



**AGENDA
CITY COUNCIL
TUESDAY, JUNE 9, 2020
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
6:30 PM**

Page

- | | |
|---------|---|
| | 1. CALL TO ORDER |
| | 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS |
| | 3. RULES OF DECORUM |
| | 4. CITIZEN COMMENTS |
| | 5. APPROVAL OF MINUTES |
| 4 - 13 | 5.1. Consider Approval of May 26, 2020 City Council Meeting Minutes. (Requested by Green)
05.26.20 Work Session and CC Meeting |
| | 6. ITEMS FOR CONSIDERATION |
| 14 - 15 | 6.1. Discussion and action regarding a Resolution rescheduling the July 14, 2020 Regular City Council Meeting to July 7, 2020. (Requested by Green)
Resolution Rescheduling July 14, 2020 City Council Meeting |
| 16 - 20 | 6.2. Discussion and action authorizing the City Administrator to expend funds in an amount not to exceed \$25,000 for the purchase of a Zoom Monitoring System, a lift station motor pump repair, labor costs for pump repair, and road maintenance as related to the Sonoma Verde Lift Stations. (Requested by Palomba)
Staff Report - Sonoma Verde Lift Station Upgrade and Repair
Inframark Presentation |

[Quote Lift Station Pump Rebuild](#)
[Quote Lift Station Pump Install](#)

- 21 - 45 6.3. Discussion and action regarding a Resolution repealing Resolution No. 2016-12R, adopting Robert's Rules of Order, Resolution No. 2017-24R, adopting a Code of Conduct, Resolution No. 2017-20R, adopting a form of Acknowledgement of Compliance Requirement and Commitment for members of the City's Planning and Zoning Commission and Resolution No. 2018-20, adopting an amendment to the Code of Conduct. (Requested by Mayor Short)
[Proposed Resolution](#)
[Res 2016-12R](#)
[Res 2017-24R](#)
[Res. 2017-20R](#)
[Res. No. 2018-20](#)
- 46 - 61 6.4. Discussion and action regarding a Resolution adopting a Council Rules of Procedure. (Requested by Mayor Short)
[Proposed Resolution adopting Rules of Procedure](#)
[Proposed Rules of Procedure](#)
- 62 - 105 6.5. Discussion regarding adoption of an ordinance regulating short term rentals. (Requested by Council Member Hodges)
- 62 - 105 6.6. Discussion and direction to staff regarding all aspects of the Fiscal Year 2020-2021 Proposed Budget and related matters. (Requested by Council Member Hodges)
[Budget Summary FY 20-21](#)
[Budget Worksheet FY 20-21](#)
[Payroll Projection FY 20-21](#)
[Budget Calendar](#)
[TMRS Information for Cities](#)
[Staff Report - Master Fee Schedule Proposed Changes](#)
[Staff Report - Proposed Comprehensive Plan Update](#)
[Certified Property Value Estimates](#)
[Sewer Rate Study and Financial Forecast Presentation](#)
[Current Fee Schedule](#)

7. EXECUTIVE SESSION

- 7.1. Recess into Executive Session (Closed Meeting) in accordance with Texas Government Code: Section 551.071(1) and (2): Consultation with Attorney to seek advice about pending or contemplated litigation or on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, regarding maintenance responsibilities for roads outside the city limits and in the

City's extraterritorial jurisdiction. (Requested by Council Member Hodges)

7.2. RECONVENE REGULAR MEETING

7.3. EXECUTIVE SESSION ACTION

8. UPDATES AND DIRECTION TO STAFF

9. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

The City Council will have an opportunity to address items of community interest, including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of McLendon-Chisholm; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of McLendon-Chisholm that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of McLendon-Chisholm; and announcements involving an imminent threat to the public health and safety of people in the City of McLendon-Chisholm that has arisen after posting the agenda.

10. ADJOURN

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session in order to seek confidential legal advice from the City Attorney on any agenda item herein.

I, Rochelle Green, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted on or before 9:00 p.m., June 5, 2020 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**CITY COUNCIL MEETING
City of McLendon-Chisholm, Texas
Meeting Minutes
Special Work Session and Regular Meeting
May 26, 2020**

The City Council of the City of McLendon-Chisholm convened in Session on Tuesday, May 26, 2020, at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

ATTENDING:	Jim Bloom	Mayor Pro-Tem
	Nathan Hodges	Council Member (arrived at 5:05 p.m.)
	Lorna Kipphut	Council Member
	William Dahl	Council Member
	Trudy Woessner	Council Member
ABSENT:	Keith Short	Mayor
Staff Present:	Lisa Palomba	City Administrator
	Shelly Green	City Secretary
	Jim Simmons	Fire Chief/Marshall
	Michael Halla	City Attorney

1. CALL TO ORDER

Mayor Pro Tem Bloom called the special work session to order at 5:00 p.m.

2. WORK SESSION ITEMS FOR PRESENTATION AND/OR DISCUSSION

- 2.1. Discussion regarding the possibility of the City of McLendon-Chisholm entering into a Memorandum of Understanding with the City of Terrell as part of an effort for McLendon-Chisholm to become a retail water supplier and/or sewer provider for portions of McLendon-Chisholm city limits and/or McLendon-Chisholm Extraterritorial Jurisdiction (ETJ) and related matters. Representatives from the City of Terrell and affected property developers may deliver presentations and/or participate in discussion.

City Administrator Palomba explained she had met with representatives from Terrell as well as property owners who have had an agreement with the City of McLendon-Chisholm for years and years.

She introduced John Godwin and then moved on to some others. John holds a Master of Public Affairs degree from the University of North Texas. He has extensive city

management experience dating back to the mid-1980s working in both Texas and Florida. John spent several years as assistant city manager and city manager of Rowlett. He more recently served as the city manager of Fairview and then Paris, Texas. He is currently working as a special consultant for our neighboring City of Terrell. One of his tasks with Terrell is to organize water and sewer along the Brushy Creek corridor. John's experience with the City of Fairview makes him especially sensitive to our issues here in McLendon-Chisholm. Fairview and McLendon-Chisholm have lots of similarities, both have a rural feel to the community yet they're thriving community.

- 2.2. Presentation and discussion regarding city-maintained street/right-of-way maintenance and related matters. Kevin and Sundra Stubbs, residents on Dowell Road, may present information to Council as related to requested right-of-way maintenance.

City Administrator Palomba explained that Ms. Stubbs had contacted her and requested the ditch from in front of her home down to Hackberry Creek be cleaned out by the City of McLendon-Chisholm. Ms. Stubbs was informed that Dowell is a private street and that the city could not spend public funds maintaining private roads and ditches, etc. This opened discussion between the City Administrator and the County Road and Bridge Department regarding which entity is responsible for maintenance.

Most streets in platted subdivisions in M-C are private streets and the Homeowner's Associations are responsible for maintenance. Maintenance involved not only upkeep of pavement surfaces but also may include maintaining bridges, culverts, ditches, tree/brush cutting, signage and sometimes lighting.

The property located at 2770 Dowell Road was annexed into the city limits in 2006. Dowell Road is not part of a platted subdivision and it is a through street. Rockwall County Road and Bridge Department has maintained Dowell Road for many years. However, this year the County Road and Bridge Department informed M-C that Dowell is in the city limits and it is the responsibility of M-C to maintain.

Many properties in M-C and throughout Rockwall County and Texas have property lines that extend to the middle of a road. These roads are generally maintained by the county until a city annexes a property. Texas law now requires that when part of a county road is annexed, the annexing city must annex the entire right-of-way. M-C didn't annex the entire road but rather to the property line which ends in the middle of the road.

To further complicate the matters, in 2010 Rockwall County obtained control of various rights-of-way of roads they have been maintaining by having property owners agree to give these rights-of-way by prescriptive easements and Dowell Road was among those roads.

It is still unclear which entity is responsible for maintaining the right-of-way. However, the City Administrator and the City Engineer visited the site and the City Engineer determined that the ditch needs to be cleared with proper grade to drain, removing all the debris build

up which is causing a ponding effect on the Stubbs property, contributing to erosion of the property and potential roadway flooding. Due to the location being adjacent to Hackberry Creek, clearing the ditch serves a greater public purpose other than benefitting just the Stubbs family. An estimate for clean-out is \$1,750.

The repercussion of the City paying for this expense could be the expectation to continue to maintain the ditch and the remaining right-of-way components of not only the Stubbs property on Dowell Road but many other properties in similar situations located on the City/ETJ boundary lines. One of the reasons M-C is able to maintain a low tax rate is there are limited roads to maintain.

At this time, the City Administrator is recommending Council authorize a one-time expense of approximately \$1,750 to clean the ditch to avoid flooding and erosion issues.

Further, it is recommended that the City Administrator be directed to engage the City's engineering, planning and legal consultants as necessary to determine M-C's responsibility for future maintenance of Dowell Road and other roads similarly located on the City/ETJ boundary lines.

Kevin and Sundra Stubbs, residents on Dowell Road, presented information to Council as related to requested right-of-way maintenance.

- 2.3. Discussion regarding planning for public safety including department organization, staffing, site location, facilities, equipment, Request for Qualifications for station design-build, funding and related matters.

Chief Simmons led the discussion regarding planning for public safety. He included department organization, staff, site location, facilities and equipment. He also discussed the Request for Qualifications for station design-build, funding related matters.

Mayor Pro Tem Bloom recessed the meeting at 6:13 p.m. and reconvened at 6:16 p.m.

3. RECESS OR ADJOURN SPECIAL WORK SESSION

The special work session adjourned at 6:40 p.m.

4. REGULAR CITY COUNCIL MEETING CALL TO ORDER (6:30 P.M.)

Mayor Pro Tem Bloom called the Regular City Council Meeting to order at 6:40 p.m.

5. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

6. CITIZENS COMMENTS

Valree Bodart, 402 Cattle Barron Dr.

- Urged members of the City Council to vote no on tonight's agenda items 8.6 and 8.7 which repeal the current use of Robert's Rules and procedures.
- This provides over-reaching power to the Mayor and will limit the constitutional rights of our citizens to free speech.
- Disapproval of the addition of a consent agenda to every future agenda when the City Council has proven they need to understand or follow the guidelines for consent agendas as laid out in the handbook for Mayors and Council Members by the State of Texas.
- Do not adopt new resolutions before you understand just what the results will be.
- Minutes describing citizen's comments need to be more detailed to give the reader a better understanding of the points that were made.

Robert Steinhagen, 304 Pheasant Hill.

- Minutes of citizen comments should be more detailed.
- Proposed changes to the Code of Ordinances should be presented in a manner that reflects the changes.
- The fire chief's goal to create a cross-trained fire department where the police is part of our city should be carefully considered and he recommended not doing that.
- Thanked Mr. Bloom for upholding the regulations of the City when new developers come in.

Adriene Balkum, 1518 Firenze Court.

- City website has missing documents such as PID information. Contact details for new PID administrator should be included.
- She had worked with the City Administrator, the Developer and residents of Sonoma Verde to address maintenance problems including road and drainage. Consistent problems related to the Sonoma Verde Development were the responsibilities of the city planner and city engineer.
- Candidates for engineer and planner were not reviewed publicly.
- It is an engineer's obligation to advise the City Council and provide recommendations which are based upon current engineering codes, standards and other guidelines.
- All projects with Mike Coker and Dub Douphrate should be ended and the City Council should start the process of hiring a qualified engineer and city planner.

Mike Donegan, 2620 Ridgelake Lane.

- Commended the staff and the council for moving forward on that Item 8.3.
- Commended the City Council for analyzing and pursuing this as a potential option that's a smart, strategic thing to do for the future of the City.

7. APPROVAL OF MINUTES

7.1. May 12, 2020 City Council Meeting Minutes

Council Member Hodges stated he would also like to see more detail in the citizens comments section of the minutes.

Council Member Kipphut pointed out in Section 6.7. it has September 29th as the alternate date for the Extreme Green Event. That should be September 26th.

Mayor Pro Tem Bloom expressed that he, too, would like to see more detail in the citizen comments.

MOTION: MOTION TO APPROVE THE MINUTES OF MAY 12, 2020 AS CORRECTED.

MADE BY: Council Member Kipphut
SECONDED BY: Council Member Dahl
APPROVAL: Unanimously

8. ITEMS FOR CONSIDERATION

- 8.1. Discussion and action regarding a Resolution denying the proposed change in rates of Oncor Electric Delivery Company LLC.

Cindy Tayem, Oncor Regional Manager, presented this item. She explained that this resolution stated the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits are found to be unreasonable and should be denied by the City.

MOTION: Approve a resolution denying the proposed change in rates of Oncor Electric Delivery Company LLC.

MADE BY: Council Member Dahl
SECONDED BY: Council Member Woessner
APPROVED: Unanimously

- 8.2. Discussion and action regarding a request for funding in the amount of \$1,750 to contract with Rockwall County to clear debris from the drainage ditch from 2770 Dowell Road to Hackberry Creek and declaring a public purpose for such expenditure.

MOTION: STAFF IS TO WORK WITH THE ROCKWALL ATTORNEY, THE ROAD AND BRIDGE COMMISSION AS WELL AS THE COUNTY COMMISSIONER TO DETERMINE WHO ACTUALLY OWNS THESE ROADS AND IS RESPONSIBLE FOR MAINTENANCE.

MADE BY: Council Member Kipphut
SECONDED BY: Council Member Hodges
APPROVAL: Unanimously

- 8.3. Discussion and direction to staff regarding moving forward with discussion with City of Terrell representatives as related to developing a Memorandum of Understanding between the cities of McLendon-Chisholm and Terrell for the

mutual benefit of both cities as related to future plans for McLendon-Chisholm to become a retail water and/or sewer provider for portions of McLendon-Chisholm City Limits and/or McLendon-Chisholm Extraterritorial Jurisdiction.

City Administrator Palomba explained she is just looking for direction at this time on how to proceed with this item. They have had several meetings and the next step would be the memorandum of understanding. This is not a binding document; it just says we are going to explore it further and see if it is financially feasible. This will also require working with the city engineer and city planner so I can get some numbers as far as what is needed for capacity for certain areas.

Council Member Hodges questioned the cost for the engineer and planner. Palomba stated it is \$180/hr. and would probably require a minimum of 80 hours.

Mayor Pro Tem Bloom asked what line item in the budget this would be paid from. Palomba explained there is a line item for engineering and planning.

Mayor Pro Tem Bloom stated he thinks it's worth pursuing as Terrell is coming up to our doorstep whether we like it or not. Housing density and all that is going to be right here. One of the benefits of this is the opportunity to be a water retailer. We have to deal with everything else, like the traffic, and everything that goes with it, but if we could get some of the water that they are allowing us to eventually tie into to our benefit, that's a win.

City Administrator Palomba stated she is not comfortable moving forward until she knows they are at least interested in becoming a water retailer.

Council Member Kipphut asked if the expenditure would include a report to them as to what we were talking about earlier as to where those other developers are so we can get the whole big picture at one time so we would know what we are looking at. Palomba responded yes, the report would include the information they have asked for.

MOTION: DIRECT STAFF TO PROVIDE ADDITIONAL INFORMATION AS REQUESTED.

MADE BY: Council Member Kipphut
SECONDED BY: Council Member Hodges
APPROVED: Unanimously

8.4. Discussion and direction to staff regarding issuance of a Request for Qualifications for Design-Build Services for Fire Department/Public Safety Facility to be located on City owned property adjacent to City Hall and possible renovation of Station 2 located on FM 548.

DIRECTION TO STAFF TO PROCEED WITH ISSUANCE OF A REQUEST FOR QUALIFICATIONS FOR DESIGN-BUILD SERVICES FOR FIRE DEPARTMENT/PUBLIC SAFETY FACILITY TO BE LOCATED ON CITY OWNED PROPERTY ADJACENT TO CITY HALL AND POSSIBLE RENOVATION OF STATION 2 LOCATED ON FM 548.

- 8.5. Discussion and action regarding an Ordinance amending the Code of Ordinances by amending various provisions contained in Chapter 8, Offenses and Nuisances.

City Administrator Palomba reported that Council Member Hodges had worked with staff on Chapter 8 and there was also some input from the Mayor. What you see in your packet is their proposed changes. You will see the strikes are what we are taking out and the red and the underlined are what is going in. There are not many things we are taking out, but some items will get moved to another chapter. These changes will actually allowed us to have strict code enforcement. We added a section on solicitors, which we never had before.

Council Member Dahl questioned Section 8.06.001(4) which addresses abandoned agriculture equipment. Does that include people using wagons for yard art or is it just abandoned equipment? Palomba responded this is would be something left in a field, rusted, through a long period of time. It's a little bit subjective.

Council Member Dahl asked if there is a way we can get that cleaned up so if someone did specifically put something in their yard as a yard art purpose, that it doesn't conflict with this. Palomba stated she believes this is based on lot size too, so it may be referring to things that are in a larger field rather than in a small suburban neighborhood.

MOTION: APPROVE, WITH CHANGES, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING VARIOUS PROVISIONS CONTAINED IN CHAPTER 8, OFFENSES AND NUISANCES.

MADE BY: Council Member Hodges
SECONDED BY: Council Member Kipphut
APPROVED: Unanimously

- 8.6. Discussion and action regarding a Resolution repealing Resolutions 2016-12R, adopting Robert's Rules of Order, 2017-24R, adopting a code of conduct, 2017-20R, adopting a form of acknowledgement of compliance requirement and commitment for members of the City's Planning and Zoning Commission and Resolution 2018-20, adopting an amendment to the code of conduct.

MOTION: POSTPONE ACTION REGARDING A RESOLUTION REPEALING RESOLUTIONS 2016-12R, ADOPTING ROBERT'S RULES OF ORDER, 2017-24R ADOPTING A CODE OF CONDUCT, 2017-204 ADOPTING A FORM OF ACKNOWLEDGEMENT OF COMPLIANCE REQUIREMENT AND COMMITMENT FOR MEMBERS OF THE CITY'S PLANNING AND ZONING COMMISSION, AND RESOLUTION 2018-20 ADOPTING AN AMENDMENT TO THE CODE OF CONDUCT, UNTIL THE JUNE 9TH REGULAR CITY COUNCIL MEETING

MADE BY: Council Member Dahl

SECONDED BY: Council Member Hodges
APPROVED: Unanimously

- 8.7. Discussion and action regarding a Resolution adopting a Council Rules of Procedures.

MOTION: POSTPONE ACTION REGARDING A RESOLUTION ADOPTING A COUNCIL RULES OF PROCEDURES UNTIL THE JUNE 9TH REGULAR CITY COUNCIL MEETING

MADE BY: Council Member Kipphut
SECONDED BY: Council Member Dahl

Council Member Kipphut suggested that if anyone had any changes/additions to the rules, they should get those to Lisa for the next meeting.

APPROVED: Unanimously

9. REPORTS

9.1. Building Official Report April 2020

City Administrator Palomba reported that we are way ahead on permits of expected revenue; lot inventory is good, and we expect that trend to continue through the rest of the year and into the next fiscal year.

Council Member Hodges asked if they can get a report that includes year-to-fiscal date permits.

9.2. Budget Report April 2020

Council Member Hodges asked about the development income. Palomba answered those are plat application fees. Sonoma 4a and 4b came in a little sooner than we expected them to, so those are plat fees, we charge per lot.

9.3. Rockwall County Sheriff's Department Report April 2020 - None

9.4. Community Waste Disposal (CWD) Report April 2020 - None

9.5. McLendon-Chisholm Fire Department Report April 2020 - None

9.6. 2020 Census Response Update

City Administrator Palomba reported that due to COVID 19, the Census has been put on a back burner and it hasn't been drawing the attention it normally would. We want to encourage people to continue responding for those who haven't responded yet. Rockwall County actually has the best response rate in all of Texas. Heath is leading that with 74.5% and McLendon-Chisholm is right behind them with a 73.4% response rate.

Council Member Woessner asked that the census information be placed on the city website.

10. UPDATES, DISCUSSION AND DIRECTION TO STAFF - None

11. COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS

The City Council will have an opportunity to address items of community interest, including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of McLendon-Chisholm; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of McLendon-Chisholm that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of McLendon-Chisholm; and announcements involving an imminent threat to the public health and safety of people in the City of McLendon-Chisholm that has arisen after posting the agenda.

No Reports or Announcement

11. ADJOURN REGULAR MEETING

There being no further business to discuss, Mayor Pro-Tem Bloom adjourned the meeting at 8:01 p.m.

ATTEST:

APPROVED:

Rochelle Green, City Secretary

Jim Bloom, Mayor Pro-Tem

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MCLENDON-CHISHOLM, TEXAS, RESCHEDULING THE FIRST
REGULAR CITY COUNCIL MEETING IN JULY 2020 FROM JULY 14,
2020 TO JULY 7, 2020; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of McLendon-Chisholm, Texas (the “City”) holds its regularly scheduled meetings starting at 6:30 p.m. on the second and fourth Tuesdays of each month at City Hall located at 1371 West FM 550, McLendon-Chisholm, Texas 75032; and,

WHEREAS, the City Council chambers are used as a polling place and Election Day for the Texas State primary runoff election is scheduled for July 14, 2020, the same date on which the City Council would normally meet for its first regularly scheduled meeting in July 2020; and,

WHEREAS, in order to continue the City’s cooperation with Rockwall County in conducting elections, to provide a convenient polling place for the citizens of the City and to provide for the better administration of City Council meetings and conduct of City business, and due to the foregoing conflict, it is necessary that the first regularly scheduled City Council meeting scheduled for July 14, 2020 be rescheduled to start at 6:30 p.m. on July 7, 2020 at City Hall.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF MCLENDON-CHISHOLM, TEXAS:**

SECTION 1: The recitals set forth in this Resolution are true and correct, constitute findings and determinations by the City Council and are incorporated herein.

SECTION 2: That the first regularly scheduled City Council meeting in July 2020, being July 14, 2020, is hereby rescheduled for and shall occur on July 7, 2020 starting at 6:30 p.m. at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas 75032.

Resolution No. _____
Approved June 9, 2020

SECTION 3: That this Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 9TH DAY OF JUNE 2020.

Keith Short, Mayor

ATTEST:

Rochelle Green, City Secretary



City of McLendon-Chisholm

Staff Report

Discussion and action authorizing the City Administrator to expend funds in an amount not to exceed \$25,000 for the purchase of a Zoom Monitoring System, a lift station motor pump repair, labor cost for pump repair, and road maintenance as related to the Sonoma Verde Lift Stations. (Requested by Palomba)

Date:

June 9, 2020

Background:

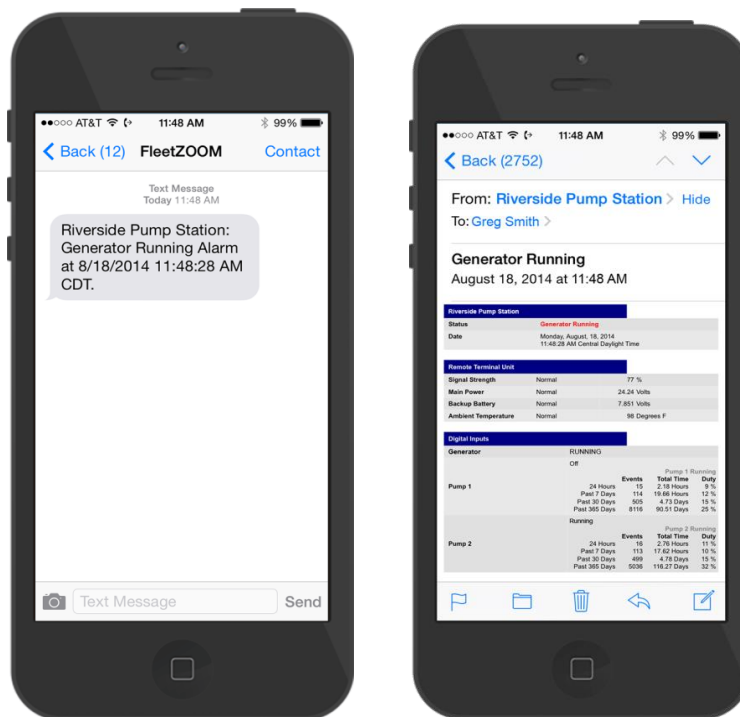
The Sonoma Verde subdivision has two lift stations. Lift stations contain pumps, valves and electrical equipment necessary to move wastewater from a low point to a higher point when the gradient of the area does not allow for natural gravity flow. Lift stations are a critical part of the overall sewage system. Collected sewage is stored in a pit. Once sewage reaches a certain level in the pit, electrical instruments recognize the pit is full and the pump is activated. When the pump is activated, sewage moves further down the wastewater line. The pump then cuts off until it is activated again.

The Sonoma Verde lift stations are operated and maintained by Inframark. The City's contract with Inframark includes minor maintenance. Major repairs or new equipment are not included in that contract. Inframark approached the City requesting the following:

- Zoom Monitoring System. This system monitors the lift station components around the clock. It provides pump run time, tank level monitoring, sends alarms and status signals and it logs operational statistics. When an alarm or status change occurs, the wireless monitoring unit transmits the signal to the monitoring website where the condition is recorded and then distributed to email addresses, cell phones, etc. Operations personnel may log into the website at any time and monitor the system remotely. For example, in the event of a power failure, the generator would start running and assigned personnel would immediately be sent an email or text notification about the incident. Personnel can then log into the Zoom system and review all conditions. Personnel can then prioritize and plan for an appropriate response.

An auto dialer is a less costly alternative to the remote monitoring system. However, an auto dialer will only dial out when the system signals a problem. It is not able to fully diagnose an issue and personnel will not have an indication of the severity of the problem. Additionally, if phone lines are down the auto dialer will not work.

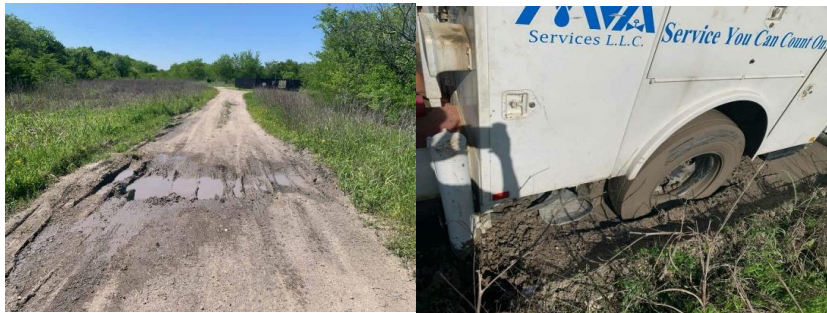
The Texas Commission on Environmental Quality (TCEQ) requires a continuously monitored system that includes an audio/visual alarm. One lift station does not have a phone line at all. The Fleet Zoom system is cellular which eliminates the need for a phone line altogether. The Zoom system will allow problems to be identified sooner which avoids non-compliance issues with TCEQ and can prevent greater and more costly damage to the lift station pumps in the long term. Additionally, there is always the risk of sewage backing up into homes in Sonoma Verde. The City would be liable for damages if a sewage backup was caused by a non-working pump.



- Inframark has identified that a motor rebuild and reassembly of the complete motor and pump is required at this time. The estimated cost for the pump rebuild and labor is \$8,000. If the existing pump is not repaired and fails, the lift station would fill up and overflow. This type of event would require cleanup of illegal discharge from manholes and the facility, would require the rental of an above ground pump and personnel to monitor activity until the existing pump is repaired or replaced. This process could take weeks and could easily become a \$50,000 repair and

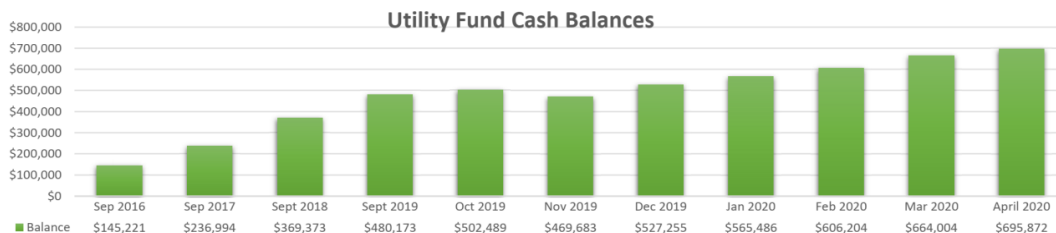
environmental cleanup project rather than an \$8,000 pump repair.

- **Road Repair.** The road leading to the lift station is in poor condition. The road requires gravel and grading. Inframark trucks have become stuck in the mud on occasion due to poor conditions. Inframark is in the process of getting quotes for gravel and grading.



Financial Impact:

The Utility fund has a combined operating and reserve balance of \$695,872. Utility funds are generated by user and tap fees and not by ad valorem tax. The utility reserve account exists for the purpose of building funds over time to replace, repair or upgrade major components of the sewer system as needed.



Staff Recommendation:

Staff recommends authorizing the City Administrator to expend funds in an amount not to exceed \$25,000 for the purchase of a Zoom Monitoring System, a lift station motor pump repair, labor cost for pump repair and road repair as related to the Sonoma Verde Lift Stations.

Lisa Palomba, City Administrator



**MACHINING & VALVE
AUTOMATION SERVICES LLC**
PO BOX 311
ROYSE CITY TX 75189
214-502-6432

QUOTE

DATE	QUOTE #
4/30/2020	2020-100374

INFRAMARK
9550 HELMS TRL SUITE 800
FORNEY TX 75126
AP@INFRAMARK.COM

REP	TERMS
COLT	NET 30

DESCRIPTION	QTY	COST	TOTAL
MCLENDOM CHISOM LIFT STATION MOTOR PUMP REBUILD MOTOR REBUILD AND RE-ASSEMBLY OF THE COMPLETE MOTOR AND PUMP. TO INCLUDE A NEW 30 FT CABLE	1	6,700.00	6,700.00
IF EXTRA LABOR OR MATERIALS NOT DESCRIBED ABOVE ARE REQUIRED, THE OWNER WILL BE NOTIFIED FOR APPROVAL BEFORE WORK IS COMPLETED. THIS QUOTE IS GOOD FOR 90 DAYS FROM THE DATE REFERENCED ABOVE. WE THANK YOU FOR CONSIDERING MVA SERVICES FOR YOUR SERVICE NEEDS.			TOTAL \$6,700.00

THANKS

COLT MILLER
MVA SERVICES
SERVICE YOU CAN COUNT ON!
COLT@MVASERV.COM
OFFICE 214-502-6432
CELL 469-662-8161

*****DUE TO THE CORONA VIRUS
OUTBREAK ALL SHIP DATES ARE
ESTIMATED & NOT GUARANTEED*****



**MACHINING & VALVE
AUTOMATION SERVICES LLC**
PO BOX 311
ROYSE CITY TX 75189
214-502-6432

QUOTE

DATE	QUOTE #
4/30/2020	2020-100375

INFRAMARK
9550 HELMS TRL SUITE 800
FORNEY TX 75126
AP@INFRAMARK.COM

REP	TERMS
COLT	NET 30

DESCRIPTION	QTY	COST	TOTAL
MCLENDOM CHISOM LIFT STATION PUMP INSTALL			
MVA SERVICE TECHNICIAN / MECHANICAL SPECIALIST CREW TECHNICIAN / MECHANICAL SPECIALIST	6	175.00	1,050.00
2 MAN CREW TO INSTALL THE PUMP AND MOTOR IN THE LIFT STATION AND WIRE THE MOTOR BACK IN.			
MVA 15 TON CRANE / EQUIPMENT CHARGE	1	250.00	250.00
		TOTAL	\$1,300.00

IF EXTRA LABOR OR MATERIALS NOT DESCRIBED ABOVE ARE REQUIRED, THE OWNER WILL BE NOTIFIED FOR APPROVAL BEFORE WORK IS COMPLETED. THIS QUOTE IS GOOD FOR 90 DAYS FROM THE DATE REFERENCED ABOVE. WE THANK YOU FOR CONSIDERING MVA SERVICES FOR YOUR SERVICE NEEDS.

THANKS

COLT MILLER
MVA SERVICES
SERVICE YOU CAN COUNT ON!
COLT@MVASERV.COM
OFFICE 214-502-6432
CELL 469-662-8161

*****DUE TO THE CORONA VIRUS
OUTBREAK ALL SHIP DATES ARE
ESTIMATED & NOT GUARANTEED*****

**CITY OF MCLENDON-CHISHOLM
RESOLUTION NO. 2020-_____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS REPEALING IN ITS ENTIRETY RESOLUTION NO. 2016-12R, ADOPTING ROBERT'S RULES OF ORDER, RESOLUTION 2017-24R, ADOPTING A CODE OF CONDUCT, 2017-20R, ADOPTING A FORM OF ACKNOWLEDGEMENT OF COMPLIANCE REQUIREMENT AND COMMITMENT FOR MEMBERS OF THE CITY'S PLANNING AND ZONING COMMISSION AND RESOLUTION 2018-20, ADOPTING AN AMENDMENT TO RESOLUTION 2017-24R, AMENDING THE CODE OF CONDUCT; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, §51.001 of the Texas Local Government Code provides the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, on or about June 14, 2016, the City Council adopted Resolution 2016-12R, adopting Robert's Rules of Order; and

WHEREAS, on or about September 12, 2017, adopted Resolution 2017-24R, which adopted a code of conduct; and

WHEREAS, on or about June 13, 2017, the City Council adopted Resolution 2017-20R which adopted a form of acknowledgement of compliance requirement and commitment for member of the City's Planning and Zoning Commission; and

WHEREAS, on or about June 5, 2018, the City Council adopted Resolution 2018-20 which adopted an amended code of conduct.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

SECTION 1: The recitals set forth in the WHEREAS clauses of this Resolution are true and correct, constitute findings and determinations by the City Council and are incorporated herein.

SECTION 2: That Resolution 2066-12R, Resolution 2017-24R, Resolution 2017-20R and Resolution 2018-20 are hereby repealed in their entirety and have no force or effect.

SECTION 3: If any section, article, paragraph, sentence, clause, phrase or word in this Resolution or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution, and the City Council hereby declares it would have passed such remaining portions of this Resolution despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4: That this Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 26th DAY OF MAY 2020.

Keith Short, Mayor

ATTEST:

Rochelle Green, City Secretary

RESOLUTION NO. 2016-12R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS ADOPTING ROBERT'S RULES OF ORDER AS THE RULES OF PROCEDURE OF THE CITY COUNCIL AND ALL CITY COUNCIL APPOINTED COMMISSIONS, BOARDS AND COMMITTEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of McLendon-Chisholm, Texas (the "City") is authorized to establish rules of procedure for conducting meetings of the City Council and its appointed Commissions, Boards and Committees that are not in conflict or otherwise inconsistent with State or Federal laws; and

WHEREAS, the City Council has determined to adopt Robert's Rules of Order, Newly Revised, 11th Edition, as the parliamentary authority governing all meetings of the City Council and its appointed Commissions, Boards and Committees except where in conflict or otherwise inconsistent with State or Federal laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS:

SECTION 1: The recitals set forth in the WHEREAS clauses of this Resolution are true and correct, constitute findings and determinations by the City Council and are incorporated herein.

SECTION 2: That unless otherwise provided for by the Constitution of the United States, the Constitution of the State of Texas, the statutes of the United States, State of Texas, County of Rockwall, Texas, or City, Robert's Rules of Order, Newly Revised, 11th Edition, is hereby adopted by reference and shall be the parliamentary authority governing all meetings of the City Council and all City Council appointed Commissions, Boards and Committees.

SECTION 3: That this Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 14th DAY OF JUNE 2016.

ATTEST:


Stephanie Galanides, CITY SECRETARY




Nathan E Hodges, MAYOR

RESOLUTION NO. 2017 – 24R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS ADOPTING A CODE OF CONDUCT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of McLendon-Chisholm (“City”) believes that persons acting for or on behalf of the City occupy positions of public trust that demands a high standard of conduct and behavior; and

WHEREAS, the City Council seeks to promote, through the adoption of this Resolution, personal integrity, honesty, impartiality and ethical conduct in all activities undertaken by such persons for or on behalf of the City and seeks to inspire public confidence and trust in such persons; and

WHEREAS, the City Council is authorized to establish rules of conduct and behavior, not in conflict or otherwise inconsistent with State or Federal laws, for those acting for or on behalf of the City; and

WHEREAS, to achieve these aspirations and objectives, the City Council has determined to adopt a Code of Conduct for Board and Commission members, City employees, City contractors and other representatives of the City, Mayor and City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS:

SECTION 1: The recitals set forth in the WHEREAS clauses of this Resolution are true and correct, constitute findings and determinations by the City Council and are incorporated herein.

SECTION 2: That unless otherwise provided for by the Constitution of the United States, the Constitution of the State of Texas or the statutes and regulations of the United

States, State of Texas, County of Rockwall, Texas, or City, the Code of Conduct attached to this Resolution and incorporated herein is hereby approved and adopted.

SECTION 3: That this Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 12th DAY OF September 2017.


Robert Steinhagen, MAYOR

ATTEST:


Lisa Palomba, CITY SECRETARY

[CITY SEAL]



~ 2 ~



Code of Conduct

**for Municipal Employees,
Contractors, Sub-contractors, and
Members/Employees of Contractors/Sub-contractors**

Approved August 12, 2017

City of McLendon-Chisholm

All officials, employees, contractors, or representatives of the McLendon-Chisholm City government shall perform their duties for the benefit of its citizens. They shall conduct themselves with integrity and impartiality, without prejudice, favoritism or the opportunity for personal gain. They shall guard against anything that may influence their decisions or actions away from serving the public interest.

Accordingly, all officials, employees, contractors, or representatives of the City are subject to this Code of Conduct, which is a Policy established by a vote of the City Council; effective on the date that it is signed by the Mayor.

All engagement agreements and/or contracts for those that are subject to this Policy and subsequent to the establishment of it shall not fail to reference it. All officials, employees, contractors, or representatives of the City shall know, understand and abide by this Policy, regardless if an engagement agreement and/or contract fails to include a reference to it.

Purpose

The purpose of this policy is to establish standards of conduct for all officials, employees, contractors, or representatives of the City of McLendon-Chisholm, except as otherwise provided, and to require disclosures by all officials and employees of private, financial or other interests in matters that may affect the city. All City of McLendon-Chisholm officials, employees, contractors, or representatives shall adhere to the following code of conduct to build public trust and ensure equitable treatment for all.¹

Definitions

Official: Anyone appointed to a City committee or board.

Employee: Includes full and part time paid employees, as well as volunteers working in an official capacity.

Contractor: An independent entity or person that agrees to furnish goods, material, equipment, personnel, and/or services to meet or exceed city stated requirements or specifications, at a mutually agreed upon price and within a specified timeframe. This shall include its members, employees, and/or sub-contractors.

Representative: Anyone working on behalf of the Mayor or City Council in an official capacity; which includes all officials, employees, & contractors.

Trustworthiness

All officials, employees, contractors, or representatives of the City shall demonstrate the highest standards of personal integrity, truthfulness, and honesty in all public activities. The protection of confidential information from inappropriate use is of utmost importance and shall be handled according to all applicable policies, ordinances and regulations. No officials, employees, contractors, or representatives shall use the funds, property, equipment, supplies or labor of the city for a purpose which is for the private benefit of such officials, employees, contractors, or representatives or any other individual or group of individuals unless the same benefit is available to the general public on equal terms or the use is in accordance with the city's policies and/or ordinances.

¹ This Code of Conduct is intended to enhance and supplement ethical standards imposed by State and Federal laws and the City's Code of Ethics. It is further intended that State and Federal laws and the City's Code of Ethics shall prevail over any conflicting provision of this Code of Conduct.

Gifts or Gratuities

No official, employee, contractor, or representative of the City shall directly or indirectly solicit, accept, or receive any gift or consideration whether in the form of money, services, loan, travel, meals, business luncheons, entertainment, or thing of promise from any vendor, company, person, or entity who presently does business with the city, has done business with the city in the past, or is seeking to do business with the city. No officials, employees, contractors, or representatives, acting within the scope of their employment or because of their position, shall accept any non-monetary item or items with a total value of more than \$25.00 received during one calendar day. The following shall not constitute gifts or consideration for purposes of this section:

- (1) Discounts offered to all city employees.
- (2) Discounts offered to the general public or to private groups such as professional organizations, religious, or service organizations.
- (3) Entertainment provided at a public, professional or community event in which multiple officials, employees, contractors, or representatives of the city or other cities are invited. Examples include: Picnics, holiday parties and civic celebrations.
- (4) Entertainment such as golf outings, hockey games, football games, baseball games or other sporting events available to all city officials, employees, contractors, or representatives.
- (5) Acceptance of a professional or public award reflecting positive performance or community service.
- (6) Campaign contributions reported in full compliance with federal, state and local ordinances as they may apply.
- (7) Informational or promotional materials such as books, reports, pamphlets, calendars, or periodicals; such materials shall not be prominently displayed so as to be misconstrued as promoting a business or enterprise.
- (8) Greeting cards and items with little intrinsic value such as plaques, certificates, and trophies which are intended solely for presentation.
- (9) Luncheons, dinners or other events where membership dues cover the price of the meal or where food is served in conjunction with training previously authorized.
- (10) Contributions and donations from businesses or others used for charitable events, such as United Way fundraisers.
- (11) Actual expenses for food, beverages, registration, travel and lodging which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities. Any employee who attends a business lunch with a vendor shall be responsible for payment of their own meal.

Drug-free Work Force

No official, employee, contractor, or representative of the City shall possess, use, manufacture, dispense, sell or distribute alcoholic beverages or illegal drugs while on duty, while in a city vehicle, while on city property, or while wearing a city uniform (on or off duty); nor shall any such employee be under the influence of such substances while in the named situations. Consumption of such substances as an authorized part of a law enforcement training program or while doing law enforcement work in an undercover capacity may be permitted, but only to the extent approved by appropriate supervisors.

City of McLendon-Chisholm

Conflicts of Interest

There exists an implicit fiduciary obligation for all officials, employees, contractors, and/or representatives of the City to impartially execute their duties, which is why the City establishes standards for both the disclosure of conflicts of interest, real or perceived, and mitigation of inappropriate conflicts of interest resulting in lesser benefit to, or detrimental impact on, the City versus a competing personal or business interest. Accordingly:

- (1) No official, employee, contractor, or representative of the City shall fail to disclose ownership or proprietary interest, either directly or by virtue of immediate family, of a business or entity where a real or perceived conflict exists that could influence the implicit impartial execution of their duty to the City. This disclosure shall be made on an annual basis and provided to the city secretary in a written conflict of interest statement. For purposes of this paragraph, "proprietary interest" means ownership of more than 25 percent (25%) of the business or the stock therein or any percentage which constitutes a controlling interest, but shall not include any such interest held by a blind trust. "Immediate family" includes a spouse, parent, sibling, or their progeny.
- (2) Where a conflict of interest may exist on a matter that comes before the City, no official, employee, contractor, or representative of the City shall fail to both disclose & recuse themselves from the matter. For purposes of this paragraph, "recuse" means to physically remove oneself from the room where discussion, deliberation, and/or voting on the matter takes place.
- (3) No official, employee, contractor, or representative of the City shall act as a surrogate for another official, employee, contractor, or representative where a conflict of interest exists, real or perceived, in accordance with this section.

Any official, employee, contractor, or representative of the City that violates these conflict of interest standards may not be indemnified from protections under the law established to protect those who work on behalf of a governmental entity and may also be held personally liable, civilly and/or criminally, for actions taken that are found to be in breach of their implicit fiduciary obligations to impartially execute their duty to the City.

Respect, Caring, and Attitude

The attitude of any official, employee, contractor, or representative of the City is a reflection upon the city's service. The formation and cultivation of positive relationships is highly valued, which is why officials, employees, contractors, or representatives should strive to find timely solutions to citizen's issues and problems and offer suggestions for improvement to leadership when appropriate. Accordingly;

- Every official, employee, contractor, or representative of the City shall display integrity, honesty, courtesy, reliability and helpfulness whether they are receiving criticism or answering a question from private citizens or from fellow officials, employees, contractors, or representatives.
- No official, employee, contractor, or representative of the City shall fail to treat all individuals in a respectful, courteous, and professional manner and shall strive to serve all equally, being mindful of neutrality and impartiality.
- No official, employee, contractor, or representative of the City shall exceed their authority or breach any laws or ask others to do so and should work in full compliance with others unless prohibited from doing so by law.

Electronic Communication & Social Media

The City of McLendon-Chisholm promotes positive, healthy and trustworthy discourse.

Therefore, no official, employee, contractor, or representative of the City shall fail to observe the following standards when posting, publishing or submitting communications that may be broadcast to the public, which includes via email or on social media. Accordingly:

- (1) Regardless of the time of day or day of the week, any time an official, employee, contractor, or representative of the City expresses one's opinion or point of view regarding matters that pertain to the City, that individual is considered on-duty and culpable for their actions.
- (2) Whether or not an individual has disclosed their affiliation with the City of McLendon-Chisholm, all officials, employees, contractors, or representatives of the City should presume that their engagement in communicating electronically reflects upon the City. As such, no individual should engage in conduct that;
 - a. is unbecoming of a community leader,
 - b. directly and poorly reflects upon the City and quality of local government,
 - c. interferes with good order in the management of the City's business, or
 - d. is incompatible with one's official position or duties.
- (3) Except as required by law or City policy, no official, employee, contractor, or representative of the City shall disclose information that is financial, operational and legal in nature, as well as any personal or public (names, address, phone number, email etc.) or privileged information that pertains to the operation of the City or any City officials, employees, contractors, representatives, or constituents.
- (4) No material shall be distributed that;
 - a. contains vulgar, obscene or indecent language or images,
 - b. is racially, ethnically, sexually, or religiously insensitive,
 - c. defames, abuses or threatens others,
 - d. includes bigoted, hateful or racially offensive language, and/or
 - e. advocates or promotes illegal activity/activities.
- (5) Personal attacks are strictly prohibited; *there is a difference between voicing legitimate concerns or grievances on matters of public concern and simply disparaging someone or something or some other form of written abuse of someone or some service.*

Responsibility

The primary goal of the City is to uphold the public trust. Therefore, all officials, employees, contractors, or representatives of the City shall perform their duties diligently and promptly and make no promises which either conflicts, or is incompatible, with any public duties and/or responsibilities. Accordingly;

No official, employee, contractor, or representative of the City shall have any financial or personal interest in any business or transaction with the City, a board, commission, committee or other public body of the City without full disclosure and the expressed written approval of the Mayor.

Personal Appearance

Personal appearance is very important, and all officials, employees, contractors, or representatives of the City shall dress professionally, in a manner that leaves a positive impression upon the people served. Therefore, the city has the right and authority to adopt a formal dress code in the event that personal appearance standards are not observed.

City of McLendon-Chisholm

Wear of Uniforms that represent the City

All officials, employees, contractors, or representatives of the City who wear uniforms or some form of official identification [ID badge] shall only wear their uniform or ID badge while they are actively engaged in the performance of their duties as employees, contractors, or representatives, and/or while they are in transit to or from work. Short duration stops which includes, but are not limited to, stops for gas, breakfast, lunch, dinner, to get coffee, etc. are considered acceptable while in uniform.

No official, employee, contractor, or representative of the City may wear their uniform or ID badge while engaging in personal business, or public demonstration of any kind.

Officials, employees, contractors, or representatives of the City who are also citizens may not engage in activities that are exclusive to constituents while in uniform, which includes, but is not limited to, meetings of the City Council, Board of Adjustment, Planning and Zoning Commission or participation in political activities where the uniform can be misconstrued as the City endorsing a particular view point or candidate over another.

Use of City Property

Officials, employees, contractors, or representatives are expected to use and operate city property in a careful and safe manner. No official, employee, contractor, or representative of the City shall use City property for personal use, except where a specific policy, contract, or agreement provides. Responsibility for city property is a part of every person's job. Misuse of city property shall result in disciplinary action.

Fairness

All officials, employees, contractors, or representatives shall treat others with impartiality and equity. No special favors or privileges should be provided or accepted that could be perceived as influencing the performance of one's duties. Applicable laws and regulations shall be applied impartially to everyone.

Outside Employment

City employees may be self-employed or may take occasional part-time jobs if there is no conflict with working hours, the employee's efficiency in the city's work, or with the interest of the city. The employee must obtain approval from the city Mayor before accepting outside employment or venturing into a business. Employees of the city shall not engage in outside employment or another employer's activities while on duty, nor may city property be used for any reason other than city functions except as authorized by a specific policy, agreement or contract.

Political Activity

The city adopts these rules to further the following legitimate government interests: (a) meritorious performance and not political service; (b) efficient government; (c) public confidence in governmental officials, employees, contractors and representatives; (d) rights of citizens to be free of governmental discrimination based on political activities or connections; and (e) the right of governmental employees being free of employer pressure in their personal political decisions.

Neither employees of, nor contractors for, the City of McLendon-Chisholm shall engage in political campaigns and elections of the City. In accordance with this agreement. Accordingly, said employees or contractors and/or a contractor's members and/or employees:

- May be candidates for public office in elections that are unaffiliated with the City of McLendon-Chisholm.

Code of Conduct

- May register and vote as they choose where qualified to do so.
- May assist in voter registration drives.
- May express opinions about candidates and issues.
- May contribute money to political organizations.
- May attend political fundraising functions.
- May attend and be active at political rallies and meetings.
- May join and be an active member of a political party or club.
- May sign nominating petitions where qualified to do so.
- May campaign for or against referendum questions, constitutional amendments, and/or municipal ordinances where registered to vote and qualified to do so.
- May campaign for or against candidates in elections.
- May make campaign speeches for candidates in elections.
- May distribute campaign literature in elections.
- May hold office in political clubs or parties including serving as a delegate to a convention.
- **May not** use their official authority, real or implied, or influence to interfere with an election.
- **May not** solicit, accept or receive political contributions.
- **May not** knowingly solicit or discourage the political activity of any citizen.
- **May not** engage in any political activity while on duty or working in performance of the contract.
- **May not** engage in any political activity in any government office, including facilities that represent the city.
- **May not** engage in any political activity while wearing an official uniform or city ID.
- **May not** engage in any political activity while using either a government vehicle or vehicle that represents the city.
- **May not** be candidates for public office in McLendon-Chisholm municipal elections.
- **May not** wear political buttons on duty.

Accordingly, the following standards of conduct should be applied to circumstances involving political activity:

- (1) No City official, employee, contractor, or representative may use city equipment while campaigning for office, or while campaigning on behalf of a political candidate.
- (2) No City official, employee, contractor, or representative may place campaign literature or signs advocating or supporting or opposing any person or issue on any property, structure or equipment which is owned or leased by the city or any of its trusts.
- (3) No city employee may park a privately-owned vehicle on city-owned property if the vehicle has campaign materials in any form where it is observable from the exterior of the vehicle. This includes all "city-owned property" such as City hall, fire stations, and employee parking lots.
- (4) No employee that either files as candidate or is sworn in as a public official for an outside public office shall fail to continue to perform their routine and typical duties for the city at regular hours and without interference.

City of McLendon-Chisholm

Violation(s) of the Code of Conduct

The failure to uphold the City of McLendon-Chisholm's Code of Conduct by an official, employee, contractor, or representative of the City shall be subject to disciplinary action up to and including discharge, termination of contract or cause from removal as a representative.

The City may also require anyone who is in violation of this Code of Conduct to:

- (1) correct or retract public statements or misimpressions and/or,
- (2) take action to publicly correct the statements or misimpressions of an official, employee, contractor, or representative of the City, and/or
- (3) require an official, employee, contractor, or representative of the City to reimburse the City for all costs associated with correcting public statements or misimpressions, which may include, but is not limited to:
 - a. staff time,
 - b. legal consultations and costs,
 - c. printed material,
 - d. video production and/or distribution, and/or
 - e. postage.

Employees

Disciplinary action for the same or different offenses shall progress in the following manner for City employees:

- (1) Verbal warning. Verbal statement to employee that he/she has violated a rule and/or regulation and that such violation may not continue.
- (2) Written reprimand. Formal notification in writing to employee that he/she has violated a rule and/or regulation.
- (3) Suspension. Loss of work and wages for a specific number of hours or days, but not for more than one work week, depending on the severity of the offense. Notice of suspension is provided to the employee in writing.
- (4) Discharge. The employer/employee relationship is severed.

RESOLUTION NO. 2017-20R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS ADOPTING A FORM OF ACKNOWLEDGMENT OF COMPLIANCE REQUIREMENT AND COMMITMENT FOR MEMBERS OF THE CITY'S PLANNING AND ZONING COMMISSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Texas Local Government Code permits a municipality to exercise authority relating to zoning regulations and zoning district boundaries provided the municipality establishes procedures for adopting and enforcing the regulations and boundaries; and

WHEREAS, in accordance with Chapter 211, the City Council has adopted a Zoning Ordinance that is codified as Exhibit A to Chapter 14 of the City's Code of Ordinances; and

WHEREAS, the City has established an advisory Planning and Zoning Commission, as allowed by Chapter 211, for the purpose of, among other things, reviewing matters related to zoning and making recommendations to the City Council; and

WHEREAS, the City's Zoning Ordinance and State law requires that zoning decisions be made in conformity with the applicable zoning regulations; and

WHEREAS, it is the intent of the City Council that zoning matters be addressed in the manner required by law, including the City's Zoning Ordinance, and the City Council deems it prudent and in the interest of the public health, safety and welfare of the citizens of the City to establish a policy requiring all members of the City's Planning and Zoning Commission to acknowledge the requirements of the City's Zoning Ordinance and commit to observing those requirements in connection with fulfilling their duties on the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS:

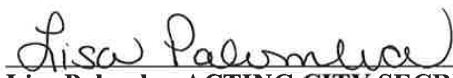
SECTION 1: The recitals set forth in the WHEREAS clauses of this Resolution are true and correct, constitute findings and determinations by the City Council and are incorporated herein.

SECTION 2: That all current and future members, including regular and alternate members, of the Planning and Zoning Commission of the City of McLendon-Chisholm shall review and provide to the City an executed copy of an Acknowledgment of Compliance Requirement and Commitment in the form attached to this Resolution as Exhibit "A" and incorporated herein by reference.

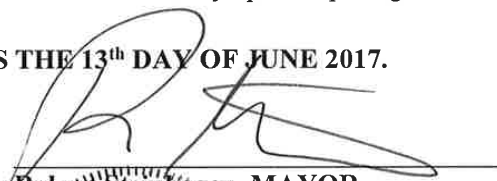
SECTION 3: That this Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 13th DAY OF JUNE 2017.

ATTEST:



Lisa Palomba, ACTING CITY SECRETARY



Robert L. Misenhagen, MAYOR



[CITY SEAL]

~ 1 ~

EXHIBIT A

Acknowledgment of Compliance Requirement and Commitment

I hereby acknowledge and affirm that the City's Zoning Ordinance mandates that all land use decisions comply with the Zoning Ordinance. I hereby commit that in the faithful execution of my duties as a Member of the City's Planning and Zoning Commission that I will comply with the City's Zoning Ordinance. I understand that failure to comply with the Zoning Ordinance disqualifies me from serving on the City's Planning and Zoning Commission.

Signed this day of ____ 2017.

Signature

~ 2 ~

RESOLUTION NO. 2018-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS ADOPTING AN AMENDED CODE OF CONDUCT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 12, 2017, the City Council of the City of McLendon-Chisholm (“City”) approved Resolution No. 2017-24R adopting a Code of Conduct; and

WHEREAS, the City Council has determined to amend the Code of Conduct to make clear it applies to City Council Members; and

WHEREAS, the City Council believes that persons acting for or on behalf of the City occupy positions of public trust that demands a high standard of conduct and behavior; and

WHEREAS, the City Council seeks to promote, through the adoption of this Resolution, personal integrity, honesty, impartiality and ethical conduct in all activities undertaken by such persons for or on behalf of the City and seeks to inspire public confidence and trust in such persons; and

WHEREAS, the City Council is authorized to establish rules of conduct and behavior, not in conflict or otherwise inconsistent with State or Federal laws, for those acting for or on behalf of the City; and

WHEREAS, to achieve these aspirations and objectives, the City Council has determined to adopt an amended Code of Conduct for Elected and Appointed Officials, Municipal Employees, Contractors, Subcontractors and other representatives of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS:

SECTION 1: The recitals set forth in the WHEREAS clauses of this Resolution are true and correct, constitute findings and determinations by the City Council and are incorporated herein.

SECTION 2: That unless otherwise provided for by the Constitution of the United States, the Constitution of the State of Texas or the statutes and regulations of the United States, State of Texas, County of Rockwall, Texas, or City, the Code of Conduct attached to this Resolution and incorporated herein is hereby approved and adopted.

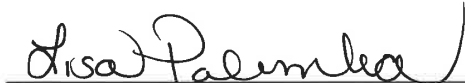
SECTION 3: That this Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 5th DAY OF JUNE 2018.



Keith Short, MAYOR

ATTEST:



Lisa Palomba, CITY SECRETARY



[CITY SEAL]



Code of Conduct

**for Elected and Appointed Officials,
Municipal Employees,
Contractors, Sub-contractors, and
Members/Employees of Contractors/Sub-contractors**

City of McLendon-Chisholm

It is the policy of the City of McLendon-Chisholm ("City") that in all cases its elected and appointed officials ("EAO"), employees, contractors, or representatives will perform their duties for the benefit of its citizens. They shall conduct themselves with integrity and impartiality, without prejudice, favoritism or the opportunity for personal gain. They shall guard against anything that may influence their decisions or actions away from serving the public interest of the citizens of the City.

I. Purpose

The purpose of this policy is to establish standards of conduct for all EAO, employees, contractors, or representatives of the City, except as otherwise provided, and to require disclosures by all EAO and employees of private, financial or other interests in matters that may affect the City. All City EAO, employees, contractors, or representatives shall adhere to the following code of conduct to build public trust and ensure equitable treatment for all.¹

II. Definitions

EAO: Persons elected to the City Council and anyone appointed to a City commission, committee or board.

Employee: Includes full and part time paid employees, as well as volunteers working in an official capacity.

Contractor: An independent entity that agrees to furnish goods, material, equipment, personnel, and/or services to meet or exceed City stated requirements or specifications, at a mutually agreed upon price and within a specified timeframe. This shall include its members, employees, and/or sub-contractors.

Representative: Anyone working on behalf of the Mayor or City Council in an official capacity; which includes all appointed officials, employees, & contractors.

III. Trustworthiness

All EAO, employees, contractors, or representatives of the City shall demonstrate the highest standards of personal integrity, truthfulness, and honesty in all public activities. The protection of confidential information from inappropriate use is of utmost importance and must be handled according to all applicable policies, ordinances and regulations.. No EAO, employees, contractors, or representatives shall use the funds, property, equipment, supplies or labor of the City for a purpose which is for the private benefit of such EAO, employees, contractors, or representatives or any other individual or group of individuals unless the same benefit is available to the general public on equal terms or the use is in accordance with the City's policies and/or ordinances.

IV. Gifts or Gratuities

No EAO, employee, contractor, or representative of the City shall directly or indirectly solicit, accept, or receive any gift or consideration whether in the form of money, services, loan, travel, meals, business luncheons, entertainment, or thing of promise from any vendor, company, person, or entity who presently does business with the City, has done business with the City in the past, or is seeking to do business with the City. No EAO, employees, contractors, or representatives, acting within the scope of their employment or because of their position, shall accept any non-monetary item or items with a total value of more than \$25.00 received during one calendar day. The following shall not constitute gifts or consideration for purposes of this section:

¹ This Code of Conduct is intended to enhance and supplement ethical standards imposed by State and Federal laws and the City's Code of Ethics. It is further intended that State and Federal laws and the City's Code of Ethics shall prevail over any conflicting provision of this Code of Conduct.

- (1) Discounts offered to all City employees.
- (2) Discounts offered to the general public or to private groups such as professional organizations, religious, or service organizations.
- (3) Entertainment provided at a public, professional or community event in which multiple EAO, employees, contractors, or representatives of the City or other cities are invited. Examples include: Picnics, holiday parties and civic celebrations.
- (4) Entertainment such as golf outings, hockey games, football games, baseball games or other sporting events available to all EAO, employees, contractors, or representatives.
- (5) Acceptance of a professional or public award reflecting positive performance or community service.
- (6) Campaign contributions reported in full compliance with federal, state and local ordinances as they may apply.
- (7) Informational or promotional materials such as books, reports, pamphlets, calendars, or periodicals; such materials shall not be prominently displayed so as to be misconstrued as promoting a business or enterprise.
- (8) Greeting cards and items with little intrinsic value such as plaques, certificates, and trophies which are intended solely for presentation.
- (9) Luncheons, dinners or other events where membership dues cover the price of the meal or where food is served in conjunction with training previously authorized.
- (10) Contributions and donations from businesses or others used for charitable events, such as United Way fundraisers.
- (11) Actual expenses for food, beverages, registration, travel and lodging which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities. Any employee who attends a business lunch with a vendor shall be responsible for payment of their own meal.

V. *Drug-free Work Force*

No EAO, employee, contractor, or representative of the City shall possess, use, manufacture, dispense, sell or distribute alcoholic beverages or illegal drugs while on duty, while in a City vehicle, while on City property, or while wearing a City uniform (on or off duty); nor shall any such employee be under the influence of such substances while in the named situations. Consumption of such substances as an authorized part of a law enforcement training program or while doing law enforcement work in an undercover capacity may be permitted, but only to the extent approved by appropriate supervisors.

VI. *Conflicts of Interest*

There exists an implicit fiduciary obligation for all EAO, employees, contractors, and/or representatives of the City to impartially execute their duties, which is why the City establishes standards for both the disclosure of conflicts of interest, real or perceived, and mitigation of inappropriate conflicts of interest from resulting in lesser benefit to, or detrimental impact on, the City versus a competing personal or business interest. Accordingly:

- (1) No EAO, employee, contractor, or representative of the City shall fail to disclose ownership or proprietary interest either directly or by virtue of immediate family, of a business or entity where a real or perceived conflict exists that could influence the implicit

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impartial execution of their duty to the City. This disclosure shall be made on an annual basis and provided to the City Secretary in a written conflict of interest statement. For purposes of this paragraph, "proprietary interest" means ownership of more than 25 per cent of the business or the stock therein or any percentage which constitutes a controlling interest, but shall not include any such interest held by a blind trust. "Immediate family" includes a spouse, parent, sibling, or their progeny.

- (2) Where a conflict of interest may exist on a matter that comes before the City, no EAO, employee, contractor, or representative of the City shall fail to both disclose & recuse themselves from the matter. For purposes of this paragraph, "recuse" means to physically remove oneself from the room where discussion, deliberation, and/or voting on the matter takes place.
- (3) No EAO, employee, contractor, or representative of the City shall act as a surrogate for another EAO, employee, contractor, or representative where a conflict of interest exists, real or perceived, in accordance with this section.

Any EAO, employee, contractor, or representative of the City that violates these conflict of interest standards may not be indemnified from protections under the law established to protect those who work on behalf of a governmental entity and may also be held personally liable, civilly and/or criminally, for actions taken that are found to be in breach of their implicit fiduciary obligations to impartially execute their duty to the City.

VII. Respect, Caring, and Attitude

The attitude of any EAO, employee, contractor, or representative of the City is a reflection upon the City's service. The formation and cultivation of positive relationships is highly valued, which is why EAO, employees, contractors, or representatives should strive to find timely solutions to citizen's issues and problems and offer suggestions for improvement to leadership when appropriate.

Accordingly:

- Every EAO, employee, contractor, or representative of the City shall display integrity, honesty, courtesy, reliability and helpfulness whether they are receiving criticism or answering a question from private citizens or from fellow EAO, employees, contractors, or representatives.
- No EAO, employee, contractor, or representative of the City shall fail to treat all individuals in a respectful, courteous, and professional manner and shall strive to serve all equally, being mindful of neutrality and impartiality.
- No EAO, employee, contractor, or representative of the City shall exceed their authority or breach any laws or ask others to do so and should work in full compliance with others unless prohibited from doing so by law.

VIII. Electronic Communication & Social Media

The City promotes positive, healthy and trustworthy discourse.

Accordingly, no EAO, employee, contractor, or representative of the City shall fail to observe the following standards when posting, publishing or submitting communications that may be broadcast to the public, which includes via email or on social media. Accordingly:

- (1) Regardless the time of day or day of the week, any time an EAO, employee, contractor, or representative of the City expresses one's opinion or point of view regarding matters that pertain to the City, that individual is considered on-duty and culpable for their actions.
- (2) Whether or not an individual has disclosed their affiliation with the City, all EAO, employees,

contractors, or representatives of the City should presume that their engagement in communicating electronically reflects upon the City. As such, no individual should engage in conduct that;

- a. is unbecoming of a community leader,
 - b. directly and poorly reflects upon the City and quality of local government
 - c. interferes with good order in the management of the City's business, or
 - d. is incompatible with one's official position or duties.
- (3) Except as required by law or City policy, no EAO, employee, contractor, or representative of the City shall disclose information that is financial, operational and legal in nature, as well as any personal or public (names, address, phone number, email etc.) or privileged information that pertains to the operation of the City or any City EAO, employees, contractors, representatives, or constituents.
- (4) No material shall be distributed that;
- a. contains vulgar, obscene or indecent language or images,
 - b. is racially, ethnically, sexually, or religiously insensitive,
 - c. defames, abuses or threatens others,
 - d. includes bigoted, hateful or racially offensive language,
 - e. advocates illegal activity, or promotes illegal activities,
- (5) Personal attacks are strictly prohibited; there is a difference between voicing legitimate concerns or grievances on matters of public concern and simply disparaging someone or something or some other form of written abuse of someone or some service.

IX. Responsibility

The primary goal of the City is to uphold the public trust. Therefore, all EAO, employees, contractors, or representatives of the City shall perform their duties diligently and promptly and make no promises which either conflicts, or is incompatible with, any public duties and responsibilities. Accordingly;

No EAO, employee, contractor, or representative of the City shall have any financial or personal interest in any business or transaction with the City, a board, commission, committee or other public body of the City without full disclosure and the expressed approval through a formal motion and vote of the City Council.

X. Personal Appearance

Personal appearance is very important, and all EAO, employees, contractors, or representatives of the City shall dress professionally, in a manner that leaves a positive impression upon the people served. Therefore, the City has the right and authority to adopt a formal dress code in the event that personal appearance standards are not observed.

XI. Wear of Uniforms that represent the City

All EAO, employees, contractors, or representatives of the City who wear uniforms or some form of official identification [ID badge] shall only wear their uniform or ID badge while they are actively engaged in the performance of their duties as employees, contractors, or representatives, and/or while they are in transit to or from work. Short duration stops which includes, but are not limited to stops for gas, breakfast, lunch, dinner, to get coffee, etc. are considered acceptable while in uniform.

No EAO, employee, contractor, or representative of the City may wear their uniform or ID badge while engaging in personal business, or public demonstration of any kind.

EAO, employees, contractors, or representatives of the City who are also citizens may not engage in activities that are exclusive to constituents while in uniform, which includes, but is not limited to

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meetings of the City Council, Board of Adjustment, Planning and Zoning Commission or participation in political activities where the uniform can be misconstrued as the City endorsing a particular view point or candidate over another.

XII. Use of City Property

EAO, employees, contractors, or representatives are expected to use and operate City property in a careful and safe manner. No EAO, employee, contractor, or representative of the City shall use City property for personal use, except where a specific policy, contract, or agreement provides. Responsibility for City property is a part of every person's job. Misuse of City property shall result in disciplinary action.

XIII. Fairness

All EAO, employees, contractors, or representatives shall treat others with impartiality and equity. No special favors or privileges should be provided or accepted that could be perceived as influencing the performance of one's duties. Applicable laws and regulations shall be applied impartially to everyone.

XIV. Outside Employment

City employees may be self-employed or may take occasional part-time jobs if there is no conflict with working hours, the employee's efficiency in the City's work, or with the interest of the City. The employee must obtain approval from the City Council before accepting outside employment or venturing into a business. Employees of the City shall not engage in outside employment or another employer's activities while on duty, nor may City property be used for any reason other than City functions except as authorized by a specific policy, agreement or contract.

XV. Citizenship

All EAO and personnel should make decisions that benefit the City and public interest, and engage only in activities that are consistent with the performance of one's duties.

XVI. Political Activity

The City adopts these rules to further the following legitimate government interests: (a) meritorious performance and not political service; (b) efficient government; (c) public confidence in governmental EAO, employees, contractors and representatives; (d) rights of citizens to be free of governmental discrimination based on political activities or connections; and (e) the right of governmental employees being free of employer pressure in their personal political decisions.

Neither employees of, nor contractors for, the City shall engage in political campaigns and elections of the City. In accordance with this agreement, said employees or contractors and a contractor's members/employees:

- May be candidates for public office in elections that are unaffiliated with the City.
- May register and vote as they choose where qualified to do so.
- May assist in voter registration drives.
- May express opinions about candidates and issues.
- May contribute money to political organizations.
- May attend political fundraising functions.
- May attend and be active at political rallies and meetings.
- May join and be an active member of a political party or club.
- May sign nominating petitions where qualified to do so.
- May campaign for or against referendum questions, constitutional amendments, and/or municipal ordinances where registered to vote and qualified to do so.

- May campaign for or against candidates in elections.
- May make campaign speeches for candidates in elections.
- May distribute campaign literature in elections.
- May hold office in political clubs or parties including serving as a delegate to a convention.
- **May not** use their official authority, real or implied, or influence to interfere with an election.
- **May not** solicit, accept or receive political contributions.
- **May not** knowingly solicit or discourage the political activity of any citizen.
- **May not** engage in any political activity while on duty or working in performance of the contract.
- **May not** engage in any political activity in any government office, including facilities that represent the City.
- **May not** engage in any political activity while wearing an official uniform or City ID.
- **May not** engage in any political activity while using either a government vehicle or vehicle that represents the City.
- **May not** be candidates for public office in the City municipal elections.
- **May not** wear political buttons on duty.

Accordingly, the following standards of conduct should be applied to circumstances involving political activity:

- (1) No City EAO, employee, contractor, or representative may use City equipment while campaigning for office, or while campaigning on behalf of a political candidate.
- (2) No City EAO, employee, contractor, or representative may place campaign literature or signs advocating or supporting or opposing any person or issue on any property, structure or equipment which is owned or leased by the City or any of its trusts (except as otherwise allowed by law).
- (3) No City employee may park a privately-owned vehicle on City-owned property if the vehicle has campaign materials in any form where it is observable from the exterior of the vehicle. This includes all "City-owned property" such as City hall, fire stations, and employee parking lots.
- (4) No employee that either files as candidate or is sworn in as a public official for an outside public office shall fail to continue to perform their routine and typical duties for the City at regular hours and without interference.

XVII. *Violation(s) of the Code of Conduct*

The failure to uphold the City's Code of Conduct by an EAO, employee, contractor, or representative shall be subject to disciplinary action up to and including discharge, termination of contract or cause from removal.

The City may also require anyone who is in violation of this Code of Conduct to:

- (1) correct or retract public statements or misimpressions and/or,
- (2) take action to publicly correct the statements or misimpressions of an EAO, employee, contractor, or representative of the City, and/or
- (3) require an EAO, employee, contractor, or representative of the City to reimburse the City for all costs associated with correcting public statements or misimpressions, which may include, but is not limited to:
 - a. staff time,
 - b. legal consultations,

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- c. printed material,
- d. video production and/or distribution, and/or
- e. postage.

In the case of elected officials, violation and an express prohibition of this Code of Ethics may be considered as official misconduct for the purpose of removal proceedings.

Employees

Disciplinary action for the same or different offenses shall progress in the following manner for City employees:

- (1) Verbal warning. Verbal statement to employee that he/she has violated a rule and/or regulation and that such violation may not continue.
- (2) Written reprimand. Formal notification in writing to employee that he/she has violated a rule and/or regulation.
- (3) Suspension. Loss of work and wages for a specific number of hours or days, but not for more than one work week, depending on the severity of the offense. Notice of suspension is provided to the employee in writing.
- (4) Discharge. The employer/employee relationship is severed.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MCLENDON-CHISHOLM, TEXAS, RULES OF
PROCEDURE FOR THE CITY COUNCIL AND THE
BOARDS, COMMISSION, AND COMMITTEES OF THE
CITY OF MCLENDON-CHISOLM, TEXAS; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, §51.001 of the Texas Local Government Code provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or policy regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, the City Council has good reason to believe and does believe a rules of procedure to assist in governing the conduction of meetings for itself, and the City's boards, commissions and committees, would be a benefit to the citizens of the City and provide guiding principles to make meetings more efficient and such entities better able to serve the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCLENDON-CHISHOLM, TEXAS:

SECTION 1. The Rules of Procedure for the City Council, and the Boards, Commissions and Committees of the City of McLendon-Chisholm, Texas are hereby by adopted and are incorporated herein by reference as Exhibit "A" as if fully recited.

SECTION 2. This resolution shall take effect immediately from and after its issuance.

DULY PASSED by the City Council of the City of McLendon-Chisholm, Texas, on the 26th day of May 2020.

ATTEST:

APPROVED:

Rochelle Green, City Secretary

Keith Short, Mayor

**RULES OF PROCEDURE
FOR THE CITY COUNCIL AND THE BOARDS, COMMISSION, AND COMMITTEES
OF THE
CITY OF MCLENDON-CHISHOLM, TEXAS**

ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

1.2 Applicability.

The rules of procedure adopted by the City Council are applicable not only to the City Council, but shall apply to all other boards, commissions, and committees of the City of McLendon-Chisholm.

1.3 Amendment

These rules may be amended, or new rules adopted, by a majority vote of the members of the City Council present.

ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

2.1 Construction of Authority

The construction of authority in all matters associated with the meetings and activities of the City Council, including the Agenda, shall be: (1) the U.S. Constitution and statutes of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the Code of Ordinances of the City of McLendon-Chisholm, Texas; and, (4) these rules.

2.2 Council/Staff Relationships and Communications.

The Council members should contact City employees and consultants through the City Administrator. Council members should refrain from giving orders or direction to any subordinate of the City Administrator to avoid duplicity or conflicting direction.

2.3 Meetings Shall Be Public

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

The McLendon-Chisholm City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the City Secretary a minimum of 48 hours in advance at 972-524-2077.

2.4 Conduct of Meetings.

Meetings of the City Council shall be conducted according to the rules adopted by the City Council.

2.5. Regular Meetings.

Regular meetings of the City Council shall be on the second and fourth Tuesday of each month at 6:30 p.m. The Council may, by Resolution, change the days or times of meetings as circumstances may necessitate.

2.6 Special/Town Hall Meetings.

Special meetings of the City Council may be called upon the request of the Mayor or two Council Members. A request for a special meeting shall be filed with the City Administrator in written/electronic format unless made at a regular meeting at which a quorum of Council Members is present. The City Administrator, City Secretary and all Council Members shall be notified of all special meetings.

2.7 Emergency Meetings.

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted two (2) hours before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code 551.047.

2.8 Work Sessions.

Work Sessions are called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.9 Executive Sessions.

Executive Sessions are sessions closed to the public. They are permitted only for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can retire into an Executive Session as stated on a posted agenda during a regular or special meeting, if a motion is duly made and seconded and affirmed by a majority of the Council. However, before said session begins, the presiding officer shall announce that the Executive Session is commencing. The order in which an Executive Session may appear on the agenda is subject to the discretion of the Presiding Officer and/or City Administrator. A certified record of the meeting will be created by the presiding officer or his or her designee, sealed and kept as provided by the City's Records Retention Policy, subject to opening by Court order. No voting or action shall be taken by the City Council during an Executive Session. No other subject but that posted on the agenda is to be considered. Adjournment of the Executive Session and any vote needed shall be made during the open public meeting.

A member of the governmental body who, without lawful authority, knowingly discloses to a member of the public the certified agenda for a meeting that was lawfully closed to the public under the Open Meetings Act is liable for: (a) actual damages; (b) reasonable attorney fees and court costs; and possibly (c) exemplary damages. An offense is a Class B misdemeanor. The governmental body will keep a certified agenda of each closed executive session, except for an executive session held by the

governmental body to consult with attorney in accordance with section 551.071 of the Government Code. The presiding officer must certify that the agenda is a true and correct record of the executive session. The certified agenda must include (1) a statement of the subject matter of each deliberation, (2) a record of any further action taken, and (3) an announcement by the presiding officer at the beginning and the end of the closed meeting indicating the time and date. The presiding officer will certify all agendas in accordance with state law.

2.10 Recessed Meetings.

No meeting shall be recessed for a longer period of time than until the next regular meeting except when required information has not been received, or, in the case of work sessions or special meetings, to a date certain by motion duly passed.

2.11 Quorum.

The Open Meetings Act defines a “quorum” as a majority of the governing body unless otherwise defined by applicable law, rule or charter. A quorum of a governmental body’s members must be present in order for the governmental body to exercise the authority delegated to it. A quorum of any governmental body must be present to convene an open meeting of that body under the Act. This requirement applies even if the governmental body plans to go into an executive session immediately after convening.

2.12 Conflict of Interest.

A Council Member prevented from voting by a conflict of interest shall file a conflict of interest questionnaire with the City Secretary as soon as possible after the posting of the agenda which contains a conflict, unless and applicable conflict of interest questionnaire has already been filed.

A Council Member prevented from voting by a conflict of interest shall step down from the dais and take a seat in the audience, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council’s deliberation of the matter in any way, shall not attend Executive Sessions regarding the matter, and shall otherwise comply with the state law and city ordinances concerning conflict of interest including Chapter 171 or the Local Government Code.

Also, Section 176.003 of the Local Government Code requires certain local government officers to file a Conflicts Disclosure Statement. A “local government officer” is defined as a member of the governing body of a local government entity, a director, superintendent, administrator, president, or other person designated as the executive director of the local government entity; or an employee of a local government entity with respect to whom the local government has, in accordance with Section 176.005, extended the requirements of Section 176.003 and 176.004. The CIS form is required to be filed with the City Secretary no later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement. Additionally, a local government officer is required to file an “Affidavit Providing Notice of Potential Conflict of Interest” should the office have a “substantial interest” in a business or property, as defined in Chapter 171 of the Local Government Code, if the Council is contemplating taking action that may have a special economic effect on the business property. That affidavit must be filed if you or a person related to you in the first degree

by consanguinity (blood) or affinity (marriage) has the interest. Please contact the City Secretary for a form prior to the meeting for which you need to file an affidavit.

2.13 Presiding Officer.

The Mayor shall serve as the presiding officer for all meetings of the City Council. If the Mayor is absent, the Mayor Pro Tem shall serve as the presiding officer. In the absence of the Mayor and Mayor Pro Tem, the Mayor shall, in advance of the meeting, name a Council Member as temporary presiding officer and shall inform the City Administrator and/or City Secretary of the decision. The temporary presiding officer shall serve in such capacity until the meeting is adjourned.

The Mayor shall serve as the chair of all meetings and shall make final rules on all questions pertaining to these rules. All decisions of the Mayor or Presiding Officer are final.

Any Council Member serving as the Presiding Officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council. The Presiding Officer of boards and commissions shall be the person selected by the board or commission as the chair, co-chair, or vice chair. If these persons are not in attendance, the board or commission shall choose a temporary presiding officer from among the members in attendance.

2.14 Minutes of the Meetings.

The City Secretary shall keep an account of all proceedings of the City Council and they shall be open to public inspection in accordance with the laws of the State of Texas. Minutes shall be action minutes whereby actions of Council are recorded and only a brief summary of discussion, if needed, or so directed by the Presiding Officer is recorded. At minimum the agenda topic, motion, second, makers of such motions and outcome is recorded in the minutes. Citizen Comments shall be recorded in the minutes to include the full name of the speaker, address of speaker, topic, and brief summary of statement.

ARTICLE 3. PARLIAMENTARY PROCEDURE

3.1. Purpose

The purpose of the rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate meaningful discussion and decision-making by the City Council. Simple rules lead to a wider understanding and increased level of participation by all members.

3.2. Model Format for an Agenda Item Discussion.

The following steps may be used as a model or guidebook by the Presiding Officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer in the following basic format.

1. *Announce the Item.* The Mayor or Presiding Officer should clearly announce the agenda item number and should clearly state what the subject matter of the agenda item is by reading the caption for the item being considered.

2. *Receive a Report.* The Mayor or Presiding Officer should invite the appropriate people to report on the item, including any recommendation they might have.
3. *Ask Clarifying Questions.* The Mayor or Presiding Officer should ask the Council Members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond.
4. *Seek Citizen Input.* The Mayor or Presiding Officer should invite public comments if a public hearing is to be held. Applicants in land use cases will speak first followed by other speakers. Upon conclusion, the Mayor or Presiding Officer should announce the public comment period is closed, or if a public hearing, make a motion to close the public hearing.
5. *Motion First.* The Mayor or Presiding Officer should invite a motion from the City Council before debate is given on the merits of the item. The Mayor or Presiding Officer should announce the name of the member who makes the motion.
6. *Motion Second.* The Mayor or Presiding Officer should determine if any member of the City Council wishes to second the motion. The Mayor or Presiding Officer should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the Mayor or Presiding Officer.
7. *Repeat Motion.* If the motion is made and seconded, the Mayor or Presiding Officer should make certain that everyone (including the audience) understands the motion. This is done in one of four ways:
 - a. Does everyone understand the motion? If clarification is needed, continue to b, c, or d.
 - b. The Mayor or Presiding Officer may ask the maker of the motion to repeat the motion;
 - c. The Mayor or Presiding Officer may repeat the motion; or
 - d. The Mayor or Presiding Officer may ask the City Secretary to repeat the motion.
8. *Ordinance Caption Read.* When a motion on an ordinance has been made and seconded, the City Secretary shall read the caption of the ordinance if so directed by the Mayor or Presiding Officer.
9. *Discuss the Motion.* The Mayor or Presiding Officer shall invite the members of the City Council to discuss the motion. If there is no desired discussion, the Mayor or Presiding Officer may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
10. *Vote.* The Mayor or Presiding Officer calls for the vote. A simple majority vote determines whether the motion passes or fails. Unless a member of the Council seeks recusal from voting on any question where the vote would constitute a conflict of interest, all members of the Council, not including the Mayor, shall vote upon every question, ordinance or resolution. Any Council Member refusing to vote unless so excused shall be entered upon the minutes as voting in the affirmative. Action items require a vote. The Mayor will vote in the event of a tie.
11. *Announce the Outcome.* The Mayor or Presiding Officer announces the results of the vote and should also state what action (if any) the Council has taken. The Mayor or Presiding Officer should announce the name of any member who voted in the minority on the motion or any member who abstained from voting.

3.3 Types of Council Actions.

1. Ordinances

An ordinance adopted by the Council is a law of the City that may be enforced through the court system. The City Administrator or any member of the Council may offer an ordinance for consideration by the Council. Copies of proposed ordinances are furnished to members of the Council in their agenda packets. Draft copies of proposed ordinances are made available at City offices and will be furnished to residents upon request to the City Secretary.

A proposed ordinance may be amended during the meeting. General ordinances are those ordinances of a permanent or continuing nature that affect the residents of the City at large. The Council may legislate by ordinance only.

2. Resolutions

Resolutions do not have the force of law. A resolution is adopted to state a policy or to define in writing the intent of the Council when a law is not necessary. A list of resolutions is maintained by the City Secretary.

3. Council Actions

In addition to ordinances and resolutions, Council policy may also be set by Council action. Those actions are documented in the minutes of the meeting. Council policy, ordinances, and resolutions, including rules, may be supplemented by administrative orders issued by the City Administrator, City Secretary, and other duly authorized officers of the City, to comply with state law, without City Council approval. All administrative orders must be in conformance with any policies set by the Council. The City Administrator and/or City Secretary may correct a grammatical or clerical error of any approved policy, ordinance, resolution, or rule without further Council approval so long as the intent and purpose of such is not changed.

3.4 The Basic Motions

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move approval of the Ordinance as submitted," or "I make a motion that we deny the Resolution."

3.5 The Motion to Amend

If a member wants to change a basic motion, he or she would have to motion to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the Ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

3.6 Discussion and Debate

The basic rule of motions is that motions are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn, for full discussion by and before the City Council. Discussion and debate may continue as long as the members wish to discuss it, or until the

Mayor or Presiding Officer decides that it is time to move on and call a vote on the motion. However, every member shall have the opportunity to speak on the motion.

3.7 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the Mayor or Presiding Officer must immediately call a vote on the motion, if seconded by another member.

- *Motion to Adjourn.* This motion requires a simple majority vote.
- *Motion to Recess.* This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor or Presiding Officer will determine the length of the recess which could last for a few minutes to several hours. This motion requires a simple majority vote. The Mayor or Presiding Officer may recess the meeting for a determined length of time without consent from Council.
- *Motion to Table.* This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the following Council meeting.
- *Motion to Postpone.* This motion, if passed, requires the agenda item to be placed on a future, date specific, agenda.

3.8 Courtesy, Decorum and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the Mayor or Presiding Officer and members of the City Council to maintain an atmosphere of courtesy and decorum. The Mayor or Presiding Officer should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants of the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. *Request to Speak.* Before a Council Member, staff member, or an audience member may speak, they must first be recognized by the Mayor or Presiding Officer. Upon recognition, the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments when appropriate, must be kept relevant to the subject before the Council. The Mayor or Presiding Officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant or slanderous remarks may be barred by the Mayor or Presiding Officer from further comment before the Council during the meeting. Audience members who wish to speak on an agenda item must first complete a Citizen Comment Request Form and submit it to the City Secretary. The Mayor or Presiding Officer has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous. Comments are limited to five minutes. However, the Mayor or Presiding Officer may extend time if determined to be appropriate or valuable. Back and forth dialogue between the city council and audience is not permitted.
2. *Media.* The Mayor or Presiding Officer shall have the authority to designate an area for media to set up equipment for all meetings of the City Council as well as boards, commissions, and committees.

Media must provide all support equipment necessary to operate their equipment such as power cords, adaptors, etc. Media equipment must be set up and fully operational prior to the start of the meeting or it will not be permitted in order to maintain discipline and decorum in the meeting. Additionally, media equipment will not be disassembled until the meeting is adjourned unless so directed by the Mayor or Presiding Officer.

3. *Order.* If a person fails to request to speak before speaking, the Mayor or Presiding Officer shall rule them Out of Order and remind them that they do not have the floor. **A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the Mayor or Presiding Officer.**
4. *Improper References Prohibited.* Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language. Any Council Member may request the Mayor or Presiding Officer seek clarification regarding the item from staff.
5. *Interruptions.* A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the Council Member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the Council Member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order are as follows:
 - a. *Point of Privilege.* The proper interruption would be: "Point of Privilege." Mayor or Presiding Officer would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or cold, or a fan motor might interfere with a Council Members ability to hear.
 - b. *Point of Order.* The proper interruption would be: "Point of Order." The Mayor or Presiding Officer would then ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Mayor or Presiding Officer called for a vote on a motion that permits debate without allowing any discussion.
 - c. *Motion to Appeal.* If the Mayor or Presiding Officer makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Mayor by stating "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the Mayor or Presiding Officer is reversed.
 - d. *Call for orders of the day.* This is simply another way of saying, "let's return to the agenda" if a Council Member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor or Presiding Officer discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
 - e. *Motion to Withdraw.* During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council Members are free to make the same motion or another motion.
6. *Motion to Enforce.* Any Council Member may move to require the Mayor or Presiding Officer to enforce these rules and the affirmative vote of a simple majority of the Council shall require the

Mayor or Presiding Officer to do so. A motion to enforce is an allowable interruption and is not debatable.

3.11 Enforcement of Rules and Procedures

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the Mayor or Presiding Officer under his or her own action, or upon a Motion to Enforce by any Council Member.

1. *Warning.* The Mayor or Presiding Officer may order any person (Council Member, staff member or audience member) in violation of these rules to be silent.
2. *Removal.* If, after receiving a warning from the Mayor or Presiding Officer, the person continues to disturb the meeting or breach the peace and good order of the meeting, the Mayor or Presiding Officer may order the person to leave the meeting. If the person does not leave the room, the Mayor or Presiding Officer may order the Sergeant-at-Arms to remove the person.
3. *Sergeant-at-Arms.* The Sergeant-at-Arms shall be the highest-ranking law enforcement officer in attendance at the Council Meeting, or such other officer designated by the Mayor or Presiding Officer, Police, or Fire Marshall, for that purpose. Upon instruction of the Mayor or Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05 of the Texas Penal Code.)
4. *Resisting Removal.* Any person who resists removal by the Sergeant-at-Arms may be charged with violating Section 42.05 of the Texas Penal Code.

3.12 Council May Discipline its Own Members.

In the event a Council Member violates these rules or any other Ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of McLendon-Chisholm, the City Council may vote to discipline the offending member.

Such action may only take place after an Executive Session is held to discuss the offense. The offending member shall be present at the Executive Session, the remaining members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses or is unable to attend the Executive Session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the Executive Session may be as follows and shall be made publicly in Open Session in Accordance with the Texas Open Meetings Act.

1. *No Action.* The City Council chooses to take no action.
2. *Private Censure.* The City Council may choose to privately censure the offending member, leaving their comments to the offending member left in the confines of the Executive Session.

3. *Public Censure.* The City Council may choose to publicly censure the offending member through a resolution passed by the majority vote and entered into the public record.

ARTICLE 4. AGENDA ORDER

The City Secretary shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format, as soon as possible on the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or City Ordinance.

The Mayor or Presiding Officer, City Administrator, or City Secretary may request an item to be included on an agenda as necessary until posting. In order for an item to be included on the agenda by Council members, requests must be made by at least two members of Council and submitted to the City Administrator's office at City Hall by 12:00 noon on the seventh (7th) calendar day preceding the date of the regular meeting. The Mayor may add an item on a case by case basis if only one member requests an item for the agenda.

4.1. Call to Order

The Mayor or Presiding Officer shall call the meeting to order.

4.2 Invocation/Pledge of Allegiance

All meetings of the City Council shall begin with an invocation and the Pledge of Allegiance to the United State and Texas flags.

4.3. Rules of Decorum

The Mayor or Presiding Officer announces the Rules of Decorum are in place and are to be observed throughout the meeting. A copy of the Rules will be available in the Council Chambers for reference during the meetings. A copy of the Rules will be made available to any member of the public during regular City Hall hours.

4.4. Presentations and Proclamations.

The Mayor or Presiding Officer shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

4.5 Citizen Comments on Non-Agenda Items.

All persons desiring to speak to the City Council on a non-agenda item must submit a Citizen Comment Request Form to the City Secretary at least five (5) minutes prior to the meeting start. Comments are limited to the public comment period if not a public hearing. Citizen comments may be emailed to the

City Secretary up to one hour prior to the meeting start. The Mayor or Presiding officer will read aloud the citizen comments on behalf of the citizen or shall call upon the City Secretary to read aloud the comments. Comments should be limited to an amount which may be read within the 5-minute time limit.

4.6. Approval of Minutes.

The Council shall consider the Minutes of any meeting presented for their review since the last Regular Meeting.

4.7. Consent Agenda Items.

The Mayor, City Administrator or City Secretary may establish, as a part of any agenda for Regular and/or Special Called Meetings of the City Council, a portion of said agenda that shall be labeled "Consent Agenda." Said Consent Agenda may consist of any and all business regularly coming before the City Council.

All items set out in the Consent Agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the Consent Agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the Consent Agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request during the *Consider Approval of the Agenda* segment, that an item be removed from the Consent Agenda and considered separately. Such request shall be honored as if it had been passed by majority vote. If any items are removed from the Consent Agenda, they are removed from the list and added to the regular agenda and positioned as determined by the Mayor or Presiding Officer. If a council member questions a consent item, but not so strongly as to require that it be removed from the list, his or her NO vote or abstention can be entered into the minutes when the consent vote is taken at the request of a member.

4.8 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The Mayor or Presiding Officer shall first request staff comments. The Mayor or Presiding Officer shall open the public hearing to receive public input in the following order: proponents, then opponents. While the public hearing is open, Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of public comments, the Mayor or Presiding Officer shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

4.9 Regular Agenda Items.

Items for individual consideration shall be considered by the City Council individually and approved by a simple majority vote unless a super majority vote is required by law.

4.10 Council Reports on Items of Community Interest

The City Council will have an opportunity to address items of community interest, including: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the City of McLendon-Chisholm; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the City of McLendon-Chisholm that was attended or is scheduled to be attended by a member of the City Council or an official or employee of the City of McLendon-Chisholm; and announcements involving an imminent threat to the public health and safety of people in the City of McLendon-Chisholm that has arisen after posting the agenda.

4.11 Updates and Direction to Staff

The Mayor or Presiding Officer may request staff provide a brief status report of any item previously considered by Council. The update may be informational only and the item will not be debated by Council. The Mayor or Presiding Officer, or by majority vote of Council, may provide direction to staff to provide a more detailed update at a future meeting or request that staff add an item to a future meeting for discussion and consideration by Council.

4.12 Executive Session Items.

This section is only used when it is necessary for the Council to convene in Executive Session. Executive Sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act. If the subject of the Executive Session warrants, the Executive Session may be held prior to the Regular Session.

4.13 Action on Executive Session Items.

This section is only used if section 4.12 is used. Action on Executive Session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

4.14 Adjournment.

The Mayor or Presiding Officer will adjourn the meeting once all items for consideration have been disposed.

ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

5.1. Purpose.

City Council may call and hold Work Sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of Work Session meetings.

5.2. Agenda.

Only a limited number of matters shall be considered by the City Council during a Work Session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all Work Session agendas at the digression of the Mayor, City Administrator and/or City Secretary.

5.3. Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a Work Session. Council may, through the City Administrator, request the attendance of such staff members or outside experts as may be required to answer such questions.

5.4 Prohibitions Against Formal Actions.

No formal actions may be taken at a Work Session. Council may provide staff direction on the matter being considered and request that the item be placed on a Regular or Special Called Meeting agenda for formal action.

5.5 Audience Comments or Questions.

Citizen comments will be permitted at the beginning of the meeting and will be limited to 5 minutes not to exceed 30 minutes total for the comment period. Any persons wishing to speak but who were unable to do so due to time constraints are encouraged to attend the next regular or special called meeting to submit their comments.

ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

6.1 Purpose

It is the desire of the City Council to hear concerns or comments from the residents of McLendon-Chisholm that are properly a concern of the City Council. The following rules shall control and govern audience comments.

6.2 Mayor to State Rules for Audience Comments.

Immediately preceding the opening of a public hearing, or resident input on an agenda item, or to receive comments on non-agenda items, the Mayor or Presiding Officer shall summarize the rules governing comments from the audience. The Mayor or Presiding Officer may direct the City Secretary to read the rules and publish the same in the Council Chambers.

6.3 Rules Governing Citizen Comments

1. Each speaker is limited to five minutes during citizen comments.
2. No individual may address the Council without submitting a Citizen Comment Request Form. The form must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the Mayor or Presiding Officer, shall advise the individual and/or make recommendations as to how they may get the issued addressed.
3. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
4. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
5. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or
 - b. A recitation of existing policy in response to the inquiry.
6. Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the Council Chambers.
7. No placards, banner or signs may be displayed in the Council Chambers or City Hall. Exhibits relating to a presentation are acceptable.
8. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
9. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.
10. Council meetings are a workplace to carry out the business of the City of McLendon-Chisholm; therefore, any conduct that could constitute harassment in the workplace is prohibited.
11. In all cases, the Mayor or Presiding Officer shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

6.4 Preservation of Order.

The Mayor or Presiding Officer shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the Council Chambers any person speaking out of order or disrupting the order of the meeting.

ARTICLE 7. BOARDS AND COMMISSIONS

7.1. General

All boards and commissions are detailed in the City of McLendon-Chisholm Code of Ordinances. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council.

7.2 Meeting Times and Agenda Order.

Boards, commissions, and committees shall set their own meeting times unless otherwise established by ordinance or resolution. All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda, so long as it is in accordance with the Texas Open Meetings Act.

7.3 Boards with Regulatory Authority.

The Board of Adjustments, and Planning and Zoning Commission have regulatory authority.

7.4. Appointments.

The City Council will review applications and/or interview eligible applicants for open positions on boards and commissions.

7.5. Board Members.

Members appointed to boards or commissions serve at the will of the Council and may be removed, replaced, or not reappointed at the discretion of the Council, by majority vote, with or without cause as permitted by law. When conducting the business of the City, appointed members of all boards or commissions shall follow the rules of procedure set forth for the City Council.

7.6. Open Government Training.

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos. Members shall print the appropriate certificates and provide to the City Secretary who shall keep a copy on file.

7.7. Liaisons

The Mayor may appoint as liaison the City Administrator, City Secretary or other staff members as necessary to various boards and commissions. The Mayor may also appoint a council member to serve as liaison to various boards, commissions and ad hoc committees and require the appointed member to provide periodic reports to Council on a future agenda.

City of McLendon Chisholm
Fiscal 2021 Budget Summary
For the fiscal year to end September 30, 2021

Cash Reserves	FY 2020 Current	FY 2020 Projected
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General Fund	\$ 1,457,772	\$ 1,426,631
Fire Capital	\$ 4,877,339	\$ 4,877,587
	<u>\$ 6,335,111</u>	<u>\$ 6,304,218</u>

Utility Fund	\$ 707,624	\$ 753,454
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I&S Fund	\$ 28,752	\$ -
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Financial Summary	FY 2020 Current	FY 2020 Projected	FY 2020 Budget	FY 2021 Proposed Budget
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General Fund Revenue	1,568,471	1,995,846	1,306,263	1,673,281
General Fund Expenses	<u>(617,247)</u>	<u>(1,062,873)</u>	<u>(1,040,505)</u>	<u>(1,273,525)</u>
Surplus	<u>\$ 951,224</u>	<u>\$ 932,973</u>	<u>\$ 265,758</u>	<u>\$ 399,756</u>
<i>Add'l Surplus if 3.5% Voter Approval Rate is adopted</i>				\$ 53,340
<i>Add'l Surplus if 8.0% Voter Approval Rate is adopted</i>				\$ 79,898

Utility Fund Revenue	417,605	585,452	358,564	641,052
Utility Fund Expenses	<u>(321,215)</u>	<u>(524,101)</u>	<u>(358,564)</u>	<u>(577,143)</u>
Surplus	<u>96,390</u>	<u>61,351</u>	<u>-</u>	<u>63,909</u>

I&S Fund Revenue	122,486	150,726	141,644	149,639
I&S Fund Expenses	<u>(121,139)</u>	<u>(150,726)</u>	<u>(141,644)</u>	<u>(146,312)</u>
Surplus	<u>1,347</u>	<u>-</u>	<u>-</u>	<u>3,327</u>

City of McLendon Chisholm
Operating Fund Budget Worksheet
For the fiscal year to end September 30, 2021

	FY 2020 Projected	% of Budget Current YTD	FY 2020 Budget	FY 2021 Proposed Budget	Comments
Revenue					
302 · Franchise Income	195,132	104%	\$ 187,000	\$ 195,000	Projected to hold steady
303 · Development Income	70,600	471%	15,000	15,000	No significant plat fees on the horizon
304 · Building Permit Income	794,498	241%	330,000	562,000	Based on current projections from Sonoma developer
305 · Municipal Court Income	-	0%	1,800	500	
306 · Interest Income	22,417	121%	18,500	25,000	Increase based on earnings from funds received from TXDot
307 · Sign Permit Income	-	0%	100	-	
308 · Septic Fees	14,925	191%	7,800	11,000	Most new construction is not on septic
309 · Food Enforcement	2,400	192%	1,250	2,400	
310 · Sales Tax Revenue	308,210	150%	205,750	308,000	No new sales tax revenue projected
313 · Donations	836	139%	600	500	
314 · Copies Public Inf. Income	-	0%	130	100	
317 · Ad Valorem Tax	585,725	109%	537,708	552,991	M&O Revenue based on current rate of 15 cents
318 · Tax Certifications	74	98%	75	-	
321 · Credit Card Fee Revenue	1,029	187%	550	790	
Total Revenue	\$ 1,995,846	153%	\$ 1,306,263	\$ 1,673,281	
Expenditures					
Operating Expenditures					
401 · Municipal Court / Code Enforcement	\$ -	0%	\$ 50	\$ 1,000	Based on increased code enforcement
402 · Election Expense	-	0%	12,250	12,500	
410 · Building Inspections	186,432	158%	117,742	131,875	Correlated with decrease in Bldg Permits
411 · Environment Regulation Expense	6,770	108%	6,255	4,990	Correlated with decrease in Septic Inspections
414 · Animal Control	-	0%	18,000	18,000	
415 · Section 380 Grant Program	11,944	314%	3,800	7,800	Based on current projections from Sonoma developer
418 · Membership Fees	1,662	106%	1,575	2,000	
422 · Public Notice Expense	14,336	157%	9,150	11,750	
423 · Community Functions	7,290	1458%	500	2,000	Only event planned is Christmas Tree Lighting
426 · Appraisal District Collection	5,000	100%	5,000	5,500	
429 · Street Lights				2,900	
430 · Public Safety	377,225	113%	333,555	509,205	see attached detail
Total 400 Operating Expenditures	\$ 610,658	120%	\$ 507,877	\$ 709,520	

City of McLendon Chisholm
Operating Fund Budget Worksheet
For the fiscal year to end September 30, 2021

	FY 2020 Projected	% of Budget Current YTD	FY 2020 Budget	FY 2021 Proposed Budget	Comments
Occupancy Expenditures					
502 - Electricity	\$ 2,619	97%	\$ 2,700	\$ 2,900	
506 - Water	9,309	233%	4,000	10,239	
510 - Propane Gas	788	100%	788	870	
514 - Building Maint/Improvements	10,874	89%	12,200	12,000	
516 - Lawn Maintenance	8,220	97%	8,500	-	Will be a duty of new code enforcement officer
520 - Telephone & Internet	7,536	109%	6,900	8,300	
522 - Website Expense	1,138	114%	1,000	2,500	
Total 500 Occupancy Expenditures	\$ 40,484	108%	\$ 37,432	\$ 36,809	
General & Administrative Expenditures					
604 - Municipal Manuals, Books & Maps	346	138%	250	500	
606 - Employee Costs	188,014	85%	222,455	277,342	See payroll and benefit projection worksheet
618 - Liability Insurance	5,292	70%	7,517	5,821	Projected 10% increase
619 - Software Subscriptions	11,534	61%	19,000	12,000	
621 - IT Support	6,825	124%	5,500	7,000	
622 - Office Supplies - City Hall	3,059	102%	3,000	3,500	
623 - Office Equipment	4,055	156%	2,600	4,100	
624 - Office Equip Maintenance	3,803	254%	1,500	4,500	
625 - Printed Materials	1,823	107%	1,700	2,000	
626 - Postage-City Hall	1,077	76%	1,410	1,500	
628 - Bank Fees	1,845	123%	1,500	2,000	
630 - Legal & Professional					
63001-Accounting & Payroll services	53,225	101%	52,514	60,000	Based on increase in transaction postings and higher # of employees
63002 - Financial Audit	15,000	100%	15,000	25,000	Will be higher if new auditor is selected
63003 - Legal	26,952	67%	40,000	40,000	
63005 - City Planner	5,745	13%	45,000	45,000	Increase to accommodate Comprehensive Plan update
63008 - Financial Consulting	26,000	100%	26,000	26,000	
63009 - Engineering	15,000	100%	15,000	25,000	

City of McLendon Chisholm
Operating Fund Budget Worksheet
For the fiscal year to end September 30, 2021

	FY 2020 Projected	% of Budget Current YTD	FY 2020 Budget	FY 2021 Proposed Budget	Comments
646 · Mileage Expense	500	100%	500	750	
647 · Council Meetings & Development	650	100%	650	800	
648 · Training	1,937	29%	6,750	7,000	Assumption that normal training will resume
652 · Staff Appreciation	650	76%	850	800	
655 · Code of Ordinance	3,360	96%	3,500	4,000	
699 · Miscellaneous Expense	39	- %	-	-	
Total G & A Expenditures	<u>\$ 376,731</u>	<u>80%</u>		<u>\$ 472,196</u>	
700 · Capital Expenditures - Operating	<u>35,000</u>	<u>100%</u>	<u>35,000</u>	<u>55,000</u>	\$40,000 for Klutts Rd + \$15,000 for unplanned events
Total Capital Expenditures	<u>\$ 35,000</u>	<u>100%</u>	<u>\$ 35,000</u>	<u>\$ 55,000</u>	
Total Expenditures	<u>\$ 1,062,873</u>	<u>101%</u>	<u>\$ 1,052,505</u>	<u>\$ 1,273,525</u>	
Surplus (Deficit)	<u>\$ 932,972</u>	<u>368%</u>	<u>\$ 253,758</u>	<u>\$ 399,756</u>	

City of McLendon Chisholm
Utility Fund Budget Worksheet
For the fiscal year to end September 30, 2021

	FY 2020 Projected	FY 2020 Budget	FY 2021 Proposed Budget	Comments
Operating Revenue				
306 · Interest Income	\$ 8,966	\$ 9,750	\$ 8,000	Assuming lower interest rates
Sewer Utility Revenue				
32200 · Sewer Usage Fees	\$ 250,000	228,360	306,625	11.5% increase in # of accounts + 10% rate increase (from Rate Study)
32204 · Sewer Deposit Refunds	(514)	(1,100)	(573)	
Transfer from Utility Fund Surplus	54,900	49,554	20,000	2020 Transfer to cover Sewer Line Expansion Design / 2021 Transfer to cover Capital Expenditures
Total Revenue	\$ 258,452	\$ 286,564	\$ 334,052	
Operating Expenditures				
Operation & Maintenance Expenditures				
Sewer Operation & Maintenance				
41304 · O&M Agreement	\$ 40,000	\$ 33,570	\$ 46,000	11.5% increase in # of accounts + 3% rate increase
41305 · O&M Maintenance	13,500	\$ 36,000	\$ 15,500	11.5% increase in # of accounts + 3% rate increase
41308 · Electricity	108	-	150	
41310 · Sewer Treatment	205,619	231,794	304,000	From Rate Study
Total Operations Expenditures	\$ 259,227	\$ 301,364	\$ 365,650	
600 · General & Administrative Exp	\$ 68,675	\$ 14,000	\$ 15,293	2020 Projection includes \$54,900 for Sewer Line Expansion Design / 11.5% 2021 budget increase
700 · Capital Expenditures	\$ -	\$ -	\$ 20,000	Inframark request
Total Expenditures	\$ 327,901	\$ 315,364	\$ 400,943	

City of McLendon Chisholm
Utility Fund Budget Worksheet
For the fiscal year to end September 30, 2021

	FY 2020 Projected	FY 2020 Budget	FY 2021 Proposed Budget	Comments
Surplus (Deficit) from Operations	\$ (69,450)	\$ (28,800)	\$ (66,891)	
Sewer Tap Fees				
32201 · Sewer Tap Fee Revenue	327,000	72,000	327,000	
41312 · Tap Fee Developer Rebate	(196,200)	(43,200)	(196,200)	
Net Revenue from Tap Fees	130,800	28,800	130,800	
Total Surplus (Deficit)	\$ 61,351	\$ -	\$ 63,909	

City of McLendon Chisholm
Interest and Sinking Fund Budget Worksheet
For the fiscal year to end September 30, 2021

	FY 2020 Projected	FY 2020 Budget	FY 2021 Proposed Budget	Comments
Revenue				
Ad Valorem Tax				
317 · Ad Valorem Tax	115,117	\$ 107,426	\$ 142,739	I&S Revenue based on current rate of 15 cents
306 · Interest Income	7,369	3,250	6,900	Assuming lower Interest Rates
Transfer from Excess Bond Proceeds	-	-		
Transfer From Interest & Sinking Surplus	28,241	30,968	-	
Total Revenue and Transfers In	\$ 150,726	\$ 141,644	\$ 149,639	
Expenditures				
628 · Bank Fees Expense	\$ 2,850		\$ 2,850	
660 · Bond Interest Expense	57,876	\$ 58,113	56,312	
Transfer To Bond Principal	90,000	90,000	90,000	
Transfer to Early Redemption Sinking Fund		-		
Total Expenditures and Transfers Out	\$ 150,726	\$ 148,113	\$ 146,312	
Surplus (Deficit)	\$ 0	\$ -	\$ 3,327	

City of McLendon Chisholm
Public Safety Budget Worksheet
For the fiscal year to end September 30, 2021

	FY 2020 Projected	FY 2020 Budget	FY 2021 Proposed Budget	Comments
Revenue				
313 · Donations	765	-	-	
316 · County Contract	77,500	67,500	77,500	
319 · Grants	252,000	252,000	117,600	Reduction per Grant Agreement
Transfer from Fire Capital Fund	-	-	4,055,000	\$4,000,000 for new station & \$55,000 new vehicle
Transfer from General Fund	350,144	333,555	509,205	
Total Revenue	680,410	653,055	4,759,305	
Expenses				
400 · Operating Expenditures				
418 · Membership Fees	70	-	70	
Total 400 · Operating Expenditures	70	-	70	
430 · Public Safety				
43001 · Liability Insurance	7,730	3,326	7,962	
43002 · Fuel	10,301	10,000	10,000	
43003 · Maintenance & Repair - Vehicles	23,071	20,000	8,000	
43004 · Maintenance & Repair - Station	11,795	12,000	12,000	
43005 · Gear and Supplies	21,211	23,000	23,000	
43006 · Compliance	5,479	6,000	6,000	
43007 · Radio Maintenance	12,000	12,000	14,653	
43008 · Dispatch	10,000	10,000	10,000	
43009 · Training	3,330	10,000	10,000	
43010 · Software	115	-	115	
43030 · EMS	4,929	3,000	4,400	
43035 · Street Lights	2,882	2,900	-	Moved to General Fund
Total 430 · Public Safety	112,843	112,226	106,130	
500 · Occupancy Expenditures				
502 · Electricity	3,248	-	3,500	
506 · Water	455	-	500	
512 · Trash	223	-	-	
516 · Lawn Maintenance	120	-	-	
520 · Telephone & Internet	2,469	-	2,500	
Total 500 · Occupancy Expenditures	6,516	-	6,500	
600 · General & Administrative Exp				
606 · Employee Costs	542,183	525,829	587,123	See payroll and benefit projection worksheet

City of McLendon Chisholm
Public Safety Budget Worksheet
For the fiscal year to end September 30, 2021

	FY 2020 Projected	FY 2020 Budget	FY 2021 Proposed Budget	Comments
619 · Software Subscriptions	1,123	-	1,476	
628 · Interest Expense	2,206	-	2,206	
652 · Staff Appreciation	463	-	800	
699 · Miscellaneous Expenses	7	-	-	
Total 600 · General & Administrative Exp	545,981	525,829	591,605	
700 · Capital Expenditures				
Equipment	15,000	15,000		
Vehicles	-	-	55,000	
New Fire Station	-	-	4,000,000	
Total 700 · Capital Expenditures	15,000	15,000	4,055,000	
Total Expenses	680,410	653,055	4,759,305	
Surplus (Deficit)	-	-	-	

City of McLendon-Chisholm
Fiscal 2021 Wage and Benefit Projection

	Current Salary	Increase		Proposed Salary	FICA	Health Ins	Dental Ins	Vision Ins	Retirement	Disability	Workers Comp	Total
Administration												
City Administrator	90,950	3,638	4.00%	94,588	7,236	11,850	706	82	2,270	335	426	117,493
Administrative Assistant	18,918	757	4.00%	19,674	1,505						89	21,268
City Secretary	57,500	1,533	2.67%	59,033	4,516	19,061	706	82	1,417	335	266	85,417
Code Enforcement Officer	-	37,444	100.00%	37,444	2,864	10,665	706	82	899	335	168	53,164
Total Administration	167,368	43,372	25.91%	210,740	16,122	41,576	2,119	246	4,586	1,006	948	277,342
Fire Department												
Chief	85,145	3,406	4.00%	88,551	6,514	9,931	706	82	2,125	335	4,361	108,244
Captain	48,975	4,134	8.44%	53,109	3,747	6,379	706	82	1,275	335	2,615	65,634
Captain	49,011	4,134	8.43%	53,144	3,749	6,379	706	82	1,275	335	2,617	65,672
Captain	49,099	4,134	8.42%	53,233	3,756	7,612	706	82	1,278	335	2,621	67,002
Fire Fighter	46,877	938	2.00%	47,815	3,586	8,419	706	82	1,148	335	2,355	62,091
Fire Fighter	46,877	938	2.00%	47,815	3,586	7,866	706	82	1,148	335	2,355	61,538
Fire Fighter	46,877	938	2.00%	47,815	3,586	7,866	706	82	1,148	335	2,355	61,538
Fire Fighter	78,624			78,624	6,015	-					3,872	84,639
Volunteer Stipends	10,000			10,000	765						1,100	10,765
Total Fire Department	461,486	18,620	4.03%	480,106	35,304	54,451	4,945	575	9,396	2,347	24,250	587,123

Assumptions

- Assumed 4% average increase unless otherwise noted
- Health Insurance Increase of 10%
- Retirement Plan change from 5% / 1 to 1 match to 7% / 2 to 1 match on Jan 1, 2021
- City Secretary - 4% increase after one year anniversary
- Full Time Fire Fighter 4% Increase beginning April 2021
- 5% Workers Comp increase for fire fighters (per insurance agent)

Fiscal Year 2020-2021 Budget & Tax Rate Adoption Calendar

June 2, 2020	Special Budget Work Session	Staff Recommendations/Council Discussion
June 9, 2020	Regular Council Meeting	
June 23, 2020	Reg. Meeting/Budget WS	
July 7, 2020 (Change from July 14)	Reg. Meeting/Budget WS	
July 25, 2020		RCAD Provides Certified Values
July 28, 2020	Reg. Council Meeting/Budget WS if Needed	
August 4, 2020	Special Budget WS if Needed	
August 11, 2020	Council Sets Proposed Tax Rate (Not to Exceed Rate)	
August 18, 2020		Budget Filed in Office of City Sec.
August 25, 2020	Reg Council Meeting	Budget & Tax Rate Public Hearings
September 8, 2020	Reg Council Meetings – Public Hearing	
September 22, 2020	Reg. Council Meeting	Council Adopts Budget, Tax Rate and Ratification Ord.
October 1, 2020	New Fiscal Year Begins	



Information for Cities

(more at www.tmr.com)

Key Facts About TMRS

- TMRS is a statewide retirement system that cities may elect to join (889 cities as of 12/31/19).
- TMRS has over 113,900 contributing members and over 61,400 retirees and beneficiaries (as of 12/31/2019).
- TMRS is a “hybrid” **cash-balance** defined benefit retirement plan rather than a traditional, formula-based defined benefit plan.
- Each city stands on its own by having its own actuarial assets, liabilities, and funded ratio.

Benefits

- Benefits are based on a **member’s account balance** at retirement. The retirement benefit is funded through mandatory employee deposits plus interest, mandatory city matching contributions, and investment income.
- Each city chooses from a menu of benefit options to design a retirement program that suits its needs (see pages 2 and 3).

Economic Impact

- TMRS paid a total of \$1.64 billion in benefits in 2019, up from \$1.3 billion in 2018, and \$1.3 billion in 2017.
- Most TMRS annuities are spent by retirees in the community where they worked, benefiting the local and state economy.

Sound Funding

- TMRS’ **Investment Return Assumption is 6.75%**.
- Each city’s unfunded liability is amortized over a closed period of no more than 30 years.
- Each member’s benefits are advance funded over the member’s working career.
- TMRS’ funded ratio was 87.1% as of 12/31/2018.

Source: 2018 TMRS Comprehensive Annual Financial Report (CAFR). Post 12/31/2018 numbers are unaudited.

City Plan Changes Table

By law, each city that decides to join TMRS must adopt the basic plan features designed for all cities (see box at right). The options that individual cities may choose to add, modify, or discontinue are shown in this table. Changes may be made by ordinance at any time, but are effective on the dates shown.

Action / Plan Option	How are plan options added or changed?
Join TMRS	City Council, by ordinance
Increase employee contribution rate (up to 7%)	City Council, by ordinance; no employee consent required
Reduce employee contribution rate	To reduce rate takes a 2/3 vote of employees, then Council must adopt by ordinance
Change city matching ratio (either Increase or Reduce)	City Council, by ordinance; no employee consent required
Reduce vesting requirement (from 10 years to 5) Note: Vesting may not be increased.	City Council, by ordinance; no employee consent required
Reduce retirement age/service requirement to 20-year, any age	City Council, by ordinance (after public hearing); no employee consent required
Adopt USC (50%, 75%, or 100% of USC calculation)	City Council, by ordinance; USC can be adopted on its own or with COLAs; USC can be adopted ad hoc or annually repeating
Reduce USC percentage (reduction options are 50% or 75% of USC calculation)	City Council, by ordinance
Rescind repeating USC	City Council, by ordinance
Adopt or rescind transfer USC	City Council, by ordinance
Adopt COLAs (Annuity Increases) (30%, 50%, or 70% of CPI)	City Council, by ordinance. If this option is chosen, it must be adopted in tandem with USC or repeating USC. COLAs can be adopted ad hoc or annually repeating
Reduce COLA percentage (reduction options are 30% or 50% of CPI)	City Council, by ordinance
Rescind annually repeating COLAs (Annuity Increases)	City Council, by ordinance. Must be dropped if annually repeating USC is dropped
Adopt or rescind Supplemental Death Benefit (for active members or for active and retired members)	City Council, by ordinance
Military Service Credit	City Council, by ordinance
Restricted Prior Service Credit (also Probationary Prior Service)	City Council, by ordinance
Buyback of refunded TMRS service	City Council, by ordinance. Employee must have previously refunded TMRS service, be on the payroll at time of adoption, and have 24 consecutive months of deposits with the adopting city
Stop enrolling new employees*	City Council, by ordinance

* Once a city has joined TMRS, it must continue to provide TMRS benefits for all eligible employees. By law, if a city stops active participation in TMRS, it must maintain the retirement accounts of the employees who have already joined the System. It must continue to fund existing pension benefits, and it must match at its established rate when its current employees retire.

Basic Plan Options for New Cities

- Employee contribution rate (5%, 6%, or 7%)
- City matching ratio (1 to 1, 1½ to 1, 2 to 1)
- 5-year vesting
- Retirement Eligibility (5 years of service and age 60, or 20 years of service at any age)

When do changes take effect?**	Outcome of changes
First day of month selected	Installs quality, competitive retirement plan for members.
First day of month selected	The higher the contribution rate, the larger the benefit earned by the member. Increasing the employee deposit percentage increases the employer contribution rate.
First day of month after the 90th day after ordinance adopted	Reduces benefit for employees.
January 1 of the calendar year after adoption	By law, cities must match at least 1 to 1.
First day of month after adoption	Reducing vesting to 5 years allows members to be entitled to a retirement benefit sooner, assuming a refund is not taken.
First day of month after adoption	Allows for earlier retirement; city can't go back to 25-year retirement once change is made.
January 1 of the year after adoption	Recalculation based on employee's most recent average compensation can mean a better benefit for retirees and increases costs for employer city.
January 1 of the year after adoption	If employee is eligible for USC, new amounts will be smaller; previously granted USC remains and continues to earn 5% interest.
January 1 of the year after adoption	Benefits no longer recalculated for compensation or plan changes.
January 1 of the year after adoption	Adoption potentially increases costs for employer city because it allows USC calculating factors to be transferred from another city. Conversely, rescinding potentially reduces costs and benefits.
January 1 of the year after adoption	Helps protect retiree benefits from inflation, but increases costs for employer city.
January 1 of the year after adoption	Retirees previously receiving larger COLA (Annuity Increase) percentage may not see a COLA for one or more years.
January 1 of the year after adoption	Future increases will only occur when city readopts the COLA. Retiree benefits are not adjusted annually.
First day of the month after adoption. Benefit can only be discontinued effective January 1, if ordinance adopted before preceding November 1	Rescinding it reduces cost to city and eliminates a benefit. Adding it will increase costs.
First day of the month after adoption	Applying this credit does not increase the benefit, but may add service credit toward retirement eligibility for some members.
First day of month after adoption	Allows eligible employees who have previous public service, including active military, to receive time credit. Applying this credit to members' accounts does not increase the amount of their benefit but can add actuarial cost.
Date of adoption	No up-front cost for adoption of buyback. TMRS will estimate costs that accrue if some or all employees purchase their refunded service. Employee repays refunded amount plus reinstatement fees.
First day of month after adoption. This change only applies to employees starting after that date	City still must fund retirements of employees enrolled prior to adoption.

** The effective dates shown in this column apply after the city has adopted the respective ordinance and the ordinance has been given to TMRS.

Investment Returns

- TMRS administers \$31.0 billion in assets as of 12/31/2019.
- Annual investment returns (as of 12/31/2019; Net of Fees)

1-year return	3-year average	5-year average	10-year average	20-year average	30-year average
14.54%	8.34%	6.38%	6.85%	7.79%	8.27%

Quarterly asset and performance information and the Investment Policy Statement are posted on the Investment page of the TMRS website.

Resources for Cities

City Portal • www.tmr.com/CityPortal/Logon • TMRS SOC-1 Audit Reports and your city's census data

My City Plan • www.tmr.com/my_city_plan.php • type your city's name to see a "Snapshot" of benefits

City Plan Provisions • www.tmr.com/city_plans.php • searchable by city name or city region

City Rate Letters • www.tmr.com/city_rate_letters.php • choose your city's name in the dropdown menu

Guides, Flyers, Publications, and Actuarial Valuations • www.tmr.com/pubs_cities.php

E-Bulletin for Cities • www.tmr.com/e_bulletins.php

How to Contact TMRS

Toll-free • 800.924.8677

Local (in Austin) • 512.476.7577

Website • www.tmr.com

Need Help? • www.tmr.com/contact.php

Fax • 512.476.5576

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TMRS Legislation

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Actuarial Information

Leslee Hardy • lhardy@tmr.com

GASB 68 and 75

Information is available on the TMRS website under Eye on GASB.

Specific questions may be emailed to pensionaccounting@tmr.com.





City of McLendon-Chisholm

Staff Report

Discuss proposed changes to the Master Fee Schedule

Date:

June 2, 2020

Background:

The Master Fee Schedule is reviewed each year as part of the budget process. Proposed changes include the following:

Service	Current Rate	Proposed Rate
Sewer Rate	\$57.75	\$60.64
Pool Permit	\$500 plus inspection fees (usually 4 inspections at \$75 each) = \$800	\$200 plus inspection fees = \$500 Total
Mechanical/HVAC	\$100 plus inspection fees	No Change
Plumbing Permit	\$150 plus inspection fees	\$100 plus inspection fees
Electrical Permit	\$150 plus inspection fees	\$100 plus inspection fees
Solicitor's Permit		\$100 (up to 4 individuals per permit) \$25 for each additional person.

The sewer rate proposed is derived from the sewer rate study completed last year. The rate study is attached to the packet. New information regarding NTMWD rates are not available at this time.

The current pool permit fee is high as compared to neighboring cities. The proposed fee covers the city's costs.

Mechanical and HVAC permits are currently \$100 plus inspection fees. Plumbing and Electrical permits are currently \$150 plus inspections. Plumbing and Electrical permits are similar and should reflect a similar fee. Staff proposes to reduce the plumbing and electrical permit fee to \$100 plus inspection fees to be in line with the mechanical and HVAC permits.

Council recently approved changes to the City's nuisance ordinance and now requires a solicitor's permit. A fee needs to be established for the permit. Staff proposes a \$100 fee which includes background checks for up to four individuals plus \$25 for each additional person attached to the permit.

Fire Department related proposed permit fees are attached.

Recommendation:

Staff recommends Council consider the proposed Master Fee Schedule and have staff prepare an ordinance with an effective date of October 1, 2020 and present to Council for adoption at a future meeting.

Lisa Palomba, City Administrator

Jim Simmons, Fire Chief/Fire Marshal

Fire Permit Fees and Misc. Fees

Permits (Construction & Operational)	
Permit Description	Fee
Automatic Fire Extinguishing Systems	
1. New Install	3rd party plan review*
2. Modification to Existing System	
a. Less than 20 heads	No permit needed
b. 20 or more heads, modifications alterations/modifications to the system risers, and/or special applications (i.e. water curtains).	3rd party plan review*
3. Kitchen Hood & Duct	1 st page: \$150, each additional page \$100
4. Special Hazard (clean agent, dry chem, etc.)	3rd party plan review*
Battery System	
New Install & modifications	3rd party plan review*
Outdoor Burn	
1. Commercial/Residential Burn Permit	\$25 review fee per residential burn permit \$150 review fee per commercial burn permit
Carbon Dioxide Systems (beverage dispensing)	
New Install & modifications	3rd party plan review*
Compressed Gases	
New Install & modifications	3rd party plan review*
Cryogenic Fluids	
New Install & modifications	3rd party plan review*
Electronic Access Control Systems	
New Install & modifications	1 st page: \$150, each additional page \$100
Emergency Responder Radio Coverage System	
New Install & modifications	3rd party plan review*
Fire Alarm and Detection Systems and related equipment	
1. New Install	3rd party plan review*
2. Modification to Existing System	
a. Less than 20 devices	1 st page: \$150, each additional page \$100
b. 20 or more devices	3rd party plan review*
c. Panel Replacement	1 st page: \$150, each additional page \$100
d. Minor notification device modifications (such as adding horn/strobe for fire sprinkler monitoring or expanded notification coverage with less than 10 devices added)	No permit needed
Fire Pump and related equipment	
New Install & modifications	3rd party plan review*
Fireworks	
1. Fireworks/Pyro – Outdoor Shows	\$50
Flammable and Combustible Liquids	
New Install & modifications	3rd party plan review*
Gates and Barricades (across fire apparatus access roads)	
New Install & modifications	No Fee
Hazardous Materials	
New Install & modifications	3rd party plan review*
High-Piled Storage	
New Install & modifications	3rd party plan review*
Industrial Ovens	

New Install & modifications	3rd party plan review*
LP-gas	
New Install & modifications	No Fee
Model Rocketry	
Per Event	No Fee
Private Fire Hydrants	
New Install & modifications	3rd party plan review*
Smoke Control or Smoke Exhaust Systems	
New Install & modifications	3rd party plan review*
Solar Photovoltaic Power Systems	
New Install & modifications	3rd party plan review*
Spraying and Dipping	
New Install & modifications	3rd party plan review*
Standpipe Systems	
New Install & modifications	3rd party plan review*
Tanks	
Underground Tanks	
New Install & modifications	1 st page: \$150, each additional page \$100
Aboveground Tanks	
New Install & modifications	1 st page: \$150, each additional page \$100
Temporary (Construction Site) Tanks	
New Install & modifications	No Fee
Removal of Tank	No Fee
Temporary Membrane Structures and Tents	
New Install & modifications	No Fee
Traffic Calming Devices (Speed Humps)	
New Install & modifications	No Fee
Two-Way Communication System	
New Install & modifications	1 st page: \$150, each additional page \$100
Underground Fire Service Systems	
New Install & modifications	1 st page: \$150, each additional page \$100
Others	
All other Construction or Operational permits not specifically listed above (See IFC 105.6 and 105.7)	No Fee, 1 st page: \$150, each additional page \$100, or 3rd party plan review*, as determination by Fire Code Official

*\$5 Administrative Fee for all permits requiring 3rd Party Plan Review

*Permits requiring 3rd Party Review, if reviewed in house, 1st page: \$150, each additional page \$100

Miscellaneous Fees	
Fee Description	Fee
Inspections	
Home Occupancy Inspection Fee	\$75.00
Outside of Normal Business Hours	\$75.00 per hour (min of 2 hrs.)
Re-inspection fee The re-inspection fee would be assessed after 2 failed inspection to which a permit was issued.	\$75.00
Fire Watch	
1. Per Fire Service Personnel	\$50.00 per hour (min of 2 hrs.)
2. Per Fire Apparatus	\$400.00 per hour



City of McLendon-Chisholm

Staff Report

Discuss the Comprehensive Plan update, timeline for completion and probable costs.

Date:

June 2, 2020

Background:

The 2015 Comprehensive Plan was adopted in March 2016. Michael R. Coker, the City's current Planner, served as the project consultant. Since that time, there have been only minor updates to the Future Land Use Plan and Transportation Plan.

In 2019 the City Council discussed the need for updates to the Comprehensive Plan. At that time, it was decided not to engage a planner specifically for this purpose. Council determined that the Planning & Zoning Commission, the City Council and the Economic Development Committee could likely do the necessary work involved in updating the plan with minimal guidance from the City's Planner.

On February 25, 2020, Council approved Resolution 2020-03 establishing an Economic Development Committee. The Resolution tasks the committee with developing an Economic Development Plan. As part developing the Economic Development Plan, the Committee will seek input from the City Planner on concepts to update the City's Comprehensive Plan.

While the City sought applicants for the Economic Development Committee, largely due to COVID-19, applicants have yet to be appointed for this committee. Therefore, the committee is not yet active.

As related to the above-mentioned Economic Development Plan and Comprehensive Plan update, staff requested a quote and proposed scope of work for a new or updated Comprehensive Plan. The City Planner is suggesting \$15,000 for an update and \$20,000 to develop a new Comprehensive Plan. The City Planner estimates a new or updated plan could requires six to eight months to complete. The proposed scope of work is provided by Mike Coker as follows:

Proposed Scope of Work: New or updated Comprehensive Plan

TASKS:

1. Perform City and area reconnaissance and prepare photographic inventory of City and surrounding area
2. Prepare presentation for combined meeting of the City Council and City Planning and Zoning Commission that provides for an overview of the purpose, process and timing for the development of the new or updated Comprehensive Plan [PPT]
3. Meet with City Council and Planning and Zoning Commission to provide an overview of the purpose, process and timing for the development of the new Comprehensive Plan

4. Develop preliminary Comprehensive Plan objectives and strategy for development
5. Commence data assembly to support objectives for Comprehensive Plan
6. Prepare outline for new or updated Comprehensive Plan [PPT]
7. Meet with City Council and Planning and Zoning Commission to review the initial objectives and strategy for preparing the Comprehensive Plan
8. Prepare and present outline, objectives and strategy resulting from meeting with City Council and Planning and Zoning Commission to the Community at a community meeting [PPT]
 - a. Provide opportunity for community input and responses
9. Prepare Draft Comprehensive Plan
10. Present Draft Comprehensive Plan to City Council and Planning and Zoning Commission and community at a community meeting [PPT]
11. Revise Draft consistent with direction from City Council and Planning and Zoning Commission
12. Present revised Draft Comprehensive Plan to City Council and Planning and Zoning Commission
13. Present revised Draft Comprehensive Plan to community at community meeting [PPT]
 - a. Provide opportunity for community input and responses
14. Prepare final draft Comprehensive Plan
15. Present the final Draft Comprehensive Plan to the Planning and Zoning Commission at a public hearing [PPT]
16. Prepare any revisions as requested by the Planning and Zoning Commission
17. Prepare and present the final Draft Comprehensive Plan to the City Council at a public hearing
18. Prepare Comprehensive Plan as adopted by the City Council [PPT]
19. Review adoption ordinance [prepared by City Attorney] in anticipation of adoption by the City Council

Deliverables:

New or updated Comprehensive Plan

Updated maps

One digital reproducible Copy of New Comprehensive Plan

Recommendation:

Consider budgeting \$20,000 for development of an updated or new Comprehensive Plan so the Economic Development Committee, Planning & Zoning Commission and City Council will have the benefit of having an updated Comprehensive Plan as a guide for future city development.

Lisa Palomba, City Administrator

Rockwall

Central Appraisal District

April 30, 2020

CITY OF MCLENDON-CHISHOLM
LISA PALOMBA
1371 W FM 550
MCLENDON-CHISHOLM, TX 75032

CERTIFIED ESTIMATE OF VALUE FOR 2020 **City of McLendon-Chisholm**

Dear Ms. Palomba,

Enclosed is the 2020 ***ESTIMATE OF VALUE*** for your taxing unit. State law requires that the district send you an estimate of value for the appraisal roll each year by May 1st. It is important to note that this is just an ***ESTIMATE*** as we continue to work renditions of business personal property due to extension requests, as authorized by the Texas Property Tax Code.

Appraisal Districts are mandated by law to value all property at market value, as well as equal to other similar properties through mass appraisal. April 15th begins the protest period during which property owners may appeal property values. Values will be continuously adjusted during this process.

Sincerely,

Kevin Passons
Chief Appraiser

841 Justin Road
Rockwall, TX 75087
www.rockwallcad.com

Metro: 972-771-2034
Toll Free: 1-877-438-5304
Fax: 972-771-6871

Rockwall

Central Appraisal District

CERTIFICATE OF ESTIMATED NET TAXABLE VALUE

ROCKWALL CENTRAL APPRAISAL DISTRICT §
COUNTY OF ROCKWALL §

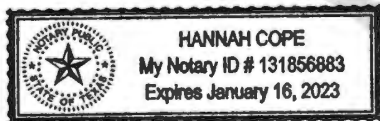
I, Kevin Passons, Chief Appraiser of the Rockwall Central Appraisal District of Rockwall County, Texas, do hereby certify the City of McLendon-Chisholm
Estimated Values below for tax year 2020.

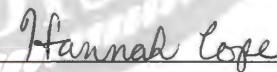
Net Taxable Value: **\$533,900,645**
Freeze Adjusted Taxable Value: **\$463,821,521**


Kevin Passons, Chief Appraiser

THE STATE OF TEXAS §
COUNTY OF ROCKWALL §

Subscribed and sworn to before me this 30th day of April, 2020.




Notary Public in and for the State of Texas

(Affix Notary Seal)

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City of McLendon-Chisholm

2019 Wastewater

Rate Study and Financial Forecast

City Council Presentation



October 8 2019

Presentation Format



- Background on Rates
- Customers and Growth
- Current and Forecast Cost of Service
- Proposed Rate Plan
- Next Steps



Facts about Water and WW Rates in the 21st Century



- Average utility has been increasing rates 5-6% per year; trend expected to continue
- AWWA forecasts that water and wastewater rates across USA will triple in the next 15 years
- Rate adjustments are primarily due to reasons beyond a utility's control – inflation, system replacement, etc.
- NTMWD/Rockwall wastewater increases will have a major impact on City's long-term rate plan
- Ability to maintain forecast customer growth and related connection fees important part of Utility's financial stability

City of McLendon-Chisholm Current Wastewater Rate Structure



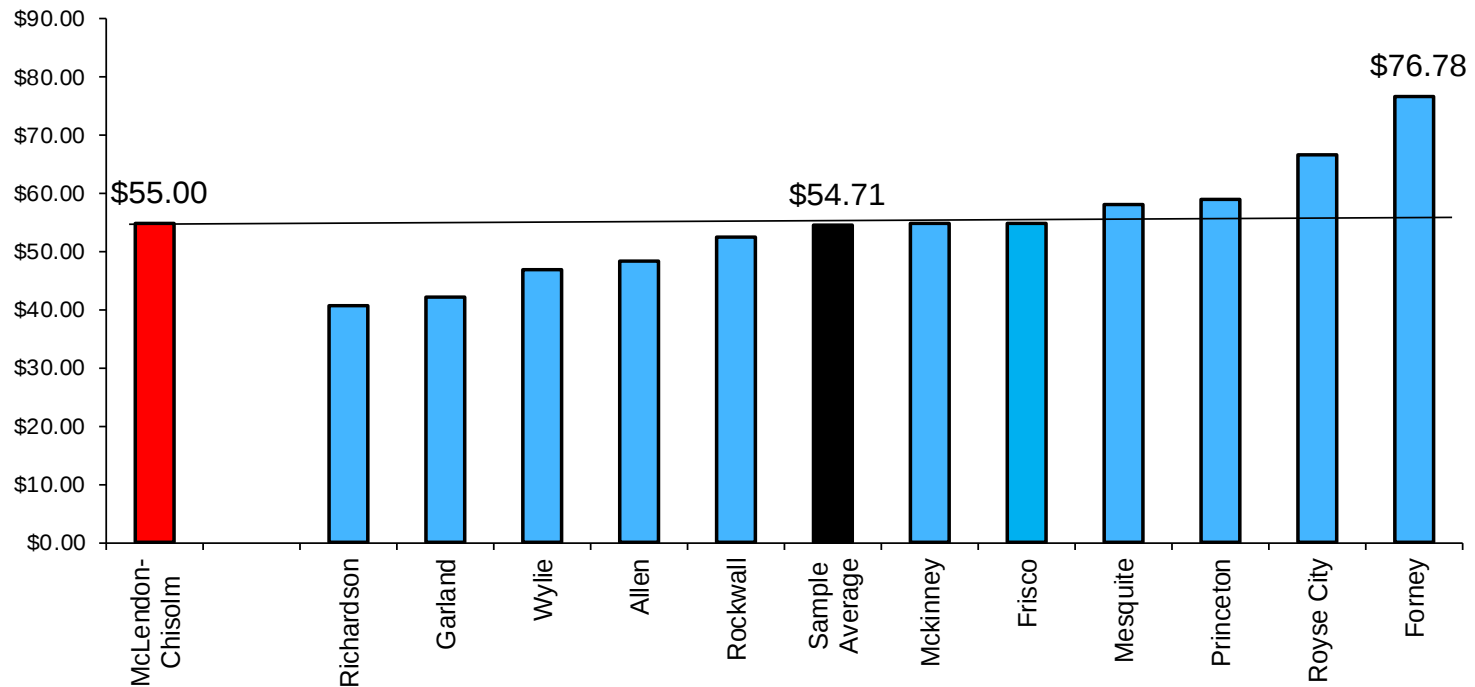
Wastewater Rates

Residential Wastewater Rates

Minimum Charge	\$	55.00
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Volume Rate (per 1,000 Gallons)	-
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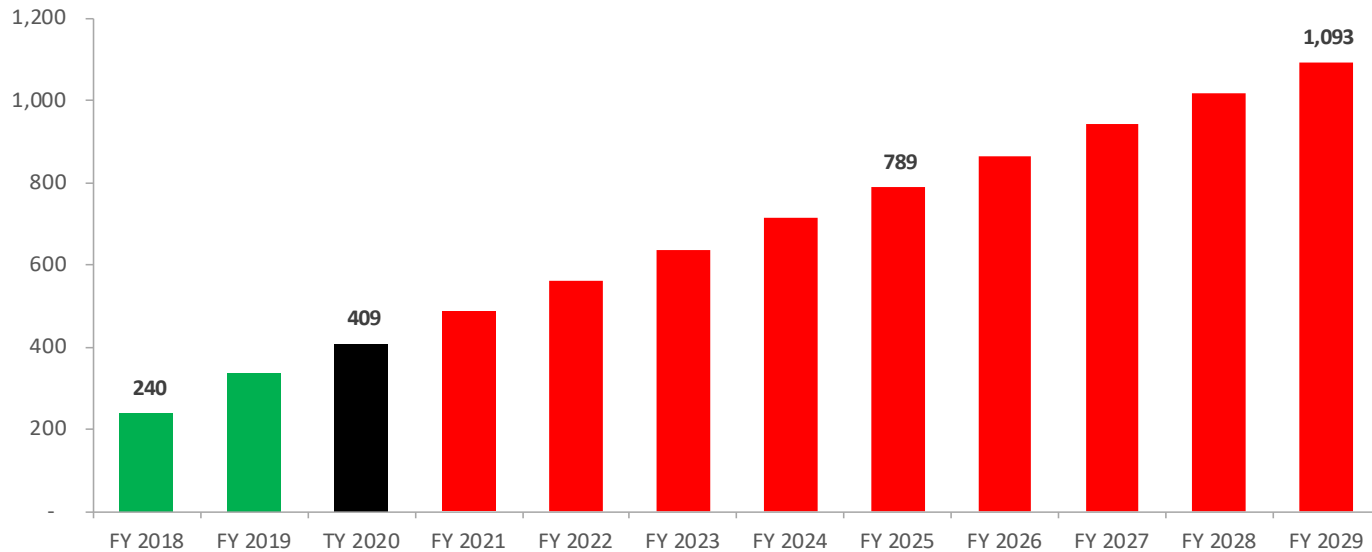
Monthly Residential Charge Comparison 7,500 Gal Wastewater



Forecast Wastewater Accounts



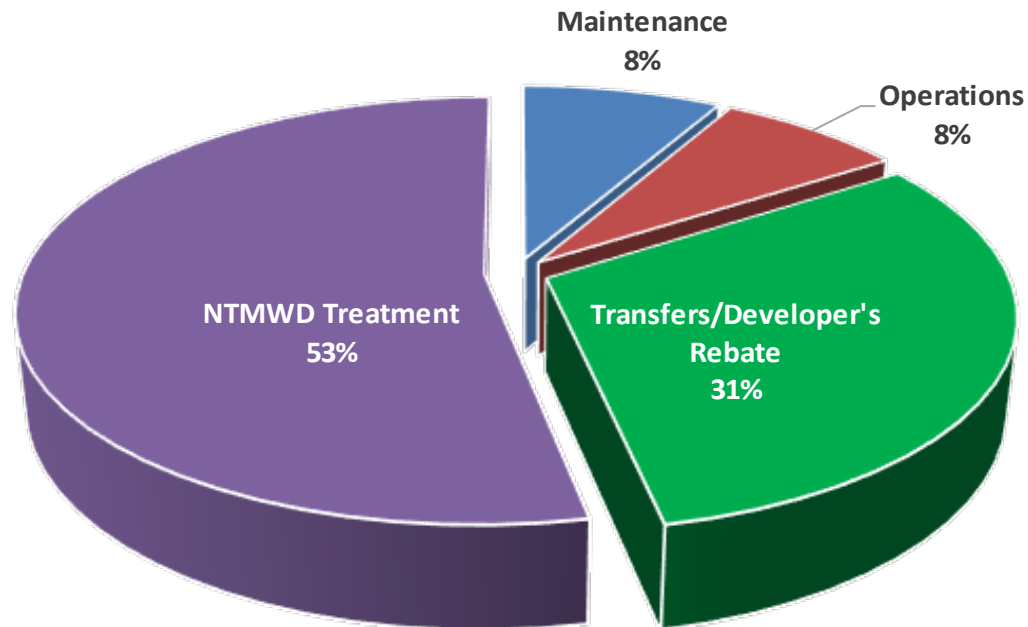
Average Annual Increase = 11.5%



Wastewater Utility FY 2020 Operating/Capital Outlays



Total = \$441,270

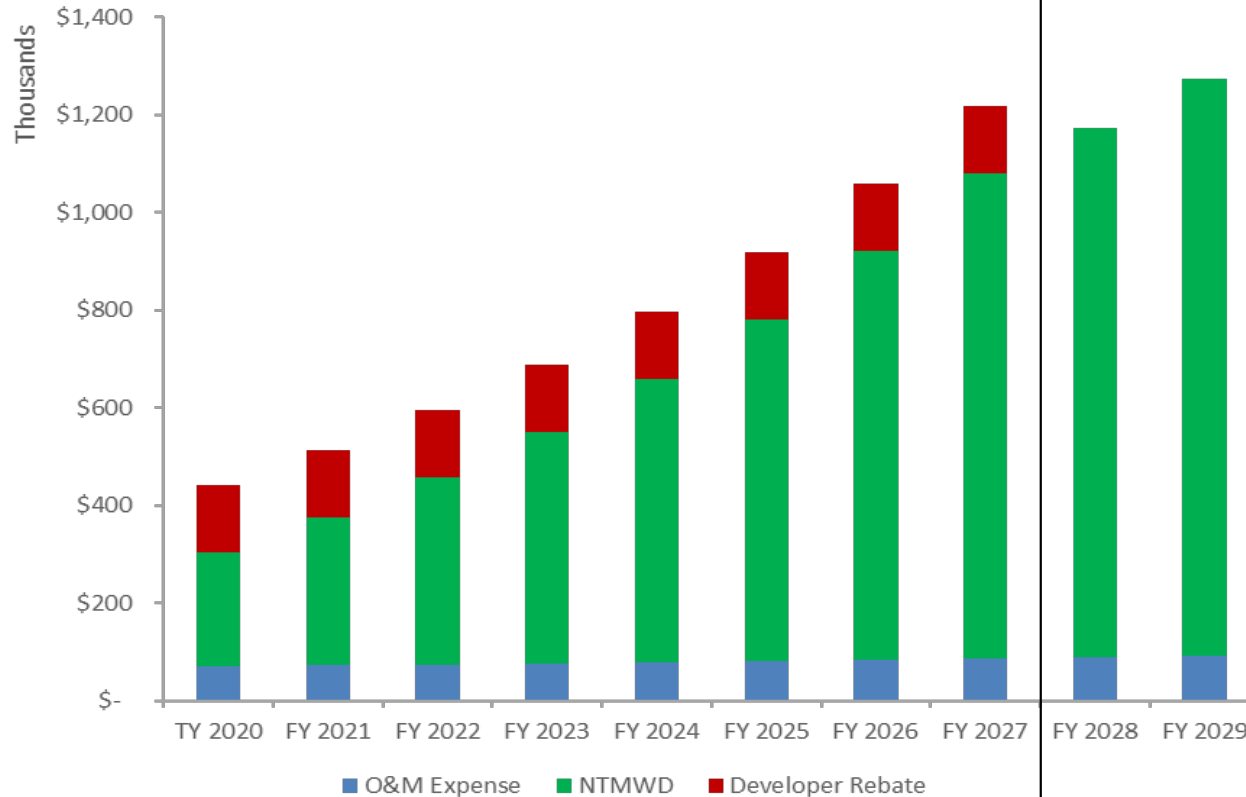


Key Assumptions Driving Forecast Financial and Rate Plan



- Contract operating expenses increase 3% per year
- Biggest impact on rate plan = NTMWD/Rockwall cost increases for wastewater treatment
 - estimated at 9.0% per year
- **Important:** Tap Fees (non-rate revenues) are 45% of total utility revenue:
 - Any slowdown in customer growth will require additional rate increases
 - Fees are expected to end after FY 2027, resulting in a revenue reduction of \$91,00 in FY 2028

Forecast Cost of Service



Forecast Revenue Requirement



	Operating Expenses	NTMWD	Developer Rebates	Total Cost of Service	Less Non-Rate Revenues	Net Revenue Requirement
WASTEWATER Revenue Requirement						
TY 2020	\$ 69,570	\$ 234,900	\$ 136,800	\$ 441,270	\$ 226,900	\$ 214,370
FY 2021	71,657	303,897	136,800	512,354	226,900	285,454
FY 2022	73,807	383,506	136,800	594,113	226,900	367,213
FY 2023	76,021	475,088	136,800	687,909	226,900	461,009
FY 2024	78,302	580,161	136,800	795,263	226,900	568,363
FY 2025	80,651	700,424	136,800	917,875	226,900	690,975
FY 2026	83,070	837,770	136,800	1,057,640	226,900	830,740
FY 2027	85,562	994,313	136,800	1,216,675	226,900	989,775
FY 2028	88,129	1,084,796	0	1,172,925	(1,100)	1,174,025
FY 2029	90,773	1,183,512	0	1,274,285	(1,100)	1,275,385

Notes on Rate Proposal

- Rate plan recommends 5 years of annual adjustments, effective January 1, 2020 and October 1 2020-2023
- Council has option to adopt multi-year plan or single adjustment
- Recommend rate plan be reviewed every two years given:
 - The utility's reliance on tap fee revenue connected to rapidly changing growth
 - The volatility of NTMWD charges



Wastewater Monthly Charge Required For Utility Self Sufficiency



Current	Effective				
	Jan-20	Oct-20	Oct-21	Oct-22	Oct-23
\$ 55.00	\$ 57.75	\$ 60.64	\$ 63.67	\$ 66.85	\$ 70.20
	2.75	2.89	3.03	3.18	3.34
	5.0%	5.0%	5.0%	5.0%	5.0%

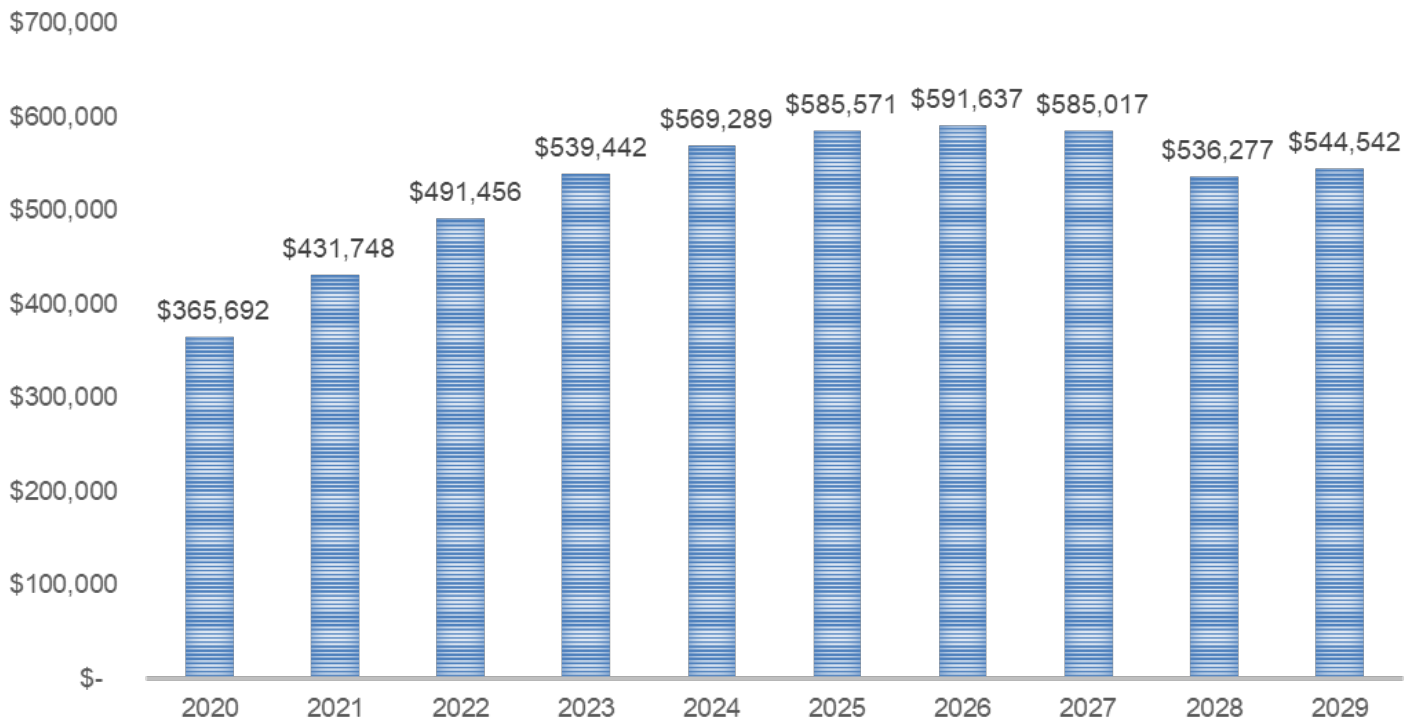
Wastewater Monthly Charge Required For Utility Self Sufficiency



Effective				
Oct-24	Oct-25	Oct-26	Oct-27	Oct-28
\$ 75.11	\$ 81.12	\$ 87.61	\$ 100.75	\$ 114.85
4.91	6.01	6.49	13.14	14.10
7.0%	8.0%	8.0%	15.0%	14.0%

Elimination of Connection Fee Revenue

Proposed Rate Plan Forecast Fund Balance



Presentation Summary

Benefits of Proposed Rate Plan



- Will enable utility to operate on a stand-alone basis and independent of general fund assistance
- Will cover estimated increased cost of NTMWD Wastewater treatment
- Will result in financially-healthy utility that has ability to fund operations and immediate capital needs
- Will ensure that ratepayers paying only what it costs to provide wastewater service



Questions?

**CITY OF MCLENDON-CHISHOLM
ORDINANCE NO. 2019-03**

AN ORDINANCE OF THE CITY OF McLENDON-CHISHOLM, TEXAS, AMENDING SECTION 3.01.001 OF ARTICLE 3.01 OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES BY AMENDING THE FEE SCHEDULE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council of the City of McLendon-Chisholm, Texas ("City") to protect the public health, safety and welfare of the citizens of the City and safeguard the finances of the City; and

WHEREAS, the City is authorized to impose and collect fees relating to activities regulated by the City and the City Council may amend the related fee schedule to reflect current costs incurred by the City resulting from administering such regulations; and

WHEREAS, the Texas Legislature approved H.B. 852 effective May 21, 2019, which prohibits the practice of considering valuation of a proposed residential structure in determining and calculating residential building permit fees and it is necessary that the fee schedule be amended; and

WHEREAS, the City Council finds that the fee schedule attached to this Ordinance as Exhibit A and incorporated herein levies fees that have a rational and reasonable relationship to actual costs incurred by the City for the related activities and that the fees are reasonably necessary for the administration of the activity for which the fees are charged.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF McLENDON-CHISHOLM, TEXAS:

SECTION 1. The recitals set forth in the WHEREAS clauses of this Ordinance are true and correct, constitute findings and determinations by the City Council acting in its legislative capacity and are incorporated herein.

SECTION 2. That Section 3.01.001(a) of Article 3.01 "General Provisions," of Chapter 3 "Building Regulations," is hereby amended for the sole purpose of repealing the current Exhibit A fee schedule and replacing it with the Exhibit A fee schedule attached to this Ordinance, which fees shall be effective, and shall be assessed, from and after the effective date of this Ordinance.

SECTION 3. That all provisions of the ordinances of the City of McLendon-Chisholm in conflict with the provisions of this Ordinance, to the extent of such conflict, be and the same are hereby repealed and all other provisions of the ordinances of the City of McLendon-Chisholm not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect

Ordinance No. 2019-03
Approved 05/28/2019

the validity of this Ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 6. This Ordinance shall take effect immediately after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED and APPROVED by the City Council of the City of McLendon-Chisholm, Texas, on the 28th day of May 2019.

APPROVED:



Keith Short, Mayor



ATTEST:



Lisa Palomba, City Secretary



City of McLendon-Chisholm Master Fee Schedule

Exhibit A Ordinance 2019 – 03

Miscellaneous Fees

Fence Permit	\$50
Trade Permits, Mechanical Permits	\$100
Plumbing Permit	\$150
Electrical Permit	\$150
Commercial Certificate of Occupancy	\$150
Credit Card Fee	5%
Sewer Tap Fee	\$3,000
Sewer Customer Deposit	\$135 (\$110 Refundable)
Sewer Monthly Fee	\$55
Contractor Registration (Other than plumbing & electrical)	\$100
Contractor Registration Plumbing & Electrical	\$0
OSSF Permit Fee	\$500
Resubmittal OSSF Fee	\$100
Pool Installation OSSF Review Fee (no inspection)	\$ 50
OSSF Modification Fee	\$200

Food Establishment Permit Fees

Temporary Establishment	\$50
Food Establishment	\$300
Catering Truck	\$300
Day Care Facility	\$300
Grocery Store (Per Outlet)	\$300
Limited Service	\$300
Additional Inspections Required	\$100
Seasonal Events	\$150
Prepackaged Food and Beverage	\$150

Continued on Next Page

Approved 05/28/2019

Building Permit Fees Commercial/Non-Residential
(All Building Permit Applications Subject to a Plan Review Fee)

Valuation is based on construction value of project. Permit applicant pays this fee at the time the permit is issued.

Total Valuation	Fee
\$1-\$5,000	Actual Inspection Charges Plus \$50
\$5,000 to \$249,999	Actual Inspection Charges Plus 1.000% of Valuation Rounded up to Next \$1,000
\$250,000 to \$449,999	Actual Inspection Charges Plus 1.050% of Valuation Rounded up to Next \$1,000
\$450,000 to \$649,999	Actual Inspection Charges Plus 1.075% of Valuation Rounded up to Next \$1,000
\$650 to \$849,999	Actual Inspection Charges Plus 1.100% of Valuation Rounded up to Next \$1,000
\$850,000 to \$9,999,999	Actual Inspection Charges Plus 1.25% of Valuation Rounded up to Next \$1,000
Over \$1,000,000	Actual Inspection Charges Plus 1.150% of Valuation Rounded up to Next \$1,000

Residential Building Permits
(All Building Permits subject to a Plan Review Fee)

Residential New Construction/Remodels	\$1.17 Per Square Foot Plus Inspection Fees (Includes Total Square Footage living, garages, porches, etc.)
Residential Minor Construction Projects	\$0.59 Per Square Foot Plus Inspection Fees (Porch Additions, Patio Covers, garages, non-habitable living space, etc.)
Swimming Pool	\$500 Plus Inspection Fees

Plan Review Fees (Fees are not applied toward Building Permits)

Commercial New Construction	2% of Valuation (\$500 minimum) Paid at time of submittal
Residential New Construction	\$125 Paid at time of submittal
Other Residential Projects including Pools	\$75

Continued on Next Page

Approved 05/28/2019

Development Fees**
Application and Process Fees Only

Plat Fees**

ETJ Preliminary/Final Plat	Same as All City Fees. May Require review by Rockwall County and be subject to County Fees. See Interlocal Agreement January 30, 2006
Preliminary Plat	\$175 per lot Plus \$10 per acre (Acreage rounded to the next whole number) Plus all Consultant Costs.
Final Plat	\$150 per lot Plus \$10 per acre (Acreage rounded to the next whole number) Plus all Consultant Costs.
Replat/Amended Plat	\$150 per lot Plus \$10 per acre (Acreage rounded to the next whole number) Plus all Consultant Costs.

Zoning Related Fees**

Zoning Change Request	\$600 Plus \$10 Per Acre Plus all Consultant Costs
Zoning Board of Adjustment Request	\$400 Plus all Consultant Costs
Special Use Permit	\$400 Plus all Consultant Costs

**Please consult the City of McLendon-Chisholm Code of Ordinances for subdivision and zoning projects prior to submitting an application. All land use projects begin by contacting City Staff at 972-524-2077.

**The City recognizes that professional guidance is necessary when undertaking any land use project including platting, zoning or Board of Adjustment applications. Therefore, the City will provide a one-hour or 2 half-hour complementary professional consultations with the City Planner and/or City Engineer. The complimentary consultations will be arranged by City Staff. Limit of one complementary consultation per property.

The applicant must pay the actual fee (very small and simple projects) or deposit the estimated fee with the City prior to the consultants beginning work on an application. Should the actual consultant costs exceed the estimate, the applicant will be required to deposit additional funds with the City before work on a project continues. Unused deposit funds will be refunded to an applicant within 60 days of project end.

**All Consulting Costs include City Planner, City Engineer, Legal Fees and any other outside consultant costs incurred by the City. A request will not be scheduled for an agenda until all outstanding fees are current.

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Approved 05/28/2019

**Fire Code Plan Review Services (Fire Alarm/Sprinkler Systems)
(Commercial)**

Valuation	Fee
Up to \$250,000	\$500
\$250,000 to \$500,000	\$850
\$501,001 to \$1,000,000	\$1,100
\$1,000,001 to \$3,000,000	\$1,600
3,000,001 to \$6,000,000	\$2,400
\$6,000,001 and up	\$2,400 plus \$0.35 for each additional \$1,000

Fire Code Inspection Services

Residential	\$25
Commercial	\$50 initial inspection, reinspection \$75

Approved 05/28/2019