – AGENDA ITEM #5 & #6

ITEM TITLE

#5 Consider and take appropriate action on Resolution 2023-023

A RESOLUTION ORDERING AND DECLARING THAT THE HOME RULE CHARTER APPROVED BY A MAJORITY VOTE OF THE CITIZENS OF WOLFFORTH, TEXAS ON NOVEMBER 7TH, 2023, IS ADOPTED

#6 Oath by Mayor and Certification of Charter

INITIATOR/STAFF INFORMATION SOURCE

Terri Robinette, City Secretary

BACKGROUND

As we move forward with the official adoption the City of Wolfforth Home Rule Charter, the Texas Local Government Code outlines the next steps as follows:

1. Sec. 9.005. ADOPTION OF CHARTER OR AMENDMENT.

A charter or an amendment does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the charter or amendment is adopted.

2. Sec. 9.007. CERTIFICATION OF CHARTER OR AMENDMENT.

As soon as practicable after a municipality adopts a charter or charter amendment, the mayor or chief executive officer of the municipality shall certify to the secretary of state an authenticated copy of the charter or amendment under the municipality's seal showing the approval by the voters of the municipality.

3. Sec. 9.008. REGISTRATION OF CHARTER OR AMENDMENT; EFFECT.

The secretary or other officer of a municipality performing functions similar to those of a secretary shall record in the secretary's or other officer's office a charter or charter amendment adopted by the voters of the municipality. If a charter or amendment is not recorded on microfilm, as may be permitted under another law, it shall be recorded in a book kept for that purpose.

Attached you will find step (1), the Resolution declaring that the charter is adopted as prepared by Attorney Charles Zech. Step (2), the certification by the Mayor of the adopted Charter is also attached

Upon execution of these item, the certified copy of the City of Wolfforth Charter will be submitted o the Secretary of State for recording

EXHIBITS

Resolution 2023-023

Oath for Certification of Charter

COUNCIL ACTION/STAFF RECOMMENDATION

Staff recommends approval of the order

RESOLUTION NO. 2023-023

**A RESOLUTION ORDERING AND DECLARING THAT THE HOME
RULE CHARTER APPROVED BY A MAJORITY VOTE OF THE
CITIZENS OF WOLFFORTH, TEXAS ON NOVEMBER 7TH, 2023, IS
ADOPTED**

WHEREAS, the City of Wolfforth's population is in excess of 5,000 such that the City could propose a Home Rule Charter to the voters; and

WHEREAS, the City Council of the City of Wolfforth selected ten (10) citizens of the City of Wolfforth to review, develop, and draft a Home Rule Charter to be presented to the voters of the City of Wolfforth; and

WHEREAS, the Wolfforth Home Rule Charter Commission met to develop a Home Rule Charter for the City of Wolfforth; and

WHEREAS, the City Council of the City of Wolfforth determined that an election should be called so that the voters of Wolfforth could determine whether to grant Home Rule status to the City of Wolfforth; and

WHEREAS, an election was held on November 7th, 2023, on the question of whether the City of Wolfforth should adopt a Home Rule Charter; and

WHEREAS, the votes for said election were canvased on November 20, 2023, determining that a majority of voters voting on the question of whether the City of Wolfforth should adopt a Home Rule Charter voted in favor of adopting the Home Rule Charter; and

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

The City Council of the City of Wolfforth hereby orders and declares that the Home Rule Charter approved by the Citizens of the City of Wolfforth, Texas on November 7th, 2023, is hereby adopted.

PASSED AND APPROVED this 4th day of December, 2023.

Charles Addington II, Mayor

ATTEST:

Terri Robinette, City Secretary

CERTIFICATION OF CITY CHARTER

STATE OF TEXAS §

COUNTY OF LUBBOCK §

Before me, the undersigned notary, on this day, personally appeared Charles Addington, II, Mayor, for the City of Wolfforth, a person whose identity is known to me. After I administered an oath to him, upon his oath, he certified the attached City Charter is a true and correct copy of the City Charter of the City of Wolfforth approved by the voters in the November 2023 Special Election, Resolution No. 2023-021 canvassing the results of said election and Resolution No. 2023-023 ordering the adoption of the Charter.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 4th day of December, 2023.

Notary Public-State of Texas

AGENDA ITEM COMMENTARY – AGENDA ITEM #9 & #10

ITEM TITLE

#9 Take action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP (PBFCM) pursuant to Section 552.001(b) of the Texas Local Government Code, said contract being for the collection of delinquent utility accounts owed to the City of Wolfforth and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code; and upon approval, the governing body for the City of Wolfforth finds: 1) there is substantial need for the legal services specified in said contract; 2) the legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Wolfforth; and 3) the legal services cannot be reasonably obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained.

#10 Ordinance 2023-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES; PROVIDING FOR A FEE TO DEFRAY COSTS OF COLLECTING DELINQUENT UTILITY ACCOUNTS RECEIVABLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE

INITIATOR/STAFF INFORMATION SOURCE

Terri Robinette, City Secretary

BACKGROUND

The City of Wolfforth engaged the services of PBFCM for past due account collections for Municipal Court beginning in October of 2008. Perdue's past due collections services has been beneficial in collecting past due amounts. Each month we send Perdue a listing of the new past due municipal court fines. Over the past fiscal year, they have collected approximately \$20,000 on our behalf. Collecting past due amounts is challenging, but with their collections expertise we are able to maximize collections to the fullest extent, as part of our fiduciary duty to the citizens.

A past due collections effort for Utilities accounts has not been undertaken previously. Utility past due accounts collections will be especially difficult as we undertake a collections process because most of the accounts are very old and forwarding addresses are unknown. With the new PBFCM contract, once utility accounts reach 60 days past due, those accounts will be sent to them for collection, just as we currently do for Municipal Court. The percentage of accounts we expect to collect is unknown. However, by implementing this 60-day past due collection process, we believe that timely referral to collection on an ongoing basis will measurably improve our collection rates.

PBFCM only charges based on amounts collected. There is no charge for accounts that are not collected. PBFCM's fee is 30% of the amounts collected.

There are two ways to handle this fee: the city can absorb this cost, or as described in the Ordinance listed as the next agenda item, the 30% fee would be charged to the account holder as an addition to their past due amount to cover the PBFCM fee.

On September 19, 2022, the Council passed Ordinance No 605 which updated payment due dates and cutoff procedures. These changes, paired with our new Tyler software practices and some excellent work from Utility and Public Works staff, have significantly decreased the number and level of past due accounts. A report of those accounts as of 11/30/2023 is attached. The column you see highlighted in yellow is the amount that will be sent to Perdue each month for collections.

Laura Monroe with PBFCM will be present Monday night to answer any questions.

EXHIBITS

Written Findings

Contract for the Collection of Delinquent Utility Accounts

Ordinance 2023-029

COUNCIL ACTION/STAFF RECOMMENDATION

Staff recommends approval of this contract including the attached written findings along with the Ordinance adding the 30% fee.

Written Findings:

Written Findings as to the Collections Contract with Perdue, Brandon, Fielder, Collins & Mott, LLP

In an open meeting, the City of Wolfforth Council considered all matters listed in Section 2254.1036(a)(1) of the Government Code, as they relate to a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP.

The City Council, pursuant to Section 2254.1036(b) of the Government Code, hereby finds the following to be true: 1) there is a substantial need for the legal services specified in said contract; 2) these legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Wolfforth; and 3) these legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained or because City of Wolfforth does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees.

Therefore, the City of Wolfforth hereby approves the formation of the contract by and between the City and Perdue Brandon Fielder Collins & Mott, LLP, for professional legal services regarding the collection of delinquent utility accounts with services to be paid in accordance with Section 552.001(b) of the Texas Local Government Code.

APPROVED and EXECUTED this the 4th day of December, 2023.

Charles Addington, II, Mayor,
CITY OF WOLFFORTH

Attest:

City Secretary

CONTRACT FOR THE COLLECTION OF DELINQUENT UTILITY ACCOUNTS

THE STATE OF TEXAS

§

COUNTY OF LUBBOCK

§

§

THIS CONTRACT is made and entered into by and between the **CITY OF WOLFFORTH, TEXAS, acting by and through its governing body**, (hereinafter the “Client”), and **PERDUE BRANDON FIELDER COLLINS & MOTT, L.L.P.**, (hereinafter the “Law Firm”). The terms and conditions of the contract are as follows:

1. **Nature of Services.** Client agrees to employ the Law Firm to collect utility accounts that are at least 60 days past due, as determined by Client, including, but not limited to, amounts due for utilities provided, services rendered, late fees, disconnect and reconnect fees, and all applicable statutory interest, attorney fees and court costs for the utility accounts that Client turns over to the Law Firm (“Delinquent Utility Accounts”).

2. **Compensation.** As compensation for services required hereunder, Law Firm shall receive a thirty percent (30%) collection fee of the total amount collected by Law Firm on the Delinquent Utility Accounts turned over to the Law Firm. It is expressly understood that the Law Firm is not entitled to receive payment on any delinquent utility account subsequently paid but that was not turned over to the Law Firm.

The thirty percent (30%) collection fee shall be added to the total amount owed on a Delinquent Utility Account turned over to the Law Firm as part of the operation and regulation of Client’s utility system, pursuant to Section 552.001(b) of the Texas Local Government Code.

3. **Term of Contract.** The initial term of this contract shall commence on January 1, 2024 and end on December 31, 2025, except that either party to this agreement may terminate this agreement by giving the other party thirty (30) days written notice of their desire and intention to terminate the agreement.

This contract will automatically be renewed on its identical terms for four (4) one-year terms commencing on the anniversary date of this contract unless written notice of intent not to automatically renew is delivered by the Client to the Law Firm not less than sixty (60) days prior to the expiration date of the initial term.

At the conclusion of the initial term and all renewals, this contract shall continue on a month-to-month basis until terminated.

If the contract is terminated, the Law Firm is entitled to continue its collection activities and receive compensation for a period of three months following the date of termination in accordance with paragraph 2, on accounts referred by Client prior to termination.

4. **Credit Reporting.** Client understands and agrees that the Law Firm will not report information on Client's Delinquent Utility Accounts to credit reporting agencies. If it is desired, the Client shall, in its sole discretion, report Delinquent Utility Accounts information to any such agency.

5. **Interest Accrual.** Absent an express agreement to the contrary, the Law Firm will not accrue interest on Client's Delinquent Utility Accounts.

6. **Litigation.** The Law Firm will not file suit, accept any compromise settlement, or incur any litigation expenses chargeable to Client without Client's written approval. By agreeing to the filing of a lawsuit, Client understands that it must reimburse Law Firm for all costs and fees chargeable as court costs (e.g., filing fees, citation issuance, process service fees, etc.).

7. **Account Information.** Client agrees to submit for collection only Delinquent Utility Accounts that are validly due and owing by the utility customer or guarantor. Client will provide Law Firm with all information and documentation necessary for the collection of all submitted Delinquent Utility Accounts. Client will provide accurate information on each Delinquent Utility Account and will promptly report any payments it receives or adjustments it makes on Delinquent Utility Accounts turned over to the Law Firm. Client and Law Firm shall work together to expeditiously respond to any debtor correspondence regarding a disputed debt and requests for verification of debt received by Law Firm. Client agrees to provide Law Firm with all copies of records necessary to verify a debt within 10 days of Law Firm's request.

The Client shall refer all Delinquent Utility Accounts by electronic medium, or in any other way that is most favorable to the Client.

8. **Return of Accounts.** Client and Law Firm agree that Law Firm has no obligation to perform collection services for Delinquent Utility Accounts that are determined by Law Firm to be time-barred from collections by an applicable statute of limitation or other similar limitation. Following the return of such accounts from Law Firm to Client, Law Firm shall have no further obligations on these accounts.

9. **Receipt of Payments.** Client gives the Law Firm exclusive authority to collect amounts due on Delinquent Utility Accounts turned over to the Law Firm. It is understood and agreed that the Law Firm will instruct debtors to make all payments payable to Client, and the Law Firm will forward the payment to Client. In the event the Law Firm is identified as the payee, the Law Firm will endorse the payment over to Client.

10. **Billing.** The Law Firm will submit billing invoices to the Client monthly.

11. **Reporting.** Upon request, Law Firm will provide reports to the Client setting forth the status of Delinquent Utility Accounts turned over to Law Firm by Client.

12. **Notices.** All notices permitted or required under this contract shall be in writing and sent by certified United States mail or delivered by hand or courier to the appropriate party at the address specified below. Notice shall be deemed received five (5) business days after mailing if sent by certified United States mail or upon receipt if delivered by hand or courier.

Law Firm:

Perdue, Brandon, Fielder, Collins & Mott, LLP

Attn: Laura Monroe

BY U.S. MAIL:

PO Box 817

Lubbock, TX 79408

BY COURIER:

1204 Ave. R, Suite 200

Lubbock, TX 79401

Telephone Number: 806-744-5091

Client:

City of Wolfforth City Manager

P. O. Box 36

Wolfforth, Texas 79382

13. **Compliance Verification.** Pursuant to Chapters 2252, 2271, and 2274 of the Texas Government Code, the Firm verifies that it does not and will not for the term of this contract boycott Israel or energy companies; that it does not have a policy which discriminates against a firearm entity or firearm trade association nor will it create such a policy for the term of this contract; and that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization, nor is it named on a Texas Comptroller of Public Accounts list of companies known to have contracts with a Foreign Terrorist Organization. Law Firm will comply with all applicable Texas, Federal, and other laws in the performance of this contract.

The Firm supports the State Bar of Texas and the canon of ethics for practicing attorneys, including the Texas Lawyers Creed. The State Bar of Texas investigates and prosecutes professional misconduct committed by Texas attorneys. If you have a complaint against or dispute with this firm involving professional misconduct, the State Bar's Office of Chief Disciplinary Counsel will provide you with information about how to file a complaint.

14. **Entire Agreement.** This contract constitutes the entire agreement and understanding between Law Firm and Client with respect to the subject matter of this contract and supersedes all previous written or oral representations, agreements, and understandings. All modifications to this contract must be made in writing and signed by both parties. Furthermore, this Contract cannot be transferred or assigned by either party without the consent of both parties.

15. **Severability.** If any portion of this contract is found to be illegal, invalid, or otherwise incapable of being enforced, such portion shall be excluded to the minimum extent necessary to remedy such illegality, invalidity, or unenforceability. The remainder of the contract shall remain in full force and effect.

16. **Choice of Law.** This contract, and all claims or causes of action arising out of or related to this contract, shall be interpreted under and governed by the internal laws of the State of Texas. Client and Law Firm agree that exclusive venue lies with the courts located in Lubbock County, Texas.

17. This contract is executed on behalf of the City of Wolfforth by the presiding officer of its governing body who is authorized to execute this instrument by Resolution heretofore passed and duly recorded in its minutes.

WITNESS the signatures of all parties hereto this the ____ day of _____, 2023.

CITY OF WOLFFORTH

**PERDUE BRANDON FIELDER COLLINS &
MOTT, LLP**

BY: _____

Charles Addington, II

Mayor, City of Wolfforth

BY: _____

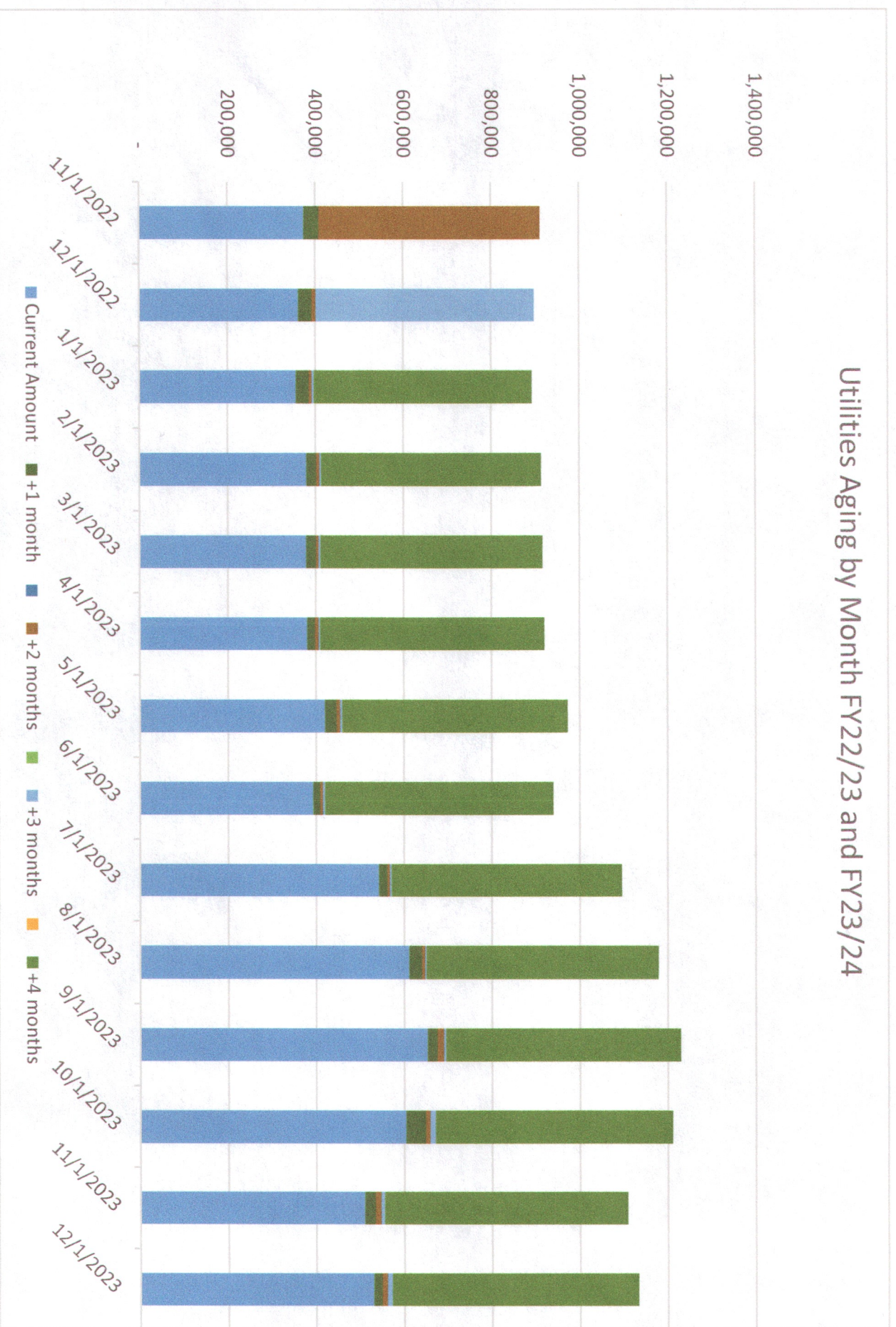
Laura J. Monroe

Partner,
Perdue Brandon Fielder Collins & Mott, LLP

City of Wolfforth, Texas
Utilities A/R

Utilities Aging by Month	11/1/2022	12/1/2022	1/1/2023	2/1/2023	3/1/2023	4/1/2023	5/1/2023	6/1/2023	7/1/2023	8/1/2023	9/1/2023	10/1/2023	11/1/2023	12/1/2023
Current Amount	374,508	362,018	356,156	379,189	377,943	380,387	420,916	393,565	542,776	611,616	653,093	604,294	509,913	530,040
+1 month	33,584	30,037	29,220	22,262	22,789	17,838	25,727	16,430	19,137	28,761	22,195	44,153	23,824	18,994
+2 months	503,903	9,119	6,223	6,872	5,128	7,616	7,797	5,669	4,760	6,776	14,249	9,711	13,074	11,398
+3 months	-	496,930	5,608	5,334	5,891	4,674	5,501	5,456	4,827	3,824	6,026	13,273	8,848	12,134
+4 months			495,327	499,691	504,074	509,399	513,156	518,469	523,728	527,837	533,388	539,409	552,399	560,380
Total	911,995	898,104	892,535	913,348	920,824	919,914	973,098	939,589	1,095,228	1,178,813	1,228,951	1,210,840	1,108,058	1,132,946

Utilities Aging by Month FY22/23 and FY23/24



ORDINANCE NO. 2023-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES; PROVIDING FOR A FEE TO DEFRAY COSTS OF COLLECTING DELINQUENT UTILITY ACCOUNTS RECEIVABLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Wolfforth, pursuant to Subchapter A of Chapter 51, Texas Local Government Code, may adopt an ordinance that is for the good government, peace, or order of the municipality and is necessary or proper for carrying out a power granted by law to the municipality; and

WHEREAS, the governing body of a municipality, pursuant to Subchapter A of Chapter 54, Texas Local Government Code, may enforce each rule or ordinance of the municipality; and

WHEREAS, the City of Wolfforth, pursuant to Texas Local Government Code Section 552.001(b), may purchase, construct, or operate a utility system and may regulate the system in a manner that protects the interests of the municipality; and

WHEREAS, the City Council has determined that it is in the public interest to ensure the prompt payment of delinquent utility accounts; and

WHEREAS, the City of Wolfforth has entered into a contract with a private firm to provide services for the collection of debts and accounts receivable related to delinquent utility accounts;

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

Part 1. Enacted

City of Wolfforth Zoning Ordinance is hereby amended by amending Appendix A Fee Schedule, § A1.013(a) Disconnection of water services and other miscellaneous fees, such additional language shall read as follows:

§ A1.013 Utility rates and charges

(a) Disconnection of water services and other miscellaneous fees.

- (10) There shall be imposed an additional fee of thirty percent (30%) on all debts and accounts receivable, i.e.: fines, fees, restitution, other debts, and costs, that are more than sixty (60) days past due and have been referred to a private firm for collection, and that relate to delinquent utility accounts owed to the City.

Part 2. Severability.

If any section, sub-section, clause, phrase or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

Part 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 4. Open Meetings

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

Part 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

PASSED and ADOPTED this 4th day of December 2023.

Charles Addington, II, Mayor
City of Wolfforth, Texas

ATTEST:

Terri Robinette, City Secretary

AGENDA ITEM COMMENTARY – AGENDA ITEMS #11, #12 & #13

ITEM TITLE

Consider and take appropriate action on Ordinance 2023-029 through Ordinance 2023-031.

INITIATOR/STAFF INFORMATION SOURCE

Tara Tomlinson, Director of Development Services

BACKGROUND

On September 1, 2023, the City of Wolfforth began the process of gathering dedication deeds and annexing city-owned property, along with street right-of-way. The following is the proposed annexation list:

- Right-of-way- Hwy 179 (CR 1400)- From 20th Street south to FM 1585
- Right-of-way- Flint Avenue- West side, from 15th/16th Street alley south to 17th Street along Saddleback Ranch
- Right-of-way- CR 7250- From Flint Ave east to Dowden Road (Hwy 179)

The proposed annexation is for streets already constructed and property the city already owned. This will help with city limit boundaries and emergency response jurisdiction.

City Council held two public hearings for each ROW on November 6th, 2023. Law requires 20-40 between public hearings and taking action on an ordinance.

EXHIBITS

1. Ordinance 2023-029
2. Ordinance 2023-030
3. Ordinance 2023-031

COUNCIL ACTION/STAFF RECOMMENDATION

Staff recommends the approval of all ordinances.

ORDINANCE NO. 2023-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ANNEXING THE ROAD RIGHT-OF-WAY OF HIGHWAY 179 FROM 20TH STREET SOUTH TO FM 1585 INTO THE CITY OF WOLFFORTH; EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has authorized Texas municipalities to annex road right-of-way that is contiguous to the municipality's boundary when the municipality provided written notice of annexation to the owner of the right-of-way not later than the 61st day before the date of the proposed annexation;

WHEREAS, the City desires to annex the road right-of-way of Highway 179 from 20th Street to FM 1585 as shown on Exhibit "A" (the "Roadway");

WHEREAS, the Roadway is contiguous to the City's current city limits;

WHEREAS, the Texas Department of Transportation ("TxDOT") currently owns and maintains the Roadway;

WHEREAS, the City mailed notice to TxDOT on both September 1, 2023 and October 20, 2023 of its desire to annex the Roadway and of the date of the public hearings;

WHEREAS, the City published notice of the date of the public hearings in the Lubbock Avalanche Journal on October 20, 2023;

WHEREAS, the City did not receive an objection to the annexation from TxDOT;

WHEREAS, the City held two public hearings on November 6, 2023;

WHEREAS, after hearing arguments for and against the annexation of the Roadway, the Wolfforth City Council has voted to annex the Roadway into the City.

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

SECTION 1: That the Roadway described in Exhibit "A" attached hereto and incorporated by reference is hereby annexed into the City, and the boundary limits to the City are hereby extended to include the described territory within the city limits of the City.

SECTION 2: This Ordinance shall become effective upon its final passage.

SECTION 3: That the City Secretary is hereby directed to file with the county clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, certified copies of this ordinance.

PASSED and approved on this the 4th day of December 2023.

Charles Addington, II, Mayor

ATTEST:

Terri Robinette, City Secretary

ORDINANCE NO. 2023-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ANNEXING THE ROAD RIGHT-OF-WAY OF FLINT AVENUE FROM THE ALLEY AT 15TH AND 16TH STREET TO 17TH STREET ALONG SADDLEBACK RANCH INTO THE CITY OF WOLFFORTH; EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has authorized Texas municipalities to annex road right-of-way that is contiguous to the municipality's boundary when the municipality provided written notice of annexation to the owner of the right-of-way not later than the 61st day before the date of the proposed annexation;

WHEREAS, the City desires to annex the road right-of-way of Flint Avenue from the alley at 15th/16th Street south to 17th Street along Saddleback Ranch as shown on Exhibit "A" (the "Roadway");

WHEREAS, the Roadway is contiguous to the City's current city limits;

WHEREAS, Lubbock County (the "County") currently owns and maintains the Roadway;

WHEREAS, the City mailed notice to the County on both September 1, 2023 and October 20, 2023 of its desire to annex the Roadway and of the date of the public hearings;

WHEREAS, the City published notice of the date of the public hearings in the Lubbock Avalanche Journal on October 20, 2023;

WHEREAS, the City did not receive an objection to the annexation from the County;

WHEREAS, the City held two public hearings on November 6, 2023; and

WHEREAS, after hearing arguments for and against the annexation of the Roadway, the Wolfforth City Council has voted to annex the Roadway into the City.

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

SECTION 1: That the Roadway described in Exhibit "A" attached hereto and incorporated by reference is hereby annexed into the City, and the boundary limits to the City are hereby extended to include the described territory within the city limits of the City.

SECTION 2: This Ordinance shall become effective upon its final passage.

SECTION 3: That the City Secretary is hereby directed to file with the county clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, certified copies of this ordinance.

PASSED and approved on this the 4th day of December 2023.

Charles Addington, II, Mayor

ATTEST:

Terri Robinette, City Secretary

ORDINANCE NO. 2023-032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH, TEXAS, ANNEXING THE ROAD RIGHT-OF-WAY OF CR 7250 FROM FLINT EAST TO DOWDEN ROAD INTO THE CITY OF WOLFFORTH; EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has authorized Texas municipalities to annex road right-of-way that is contiguous to the municipality's boundary when the municipality provided written notice of annexation to the owner of the right-of-way not later than the 61st day before the date of the proposed annexation;

WHEREAS, the City desires to annex the road right-of-way of CR 7250 from Flint Avenue east to Dowden Road as shown on Exhibit "A" (the "Roadway");

WHEREAS, the Roadway is contiguous to the City's current city limits;

WHEREAS, Lubbock County (the "County") currently owns and maintains the Roadway;

WHEREAS, the City mailed notice to the County on both September 1, 2023 and October 20, 2023 of its desire to annex the Roadway and of the date of the public hearings;

WHEREAS, the City published notice of the date of the public hearings in the Lubbock Avalanche Journal on October 20, 2023;

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PASSED and approved on this the 4th day of December 2023.

Charles Addington, II, Mayor

ATTEST:

Terri Robinette, City Secretary

AGENDA ITEM COMMENTARY – AGENDA ITEM #14

ITEM TITLE

Consider and take appropriate action on January and February 2024 City Council Meeting dates

INITIATOR/STAFF INFORMATION SOURCE

Terri Robinette, City Secretary

BACKGROUND

As we begin planning for 2024, we need to approve alternate dates for our January Council Meetings. Both January 1 and January 15 are City Holidays. February 19 is also a City Holiday. Staff would propose to move January dates to January 8th and January 22 and for the time being, plan for only one meeting date in February on the 5th.

EXHIBITS

Holiday Calendar

COUNCIL ACTION/STAFF RECOMMENDATION

Staff recommends January 8 and January 22 as Council meeting dates

2024

IMPORTANT DATES

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
					3	4
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
					3	4
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
			5	6	7	8
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
						1
						3
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
	7	8	9	10	11	12
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
					3	4
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
	6	7	8	9	10	11
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
					3	4
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JANUARY 1

NEW YEAR'S DAY OBSERVED

January 15

Martin Luther King Jr. Day

February 19

Presidents Day

March 29

Good Friday

May 27

Memorial Day

June 19

Juneteenth

July 4

Independence Day

September 2

Labor Day

November 11

Veterans Day Observed

November 28-29

Thanksgiving Observed

December 24

Christmas Eve Observed

December 25

Christmas Day

Key:

13 City Holidays