

**AGENDA
NOTICE OF MEETING OF THE CITY COUNCIL OF
SHAVANO PARK, TEXAS**

This notice is posted pursuant to the Texas Open Meetings Act. Notice hereby given that the City Council of the CoSP, Texas will conduct a Regular Meeting on Monday, March 27, 2023 6:30 p.m. at 900 Saddletree Court, Shavano Park City Council Chambers.

The meeting agenda and agenda packet are posted online at www.shavanopark.org.

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. CITIZENS TO BE HEARD

The City Council welcomes “Citizens to be Heard.” If you wish to speak, you must follow these guidelines. **As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow these guidelines.**

- The Mayor will recognize those citizens who have signed up prior to the start of the meeting.
- Pursuant to Resolution No. R-2019-011 citizens are given three minutes (3:00) to speak during “Citizens to be Heard.”
- Members of the public may only speak once and cannot pass the individual’s time allotment to someone else
- Direct your comments to the entire Council, not to an individual member
- Show the Council members the same respect and courtesy that you expect to be shown to you

The Mayor will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of City Council may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)

4. CITY COUNCIL COMMENTS

Pursuant to TEX. GOV’T CODE §551.0415(b), the Mayor and each City Council member may announce city events/community interests and request that items be placed on future City Council agendas. “Items of Community Interest” include:

- expressions of thanks, congratulations, or condolences;
- information regarding holiday schedules;
- an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person’s public office or public employment is not honorary or salutary recognition for purposes of this subdivision;
- a reminder about an upcoming event organized or sponsored by the governing body;
- information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended

- by a member of the governing body or an official or employee of the municipality or county; and
- announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after posting of the agenda.

5. PRESENTATIONS, COMMENDATIONS AND ANNOUNCEMENTS

- 5.1. Proclamation - Police Autism Awareness Program - Mayor Werner**
- 5.2. Recognition - Introduction of Fiesta Medal designer, Ruth Thomson**
- 5.3. Proclamation - Arbor / Earth Day - Mayor Werner**

6. REGULAR AGENDA ITEMS

- 6.1. Discussion / action - Approval Phase I Road Construction (East) based upon bids received from Request for Proposal - City Manager / City Engineer**
- 6.2. Discussion - Phase IA (DeZavala) planning update - City Engineer**
- 6.3. Presentation / discussion - Shavano Park Commercial and Residential Development Semi-annual Presentation - Bitterblue, Inc. / Denton Communities**
- 6.4. Discussion / action - Ordinance O-2023-003 of the City of Shavano Park, Texas regulating junked vehicles within the City; providing for penalties; providing for a cumulative and conflicts clause; providing for a severability clause and providing for an effective date. Possible Executive Session pursuant to Texas Government Code §551.071, Consultation with Attorney (final reading) - City Manager**
- 6.5. Discussion / action - Ordinance O-2023-004 amending Chapter 4 –Animals to adopt procedures to safely and humanely regulate dangerous, aggressive and public nuisance dogs - City Manager / Police Chief**
- 6.6. Discussion / action - Resolution R-2023-007 authorizing increase in micro-purchase threshold for purchases of goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D - City Manager / Finance Director**
- 6.7. Discussion /action - Deliberate the appointment a Municipal Court of Record Alternate Prosecutor. Possible Executive Session pursuant to Texas Government Code §551.074, Personnel Matters – City Manager / City Council**

7. CITY MANAGER’S REPORT

All matters listed under this item are considered routine by the City Council and will only be considered at the request of one or more Aldermen. Coincident with each listed item, discussion will generally occur.

- 7.1. Building Permit Activity Report**
- 7.2. Fire Department Activity Report**
- 7.3. Municipal Court Activity Report**
- 7.4. Police Department Activity Report**
- 7.5. Public Works Activity Report**
- 7.6. Finance Report**

8. CONSENT AGENDA

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.

- 8.1. Approval - Regular City Council Minutes, February 27, 2023**
- 8.2. Accept - Planning and Zoning Commission Minutes, February 1, 2023**
- 8.3. Approval - Ordinance O-2023-001 accepting the amended City of Shavano Park Budget Amendment and Purchasing Policy adopting rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time (second reading)**
- 8.4. Approval - Ordinance O-2023-002 extending maximum speed limits into Willow Wood (Shavano Park) Homeowners Association and establishing speed regulations enforcement (second reading)**
- 8.5. Approval - Ordinance O-2023-005 amending the City of Shavano Park's flood damage prevention ordinance to enforce the flood insurance rate maps of July 19, 2023 (administrative)**
- 8.6. Approval - Resolution R-2023-006 approving a policy providing guidance on proceedings to the Junked Vehicle Board of Appeals for the City of Shavano Park**
- 8.7. Accept - Plat and Replat to combine 206 Box Oak (Lot 1516, County Block 4773A) with un-platted lot County Block 472 P-49C ABS 482**
- 8.8. Accept - Replat to subdivide Lot 10, County Block 4787 of Napier Park Unit-3 (PUD) subdivision into three separate lots proposed as Lots 11, 12 and 13, County Block 4787**

8.9. Approval - Resolution R-2023-005 approving the amendments to the City of Shavano Park Employee Handbook

9. ADJOURNMENT

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of TEX. GOV'T CODE CHAPTER 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy TEX. GOV'T CODE §551.144(c) and the meeting is conducted by all participants in reliance on this opinion. The Council may vote and/or act upon each of the items set out in this agenda. In addition, the City Council for the City of Shavano Park has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter authorized by Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations related to Real Property); and Section 551.074 (Personnel Matters).

Attendance by Other Elected or Appointed Officials – NOTICE OF POTENTIAL QUORUM:

It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The facility is wheelchair accessible and accessible parking spaces are also available in the front and sides of the building. The entry ramp is located in the front of the building. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the City Secretary at 210-581-1116 or TDD 1-800-735-2989.

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the 21st day of March 2023 at 8:33 a.m. at a place convenient and readily accessible to the general public at all times, and to the City's website, www.shavanopark.org, in compliance with Chapter 551, Texas Government Code.

Trish Nichols
City Secretary

POTENTIAL FUTURE AGENDA ITEMS

No Items listed as a potential future agenda item will be considered unless listed as a regular agenda item. Alderman, please contact City staff to add new or reconsider old agenda items. Pending agenda items for consideration at subsequent Council meetings may include one or more of the following:

- a. **2023 Update to Town History (TBD'ed)**
- b. **Consideration for Well #1: place back into operation or plug the Well to meet TCEQ requirements – (TBD'ed)**
- c. **Records Retention Policy - Annual January**
- d. **FY 2021 - 22 Budget Amendment (Annual February or March)**
- e. **Set City Manager Annual Performance and Salary Review for April – Annual March**
- f. **Considerations for moving the May City Council meeting – Annual March / April**
- g. **City Manager Annual Review / Salary for April - Annual April**
- h. **Arbor Day Proclamation – Annual April**
- i. **Resolution R-2022-0XX appointing Dr. Woo as the Health authority for the City of Shavano Park in cooperation with the San Antonio Metropolitan Health District - Biennial**
- j. **Consideration for calling a Special Meeting to Canvass the May Elections and/or to reschedule the Regular City Council Meeting - Annual April**
- k. **Resolution No. R-2022-00X canvassing the 2021 General Election / Oath of Office - Newly Election Officials / Appointment of Mayor Pro Tem**
- l. **Annual Budget Calendar - Annual May**
- m. **Annual appointment of members to the Higher Education Facilities Corporation Board - Annual May**
- n. **Annual update on bond revenue opportunities by Bond Counsel – Annual May**
- o. **Annual Compensation Review - Annual June Workshop**
- p. **Resolution R-2022-0XX designating authorized signers of all banking depository accounts - Annual June**
- q. **Resolution R-2022-0XX authorizing the City Manager to establish accounts or memberships at banks or state/federal credit unions as authorized in the City of Shavano**

Park Investment Policy for the sole purpose of acquiring Certificates of Deposit - Annual June

- r. Shavano Park Commercial and Residential Development Semi-annual Presentation - Bitterblue, Inc. / Denton Communities - February / August**
- s. City Council consideration for moving the September City Council meeting to meet budget approval milestones – Annual August**
- t. City Council adoption of organizational chart - Annual August**
- u. Annual Report on Republic Service Recycling and CPI Fee adjustments - Annual September**
- v. Public Hearing - Crime Control & Prevention District Budget of the City of Shavano Park Crime Control and Prevention District for FY 2022-23 - Annual September**
- w. Resolution adopting the Crime Control and Prevention Budget of the City of Shavano Park Crime Control & Prevention for FY 2022-23 - Annual September**
- x. Public Hearing - Proposed Annual Operating and Capital Budget - FY 2020-21 Annual September**
- y. Ordinance No. O-2022-0XX approving and adopting a budget for the City of Shavano Park, Texas for the fiscal year beginning October 1, 2020 and ending September 30, 2021; making appropriations for each fund and department; establishing a Sinking Fund for existing city financial obligations; providing for the levying and collection of a sufficient tax to pay the interest and on such Sinking Fund obligations; repealing conflicting ordinances; providing a savings and severability clause; and declaring an effective date (Record Vote) (final reading) - City Manager - Annual September**
- z. Resolution adopting the City of Shavano Park Effective Tax Rate (Record Vote) - Annual September**
- aa. Record vote to ratify the property tax increase reflected in the FY 2022-23 budget (Record Vote) - Annual September**
- bb. Selection - Boards, Commissions, and Committees - Annual September**
 - a. Planning & Zoning Commissions - X (#) appointments, two-year terms**
 - b. Water Advisory Committee - Three (3) appointments (Water System Users only), two-year term.**
 - c. Board of Adjustments - X (#) appointments, X (#) Alternate two-year terms**
 - d. Investment Committee - One (1) appointment for two-year term**
 - e. Tree Committee – X (#) appointments (2-year term) X (#) appointment (1-year term)**
- cc. Setting the dates for the City sponsored events (City-wide Garage Sale / Arbor / Earth Day**

/ Independence Day / National Night Out / Trunk or Treat / Holiday Festival) – Annual October

dd. Resolution R-2022-0XX designating the San Antonio Express News as the City of Shavano Park's official newspaper for posting of public notices for the City as required by law - Annual October

ee. Disposal of City Equipment / Furniture - Annual October or November as needed

ff. Adoption of Official City Holiday Schedule - Annual October or November

gg. Approval of the yearly tax roll - Annual November

hh. Crime Control Prevention District funding placed on ballot - January 2024

ii. Street Maintenance Fund funding placed on the ballot - January 2026

jj. Accepting the FY 2022 Financial Statement Audit - Annual January

kk. Quarterly and Annual Investment Reports, ending September 30, 2021 - Annual January

ll. Appointment of Council Appointed Positions - Annual January

mm. Annual Crime Report – Annual January

nn. Consideration for transfer portions of Fund Balance to Capital Replacement / Improvement Fund - Annual January / February

oo. Shavano Park Police Department Racial Profiling Report - Annual January / February

pp. City of Shavano Park Investment Policy - Annual February

qq. Shavano Park Commercial and Residential Development Semi-annual Presentation - Bitterblue, Inc. / Denton Communities – February / August

rr. Revisions to Employee Handbook - Annual February

PROCLAMATION
National Autism Awareness Month

WHEREAS, Autism Awareness Month is observed annually in April, and April 2nd is recognized as the United Nations-sanctioned World Autism Awareness Day; both designations are intended to increase understanding and acceptance of people with autism; and

WHEREAS, Autism, or autism spectrum disorder, refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors, speech, and nonverbal communication; it is often accompanied by medical issues such as GI disorders, seizures, sleep disturbances, anxiety, and depression; research indicates that early diagnosis, intervention, and access to support services leads to positive outcomes later in life for people with the disorder; and

WHEREAS, THE National Autism Awareness month is backed by the Autism Society of America which has local chapters throughout the United States which hold special events throughout April and undertake a number of activities to raise awareness about autism; and

WHEREAS, Autism Awareness Month promotes acceptance and celebration of autistic people who are our family members, friends, classmates, co-workers, and community members and the valuable contributions they make to our world; and

WHEREAS, Autism is a natural variation of the human experience, and we can all create a world which values, includes, and celebrates all kinds of minds; and

NOW, THEREFORE, I, Robert B. Werner, Mayor of the City of Shavano Park, Texas, on behalf of the entire City Council recognizes and proclaims the month of April as

NATIONAL AUTISM AWARENESS MONTH

and encourages all residents to be better informed; more empathetic and supportive towards people with autism. Dated this 27th day of March, 2023

Robert B Werner, Mayor

**CITY OF SHAVANO PARK
PROCLAMATION
ARBOR / EARTH DAY
APRIL 15, 2023**

WHEREAS; '*Arbor Day*' started in 1872, when J. Sterling Morton called on farmers and homesteaders to replenish the tree population. By observing '*Arbor Day*', we emphasize the importance of beautifying our town through landscaping and trees, as we serve as the trustees for future generations; and

WHEREAS; since 1970, when likeminded groups of Americans brought environmental protection to the forefront, '*Earth Day*' helps support environmental programs, rekindle public commitment and build community activism; and

WHEREAS, Earth Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen and provide habitat for wildlife, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

WHEREAS, the Mayor and City Council of the City of Shavano Park, Texas hereby encourage all individuals, businesses, civic and service associations to participate in tree planting and clean up events; to participate in the City's Arbor / Earth Day activities on Saturday, April 15th; to recycle and celebrate nature; and to support efforts promoting awareness of the value of trees and our environment.

NOW THEREFORE BE IT PROCLAIMED, I, Mayor Werner and the City Council of the City of Shavano Park, Texas, hereby proclaim April 15, 2023 as Arbor / Earth Day in the City of Shavano Park; encourage community enhancement projects such as tree and shrub planning, litter cleanup, and other environmental work efforts; and highlight that the City of Shavano Park was designated a "Tree City USA" by the Arbor Day Foundation and administered by the Texas Forest Service.

Robert Werner
Mayor

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 6.1

Prepared by: Bill Hill

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion / action - Approval Phase I Road Construction (East) based upon bids received from Request for Proposal - City Manager / City Engineer

X

Attachments for Reference:

1) 6.1a D&D Contractors Bid

2) KFW Engineering Recommendation

BACKGROUND / HISTORY: On February 3, 2023 the City put **Shavano Park Street Maintenance Phase 1A** request for proposals on CivCast:

(<https://www.civcastusa.com/project/63dd48d50139a564c5878f7a/summary>)

The City held two non-mandatory pre-bid meetings on February 14th and 16th. The Deadline for questions was 2:00PM CST on February 17th. All electronic bids were due March 9th at 2:00PM. Electronic bids were digitally opened from their encryption at Shavano Park City at 2:15 PM (CST) on March 9th via CivCast.

DISCUSSION: KFW Engineering and City staff recommend **D&D Contractors** for award of Shavano Park Street Maintenance Phase 1A construction contract:

Company	CITY TOTAL (- CPS)	Base Bid	Alternate #1 (Cul-de- Sacs)	Alternate #2 (Wagon Trail)	Alternate #3 (End Gate)	Alternate #4 (CPS Gas)
D&D Contractors	\$6,282,548.69	\$4,958,610.96	\$314,850.79	\$853,011.29	\$156,075.65	\$2,183,446.93
J3	\$6,830,543.32	\$5,362,061.05	\$404,499.63	\$868,895.21	\$195,087.43	\$2,651,550.00
E-Z Bel Construction	\$8,450,649.88	\$7,073,981.75	\$307,995.50	\$864,354.05	\$204,318.58	\$2,113,059.90
RL Jones	\$8,648,409.93	\$6,909,534.96	\$417,501.00	\$1,128,698.74	\$192,675.23	\$2,271,550.00
Capitol Excavation	\$9,072,900.89	\$7,370,839.90	\$409,870.15	\$1,079,165.89	\$213,024.95	\$2,260,275.00
Alamo City Constructors	\$10,121,033.88	\$8,171,697.31	\$420,368.46	\$1,305,490.72	\$223,477.39	\$3,686,950.00

D&D Contractors meets the *lowest qualified bidder* criteria of the RFP and their bid met all bid specifications.

CPS Energy informed the City it has decided to decline the joint bid due to unexpected high cost. Bill Fey, Manager of Gas Customer Design Engineering will be at the meeting to explain CPS decision and answer questions.

COURSES OF ACTION: Approve D&D Contractors for award of base bid with Alternates #1, #2 and #3 and authorize City Manager to negotiate construction contract of \$6,282,548.69 for Shavano Park Street Maintenance Phase 1A; or decline and provide further guidance to staff.

FINANCIAL IMPACT: \$6,282,548.69

MOTION REQUESTED: Approve D&D Contractors for award of base bid with Alternates #1, #2 and #3 and authorize City Manager to negotiate construction contract of \$6,282,548.69 for Shavano Park Street Maintenance Phase 1A.

PROJECT:

Shavano Park Street Maintenance Phase 1A

SP-PW-23-01

BIDDER:

D & D Contractors

TOTAL BID:

\$4,958,610.96

COMPLETION TIME:

Not Required

BIDDER INFO:

1463 Bolton rd

Marion ,TX 78124

P: 2104397692

F:

BID TOTALS

BASE BID	Total
Base Bid	\$4,958,610.96
Total	\$4,958,610.96

ALTERNATE 1	Total
Additive Alternate #1 (Elm Spring Ln, Honey Bee Ln, Turkey Creek Rd. Hunters Branch St. & Hunters Branch St. S. Cul-de-sacs)	\$314,850.79
Total	\$314,850.79

ALTERNATE 2	Total
Additive Alternate #2 (Wagon Trail)	\$853,011.29
Total	\$853,011.29

ALTERNATE 3	Total
Additive Alternate #3 (End Gate)	\$156,075.65
Total	\$156,075.65

ALTERNATE 4	Total
Additive Alternate #4 (CPS Energy Gas Service Improvements)	\$2,183,446.93
Total	\$2,183,446.93

Base Bid						
No.	Id	Description	Unit	Qty	Unit Price	Ext Price
1A	100.1	MOBILIZATION	LS	1	\$448,630.76	\$448,630.76
1B	100.2	INSURANCE AND BOND	LS	1	\$68,002.98	\$68,002.98
1C	101.1	PREPARING RIGHT-OF-WAY	LS	1	\$61,704.86	\$61,704.86
1D	105.1	SWALE EXCAVATION	CY	699.77	\$13.61	\$9,523.87
2	107.1	EMBANKMENT(SWALE)	CY	699.77	\$16.64	\$11,644.17
3	515.1	TOPSOIL	CY	1032.3 3	\$52.69	\$54,393.47
4	520.1	HYDROMULCHING (RESIDENTIAL OR COMMERCIAL)	SY	67718. 25	\$1.06	\$71,781.35

5	540.1	ROCK FILTER DAMS (INSTALL)(TYPE 1)	LF	358.34	\$15.78	\$5,654.61
6	540.1	ROCK FILTER DAMS (REMOVE)(TYPE 1)	LF	358.34	\$10.24	\$3,669.40
7	540.6	CONSTRUCTION EXITS (INSTALL)	SY	806.76	\$9.70	\$7,825.57
8	540.6	CONSTRUCTION EXITS (REMOVE)	SY	806.76	\$1.59	\$1,282.75
9	540.1	CURB INLET GRAVEL FILTERS	LF	63.47	\$7.87	\$499.51
10	506-6040	BIODEG. EROSN. CONT. LOGS (INSTALL)(8")	LF	23868.92	\$3.52	\$84,018.60
11	506-6043	BIODEG. EROSN. CONT. LOGS (REMOVE)	LF	23868.92	\$0.16	\$3,819.03
12	640	CONSTRUCTION WASHOUT PIT	EA	6	\$644.25	\$3,865.50
13		2" - 4" RIVER ROCK	CY	49.02	\$225.82	\$11,069.70
14	503.1	PORTLAND CEMENT CONCRETE DRIVEWAY	SY	1888.26	\$106.90	\$201,854.99
15	503.3	EXPOSED AGGREGATE DRIVEWAY	SY	454.28	\$143.40	\$65,143.75
16	503.4	ASPHALTIC CONCRETE DRIVEWAY	SY	4634.73	\$41.49	\$192,294.95
17	SP-2	SPECIAL DRIVEWAYS	SY	234.8	\$79.69	\$18,711.21
18	401.1	REINFORCED CONCRETE PIPE (CLASS III)(12" DIA)	LF	102.75	\$53.81	\$5,528.98
19	401.1	REINFORCED CONCRETE PIPE (CLASS III)(15" DIA)	LF	40	\$199.03	\$7,961.20
20	104.1	STREET EXCAVATION	CY	14612.73	\$21.20	\$309,789.88
21	108.1	LIME TREATED SUBGRADE (6" COMP DEPTH)	SY	48648.28	\$3.57	\$173,674.36
22	108.2	LIME (SLURRY)	TON	802.7	\$288.97	\$231,956.22
23	202.1	PRIME COAT	GAL	9729.66	\$4.25	\$41,351.06
24	203.1	TACK COAT	GAL	5274.24	\$3.64	\$19,198.23
25	205.2	4.5" HOT MIX ASPHALTIC PAVEMENT, TYPE B	SY	47679.58	\$22.37	\$1,066,592.20
26	205.4	3" HOT MIX ASPHALTIC PAVEMENT, TYPE D	SY	47679.58	\$18.21	\$868,245.15
27	209.1	CONCRETE PAVEMENT (6" DEEP)	SY	968.72	\$109.68	\$106,249.21

28	500.1	CONCRETE CURBING	LF	40502.25	\$17.76	\$719,319.96
29	505.1	CONCRETE RIPRAP (5" THICK)(ADJACENT TO SADDLETREE)	SY	14.58	\$260.44	\$3,797.22
30	554	EXCEL SS-2 (TEMP EROSION CONTROL BLANKET)	SY	221.86	\$4.50	\$998.37
31	531.42	W1-6 LARGE ARROW (48" X 24")(HIGH INTENSITY)	EA	2	\$674.63	\$1,349.26
32	531.48	W8-2 DIP (30" X 30")(HIGH INTENSITY)	EA	12	\$337.32	\$4,047.84
33	531.52	W13-1 ADVISORY SPEED (18" X 18")(HIGH INTENSITY)	EA	13	\$73.08	\$950.04
34	537.1	TRAFFIC BUTTON (TYPE I-B)	EA	32	\$22.49	\$719.68
35	537.8	TRAFFIC BUTTON (TYPE II A-A)	EA	115	\$6.75	\$776.25
36	531.45	W1-8 CHEVRON AUGNMENT (18" X 24")(HIGH INTENSITY)(NEW)	EA	12	\$281.10	\$3,373.20
37	531.45	W1-8 CHEVRON AUGNMENT (18" X 24")(HIGH INTENSITY)(SALVAGE & RELOCATE)	EA	18	\$281.10	\$5,059.80
38	107.1	EMBANKMENT (FINAL)(ORD COMP)(TY B)	CY	37.03	\$76.46	\$2,831.31
39	513.1	REMOVE AND RELOCATE MAILBOX (METAL)	EA	26	\$147.44	\$3,833.44
40	513.1	REMOVE AND RELOCATE MAILBOX (WOOD)	EA	12	\$203.16	\$2,437.92
41	513.1	REMOVE AND RELOCATE MAILBOX (SPECIAL)	EA	54	\$701.93	\$37,904.22
42	307.1	CONCRETE STRUCTURE (HEADWALLS)	CY	1.2	\$3,500.42	\$4,200.50
43		ROCK RUBBLE	CY	2.93	\$214.69	\$629.04
44	401.1	REINFORCED CONCRETE PIPE (CLASS IV)(24" DIA)	LF	70.53	\$61.88	\$4,364.40
45	505.1	CONCRETE RIPRAP (5" THICK)(DRAIN A & B)	SY	15.96	\$265.25	\$4,233.39
46	481-6024	PVC PIPE (SCH 80)(8 IN)	LF	62	\$29.80	\$1,847.60
						Subtotal: \$4,958,610.96

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Additive Alternate #1 (Elm Spring Ln, Honey Bee Ln, Turkey Creek Rd. Hunters Branch St. & Hunters Branch St. S. Cul-de-sacs)

No.	Id	Description	Unit	Qty	Unit Price	Ext Price
47A	100.1	MOBILIZATION	LS	1	\$22,323.36	\$22,323.36
47B	100.2	INSURANCE AND BOND	LS	1	\$3,238.24	\$3,238.24
47C	101.1	PREPARING RIGHT-OF-WAY	LS	1	\$3,774.34	\$3,774.34
47D	540.1	ROCK FILTER DAMS (INSTALL)(TYPE 1)	LF	45	\$14.16	\$637.20
48	540.1	ROCK FILTER DAMS (REMOVE)(TYPE 1)	LF	45	\$32.43	\$1,459.35
49	506-6040	BIODEG. EROSN. CONT. LOGS (INSTALL)(8")	LF	26.98	\$3.52	\$94.97
50	506-6043	BIODEG. EROSN. CONT. LOGS (REMOVE)	LF	26.98	\$4.66	\$125.73
51	104.1	STREET EXCAVATION	CY	726.48	\$27.29	\$19,825.64
52	108.1	LIME TREATED SUBGRADE (6" COMP DEPTH)	SY	3243.68	\$5.35	\$17,353.69
53	108.2	LIME (SLURRY)	TON	53.52	\$288.97	\$15,465.67
54	202.1	PRIME COAT	GAL	648.74	\$4.25	\$2,757.14
55	203.1	TACK COAT	GAL	343.04	\$3.64	\$1,248.67
56	205.2	4.5" HOT MIX ASPHALTIC PAVEMENT, TYPE B	SY	3243.68	\$30.36	\$98,478.12
57	205.4	3" HOT MIX ASPHALTIC PAVEMENT, TYPE D	SY	3243.68	\$25.18	\$81,675.86
58	500.1	MOUNTABLE CONCRETE CURB	LF	1493.68	\$18.27	\$27,289.53
59	513.1	REMOVE AND RELOCATE MAILBOX (METAL)	EA	6	\$219.51	\$1,317.06
60	513.1	REMOVE AND RELOCATE MAILBOX (WOOD)	EA	2	\$320.28	\$640.56
61	513.1	REMOVE AND RELOCATE MAILBOX (SPECIAL)	EA	21	\$816.46	\$17,145.66
Subtotal: \$314,850.79						

Additive Alternate #2 (Wagon Trail)

No.	Id	Description	Unit	Qty	Unit Price	Ext Price
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62A	100.1	MOBILIZATION	LS	1	\$53,881.79	\$53,881.79
62B	100.2	INSURANCE AND BOND	LS	1	\$8,095.59	\$8,095.59
62C	101.1	PREPARING RIGHT-OF-WAY	LS	1	\$10,064.90	\$10,064.90
62D	105.1	SWALE EXCAVATION	CY	92.83	\$15.68	\$1,455.57
63	107.1	EMBANKMENT(SWALE)	CY	92.83	\$16.64	\$1,544.69
64	515.1	TOPSOIL	CY	136.18	\$230.67	\$31,412.64
65	520.1	HYDROMULCHING (RESIDENTIAL OR COMMERCIAL)	SY	11945.36	\$2.04	\$24,368.53
66	540.1	ROCK FILTER DAMS (INSTALL)(TYPE 1)	LF	98	\$26.01	\$2,548.98
67	540.1	ROCK FILTER DAMS (REMOVE)(TYPE 1)	LF	98	\$19.21	\$1,882.58
68	540.6	CONSTRUCTION EXITS (INSTALL)	SY	113.41	\$18.07	\$2,049.32
69	540.6	CONSTRUCTION EXITS (REMOVE)	SY	113.41	\$22.56	\$2,558.53
70	506-6040	BIODEG. EROSN. CONT. LOGS (INSTALL)(8")	LF	2997.95	\$3.52	\$10,552.78
71	506-6043	BIODEG. EROSN. CONT. LOGS (REMOVE)	LF	2997.95	\$0.18	\$539.63
72	640	CONSTRUCTION WASHOUT PIT	EA	1	\$865.18	\$865.18
73	503.3	EXPOSED AGGREGATE DRIVEWAY	SY	46.05	\$143.80	\$6,621.99
74	503.4	ASPHALTIC CONCRETE DRIVEWAY	SY	1320.14	\$41.50	\$54,785.81
75	SP-2	SPECIAL DRIVEWAYS	SY	179.59	\$104.02	\$18,680.95
76	401.1	REINFORCED CONCRETE PIPE (CLASS III)(12" DIA)	LF	19.88	\$205.06	\$4,076.59
77	104.1	STREET EXCAVATION	CY	2035.46	\$27.44	\$55,853.02
78	108.1	LIME TREATED SUBGRADE (6" COMP DEPTH)	SY	7990.37	\$5.35	\$42,748.48
79	108.2	LIME (SLURRY)	TON	131.84	\$288.97	\$38,097.80
80	202.1	PRIME COAT	GAL	1598.07	\$4.25	\$6,791.80
81	203.1	TACK COAT	GAL	885.42	\$3.64	\$3,222.93
82	205.2	4.5" HOT MIX ASPHALTIC PAVEMENT, TYPE B	SY	7990.39	\$22.37	\$178,745.02

83	205.4	3" HOT MIX ASPHALTIC PAVEMENT, TYPE D	SY	7990.39	\$18.21	\$145,505.00
84	500.1	CONCRETE CURBING	LF	6910.44	\$17.72	\$122,453.00
85	531.48	W8-2 DIP (30" X 30")(HIGH INTENSITY)	EA	4	\$337.32	\$1,349.28
86	531.52	W13-1 ADVISORY SPEED (18" X 18")(HIGH INTENSITY)	EA	4	\$73.08	\$292.32
87	537.1	TRAFFIC BUTTON (TYPE I-B)	EA	4	\$22.49	\$89.96
88	537.8	TRAFFIC BUTTON (TYPE II A-A)	EA	47	\$6.75	\$317.25
89	511.6	EMBANKMENT(FINAL)(DENS CONT)(TY B)	CY	188.26	\$76.45	\$14,392.48
90	513.1	REMOVE AND RELOCATE MAILBOX (METAL)	EA	4	\$266.36	\$1,065.44
91	513.1	REMOVE AND RELOCATE MAILBOX (WOOD)	EA	2	\$320.28	\$640.56
92	513.1	REMOVE AND RELOCATE MAILBOX (SPECIAL)	EA	6	\$910.15	\$5,460.90
Subtotal: \$853,011.29						

Additive Alternate #3 (End Gate)

No.	Id	Description	Unit	Qty	Unit Price	Ext Price
93A	100.1	MOBILIZATION	LS	1	\$12,384.00	\$12,384.00
93B	100.2	INSURANCE AND BOND	LS	1	\$1,619.11	\$1,619.11
93C	101.1	PREPARING RIGHT-OF-WAY	LS	1	\$2,516.23	\$2,516.23
93D	515.1	TOPSOIL	CY	24.93	\$58.69	\$1,463.14
94	520.1	HYDROMULCHING (RESIDENTIAL OR COMMERCIAL)	SY	1613.94	\$2.04	\$3,292.44
95	540.6	CONSTRUCTION EXITS (INSTALL)	SY	117.45	\$13.19	\$1,549.17
96	540.6	CONSTRUCTION EXITS (REMOVE)	SY	117.45	\$3.17	\$372.32
97	506-6040	BIODEG. EROSN. CONT. LOGS (INSTALL)(8")	LF	353.74	\$3.52	\$1,245.16
98	506-6043	BIODEG. EROSN. CONT. LOGS (REMOVE)	LF	353.74	\$0.43	\$152.11
99	640	CONSTRUCTION WASHOUT PIT	EA	1	\$853.93	\$853.93

100	503.1	PORTLAND CEMENT CONCRETE DRIVEWAY	SY	223.02	\$115.11	\$25,671.83
101	503.4	ASPHALTIC CONCRETE DRIVEWAY	SY	44.13	\$46.61	\$2,056.90
102	104.1	STREET EXCAVATION	CY	356.18	\$27.52	\$9,802.07
103	108.1	LIME TREATED SUBGRADE (6" COMP DEPTH)	SY	1253.58	\$5.35	\$6,706.65
104	108.2	LIME (SLURRY)	TON	20.68	\$288.97	\$5,975.90
105	202.1	PRIME COAT	GAL	250.72	\$4.25	\$1,065.56
106	203.1	TACK COAT	GAL	137.99	\$3.64	\$502.28
107	205.2	4.5" HOT MIX ASPHALTIC PAVEMENT, TYPE B	SY	1253.58	\$23.39	\$29,321.24
108	205.4	3" HOT MIX ASPHALTIC PAVEMENT, TYPE D	SY	1253.58	\$18.55	\$23,253.91
109	500.1	CONCRETE CURBING	LF	1010.57	\$19.43	\$19,635.38
110	513.1	REMOVE AND RELOCATE MAILBOX (METAL)	EA	2	\$406.90	\$813.80
111	513.1	REMOVE AND RELOCATE MAILBOX (SPECIAL)	EA	3	\$1,940.84	\$5,822.52
Subtotal: \$156,075.65						

Additive Alternate #4 (CPS Energy Gas Service Improvements)

No.	Id	Description	Unit	Qty	Unit Price	Ext Price
112		RERUN AND LOWER GAS SERVICE OFF EXISTING MAIN TO METER (INCLUDING REPLACING RISER IF NECESSARY) SIZE ½" THRU 4" SHORT SIDE (75 FT)	EA	36	\$17,428.01	\$627,408.36
113		RERUN AND LOWER GAS SERVICE OFF EXISTING MAIN TO METER (INCLUDING REPLACING RISER IF NECESSARY) SIZE ½" THRU 4" LONG SIDE (150 FT)	EA	43	\$17,428.01	\$749,404.43
114		RERUN AND LOWER GAS SERVICE OFF NEW MAIN TO METER (INCLUDING REPLACING RISER IF NECESSARY) SIZE ½" THRU 4" SHORT SIDE (75 FT)	EA	4	\$17,428.01	\$69,712.04

115		RERUN AND LOWER GAS SERVICE OFF NEW MAIN TO METER (INCLUDING REPLACING RISER IF NECESSARY) SIZE ½" THRU 4" LONG SIDE (50 FT) (STUB)	EA	2	\$17,428.01	\$34,856.02
116		RERUN AND LOWER GAS SERVICE OFF NEW MAIN TO METER (INCLUDING RELACING RISER IF NECESSARY) SIZE ½" THRU 4" SHORT SIDE (25 FT) (STUB)	EA	2	\$17,428.01	\$34,856.02
117		TRANSFER EXISTING GAS SERVICE TO NEW MAIN (INSTALL EFV AND ANODELESS RISER AS REQUIRED)	EA	7	\$11,243.88	\$78,707.16
118		INSTALL GAS MAIN OR CASING (DISTANCE AS MEASURED ALONG THE TOP OF TRENCH) 2" PLASTIC PIPE AND TRACER WIRE	LF	2015	\$179.90	\$362,498.50
119		SOD	PAL	40	\$449.76	\$17,990.40
120		FLEXIBLE PAVEMENT REPAIR	SF	500	\$112.44	\$56,220.00
121		FLOWABLE FILL	CY	450	\$337.32	\$151,794.00
Subtotal: \$2,183,446.93						

ACKNOWLEDGE ADDENDA

NAME	ACKNOWLEDGEMENT DATE
Shavano Park Streets Phase 1A - Addendum #1	03/09/2023 17:14:48 PM

REQUIRED DOWNLOADS

TYPE	NAME	DOWNLOAD DATE
Bid Docs	Contract Documents and Bid Proposal	2/9/2023 12:58:41 PM
Plans	Construction Plans	2/9/2023 12:58:45 PM
Invitation To Bid	Invitation to Bidders	2/9/2023 12:58:36 PM
Other	Antiquities-Archeological Report	2/9/2023 12:58:52 PM
Other	Specification Manual	2/9/2023 12:58:54 PM
Plans	CPS Energy construction plans	2/9/2023 1:59:51 PM
Addenda	Shavano Park Streets Phase 1A - Addendum #1	2/20/2023 3:39:05 PM
Other	Geotechnical Report	2/9/2023 2:04:20 PM

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we

D&D Contractors, Inc.
1463 Bolton Road
Marion, TX 78124

(Here insert full name and address or legal title of Contractor)

as Principal, hereinafter called Principal, and,

FCCI Insurance Company
6300 University Parkway
Sarasota, FL 34240-8424

(Here insert full name and address or legal title of Surety)

a corporation duly organized under the laws of the State of Florida
as Surety, hereinafter called the Surety, are held and firmly bound unto

City of Shavano Park
900 Saddletree Court
Shavano Park, TX 78231

(Here insert full name and address or legal title of Corporation)

as Obligee, hereinafter called the Obligee, in the sum of

Five Percent of Amount Bid Dollars (\$) 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety,
bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally,
firmly by these presents.

WHEREAS, the Principal has submitted a bid for

Shavano Park Street Maintenance Phase 1A - Shavano Park, TX

(Here insert full name and address description of project)

NOW THEREFORE, if the obligee shall accept the bid of the principal and the principal shall enter into Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 9th day of March, 2023



(Witness)

D&D Contractors, Inc.

(Principal)

(Seal)

President

(Title)



Jason Nobles

(Witness)

FCCI Insurance Company

(Surety)

(Seal)



Jennifer Upton

Attorney-in-Fact



GENERAL POWER OF ATTORNEY

Know all men by these presents: That the FCCI Insurance Company, a Corporation organized and existing under the laws of the State of Florida (the "Corporation") does make, constitute and appoint:

Allen Bale; Chris Brower; Dana Mickey; Dane Bubela; Daniel Cokenour; Ericka Hamman; Greg Wilkerson; Jason Nobles; Jennifer Upton; Margery Hall; Nikki Adams; Parker Hamilton; Rick Bondurant; Samantha Kato

Each, its true and lawful Attorney-In-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed in all bonds and undertakings provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the sum of (not to exceed \$20,000,000.00): \$20,000,000.00

This Power of Attorney is made and executed by authority of a Resolution adopted by the Board of Directors. That resolution also authorized any further action by the officers of the Company necessary to effect such transaction.

The signatures below and the seal of the Corporation may be affixed by facsimile, and any such facsimile signatures or facsimile seal shall be binding upon the Corporation when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached.

In witness whereof, the FCCI Insurance Company has caused these presents to be signed by its duly authorized officers and its corporate Seal to be hereunto affixed, this 23rd day of July, 2020.

Attest: Christina D. Welch
Christina D. Welch, President
FCCI Insurance Company



Christopher Shoucair
Christopher Shoucair,
EVP, CFO, Treasurer, Secretary
FCCI Insurance Company

State of Florida
County of Sarasota

Before me this day personally appeared Christina D. Welch, who is personally known to me and who executed the foregoing document for the purposes expressed therein.

My commission expires: 2/27/2027



PEGGY SNOW
Commission # HH 326535
Expires February 27, 2027

Peggy Snow
Notary Public

State of Florida
County of Sarasota

Before me this day personally appeared Christopher Shoucair, who is personally known to me and who executed the foregoing document for the purposes expressed therein.

My commission expires: 2/27/2027



PEGGY SNOW
Commission # HH 326535
Expires February 27, 2027

Peggy Snow
Notary Public

CERTIFICATE

I, the undersigned Secretary of FCCI Insurance Company, a Florida Corporation, DO HEREBY CERTIFY that the foregoing Power of Attorney remains in full force and has not been revoked; and furthermore that the February 27, 2020 Resolution of the Board of Directors, referenced in said Power of Attorney, is now in force.

Dated this 9th day of March, 2023

Christopher Shoucair
Christopher Shoucair, EVP, CFO, Treasurer, Secretary
FCCI Insurance Company

IMPORTANT NOTICE

To obtain information or make a complaint:

You may call FCCI Insurance Group's (FCCI)* toll-free telephone number for information or to make a complaint at 1-800-226-3224.

You may also write to FCCI Insurance Group Compliance Department e-mail at StateComplaints@fcci-group.com.

For Claims, you may write to FCCI Insurance Group Claim Department e-mail at newclaim@fcci-group.com.

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at 1-800-252-3439.

You may write the Texas Department of Insurance:

PO Box 149104

Austin TX 78714-9104

Fax: 1-512-490-1007

Web: <http://www.tdi.texas.gov>

E-mail: ConsumerProtections@tdi.texas.gov

PREMIUM OR CLAIM DISPUTES

Should you have a dispute concerning your premium or about a claim you should contact FCCI first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR BOND

This notice is for information only and does not become a part or condition of the attached documents.

*The FCCI Insurance Group includes the following insurance carriers: Brierfield Insurance Company, FCCI Advantage Insurance Company, FCCI Commercial Insurance Company, FCCI Insurance Company, Monroe Guaranty Insurance Company, and National Trust Insurance Company.

Shavano Park Street Maintenance Phase 1A - 08 Mar 2023





Office of the Secretary of State

January 31, 2017

A search of our records reveals the following information for the entity record selected.

Entity Name: D & D CONTRACTORS, INC.
Entity Type: Domestic For-Profit Corporation
Jurisdiction: TEXAS, USA
File Number: 135877600
Formation File Date: June 05, 1995 Effective: June 05, 1995

The status of the entity is in existence.

The name and address of the registered agent and office in Texas is:

KELLY G DICKENS
1463 BOLTON ROAD
MARION, TX 78124
USA

The entity recorded the following assumed name(s) with this office:

The entity has not recorded any assumed name certificates with this office.

The management information from our computer records lists:

KELLY G DICKENS
DIRECTOR

1463 BOLTON ROAD
MARION, TX 78124
USA



Road Construction Projects

Current Road Construction Projects

1) Cibolo Valley Drive Street Reconstruction Project

- Owner: City of Cibolo
- Contact: Mr. Tim Fuesse 210-275-2664
- Engineer: Rudy Klein 210-213-6317
- Contract Amount: \$ 8,092,827.40
- Percent complete: 15% Project started on August 15, 2022
- Summary of work: Mill out existing base and asphalt, replace with thickened base section with geogrid, and heavy-duty paving section. D&D is self-performing all work except for the asphalt paving which has been subcontracted to Lone Star Paving.

2) Bolton Road and Santa Clara Road Street and Drainage Improvements.

- Owner: City of Cibolo
- Contact: Mr. Tim Fuesse 210-275-2664
- Engineer: Pat Debner 210-354-5776
- Contract Amount: \$4,106,072.49
- Percent Complete: 95%
- Summary of work: Rebuild a portion of Bolton and Santa Clara Road along with large drainage structures and earthen channels.

3) East Aviation Street and Drainage Improvements:

- Owner: City of Universal City
- Contact: Randy Luensmann 210-326-1643
- Engineer: HDR Engineers Marwin Lopez 210-776-4865
- Contract amount: \$6,127,814.72
- Percent Complete: 98%
- Summary or work. Traffic control, underground storm drain, curb inlets, culvert crossings, concrete driveways, asphalt paving. D&D self-performed all work except concrete and asphalt paving.

4) South Main Street Reconstruction and Traffic Signals.

- Owner: City of Cibolo
- Contact: Mr. Tim Fuesse 210-275-2664
- Engineer: Pape Dawson Becky Carroll 210-375-9000
- Contract Amount: \$ 1,185,931.50
- Percent Complete: 90%
- Summary of work: Rebuild South Main Street, widen, relocate buried utilities, install new paving section, install traffic signals at FM 78 and South Main Street. D&D self-performed all work except traffic signals (SAECO Electric) and asphalt paving (Lone Star Paving)

Current Infrastructure Projects

1) Lily Springs Unit 1

- Owner: Pulte Homes
- Contact: Cameron Sasko 830-388-9376
- Engineer: KFW Engineers Wayne Flores 210-693-2330
- Contract Amount: \$1,914,809.58
- Percent Complete: 78%
- Summary of work: Clear and grubbing, mass excavation, water and sewer installation, storm drainage, concrete and asphalt paving. D&D self- performed all work excluding concrete curbs and asphalt paving.

2) Park Place Unit 1A and 1B

- Owner: Century Communities
- Contact: Alavaro Alvarez 210-504-3028
- Engineer: HMT Engineers, William Ball 830-625-8555
- Contract Amount: \$ 6,270,044.47
- Percent Complete: 43%
- Summary of work: Clear and grubbing, mass excavation, water and sewer installation, storm drainage, concrete and asphalt paving. D&D self- performed all work excluding concrete curbs and asphalt paving.

3) Voges Unit 2

- Owner: Rausch Coleman
- Contact: Justin Cox 512-639-0527
- Engineer: HMT Engineers, Tim Gorena 830-625-8555
- Contract Amount: \$ 3,712,998.86
- Percent Complete: 28%
- Summary of work: Clear and grubbing, mass excavation, water and sewer installation, storm drainage, concrete and asphalt paving. D&D self- performed all work excluding concrete curbs and asphalt paving.

4) Saddle Ridge Units 4 and 5

- Owner: Rausch Coleman
- Contact: Justin Cox 512-639-0527
- Engineer: Pape Dawson, Jon Adame 210-375-9000
- Contract Amount: \$ 2,471,578.37
- Percent Complete: 20%
- Summary of work: Clear and grubbing, mass excavation, water and sewer installation, storm drainage, concrete and asphalt paving. D&D self- performed all work excluding concrete curbs and asphalt paving.



Major Projects Completed in the Past Five Years

Street Reconstruction Projects completed.

1) 2019 City of Jourdanton Street and Drainage improvements

- Owner: City of Jourdanton
- Contact: Mr. Lamar Schultz email: lschultz@jourdantontexas.org
- Engineer: Brady Kosub 830-629-2988
- Contract Amount: \$ 3,551,572.02
- Contract completion date: July 30, 2021
- Work self-performed, Street excavation, cement and lime stabilization, under ground utilities, base installation, surveying, and trucking. 58% of the project was self-performed. Asphalt paving subcontracted to Texas Materials.

2) Gibbs Sprawl Road & Universal City Blvd. Roadway Improvements.

- Owner: Universal City
- Contact: Randy Luensmann 210-659-0333
- Engineer: Jones and Carter, Steve Brown 210-494-5511
- Contract Amount: \$ 1,520,077.37
- Contract completion date: September 2019.
- Work self-performed, Street excavation, cement and lime stabilization, underground utilities, base installation, surveying, and trucking. 78% of the project was self-performed. Asphalt paving subcontracted to Lone Star Paving.

3) City of Live Oak General Street Repairs Project.

- Owner: City of Live Oak
- Contact: Mark Wagster 210-653-9140
- Engineer: Don McCrary and Associates. Jim Bray 210-215-0276
- Contract Amount: \$ 3,897,301.66
- Contract completion date: May 2018.
- Work self-performed, street excavation, cement stabilization, subgrade modification, utility relocation, base installation, survey and trucking. 73% of the project was self-performed. Asphalt paving by Proline Paving.

4) City of New Braunfels W. Mill Street, N. Peach Street and Live Oak Street

- Owner: City of New Braunfels
- Contact: John Cox 830-481-4179
- Engineer: City Engineer John Moy
- Contract Amount: \$ 219,349.92
- Contract completion date: May 2018
- Work self-performed was street excavation, trucking, survey, subgrade modification, base installation. Paving was performed by City of New Braunfels and not in our contract. D&D self-performed 100% of the project.

5) Reconstruction of Colony Dr. Massad St. and Live Oak Rd.

- Owner: City of Pleasanton
- Contact: John Metting 830-570-5835
- Engineer: Klein and Cope Engineers, Brian Cope 210-844-6811
- Contract Amount: \$ 1,392,572.27
- Contract completion date: March 2018
- Work self-performed was street excavation, subgrade modification, base installation, cement stabilization of the base material, micro fracturing base, utility relocation. 63% of work self-performed by D&D.

6) Borgfeld Road Street and Drainage Improvements.

- City of Cibolo.
- Contact: Tim Fuesse 210-275-2664
- Engineer: Klein and Cope Engineering, Brian Cope 210-844-6811
- Contract Amount: \$ 3,625,541.93
- Contract completion date: September 2018
- Work self-performed was street excavation, drainage channel excavation, underground storm drainage, curb inlets, junction boxes, RCP, subgrade modification, geogrid, base installation. 68% of the project was performed by D&D. Paving by Proline paving and concrete curbs by Elite concrete.

7) 2017 Bond Streets for the City of Universal City

- Owner: Universal City
- Contact: Randy Luensmann 210-326-1643
- Engineer: HDR Engineers J.M. Gonzales 210-718-4509
- Contract amount: \$ 3,854,128.69
- Contract completion date: October 2019
- Work self-performed street excavation, lime stabilization, curb and sidewalk removal, base installation. Paving subcontracted out to Texas Materials. 72% of the project was self-performed.

8) 2018 Street Reconstruction Arenson Drive and Scotsman Drive

- Owner: City of Kirby
- Contact: Gilbert Salas 210-666-0653 ext. 111
- Engineer: Ford Engineering Mark Hill 210-590-4777
- Contract amount: 247,022.24
- Contract completion date: September 2018
- Work self-performed was street excavation, curb and sidewalk removal, base installation. 53% of the project was self-performed.

9) Reconstruction of Live Oak St. and Reed Street.

- Owner: City of Pleasanton
- Contact Jon Metting 830-570-5835
- Engineer: Klein and Cope, Brian Cope 210-844-6811
- Contract amount: \$ 1,164,947.37
- Contract completion date. August 2019
- Work self-performed street excavation, lime stabilization, curb and sidewalk removal, base installation, mailbox installation. 51% Completed by own forces, street lighting by SAECO and asphalt paving by Proline, and concrete curbs by Elite.

10) Main Street Reconstruction and Street Lighting

- Owner: City of Pleasanton
- Contact Jon Metting 830-570-5835
- Engineer: Klein and Cope, Brian Cope 210-844-6811
- Contract amount: \$ 1,825,641.32
- Contract completion date. August 2019
- Work self-performed street excavation, lime stabilization, curb and sidewalk removal, base installation, mailbox installation. 58% Completed by own forces, street lighting by SAECO and asphalt paving by Proline, and concrete curbs by Elite.



Major Infrastructure Projects Completed in the Past Five Years

Completed Infrastructure Projects

1) Cordova Crossing Unit 1, 2 & 3

- Owner: Scrappy Development, Mr. Gordan Hartman 210-493-2811
- Engineer: KFW Engineers, Mr. Burt Wellman 830-220-6042
- Contract amount: \$ 5,981,514.88
- Contract completion date: June 2022
- Work performed, land clearing, mass grading, water, sewer and storm drain installation. 70.3% of the work was self-performed.

2) Knox Ridge Unit 4 phase 1 through 4

- Owner: Scrappy Development, Mr. Gordan Hartman 210-493-2811
- Engineer: KFW Engineers, Mr. Clayton Linney 210-493-2811
- Contract amount: \$ 5,827,447.45
- Contract completion date: August 2022
- Work performed, land clearing, mass grading, water, sewer and storm drain installation. 69% of the work was self-performed.

3) Lily Springs unit 2 and 3

- Owner: Pulte Homes LLP
- Engineer: KFW Engineers, Mr. Burt Wellman 830-220-6042
- Contract amount: \$ 4,768,934.80
- Contract completion date: February 2022
- Work performed, land clearing, mass grading, water, sewer and storm drain installation. 69% of the work was self-performed.

4) Homewood Unit 4 and 5

- Owner: Rausch Coleman, Mr. Justin Cox
- Pape Dawson Engineers John Adame 210-375-9000
- Contract amount: \$ 2,453,282.77
- Contract completion date: April 2022
- Work performed, land clearing, mass grading, water, sewer and storm drain installation. 72% of the work was self-performed.

5) Willow View Unit 2

- Owner: Velma Development LLC
- Contact: Mike Eddy 210-771-8089
- Engineer: KFW Engineers, Mr. Clayton Linney 210-493-2811
- Contract amount: \$ 1,392,948.02
- Contract completion date. March 2021
- Work performed, land clearing, mass grading, water, sewer and storm drain installation. 76% of the work was self-performed.

6) Santa Clara Road Channel Improvements

- Owner: City of Cibola
- Contact: Tim Fuesse 210-275-2664
- Engineer: CDS Muery engineers, Mr. Pat Debner 210-354-5776
- Contract amount: \$ 443,173.44
- Contract completion date. July 2021
- Work performed, land clearing, mass grading, water, sewer and storm drain installation. 74% of the work was self-performed.

7) Town Creek Drainage Project

- Owner: City of Cibola
- Contact: Tim Fuesse 210-275-2664
- Engineer: Vickrey and Associates, Mr. Paul Schroder 210-349-3271
- Contract amount: \$ 1,026,505.46
- Contract completion date. March 2022
- Work Performed mass grading, mass excavation, off site export, surveying, rock berms and rock riprap.



CITY OF UNIVERSAL CITY
Public Works Department
265 Kitty Hawk Rd • Universal City, Texas 78148
Phone (210) 658-5364 • Fax (210) 566-2634

Date: February 28, 2023

The City of Universal City and my office offer this letter of recommendation for D&D Contractors, Inc. and Mr. Kelly Dickens President.

D&D has taken on several street reconstruction projects over the past 10 years and we have had good success with all of them.

A few of those projects include; Universal City 2017 Bond Street Program, Gibbs Sprawl Road and Universal City Boulevard, Emergency Sewer Repairs, UC- Olympia Hills Water Main and most recently East Aviation Street and Drainage. East Aviation was phased in 8 different phases where two way traffic was required to be maintained, installation of a complex storm drain running throughout the project, with new pavement, sidewalks, curb and gutter and new traffic signals.

We have found D&D to be honest and trustworthy and hope you consider them for your upcoming project.

Sincerely,

Randy Luensmann
Director of Public Works
Universal City, Texas



CITY OF CIBOLO
DEPARTMENT OF PUBLIC WORKS
AND CAPITAL PROJECTS
TIMOTHY D. FOUSSE, C.P.M., DIRECTOR
200 SOUTH MAIN STREET - P.O. BOX 826
CIBOLO, TX 78108

February 28, 2018

Letter of Reference

The City of Cibolo and my office offers this letter of recommendation for D&D Contractors and Mr. Kelly Dickens, President. Our city has undertaken several high profile capital improvement projects over the past 3 years and D&D Contractors has been directly involved with two of our largest, the Borgfeld Road Expansion Project and the Cibolo Youth Sports Complex Project. Combined, these two projects represent more than \$8 million dollars in construction activities in our community. In both projects, the work completed by Kelly and his team was more than the city expected and provided a great value to our community. I would offer that D&D Contractors offers quality work, a strong work ethic, and a true understanding of what it takes to be successful working for governmental agencies while delivering a high visibility public project.

Please feel free to contact my office if you have any further questions or would like to further discuss the projects D&D Contractors completed in our community. Without reservation, I can and would recommend Mr. Dickens and his team be considered for your project.

Professionally,

Timothy D. Fousse, C.P.M.
Director, Public Works and Capital Projects
City of Cibolo, Texas
210-658-9900 - Ext. 3160
tfousse@cibolotx.gov



City of Live Oak

8001 Shin Oak Drive Live Oak, Texas 78233-2497 • (210) 653-9140 Fax: (210) 653-2766

February 28, 2018

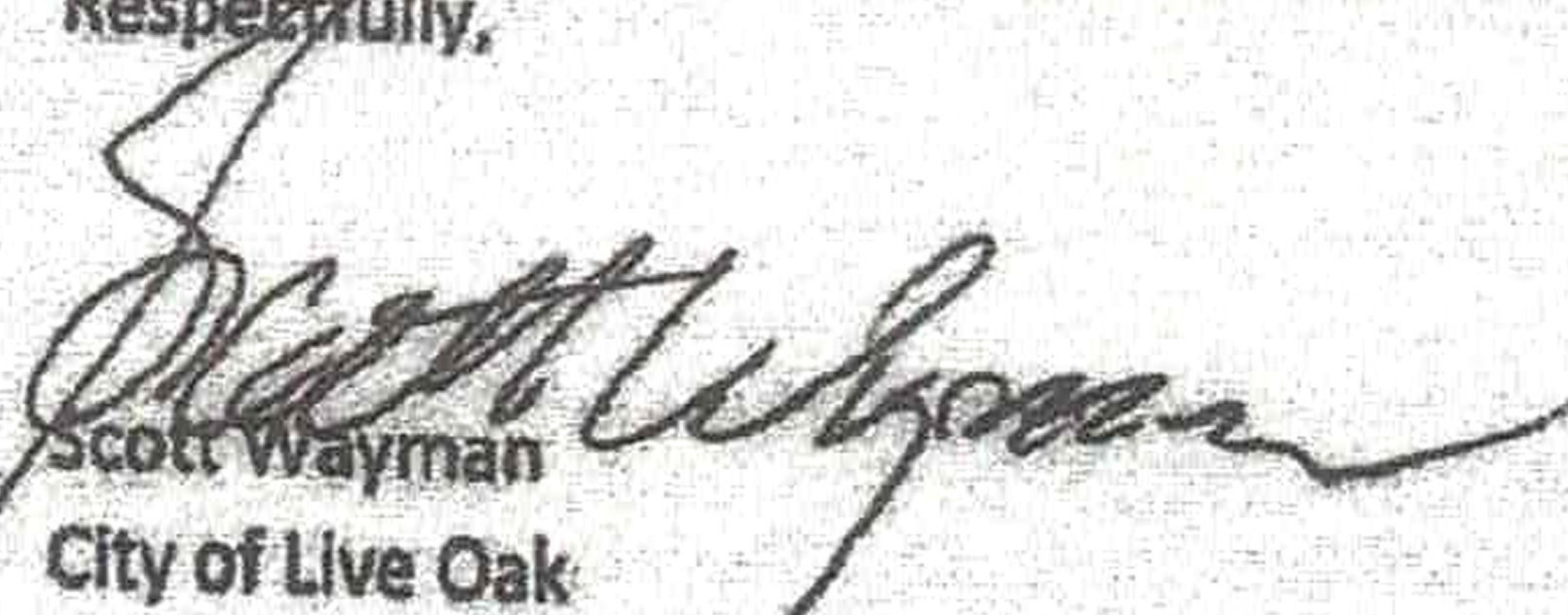
To Whom It May Concern,

My name is Scott Wayman and I am the City Manager for the City of Live Oak. I have been asked to submit a letter stating the experience that the City of Live Oak has had with D&D Contractors. Historically, I have only known D&D for three years, but their reputation speaks to nearly 40 years of being in business and to my understanding and knowledge, they are extremely proficient at what they do. I can state that D&D received the bid for both a Comprehensive Street Project in Live Oak, and also accepted a bid for another project that was a mile of solid, 12 inch concrete road surface. Both of these projects, due to weather and budget limitations have turned out to be quite a challenge for the City.

I am proud to say, however, that at every juncture, to where we had a delay due to funding or design, D&D Contractors have been right there with us, being as understanding and as professional as any group of contractors I have ever worked with. They have been timely and modified their work schedule to meet the needs of the city and are nearing the end of a group of projects that will make the city's street inventory extremely well built. Along with the concrete streets project, they have also done both reclaim and mill and overlay, and we have been happy with all of their work.

I stand eager to discuss this with anyone should they deem necessary.

Respectfully,


Scott Wayman
City of Live Oak



PLEASANTON TEXAS

"BIRTHPLACE OF THE COWBOY"



March 22, 2019

City of Pleasanton
108 Second Street
PO Box 209
Pleasanton, TX 78064

RE: Letter of Recommendation for D&D Contractors
Statement of Performance

To Whom it May Concern,

The City of Pleasanton has successfully contracted a number of Street Projects with D&D Contractors over the last 4 or 5 years. We have had a continuous streak of good performance and successful projects during this timeframe, and the bid results have pointed to them multiple times.

The staff of D&D was responsive and generally handled issues professionally as they came up. Also, proposals for Change Orders were fair and reasonable when needed. They have a good history of working with local landowners to export excess soil from the job which has helped them cut their costs and give us a good deal.

As noted above, we feel that D&D has done a fair and equitable job in our street projects; as such, we would recommend them to others doing similar work.

John Metting 3/22/19
John E. Metting, P.E.
City Engineer



To: Prospective Clients of D&D Contractors

From: Blake Harrington

Date: February 27, 2018

Re: Letter of Recommendation

To Whom It May Concern,

I am happy to recommend D&D Contractors, both personally, and on behalf of PulteGroup, Inc. Kelly and his team have worked on numerous projects for us, and have met or exceeded our expectations on all levels. We recently contracted with them for a very challenging 3,100 LF offsite sewer line through one of our existing Centex communities. I have complete confidence that D&D will perform the work on-time, on budget, and with the least possible disruption to our homeowners. I have no reservation in suggesting that you should have the same confidence. If you'd like to discuss this matter in further detail, please feel free to call me at (210) 563-6988.

Sincerely,

A handwritten signature in black ink, appearing to read "Blake E. Harrington", written over a horizontal line.

Blake E. Harrington
Division Director of Land
PulteGroup – San Antonio
blake.harrington@pultegroup.com

Mr. Kelly Dickens – President



President of D&D Contractors, Inc. With 39 years of experience in the heavy civil construction industry, I oversee all projects to ensure quality, professionalism, punctuality, and budget.

Experience

Current Employment – 1995 to Present

D & D Contractors

As the Company President I oversee all the departments of the company along with providing insight and direction for all projects. With my 39 years of construction experience I have obtained a wealth of knowledge that I am able to share with our teams.

Kelly@DandDContractors.com
830-426-1990

My principal responsibilities are:

- To execute all construction contracts with clients and subcontractors.
- Oversee construction schedule to ensure projects are on task.
- Monitor all construction schedules to ensure the company is not overextended in resources.
- Estimating oversight
- Budget reviews on the company and individual projects.
- _Member of the Company Safety Committee

Previous Employment – 1984-1995

Du-Mor Enterprises

Heavy Equipment Operator

I worked for Du-Mor Enterprises during my teenage years and into my early adult life. There I was able to obtain the skills and knowledge of heavy equipment. I also served as an operator; it was there that I was trained in the operations of heavy equipment.

Accomplishments

Education Projects

I have successfully completed projects for Northside ISD, Southside ISD, New Braunfels ISD, Comal ISD, D'Hanis ISD, Hondo ISD, Northeast ISD, SCUC ISD, Medina Valley ISD, Lytle ISD, in excess of over 100 million dollars.

Private Projects

I have successfully completed projects for developers like D.R. Horton, Pulte, Bitter Blue, Century Communities, Lennar, Aspen Development, Bishop Development, South Star Developers, Solms Development Group, RAD Investments, Rausch Coleman, Hausman Development, Davis Equity.

Municipal Projects

I have successfully completed street reconstruction projects for municipalities like, City of San Antonio, Bexar County, City of New Braunfels, City of Schertz, City of Cibola, City of Universal City, City of Live Oak, City of San Marcos, City of Kerrville, City of Hondo, City of Sabinal, City of Pleasanton, City of Jourdanton, City of Seguin, City of Boerne, City of Castroville.

Michelle Dickens – Business Office Manager



Director and Accounting professional with over 25 years of experience specializing in Financial Advising, Department Management, and Strategic planning and Project implementation. Ability to examine and understand business needs and deliver recommendations and comprehensive reporting to management. Reorganizing, streamlining and strengthening financial operations to maximize performance and profitability.

Experience

Current Employment – 2019-Present

D & D Contractors

As the Business Office Manager of D & D Contractors, I am accountable for the Financial, Administrative, and HR departments. As well, oversight on Equipment Management, Safety, Trucking and Project Management.

michelle@danddcontractors.com
210.364.5049

My principle responsibilities are:

- to ensure proper and accurate reporting
- maintain estimates and budgeting, design and implement new and innovative cost tracking
- monitor establish control systems designed to preserve company assets and report accurate financial results.
- support management and their staff,
- participate in key management decisions.

Previous Employment – 1998-2019

Execupay Payroll & HR Services

Payroll Specialist – 1998-2002

Controller – 2002-2013

Director of Finance 2013-2019

As the Director of Finance for Execupay, I was accountable for the Administrative, Financial, and Risk management operations of the company, to include the development of a financial and operational strategy, metrics tied to that strategy, and the ongoing development and monitoring of control systems designed to preserve company assets and report accurate financial results.

My principle responsibilities were:

- Manage and Direct the Accounting, ACH, Tax, Compliance, and HR departments
- Actively participate and assist in the development of the company's wide team of managers that support all departments within the organization
- Assist in formulating the company's future direction and supporting tactical initiatives
- Participate in key decisions as a member of the executive management team
- Develop, monitor, and direct the implementation of strategic business, financial, and tax strategies

Education

UTSA

1997-2001 BS in Accounting

Skills

- | | | |
|------------------------|----------------------|-----------------------------------|
| -Leadership Experience | -Financial Reporting | -Budgeting & Cash Flow Management |
| -HR and Tax Compliance | -Strong work Ethic | -Strategic Planning |

Mr. Robert Dose – Utility Director



As Utility Director I oversee all aspects of underground utilities starting with safety.

Experience

Current Employment – 2018 to Present

D & D Contractors

As the Director of Utilities, I am responsible for all aspects of the underground portion of D&D Contractors. I bring 40 years of Civil Construction experience, with 38 years in underground construction. I lead an elite team of knowledgeable, energetic experts in the utility field and there is no project we cannot build.

Robert@DandDContractors.com

210-602-6217

My principal responsibilities are:

- Ensure quality work is performed daily, within budget and in a safe manor.
- Handle all aspects of project management for the Utility Division.
- Represent D&D Contractors as necessary with project owners / developers.
- Conduct safety training with all Utility employees.
- Perform Utility estimating for perspective projects.
- Schedule crews and assign task as necessary.
- Oversee construction schedule to ensure projects are on task.
- Member of the Company Safety Committee

Previous Employment – 2005 - 2018

SACC, Inc.

Assistant Superintendent

I was involved with all aspects of the Utility Construction process. From procurement of materials, to construction, to close out of projects.

Accomplishments

Projects

My team and I have successfully completed projects with SAWS, City of San Antonio, City of Universal City, City of Cibolo, and City of Jourdan to name a few.

I am proud to say that we have built and maintain positive relationships with the City of Seguin, City of Cibolo, GVSUD and SARA among others and we are a "Go To" for these municipalities when they have Utility issues to resolve.

I am equally proud of my team! At D&D, it is our goal to provide quality work with good, honest people.

Skills

-Leadership Experience

-Strong work Ethic

-Strategic Planning

March 20, 2023

City of Shavano Park
Attn: Bill Hill
900 Saddletree Court
Shavano Park, TX 78231

Re: Shavano Park Street Maintenance Phase 1A
Job No. (622-12-01)
Contract Award Recommendation – D & D Contractors, Inc.

Mr. Hill,

On March 9, 2023, at 2:15 PM, electronic bids were received and opened at City Hall for the Shavano Park Street Maintenance Phase 1A Project. There was a total of six bids received with bid amounts ranging from \$6,282,548.69 to \$10,121,033.88 for the Base Bid plus Additive Alternates 1, 2 and 3 (Shavano Park portion of the work). D & D Contractors, Inc. was the low bidder. The total costs included the base bid, and three additive alternates.

The estimated budget for the base bid and additive alternates 1, 2 and 3 was \$8,350,000 without contingencies. D & D Contractors, Inc's bid was for \$6,282,548.69, which resulted in a difference of \$2,067,451.31 (24.7% below the estimated budget).

The fourth additive alternate was for the CPS Energy portion of the project. The bids for the 4th additive alternate ranged from \$2,113,059.90 to \$3,686,950.00. The D&D bid for the 4th additive alternate \$2,183,446.93. The bids for the CPS Energy portion of the project were significantly higher than the CPS Energy opinion of probable construction cost. Therefore, CPS Energy has elected to utilize one of their on-call contractors to complete this project and we do not recommend proceeding with Additive Alternate 4.

KFW has reviewed the lowest bid for the above referenced project. KFW believes the low bidder meets the requirements stated in the contract documents and unit prices appear to be balanced and in-line with expectations. The contractor provided their schedule which indicates they will complete the project well within the 550 days allotted. Based on this information, KFW Engineers recommends awarding the Base Bid and Additive Alternates 1, 2 and 3 for the Shavano Park Street Maintenance Phase 1A to D & D Contractors Inc. in the amount of \$6,282,548.69.

If you have questions or require additional information, please contact our office.

Sincerely,
KFW Engineers



Christopher Otto, P.E.
Vice President

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 6.2

Prepared by: Bill Hill

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion - Phase IA (DeZavala) planning update - City Engineer

X

Attachments for Reference:

1) 6.2a Updated OPCC

BACKGROUND / HISTORY: DeZavala project will be funded with Federal funds under a Community Project Funding Request approved by Congress as Consolidated Appropriations Act, 2023 (the FY2023 Federal Budget). The City received a total of \$4M in federal funding for all of Shavano Park Street Projects Phase 1 (includes De Zavala).

DISCUSSION: KWF re-submitted the 60% plans for DeZavala on March 17th. Updated 60% plans take into account the hill re-grading to improve line of sight near Bikeway, Water Pollution Abatement Plan (WPAP) submittal and other City Council guidance at December, January and February meetings. Updated opinion of probable construction costs (OPCC) is now \$2.97M dollars, an increase of \$1.1M dollars over the December 2022 previous 60% submittal \$1.8M OPCC.

KFW Engineers will provide update on project to Council.

COURSES OF ACTION: TBD'ed

FINANCIAL IMPACT: Varies

MOTION REQUESTED: N/A.

**OPINION OF PROBABLE CONSTRUCTION COST SUMMARY BREAKDOWN
COMBINED ALL STREETS - PROPOSED DESIGN - MILL & OVERLAY W/ CURB**

COSA
TXDOT



Project Name: Combined All Streets
Submittal: PROPOSED DESIGN
Developed By: RJ
Project Number: 622-13-01
Date: March 17, 2023

De Zavala Road Roadway Quantities					
ITEM CODE	ITEM DESCRIPTION	UNIT	TOTAL QTY.	UNIT COST	TOTAL
100.1	MOBILIZATION	LS		11%	\$ 282,440.38
100.2	INSURANCE & BOND	LS		3%	\$ 77,029.19
101.1	PREPARING RIGHT-OF-WAY	LS		4%	\$ 102,705.59
104.1	STREET EXCAVATION	CY	1633.00	\$ 15.00	\$ 24,495.00
103.1	REMOVE CONCRETE CURB (< 700 LF)	LF	252.76	\$ 7.75	\$ 1,958.85
107.1	EMBANKMENT (FINAL)(ORD COMP)(TY A)	CY	1408.45	\$ 35.00	\$ 49,295.87
108.1	LIME TREATED SUBGRADE (12" COMPACTED DEPTH)	SY	2763.65	\$ 4.00	\$ 11,054.61
108.2	LIME (> 100 TON)	TON	45.60	\$ 200.00	\$ 9,120.05
202.1	PRIME COAT	GAL	552.73	\$ 4.95	\$ 2,736.02
203.1	TACK COAT	GAL	3464.23	\$ 6.35	\$ 21,997.84
205.2	HOT MIX ASPHALTIC PAVEMENT TYPE B (11.5" COMP DEPTH)(< 10,000 SY)	SY	2763.65	\$ 51.20	\$ 141,498.99
205.4	HOT MIX ASPHALTIC PAVEMENT TYPE D (2" COMP DEPTH) (> 10,000 SY)	SY	16312.92	\$ 14.09	\$ 229,849.03
307.1*	CONCRETE STRUCTURE (RETAINING WALLS)	CY	71.66	\$ 1,726.39	\$ 123,713.11
500.1	HEADER CURBING	LF	727.90	\$ 22.07	\$ 16,064.75
500.1	CONCRETE CURB (> 1,000 LF)	LF	8065.71	\$ 22.07	\$ 178,010.22
502.1	CONCRETE PAD	SY	18.60	\$ 111.25	\$ 2,069.25
502.1	CONCRETE SIDEWALKS (1,000 SY < X < 10,000 SY)	SY	4225.36	\$ 71.85	\$ 303,592.12
503.1	PORTLAND CEMENT CONCRETE DRIVEWAY (100 SY < X < 10,000 SY)	SY	375.06	\$ 92.73	\$ 34,779.31
503.4	ASPHALTIC CONCRETE DRIVEWAY (100 < X < 1,000 SY)	SY	737.82	\$ 70.14	\$ 51,750.69
522.1	SIDEWALK PIPE RAILING	LF	940.00	\$ 190.35	\$ 178,929.00
					\$ 1,483,620.30
De Zavala Road Drain Quantities					
ITEM CODE	ITEM DESCRIPTION	UNIT	TOTAL QTY.	UNIT COST	TOTAL
307.1*	CONCRETE STRUCTURE (HEADWALLS)	CY	20.0	\$ 1,830.99	\$ 36,619.80
309.1	PRECAST REINFORCED CONCRETE BOX CULVERTS (4' x 2')	LF	52.0	\$ 500.00	\$ 26,000.00
401.1	REINFORCED CONCRETE PIPE (CLASS III)(24" DIA)	LF	2.0	\$ 184.48	\$ 368.96
401.1	REINFORCED CONCRETE PIPE (CLASS III)(54" DIA)	LF	1421.0	\$ 450.00	\$ 639,454.50
403.4	JUNCTION BOX (COMPLETE) 7'X7'X7'	EA	5.0	\$ 19,731.60	\$ 98,658.00
403.6	SPECIAL JUNCTION BOXES (COMPLETE)	EA	1.0	\$ 55,284.75	\$ 55,284.75
403.12	SPECIAL INLET (COMPLETE)	EA	4.0	\$ 13,689.75	\$ 54,759.00
505.1	CONCRETE RIPRAP (5" THICK) (< 100 SY)	SY	25.0	\$ 200.11	\$ 5,002.75
	CULVERT TIE IN	EA	1.0	\$ 50,000.00	\$ 50,000.00
	CULVERT REPAIR	LS	1.0	\$ 50,000.00	\$ 50,000.00
	4" GAS LINE RELOCATION	LF	60.0	\$ 75.00	\$ 4,500.00
550.1	TRENCH EXCAVATION SAFETY PROTECTION	LF	1421.0	\$ 15.46	\$ 21,968.81
					\$ 1,042,616.57

De Zavala Road SIGNAGE & STRIPING Quantities					
ITEM CODE	ITEM DESCRIPTION	UNIT	TOTAL QTY.	UNIT COST	TOTAL
531.68	R3-17 (BIKE LANE)(30" X 24")(HIGH INTENSITY)	EA	12	\$ 227.91	\$ 2,734.92
531.7	R3-17B (ENDS)(30" X 12")(HIGH INTENSITY)	EA	1	\$ 88.38	\$ 88.38
535.1	4 INCH WIDE YELLOW LINE (< 100,000 LF)	LF	8776	\$ 1.16	\$ 10,180.28
535.2	4 INCH WIDE WHITE LINE (< 30,000 LF)	LF	7888	\$ 0.71	\$ 5,600.48
535.4	6 INCH WIDE WHITE LINE	LF	7662	\$ 1.88	\$ 14,404.56
535.16	STRAIGHT WHITE ARROW BICYCLE FACILITY	EA	12	\$ 155.80	\$ 1,869.60
535.17	BICYCLE RIDER SYMBOL	EA	12	\$ 363.34	\$ 4,360.08
530.1	BARRICADES, SIGNS, & TRAFFIC HANDLING	LS	1	4%	\$ 99,697.49
537.5	PAVEMENT MARKER (TYPE I-A)	EA	4	\$ 8.95	\$ 35.80
537.8	TRAFFIC BUTTON (TYPE II A-A)	EA	218	\$ 8.95	\$ 1,951.10
					\$ 140,922.69
De Zavala Road SW3P Quantities					
ITEM CODE	ITEM DESCRIPTION	UNIT	TOTAL QTY.	UNIT COST	TOTAL
515.1	TOPSOIL (> 500 CY)	CY	212.3	\$ 27.52	\$ 5,842.88
520.1	HYDROMULCHING (RESIDENTIAL OR COMMERCIAL)	SY	4170.0	\$ 2.87	\$ 11,967.90
540.1	ROCK FILTER DAMS (INSTALL)(TYPE 1)	LF	229.0	\$ 21.17	\$ 4,847.93
540.1	ROCK FILTER DAMS (REMOVE)(TYPE 1)	LF	229.0	\$ 7.17	\$ 1,641.93
540.6	CONSTRUCTION EXITS (INSTALL)	SY	82.6	\$ 14.38	\$ 1,187.93
540.6	CONSTRUCTION EXITS (REMOVE)	SY	82.6	\$ 10.67	\$ 881.45
540	BIODEG EROSN CONT LOGS	LF	802.1	\$ 5.25	\$ 4,210.82
SP1	INLET PROTECTION	LF	80.0	\$ 20.00	\$ 1,600.00
					\$ 32,180.84

SUM COST	\$	2,699,340.41
CONTINGENCEY	\$	269,934.04
TOTAL COST	\$	2,969,274.45

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 6.3

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Presentation / discussion - Shavano Park Commercial and Residential Development Semi-annual Presentation - Bitterblue, Inc. / Denton Communities



Attachments for Reference:

1) Presentation at meeting

BACKGROUND / HISTORY: Bitterblue / Denton traditionally present a semi-annual update of Residential and Commercial Development. Bitterblue / Denton presented the last semi-annual update to City Council at the August 22, 2022 meeting.

This presentation will be given to Planning & Zoning at their April 5, 2023 meeting.

DISCUSSION: Presentation will be made by Mr. Daryl Lange, head of Commercial Marketing for Bitterblue.

COURSES OF ACTION: Not an action item.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Not an action item.

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 6.4

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

6.3. Discussion / action - Ordinance O-2023-003 of the City of Shavano Park, Texas regulating junked vehicles within the City; providing for penalties; providing for a cumulative and conflicts clause: providing for a severability clause and providing for an effective date. Possible Executive Session pursuant to Texas Government Code §551.071, Consultation with Attorney (final reading) - City Manager

X

Attachments for Reference:

- 1) 6.4a Ordinance O-2023-003 v1
- 2) 6.4b Ordinance O-2023-003 v2

BACKGROUND / HISTORY: The City's ordinance on "junked" vehicles is not extensive and requires amending. At the February 27, 2023 meeting the City Council approved Ordinance O-2023-003 after discussion and gave guidance to staff to:

- prepare two versions for the second reading
- set Board of Adjustment as Junk Vehicle Appeal Board
- strike protecting "morals" of the public from whereas statement

DISCUSSION: Both versions have track changes from the 1st reading. The two versions differ in one key point (highlighted different language in both versions):

- **Definition of junked vehicles expanded to include enforcement of Texas Transportation Code Sec. 504.502**
 - Version 1 expands the State law definition of junked vehicles to state that inoperable vehicles displaying a specialty license plate, are not allowable if they are not used for public purposes under Texas Transportation Code Sec. 504.502.
 - Version 2 keeps the State law definition of junked vehicles as is and instead adds an exception to the chapter for inoperable vehicles displaying a specialty license plate, and being used for public purposes as described by Texas Transportation Code Sec. 504.502.

City staff will provide a presentation on how these two versions differ at the meeting.

COURSES OF ACTION: Approve Ordinance O-2023-003 v1 or approve v2; or approve with additional amendments or, disapprove the proposed Ordinance entirely and provide guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: To approve **version 1** of Ordinance O-2023-003 of the City of Shavano Park, Texas regulating junked vehicles within the City; providing for penalties; providing for a cumulative and conflicts clause: providing for a severability clause and providing for an effective date (second reading)

ORDINANCE NO. O-2023-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, REGULATING JUNKED VEHICLES WITHIN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Shavano Park in accordance with the authorization of Texas statutes, including but not limited to Texas Transportation Code Chapter 683, Subchapter E, is authorized to regulate junked vehicles; and

WHEREAS, Texas Transportation Code Chapter 683, Subchapter E authorizes the City of Shavano Park to declare certain vehicles meeting the definition of a junked vehicle as a public nuisance and abatement them in accordance with State Law; and

WHEREAS, Texas Transportation Code Section 683.0711 authorizes a governing body of a municipality to provide for a more inclusive definition of a junked vehicle subject to regulation under Texas Transportation Code Chapter 683, Subchapter E; and

WHEREAS, Texas Transportation Code Section 504.502 requires specialty license plates issued by the Texas Department of Motor Vehicles for a passenger car, truck, motorcycle, bus, or former military vehicle be used exclusively for exhibitions, club activities, parades, and other functions of public interest and is not used for regular transportation; and

WHEREAS, the City Council finds that its existing ordinances regulating junked vehicles should be amended as provided for herein; and

WHEREAS, the City Council desires to amend the City's regulations relating to the storing of junked vehicles within the City's corporate limits to better protect the health, safety, and general welfare ~~and morals~~ of the residents of the City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, THAT:

**I
FINDINGS**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

II CODE AMENDMENT

Chapter 32, Article VI. – TRUCK TRAFFIC of the City of Shavano Park Code of Ordinances is hereby amended to reserve the following sections:

Secs. 32-146—32-154. - Reserved.

III CODE AMENDMENT

Chapter 32, Article VII. - REGULATION OF JUNKED VEHICLES of the City of Shavano Park Code of Ordinances is hereby created to read as follows:

Sec. 32-155. - Definitions.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

City means the City of Shavano Park, Texas

Code ~~Officer~~Official means the City Manager or their designee who is a regularly salaried, full-time employee of the City and who is designated to enforce this article.

Inoperable means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable.

Junked vehicle means a vehicle that is:

~~(1) Visible at any time of the year from an ordinary public view or public right-of-way; and~~

~~(12)~~ Self-propelled; and

~~(23)~~ Is:

(a) Wrecked, dismantled or partially dismantled, or discarded; or

(b) Inoperable and has remained inoperable for more than:

(i) Seventy-two consecutive hours, if the vehicle is on public property; or

(ii) Thirty consecutive days, if the vehicle is on private property;

~~(34)~~ And is:

- (a) A motor vehicle that displays an expired license plate or does not display a license plate; or is an inoperable vehicle with specialty license plates which is not used solely for exhibition, club activities, parades, and other functions of public interest as defined by the Transportation Code Sec. 504.502; or
 - (b) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
 - (c) A watercraft that:
 - (i) Does not have lawfully on board an unexpired certificate of number;and
 - (ii) Is not a watercraft described by Parks and Wildlife Code § 31.055.
- (45) The definition of "junked vehicle" includes a part or parts of such a vehicle.

Junked Vehicle Board of Appeals ~~(Board)~~ means the City Council's board of the City of Shavano Park appointed by the City Council of the City of Shavano Park and, who shall conduct hearings as authorized by this Article and the Texas Transportation Code Sec. 683.076.

Motor vehicle collector means a person who:

- (1) Owns one or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Ordinary public view means a vehicle or any part thereof or the tarp or cover thereon that is visible at any time of the year from any public right-of-way, or adjacent land or the first floor level of a building thereon, which is owned or occupied by a person other than the property owner or occupant of the property on which the vehicle is located or parked.

Property owner means the owner of any premises, as listed in the real property tax records of the City.

Special interest vehicle means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Sec. 32-156. - Declaration of junked vehicle to be a public nuisance.

A junked vehicle, including a part of a junked vehicle that is visible at any time of the year from ~~a public place~~ an ordinary public view or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance.

Sec. 32-157. - Offense.

- (1) A person commits an offense if the person maintains a public nuisance as described by this Ordinance. An offense under this Ordinance is a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00). Each day a violation is permitted to exist constitutes a separate offense.
- (2) The municipal court shall order abatement and removal of the nuisance on conviction.

Sec. 32-158. - Procedures for abating nuisance.

- (1) *Generally.* The City's procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance from private property, public property or public rights-of-way are set out in this section.
 - (a) Procedures for abatement and removal of a public nuisance must be administered by the Code ~~Officer~~Official, except that any authorized person may remove the nuisance.
 - (b) Pursuant to the procedures established by this section, the person authorized to administer these procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.
 - (c) The municipal court may issue necessary orders to enforce an action taken by the Code ~~Officer~~Official, the Junked Vehicle Board of Appeal ~~or the Junk Vehicle Hearing Official~~, under this section, pursuant to Tex. Transp. Code § 683.074.

- (d) Once a proceeding for the abatement and removal of the public nuisance has commenced under this section, the relocation of a junked vehicle that is a public nuisance to another location within the City has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.
- (e) In the event that the City removes a junked vehicle from private or public property pursuant to this section, the Code ~~Officer~~Official shall provide notice to the Texas Department of Transportation, identifying the vehicle or part of the vehicle being removed, not later than the fifth day after the date of removal.
- (f) A junked vehicle removed pursuant to the provisions of this section may not be reconstructed or made operable after removal.

(2) *Notice of Nuisance.*

- (a) The Code ~~Officer~~Official shall give not less than 10 days written notice, stating the nature of the public nuisance before an abatement action commences. The notice must be personally delivered, sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:
 - (i) the last known registered owner of the nuisance;
 - (ii) each lienholder of record of the nuisance; and
 - (iii) the owner or occupant of:
 - (A) the property on which the nuisance is located; or
 - (B) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (b) The notice must state:
 - (i) that the nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
 - (ii) any request for a hearing before the Junked Vehicle Hearing Official must be made before the 10th day after the date on which the notice was personally delivered, or mailed.
 - (iii) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.
 - (iv) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

- (3) *Junked Vehicle Board of Appeals.* The ~~Shavano Park City Council is the designated~~ Junked Vehicle Board of Appeals ~~and~~ shall conduct all appeal hearings under this

~~article.~~ ~~The Junk Vehicle Board of Appeals may also be referred to as the Junk Vehicle Hearing Official.~~

- (a) *Rules of Procedure.* The Junked Vehicle Board of Appeals shall establish rule of procedure for the conduct of hearings in a manner that is consistent with this Article and that provides due process to all parties to the Appeal.

(4) Hearing. A hearing may be requested by the registered owner of the nuisance, by any lienholder of record, or by any owner or lawful occupant of the property on which the nuisance is located by written request submitted to the City Secretary. Upon receipt of the request, the City Secretary shall notify the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals, who shall conduct a public hearing pursuant to the procedures that follow:

- (a) The ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals shall convene to conduct a hearing as soon as practical, but not earlier than the eleventh (11th) day following service of notice to remove the vehicle.
- (b) The decision of the Code ~~Officer~~Official shall not be overturned unless the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals determines that a preponderance of the presented evidence proves that the Code ~~Officer~~Official's decision was in error.
- (c) If the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals upholds the Code ~~Officer~~Official's determination that the junked motor vehicle is a nuisance, the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals shall issue an order requiring removal of the nuisance, which, if such information is available, must include:
 - (i) for a motor vehicle, the vehicle's:
 - 1. description;
 - 2. vehicle identification number; and
 - 3. license plate number;
 - (ii) for an aircraft, the aircraft's:
 - 1. description; and
 - 2. federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
 - (iii) for a watercraft, the watercraft's:
 - 1. description; and
 - 2. identification number as set forth in the watercraft's certificate of number.

- (d) An order shall become final:
 - (i) after the 10th day after the date on which the notice was personally delivered, or mailed, if request for a hearing before the Junked Vehicle Hearing Official; or
 - (ii) after the 11th day after the date of the return if notice is returned undelivered; or
 - (ii) after a decision of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals is rendered, if a request for hearing is requested.
- (e) Any party aggrieved by the decision of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals shall have 30 days after the date of issuance of the order to appeal the decision to a court of competent jurisdiction.
- (f) The City shall take no action to remove or destroy a junk vehicle that is the subject of the Order until the thirty-first (31st) day following the date the Order was issued.
- (g) An appeal of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals's Order shall stay all City action regarding said vehicle until such time as the court has rendered its final decision regarding the matter and all appeals have been exhausted or an appeal of the court's decision was not filed and the date for filing such appeals has passed.
- (5) *City Action.* If notice is proper and if a hearing was not requested by the registered owner, lienholder, or owner/occupant, the City may seek an order from the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals based on the case/evidence presented by the Code ~~Officer~~Official.

Sec. 32-158. - Removal and disposal of nuisance.

- (1) Compliance with an order for removal of a public nuisance may be carried out by any person or entity so authorized by the Code ~~Officer~~Official.
- (2) The removal of a vehicle or part of a vehicle determined to be a nuisance, pursuant to a decision of the Code ~~Officer~~Official or an order of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals, as the case may be, shall not commence until the period prescribed for appeal of the decision of the Code ~~Officer~~Official or the order of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals, as the case may be, has passed and the decision or order has become final. Once the decision or Order is final, the vehicle, including a part of a junked

vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable site operated by the City, or the City may operate a disposal site if the Code ~~Officer~~Official determines that commercial disposition is not available or is inadequate, and it may make final disposition of the vehicle or vehicle parts, including transferring it or them to another disposal site if the disposal is scrap or salvage only.

- (3) Any proceeds from the transfer of the junked vehicle or part thereof to the site authorized by this section shall be used to reimburse the City for all costs incurred in the notification, investigation, hearing, and disposal procedures (including any and all variable towing and disposal fees from contracted sources) within this article. Any remaining proceeds shall be transferred to the lienholder of record or, if none, the owner of record.

Sec. 32-159. - Exceptions.

The procedures and penalties authorized by this article shall not apply to a vehicle or vehicle part that is:

- (1) Completely enclosed in a building in a lawful manner and is not visible from the street or public or private property or;
- (2) Stored or parked in a lawful manner on private property in connection with the business for display purposes, and, if the vehicle or vehicle partpart of the outdoor storage area, if any, are:
 - (a) Maintained in an orderly manner;
 - (b) Not a health hazard. ~~;~~ and

III

CODE AMENDMENT

Chapter 8, Article I. – COMMERCIAL PROPERTY MAINTENANCE, Sec. 8-2 of the City of Shavano Park Code of Ordinances hereby amends following definition to read as:

Inoperable motor vehicle means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable. ~~means a vehicle that cannot be driven upon the public streets for reason including but not limited to being unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.~~

IV

CODE AMENDMENT

Chapter 8, Article I. – COMMERCIAL PROPERTY MAINTENANCE, Sec. 8-3 of the City of Shavano Park Code of Ordinances hereby amended to read as follows:

Sec. 8-3. Maintenance of exterior commercial property.

- (a) *Sanitation.* Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner, operator or occupant of every premise shall keep that part of the premise and exterior property that they occupy or control in a clean and sanitary condition.
- (b) *Rubbish and garbage.* Exterior property and premises of every structure, shall be free from any accumulation of rubbish or garbage. The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Containers shall be maintained to be leakproof and provided with close-fitting covers for the storage of rubbish and garbage until removed from the premises for disposal.
- (c) *Grading and drainage.* Except as to approved retention areas and reservoirs, premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.
- (d) *Sidewalks and driveways.* Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (e) *Weeds and grass.* The owner, operator or occupant of a premise shall not allow weeds or grass grow to a height greater than 12 inches in accordance with section 14-80 of the City of Shavano Park Code of Ordinances.
- (f) *Accessory structures, fences and screening devices.* Accessory structures, fences and screening devices, shall be maintained structurally sound and in good repair.
- (g) *Motor vehicles.* Except as provided for in other regulations, inoperable motor vehicles ~~junked vehicles~~ shall not be parked, kept or stored in the open on any premises. ~~Such vehicles mayan offense shall~~ be declared a junked vehicle and abateda public nuisance in accordance with Chapter 32, Article VII. of the City of Shavano Park Code of Ordinances.

V

CODE AMENDMENT

Chapter 20, Article II. – NUISANCES, Sec. 20-22 of the City of Shavano Park Code of Ordinances hereby adds the following definition:

Inoperable motor vehicle means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable.

VI

CODE AMENDMENT

Chapter 20, Article II. – NUISANCES, Sec. 20-24 of the City of Shavano Park Code of Ordinances hereby amended to read as follows:

Sec. 20-24. Specific nuisances declared.

The following actions are hereby specifically declared to constitute and to be unlawful nuisances hereunder:

- (1) The keeping of horses, donkeys, cows, goats, sheep, or animals of similar size (but excluding domestic cats, dogs and potbellied pigs) on any platted site within the limits of the City west of N.W. Military Highway (FM 1535).
- (2) The keeping of horses, cattle or any large animal anywhere within the limits of the City without first securing a valid permit.
 - a. Application. Large-animal permit applications are available from the City Secretary.
 - b. Completed permit applications together with the following signed statement by the applicant must be filed with the City Secretary: "I (we) hereby agree that if the keeping of the above-named animal creates an annoyance or nuisance, the City Council of Shavano Park may cancel this permit and I (we) will remove promptly such animal from the City."
 - c. The application must indicate thereon or by attachment thereto the area of the property to be dedicated to the pasture and keeping of the animal.
 - d. The permit must be approved by the City- ManagerCode Compliance Officer.
- (3) The keeping of pigs or hogs within the City limits under any circumstances.
- (4) Open pParking of broken down or inoperabletive motor vehicles of any kind. Such an-offensevehicles may-shall be declared a junked vehiclepublic nuisance in accordance with Chapter 32, Article VII. of the City of Shavano Park Code of Ordinances.
- (5) The staking of animals on the property of others without permission.
- (6) The sounding of false alarms on emergency (fire or burglar) alarm systems under certain conditions.

- (7) Any littering or illegal dumping. Violations are against State Law and shall be cited under Tex. Health and Safety Code § 365.012(a).
- (8) Any graffiti. Violations are against State Law and shall be cited under Tex. Penal Code § 28.08.
- (9) An animal owner or keeper who allows their animal to defecate on City Hall grounds including the playgrounds, pavilion, and trails without sanitary removal and proper disposal of the animal's fecal matter from the public property.

VII

CODE AMENDMENT

Chapter 20, Article IV. – RESIDENTIAL PROPERTY MAINTENANCE, Sec. 20-72 of the City of Shavano Park Code of Ordinances hereby adds the following definition:

Inoperable motor vehicle means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable.

VIII

CODE AMENDMENT

Chapter 20, Article IV. – RESIDENTIAL PROPERTY MAINTENANCE, Sec. 20-73 of the City of Shavano Park Code of Ordinances hereby amended to read as follows:

Sec. 20-73. Residential property maintenance required.

- (a) *Rubbish and garbage.* Exterior property and premises of every structure, shall be free from any accumulation of rubbish or garbage in accordance. The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Containers shall be maintained to be leakproof and provided with close-fitting covers for the storage of rubbish and garbage until removed from the premises for disposal.
- (b) *Weeds and grass.* The owner, operator or occupant of a premise shall not allow weeds or grass grow to a height greater than 12 inches in accordance with section 14-80 of the City of Shavano Park Code of Ordinances.
- (c) *Rodent harborage.* Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly removed by processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- (d) *Defacement of structure exteriors.* A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to a state of good repair, structurally sound and sanitary.
- (e) *Junked Vehicles.* The owner, operator or occupant of a premise shall not open park, keep or store ~~junked-inoperable~~ vehicles. Such ~~an-offensevehicles shall-may~~ be declared a ~~public nuisance~~ junked vehicle and abated in accordance with Chapter 32, Article VII of the City of Shavano Park Code of Ordinances.

VIII

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Shavano Park, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

IX

SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

XI

EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

XII

OPEN MEETINGS

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

XIII
PUBLICATION

The City Secretary is directed to publish notice of this Ordinance in the City's official newspaper, in substantially the same form as **Exhibit "A"**, attached hereto and incorporated by reference.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 27th day of February, 2023.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 27th day of March, 2023.

CITY OF SHAVANO PARK, TEXAS

Robert B. Werner, Mayor

ATTEST:

Trish Nichols, City Secretary

**EXHIBIT A
PUBLIC NOTICE**

ON _____ 2023, THE CITY OF SHAVANO PARK CITY COUNCIL PASSED AND APPROVED AN ORDINANCE REGULATING ~~ABANDONED AND~~ JUNKED VEHICLES WITHIN THE CITY; PROVIDING FOR PENALTY, NOT TO EXCEED \$200.00 PER DAY PER VIOLATION; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. O-2023-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, REGULATING JUNKED VEHICLES WITHIN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Shavano Park in accordance with the authorization of Texas statutes, including but not limited to Texas Transportation Code Chapter 683, Subchapter E, is authorized to regulate junked vehicles; and

WHEREAS, Texas Transportation Code Chapter 683, Subchapter E authorizes the City of Shavano Park to declare certain vehicles meeting the definition of a junked vehicle as a public nuisance and abatement them in accordance with State Law; and

WHEREAS, Texas Transportation Code Section 683.0711 authorizes a governing body of a municipality to provide for a more inclusive definition of a junked vehicle subject to regulation under Texas Transportation Code Chapter 683, Subchapter E; and

WHEREAS, Texas Transportation Code Section 504.502 requires specialty license plates issued by the Texas Department of Motor Vehicles for a passenger car, truck, motorcycle, bus, or former military vehicle be used exclusively for exhibitions, club activities, parades, and other functions of public interest and is not used for regular transportation; and

WHEREAS, the City Council finds that its existing ordinances regulating junked vehicles should be amended as provided for herein; and

WHEREAS, the City Council desires to amend the City's regulations relating to the storing of junked vehicles within the City's corporate limits to better protect the health, safety, and general welfare ~~and morals~~ of the residents of the City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, THAT:

**I
FINDINGS**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

II CODE AMENDMENT

Chapter 32, Article VI. – TRUCK TRAFFIC of the City of Shavano Park Code of Ordinances is hereby amended to reserve the following sections:

Secs. 32-146—32-154. - Reserved.

III CODE AMENDMENT

Chapter 32, Article VII. - REGULATION OF JUNKED VEHICLES of the City of Shavano Park Code of Ordinances is hereby created to read as follows:

Sec. 32-155. - Definitions.

Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

City means the City of Shavano Park, Texas

Code ~~Officer~~Official means the City Manager or their designee who is a regularly salaried, full-time employee of the City and who is designated to enforce this article.

Inoperable means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable.

Junked vehicle means a vehicle that is:

~~(1) Visible at any time of the year from an ordinary public view or public right-of-way; and~~

~~(12)~~ Self-propelled; and

~~(23)~~ Is:

(a) Wrecked, dismantled or partially dismantled, or discarded; or

(b) Inoperable and has remained inoperable for more than:

(i) Seventy-two consecutive hours, if the vehicle is on public property; or

(ii) Thirty consecutive days, if the vehicle is on private property;

~~(34)~~ And is:

- (a) A motor vehicle that displays an expired license plate or does not display a license plate; or
 - (b) An aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
 - (c) A watercraft that:
 - (i) Does not have lawfully on board an unexpired certificate of number;
- and
- (ii) Is not a watercraft described by Parks and Wildlife Code § 31.055.
- (45) The definition of "junked vehicle" includes a part or parts of such a vehicle.

Junked Vehicle Board of Appeals ~~(Board)~~ means the a City Councilboard of the City of Shavano Park appointed by the City Council of the City of Shavano Park and, who shall conduct hearings as authorized by this Article and the Texas Transportation Code Sec. 683.076.

Motor vehicle collector means a person who:

- (1) Owns one or more antique or special interest vehicles; and
- (2) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Ordinary public view means a vehicle or any part thereof or the tarp or cover thereon that is visible at any time of the year from any public right-of-way, or adjacent land or the first floor level of a building thereon, which is owned or occupied by a person other than the property owner or occupant of the property on which the vehicle is located or parked.

Property owner means the owner of any premises, as listed in the real property tax records of the City.

Special interest vehicle means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Sec. 32-156. - Declaration of junked vehicle to be a public nuisance.

A junked vehicle, including a part of a junked vehicle that is visible at any time of the year from ~~a public place~~ an ordinary public view or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance.

Sec. 32-157. - Offense.

- (1) A person commits an offense if the person maintains a public nuisance as described by this Ordinance. An offense under this Ordinance is a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00). Each day a violation is permitted to exist constitutes a separate offense.
- (2) The municipal court shall order abatement and removal of the nuisance on conviction.

Sec. 32-158. - Procedures for abating nuisance.

- (1) *Generally.* The City's procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance from private property, public property or public rights-of-way are set out in this section.
 - (a) Procedures for abatement and removal of a public nuisance must be administered by the Code ~~Officer~~Official, except that any authorized person may remove the nuisance.
 - (b) Pursuant to the procedures established by this section, the person authorized to administer these procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.
 - (c) The municipal court may issue necessary orders to enforce an action taken by the Code ~~Officer~~Official, the Junked Vehicle Board of Appeal ~~or the Junk Vehicle Hearing Official~~, under this section, pursuant to Tex. Transp. Code § 683.074.
 - (d) Once a proceeding for the abatement and removal of the public nuisance has commenced under this section, the relocation of a junked vehicle that is a public nuisance to another location within the City has

no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

- (e) In the event that the City removes a junked vehicle from private or public property pursuant to this section, the Code ~~Officer~~Official shall provide notice to the Texas Department of Transportation, identifying the vehicle or part of the vehicle being removed, not later than the fifth day after the date of removal.
- (f) A junked vehicle removed pursuant to the provisions of this section may not be reconstructed or made operable after removal.

(2) *Notice of Nuisance.*

- (a) The Code ~~Officer~~Official shall give not less than 10 days written notice, stating the nature of the public nuisance before an abatement action commences. The notice must be personally delivered, sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:

- (i) the last known registered owner of the nuisance;
- (ii) each lienholder of record of the nuisance; and
- (iii) the owner or occupant of:
 - (A) the property on which the nuisance is located; or
 - (B) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

- (b) The notice must state:

- (i) that the nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
- (ii) any request for a hearing before the Junked Vehicle Hearing Official must be made before the 10th day after the date on which the notice was personally delivered, or mailed.
- (iii) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.
- (iv) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

- (3) *Junked Vehicle Board of Appeals.* The ~~Shavano Park City Council is the designated~~ a Junked Vehicle Board of Appeals ~~and~~ shall conduct all appeal hearings under this article. ~~The Junk Vehicle Board of Appeals may also be referred to as the Junk Vehicle Hearing Official.~~

- (a) *Rules of Procedure.* The Junked Vehicle Board of Appeals shall establish rule of procedure for the conduct of hearings in a manner that is consistent with this Article and that provides due process to all parties to the Appeal

(4) Hearing. A hearing may be requested by the registered owner of the nuisance, by any lienholder of record, or by any owner or lawful occupant of the property on which the nuisance is located by written request submitted to the City Secretary. Upon receipt of the request, the City Secretary shall notify the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals, who shall conduct a public hearing pursuant to the procedures that follow:

- (a) The ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals shall convene to conduct a hearing as soon as practical, but not earlier than the eleventh (11th) day following service of notice to remove the vehicle.
- (b) The decision of the Code ~~Officer~~Official shall not be overturned unless the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals determines that a preponderance of the presented evidence proves that the Code ~~Officer~~Official's decision was in error.
- (c) If the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals upholds the Code ~~Officer~~Official's determination that the junked motor vehicle is a nuisance, the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals shall issue an order requiring removal of the nuisance, which, if such information is available, must include:
 - (i) for a motor vehicle, the vehicle's:
 - 1. description;
 - 2. vehicle identification number; and
 - 3. license plate number;
 - (ii) for an aircraft, the aircraft's:
 - 1. description; and
 - 2. federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
 - (iii) for a watercraft, the watercraft's:
 - 1. description; and
 - 2. identification number as set forth in the watercraft's certificate of number.
- (d) An order shall become final:

- (i) after the 10th day after the date on which the notice was personally delivered, or mailed, if request for a hearing before the Junked Vehicle Hearing Official; or
 - (ii) after the 11th day after the date of the return if notice is returned undelivered; or
 - (ii) after a decision of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals is rendered, if a request for hearing is requested.
- (e) Any party aggrieved by the decision of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals shall have 30 days after the date of issuance of the order to appeal the decision to a court of competent jurisdiction.
- (f) The City shall take no action to remove or destroy a junk vehicle that is the subject of the Order until the thirty-first (31st) day following the date the Order was issued.
- (g) An appeal of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals's Order shall stay all City action regarding said vehicle until such time as the court has rendered its final decision regarding the matter and all appeals have been exhausted or an appeal of the court's decision was not filed and the date for filing such appeals has passed.
- (5) *City Action.* If notice is proper and if a hearing was not requested by the registered owner, lienholder, or owner/occupant, the City may seek an order from the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals based on the case/evidence presented by the Code ~~Officer~~Official.

Sec. 32-158. - Removal and disposal of nuisance.

- (1) Compliance with an order for removal of a public nuisance may be carried out by any person or entity so authorized by the Code ~~Officer~~Official.
- (2) The removal of a vehicle or part of a vehicle determined to be a nuisance, pursuant to a decision of the Code ~~Officer~~Official or an order of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals, as the case may be, shall not commence until the period prescribed for appeal of the decision of the Code ~~Officer~~Official or the order of the ~~Junk Vehicle Hearing Official~~Junk Vehicle Board of Appeals, as the case may be, has passed and the decision or order has become final. Once the decision or Order is final, the vehicle, including a part of a junked vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable

site operated by the City, or the City may operate a disposal site if the Code ~~Officer~~Official determines that commercial disposition is not available or is inadequate, and it may make final disposition of the vehicle or vehicle parts, including transferring it or them to another disposal site if the disposal is scrap or salvage only.

- (3) Any proceeds from the transfer of the junked vehicle or part thereof to the site authorized by this section shall be used to reimburse the City for all costs incurred in the notification, investigation, hearing, and disposal procedures (including any and all variable towing and disposal fees from contracted sources) within this article. Any remaining proceeds shall be transferred to the lienholder of record or, if none, the owner of record.

Sec. 32-159. - Exceptions.

The procedures and penalties authorized by this article shall not apply to a vehicle or vehicle part that is:

- (1) Completely enclosed in a building in a lawful manner and is not visible from the street or public or private property or;
- (2) Stored or parked in a lawful manner on private property in connection with the business for display purposes, and, ~~if the vehicle or~~ vehicle part ~~part of the outdoor storage area, if any,~~ are:
 - (a) Maintained in an orderly manner;
 - (b) Not a health hazard. ~~and~~

- (3) An inoperable vehicle with specialty license plates which is used solely for exhibition, club activities, parades, and other functions of public interest as defined by the Transportation Code Sec. 504.502.

III

CODE AMENDMENT

Chapter 8, Article I. – COMMERCIAL PROPERTY MAINTENANCE, Sec. 8-2 of the City of Shavano Park Code of Ordinances hereby amends following definition to read as:

Inoperable motor vehicle means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable. ~~means a vehicle that cannot be driven upon the public streets for reason including but not limited to being unregistered, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.~~

IV CODE AMENDMENT

Chapter 8, Article I. – COMMERCIAL PROPERTY MAINTENANCE, Sec. 8-3 of the City of Shavano Park Code of Ordinances hereby amended to read as follows:

Sec. 8-3. Maintenance of exterior commercial property.

- (a) *Sanitation.* Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner, operator or occupant of every premise shall keep that part of the premise and exterior property that they occupy or control in a clean and sanitary condition.
- (b) *Rubbish and garbage.* Exterior property and premises of every structure, shall be free from any accumulation of rubbish or garbage. The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Containers shall be maintained to be leakproof and provided with close-fitting covers for the storage of rubbish and garbage until removed from the premises for disposal.
- (c) *Grading and drainage.* Except as to approved retention areas and reservoirs, premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon or within any structure located thereon.
- (d) *Sidewalks and driveways.* Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (e) *Weeds and grass.* The owner, operator or occupant of a premise shall not allow weeds or grass grow to a height greater than 12 inches in accordance with section 14-80 of the City of Shavano Park Code of Ordinances.
- (f) *Accessory structures, fences and screening devices.* Accessory structures, fences and screening devices, shall be maintained structurally sound and in good repair.
- (g) *Motor vehicles.* Except as provided for in other regulations, inoperable motor vehicles ~~junked vehicles~~ shall not be parked, kept or stored in the open on any premises. Such ~~vehicles mayan offense shall~~ be declared a junked vehicle and abateda public nuisance in accordance with Chapter 32, Article VII. of the City of Shavano Park Code of Ordinances.

V CODE AMENDMENT

Chapter 20, Article II. – NUISANCES, Sec. 20-22 of the City of Shavano Park Code of Ordinances hereby adds the following definition:

Inoperable motor vehicle means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable.

VI CODE AMENDMENT

Chapter 20, Article II. – NUISANCES, Sec. 20-24 of the City of Shavano Park Code of Ordinances hereby amended to read as follows:

Sec. 20-24. Specific nuisances declared.

The following actions are hereby specifically declared to constitute and to be unlawful nuisances hereunder:

- (1) The keeping of horses, donkeys, cows, goats, sheep, or animals of similar size (but excluding domestic cats, dogs and potbellied pigs) on any platted site within the limits of the City west of N.W. Military Highway (FM 1535).
- (2) The keeping of horses, cattle or any large animal anywhere within the limits of the City without first securing a valid permit.
 - a. Application. Large-animal permit applications are available from the City Secretary.
 - b. Completed permit applications together with the following signed statement by the applicant must be filed with the City Secretary: "I (we) hereby agree that if the keeping of the above-named animal creates an annoyance or nuisance, the City Council of Shavano Park may cancel this permit and I (we) will remove promptly such animal from the City."
 - c. The application must indicate thereon or by attachment thereto the area of the property to be dedicated to the pasture and keeping of the animal.
 - d. The permit must be approved by the City- ManagerCode Compliance Officer.
- (3) The keeping of pigs or hogs within the City limits under any circumstances.
- (4) Open pParking of broken down or inoperable~~bletive~~ motor vehicles of any kind. Such an-offensevehicles may-shall be declared a junked vehiclepublic nuisance in accordance with Chapter 32, Article VII. of the City of Shavano Park Code of Ordinances.
- (5) The staking of animals on the property of others without permission.

- (6) The sounding of false alarms on emergency (fire or burglar) alarm systems under certain conditions.
- (7) Any littering or illegal dumping. Violations are against State Law and shall be cited under Tex. Health and Safety Code § 365.012(a).
- (8) Any graffiti. Violations are against State Law and shall be cited under Tex. Penal Code § 28.08.
- (9) An animal owner or keeper who allows their animal to defecate on City Hall grounds including the playgrounds, pavilion, and trails without sanitary removal and proper disposal of the animal's fecal matter from the public property.

VII

CODE AMENDMENT

Chapter 20, Article IV. – RESIDENTIAL PROPERTY MAINTENANCE, Sec. 20-72 of the City of Shavano Park Code of Ordinances hereby adds the following definition:

Inoperable motor vehicle means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled or partially dismantled it is presumed to be inoperable.

VIII

CODE AMENDMENT

Chapter 20, Article IV. – RESIDENTIAL PROPERTY MAINTENANCE, Sec. 20-73 of the City of Shavano Park Code of Ordinances hereby amended to read as follows:

Sec. 20-73. Residential property maintenance required.

- (a) *Rubbish and garbage.* Exterior property and premises of every structure, shall be free from any accumulation of rubbish or garbage in accordance. The owner of every occupied premises shall supply approved covered containers for rubbish and garbage, and the owner of the premises shall be responsible for the removal of rubbish and garbage. Containers shall be maintained to be leakproof and provided with close-fitting covers for the storage of rubbish and garbage until removed from the premises for disposal.
- (b) *Weeds and grass.* The owner, operator or occupant of a premise shall not allow weeds or grass grow to a height greater than 12 inches in accordance with section 14-80 of the City of Shavano Park Code of Ordinances.
- (c) *Rodent harborage.* Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly

removed by processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- (d) *Defacement of structure exteriors.* A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to a state of good repair, structurally sound and sanitary.

- (e) *Junked Vehicles.* The owner, operator or occupant of a premise shall not open park, keep or store ~~junked-inoperable~~ vehicles. Such ~~an-offensevehicles shall may~~ be declared a ~~public-nuisance~~ junked vehicle and abated in accordance with Chapter 32, Article VII of the City of Shavano Park Code of Ordinances.

VIII

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Shavano Park, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

IX

SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

XI

EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

XII

OPEN MEETINGS

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

XIII
PUBLICATION

The City Secretary is directed to publish notice of this Ordinance in the City's official newspaper, in substantially the same form as **Exhibit "A"**, attached hereto and incorporated by reference.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 27th day of February, 2023.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 27th day of March, 2023.

CITY OF SHAVANO PARK, TEXAS

Robert B. Werner, Mayor

ATTEST:

Trish Nichols, City Secretary

**EXHIBIT A
PUBLIC NOTICE**

ON _____ 2023, THE CITY OF SHAVANO PARK CITY COUNCIL PASSED AND APPROVED AN ORDINANCE REGULATING ~~ABANDONED AND~~ JUNKED VEHICLES WITHIN THE CITY; PROVIDING FOR PENALTY, NOT TO EXCEED \$200.00 PER DAY PER VIOLATION; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 6.5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion / action - Ordinance O-2023-004 amending Chapter 4 –Animals to adopt procedures to safely and humanely regulate dangerous, aggressive and public nuisance dogs - City Manager / Police Chief

X

Attachments for Reference:

- 1) 6.5a Ordinance O-2023-004
- 2) 6.5b Chapter 4. - Animals (Track Changes)

BACKGROUND / HISTORY: The Texas Health and Safety Code, subchapter A, delegates the responsibility of animal control authority to municipalities and counties of Texas. In addition, Texas Health Safety Code, Sec. 822.047 authorizes municipalities to place additional requirements or restrictions on dangerous dogs as long as the regulations are more stringent than State Law and such regulations are not specific to breed or several breeds of dogs.

The City’s current unleashed animals and pet vaccination requirements are under Chapter 4. – Animals. The City currently has no regulations for aggressive or dangerous dogs above a basic public nuisance for unleashed animals.

DISCUSSION: Proposed Ordinance adopts a three-tiered structure for regulating dogs. In order of severity from highest to lowest:

- 1) *Dangerous Dogs* – dogs who commit unprovoked attacks on persons that causes serious bodily injury.
- 2) *Aggressive Dogs* – dogs who commit unprovoked attacks on persons *or other animals* that causes bodily injury.
- 3) *Public Nuisance Dogs* – dogs running at large 3 or more times in 1 year or other activities that “interferes with the right to enjoyment of life or property by persons other than the owner.”

This three-tiered structure is to help Police rationally and fairly categorize dogs based upon their actions in the community. Each tier of classification has different levels of responsibilities placed on the dog owner. As severity of the dog classification increases the responsibilities of the dog owner to secure the dog increases.

COURSES OF ACTION: Approved Ordinance O-2023-004 (first reading); propose additional amendments or decline entirely and provide further guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Motion to approve Ordinance O-2023-004 amending Chapter 4 – Animals to adopt procedures to safely and humanely regulate dangerous, aggressive and public nuisance dogs (first reading)

ORDINANCE NO. O-2023-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AMENDING CHAPTER 4 – ANIMALS TO ADOPT PROCEDURES TO SAFELY AND HUMANELY REGULATE DANGEROUS, AGGRESSIVE AND PUBLIC NUISANCE DOGS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas has in Health and Safety Code, subchapter A, delegated the responsibility of animal control authority to municipalities and counties of Texas; and

WHEREAS, Texas Health Safety Code, Sec. 822.047 authorizes municipalities to place additional requirements or restrictions on dangerous dogs as long as the regulations are more stringent than State Law and such regulations are not specific to breed or several breeds of dogs; and

WHEREAS, the City Council of the City of Shavano Park recognizes there are unfortunate circumstances where certain dogs become a threat to the health and safety of the residents and businesses of the City; and

WHEREAS, the City Council of the City of Shavano Park seeks to enact additional humane requirements and restrictions on dangerous, aggressive and public nuisance dogs in compliance with State law; and

WHEREAS, the City Council desires to amend the City's regulations relating dangerous, aggressive and public nuisance dogs within the City's corporate limits to better protect the health, safety, and general welfare of the residents of the City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, THAT:

I

CODE AMENDMENT

Chapter 4 - ANIMALS of the City of Shavano Park Code of Ordinances is hereby amended read as follows:

Sec. 4-1. Definitions

As used in this chapter, the following words and phrases shall have the meanings provided below, unless the content of their usage clearly indicates another meaning:

Aggressive dog means a dog that meets one of the following conditions:

- (1) Bites, assaults, or otherwise attacks a person without provocation on the property of the owner and causes bodily injury to the person, provided that the person is on the property of the owner with the owner's consent or invitation;
- (2) Attacks and does bodily injury to domestic animals;
- (3) Has committed acts that cause a person of normal sensibilities to fear the dog will attack that person or a domesticated animal without provocation while inside an enclosure, and such enclosure is not sufficient to ensure the safety of persons or domesticated animals on adjoining property or the public at large; or
- (4) Has otherwise interfered with the freedom of movement of persons in a public right-of-way, regardless of whether the dog was on the property of its owner.

Animal Control Officer means the Chief of Police, the Police Department, and such other individuals as the City Manager designates as responsible for animal control.

Bodily injury means physical pain, illness, or any impairment of physical condition that results from a bite or attack by a dog.

Dangerous dog means a dog that:

- (1) makes an unprovoked attack on a person that causes serious bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause serious bodily injury to that person.

Owner means a person who owns or has custody or control of the dog.

Public nuisance dog shall mean any dog that meets one of the following conditions:

- (1) Substantially interferes with the right to enjoyment of life or property by persons other than the owner by acts including, but not limited to, frequent, long, or continued barking or howling, repeated defecation on property other than that of the owner, or damaging property other than that of the owner;
- (2) Is documented by animal control, a police officer, or a member of the public to be running at large three or more times in a 12-month period; or

- (3) Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner so as to be dangerous to the public health, safety or welfare.

Secure enclosure means a fenced area or structure that is:

- (1) At least six feet in height with secure sides and a secure top, built upon a concrete slab with four (4) sides and a top located in a fenced area at least five feet from the fence. Structure or pen must comply with all zoning, building and other ordinances of the City; and
- (2) Structure/pen will be such that animal cannot pass through, go over, under, dig, climb, or otherwise escape or bite through; and
- (3) Of sufficient size to allow the dog to move freely; and
- (4) Locked; and
- (5) Capable of preventing the entry of the general public, including children; and
- (6) Capable of preventing the escape or release of a dangerous dog by any means, including digging, climbing, jumping, or chewing out of the enclosure; and
- (7) Clearly marked as containing a dangerous dog; and
- (8) Located no less than five feet from another property line or fence adjoining the premises on which the enclosure is located.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Unprovoked means action by a dog that is not:

- (1) In response to being tormented, abused, or assaulted by any person;
- (2) In response to pain or injury;
- (3) In protection of itself; or
- (4) In response to a person trespassing or committing a crime on the owner's property.

Sec. 4-2. Responsibilities of police.

- (a) The Chief of Police, the police department, and such other individuals as the City Manager designates as responsible for animal control, shall be responsible for the enforcement of this chapter.
- (b) The police department shall maintain a detailed database of all dogs deemed to be dangerous, aggressive, or public nuisance. The database shall include, but not be limited to, information such as the registrant's, licensee's or owner's name, address, phone number, the dangerous dog case number, the assigned microchip identification number, and all identifying information regarding the dog.
- (c) Any reports involving complaints of animals investigated by the police department shall be maintained by animal control and shall include all relevant information gathered as a result of the response to the incident.

Sec. 4-3. Conflict of Laws.

This chapter is not intended to conflict with any provisions of State law including, but not limited to, Dangerous Dog provisions.

Sec. 4-4. Vaccination of Pets

All pets kept in the corporate limits of the City will be vaccinated against diseases and/or test for the same to be found negative according to the State Department of Health guidelines. All cats and dogs will be vaccinated against rabies according to the State Department of Health guidelines.

Sec. 4-5. Running at large

- (a) It shall be unlawful for domestic animals to run loose within the corporate limits of the City.
- (b) Any animal that is identifiable by tag, tattoo or other means will be returned to the owner if at all possible. Those animals that are abandoned or not identified as to owner will be delivered to the rabies control facility in the City of San Antonio, Texas, or such other facility as Council prescribes. This includes canines and felines of the domestic varieties.
- (c) If an animal's owner is identified but the animal cannot be returned to the owner, the expense incurred caring for the animal will be borne by the owner, and, additionally, any cost of destruction caused by the animal will be borne by the owner. This chapter is not intended to discourage walking or exercising of pets under the direct control and supervision of a responsible person.
- (d) When walking pets within the City limits, owners must restrain their animals by the use of a leash.

Sec. 4-6. Determination that a dog is dangerous

- (a) Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that a dog may constitute a dangerous dog, the director may conduct an investigation. At the conclusion of the investigation, the director may:
 - (1) Determine that a dog is not dangerous; or
 - (2) Determine that a dog is dangerous and order the registrant or owner to comply with the requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code.
- (b) The director shall notify the registrant or owner, either in person, by posting a determination notice on the last known residence of the owner or by certified mail, return receipt requested, of his determination. If a dog is determined to be dangerous, the notice of determination shall inform the registrant or owner of the following:
 - (1) That the dog is dangerous;

- (2) That the registrant or owner must comply with requirements for ownership of a dangerous dog as set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code; and
- (3) That the registrant or owner has a right to appeal a determination of dangerousness in accordance with this Code.

Sec. 4-7. Dog causing death or serious bodily injury to a person

- (a) The provisions of this section for the seizure of a dog and subsequent hearing shall comply with Subchapter A, Chapter 822 of the Texas Health and Safety Code.
- (b) Any person may make a sworn complaint to a municipal court that a dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person.
- (c) Upon receipt of the complaint in subsection (b) and a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint, a municipal court shall order animal control to seize the dog and shall issue a warrant authorizing the seizure.
- (d) animal control shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.
- (e) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued. The court shall give written notice of the time and place of the hearing to:
 - (1) The owner of the dog or the person from whom the dog was seized; and
 - (2) The person who made the complaint.
- (f) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (g) The court shall order the dog to be humanely destroyed if the court finds that the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The court shall also order that the owner or registrant pay all fees incurred for the impoundment of the dog.
- (h) If the court does not find that the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person, the court shall waive any impoundment fees incurred and shall order the dog released to:
 - (1) Its owner;
 - (2) The person from whom the dog was seized; or
 - (3) Any other person authorized to take possession of the dog.
- (i) The court may not order the dog destroyed if the court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person and:
 - (1) The dog was being used for the protection of a person or person's property and the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and:

- i. The enclosure was constructed in such a manner and of such materials as to be reasonably certain to prevent the dog from leaving the enclosure on its own and notice of the presence of a dog was posted upon the enclosure; and
 - ii. The injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;
- (2) The dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;
- (3) The attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;
- (4) The dog was defending a person from assault or a person's property from damage or theft by the injured person; or
- (5) The injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was constructed in such a manner and of such materials as to be reasonably certain to keep a person younger than eight years of age from entering.

Sec. 4-8. Requirements for owner of a dangerous dog

- (a) Not later than the 30th calendar day after the date a registrant or owner learns that he is the owner of a dangerous dog that is not to be humanely euthanized, the registrant or owner shall:
 - (1) Comply at all times with the requirements set forth in Subchapter D, Chapter 822 of the Texas Health and Safety Code;
 - (2) Permit the department to implant a microchip in the dog, at the registrant's or owner's expense, which will identify it as a dangerous dog;
 - (3) Obtain a dangerous dog license from the director for the fee stated in the city fee schedule and affix a city-issued "dangerous dog" tag to the dog's collar that must be worn by the dog at all times. The license and the accompanying tag must be renewed annually;
 - (4) Muzzle and restrain the dangerous dog at all times on a leash that is no longer than four feet in length, is of sufficient strength to control the dog, and is in the direct physical control of a person capable of controlling the dog at any time the dog is not in a secure enclosure;
 - (5) Confine the dog in a secure enclosure except as provided in item (4) of this subsection;
 - (6) The owner shall post no less than two (2) signs on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway.
 - (7) Sterilize the dog;
 - (8) Obtain liability insurance coverage in an amount of at least \$300,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to

a person and provide proof of the required liability insurance coverage to the department. The proof of insurance must clearly indicate that the insurer is aware that the insured dog has been declared dangerous either by the inclusion of a statement on the coverage policy itself or in an original letter on the insurer's letterhead signed by the insurance agent issuing the policy.

- (9) At the owner's expense, the owner must complete a class on responsible pet ownership conducted by an organization approved by the department within two (2) months after the determination; and
 - (10) The owner must allow an annual inspection of the residence where the dog is kept in order for the department to verify continued compliance with all requirements of this section. More frequent inspections may be conducted in response to specific complaints regarding non-compliance with this section.
- (b) The owner of a dangerous dog who does not comply with any part of subsection (a) of this section shall deliver the dog to animal control not later than the 30th calendar day after the owner learns that the dog is a dangerous dog.

Sec. 4-9. Failure to comply with requirements for ownership of a dangerous dog

- (a) Any person may make application to a municipal court that the owner of a dangerous dog has failed to comply with the requirements for ownership of a dangerous dog as set forth in Sec. 4-7 of this chapter.
- (b) The court shall set a time for a hearing to determine whether the owner of the dog has complied with the requirements for ownership as set forth in Sec. 4-7 of this chapter. The hearing must be held within 10 calendar days after the date on which the dog was to be delivered to animal control or within ten calendar days after the date of the application, whichever is later. The court shall give written notice of the time and place of the hearing to:
 - (1) The owner of the dog or the person from whom the dog was seized; and
 - (2) The person who made the complaint.
- (c) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (d) The court shall determine whether the owner of a dangerous dog has complied with the requirements for ownership of a dangerous dog as set forth in Sec. 4-7 of this chapter.
 - (1) If the court determines that the owner has met all ownership requirements, the court shall waive any impoundment fees incurred and order the dog released to the owner.
 - (2) If the court determines that the owner has not met all ownership requirements, the court shall order the owner to come into compliance with all ownership requirements within 11 calendar days after the date the court issues the order and shall order the owner to pay all fees incurred for the impoundment of the dog. If all ownership requirements are met within 11 calendar days after the date the court issues the order, animal services shall release the dog to the owner upon payment of all fees incurred for the impoundment of the dog. Except

- as provided in item (4) of this subsection, if the owner has not met all ownership requirements within 11 calendar days after the date the court issues the order, the court may order animal control to humanely destroy the dog and the owner to pay all impoundment fees incurred and any fees for the destruction of the dog.
- (3) The court may order the humane destruction of a dog if the owner of the dog has not been located after the 15th calendar day after the date on which the dog was to be delivered to animal control.
 - (4) The court may not order the destruction of a dog during the pendency of an appeal under subsection (h) of this section.
 - (e) The court shall determine the estimated costs to house and care for the impounded dog during the appeal process set forth in subsection (h) of this section and shall set the bond for an appeal in an amount adequate to cover those estimated costs.
 - (f) The order of the municipal court issued under subsection (f) of this section may be appealed in accordance with Sec. 822.0424 of the Texas Health and Safety Code to a county court or county court at law in the county in which the municipal court is located. The appellant is entitled to a jury trial on request. Not later than the 10th calendar day after the date the municipal court order is issued, the appellant must file a notice of appeal, and if applicable, an appeal bond in the amount determined by the court from which the appeal is taken.

Sec. 4-10. Appeal from a determination as a dangerous dog

If the director determines a dog is a dangerous dog under this Code, that decision is final unless the licensee or owner files a written appeal in accordance with Sec. 822.0421 of the Texas Health and Safety Code with the municipal court of competent jurisdiction not later than the 15th calendar day after the date the licensee or owner received notice that the dog is dangerous. A hearing officer shall conduct the hearing within ten calendar days of the director's receipt of the notice of appeal. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the registrant or owner. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is an dangerous dog. The written order of the hearing officer shall be sent by personal delivery or certified mail, return receipt requested, to the registrant or owner as soon after the conclusion of the hearing as practicable, but in no event more than five business days thereafter. The decision of the hearing officer shall be final.

Sec. 4-11. Dangerous dog owned or harbored by a minor

If the licensee or owner of a dangerous dog is a minor, the parent or guardian of the minor shall be liable for all injuries and property damage sustained by any person or domestic animal in an unprovoked attack by the dog.

Sec. 4-12. Notification of change of status; disposition of dangerous dog

The owner/keeper of a dangerous dog shall notify the department within twenty-four (24) hours if their dangerous dog is loose, unconfined, has attacked another animal, has attacked a person, or has died. A dog determined to be dangerous under this chapter shall not be offered for adoption, rescue or sale or be given away. If the owner wishes to dispose of the dangerous dog, the owner shall return the dog to the department.

Sec. 4-13. Aggressive dog

Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that any dog may be an aggressive dog, the director shall conduct an investigation. If upon investigation, the director reasonably believes that grounds exist to declare the dog an aggressive dog, he shall issue a written order containing the grounds for his determination to the registrant or owner of the dog by personal delivery, or by certified mail, return receipt requested. The order shall include all requirements for a registrant or owner of a dog determined to be aggressive, as defined in this chapter, and the process for appeal of the determination.

Sec. 4-14. Requirements for an aggressive dog; violation

Not later than the 30th calendar day after the date a registrant or owner learns that he is the owner of an aggressive dog, the registrant or owner shall:

- (1) Permit the department, at the registrant's or owner's expense, to implant in the dog a microchip that will identify it as an aggressive dog;
- (2) Obtain an aggressive dog license from the director for the fee stated in the city fee schedule and affix a city-issued "aggressive dog" tag to the dog's collar that must be worn by the dog at all times. The license and the accompanying tag must be renewed annually;
- (3) Restrain the aggressive dog at all times on a leash of sufficient strength to control the dog, no longer than six feet in length and in the immediate control of a person capable of controlling the dog at any time the dog is not in a fenced area or structure that meets the requirements set forth in the following item;
- (4) Except as provided in the preceding item, confine the dog in a fenced area or a structure that is:
 - a. At least six feet in height;
 - b. Of sufficient size to allow the dog to move freely;
 - c. Locked;
 - d. Capable of preventing the entry of the general public, including children;
 - e. Capable of preventing the escape or release of the dog; and
 - f. Clearly marked as containing an aggressive dog; and
- (5) Sterilize the dog.

- (b) A person commits an offense under Sec. 4-22 if he violates or fails to perform an act required by this section. A person commits a separate offense each day or part of a day during which a violation is committed, permitted, or continued.

Sec. 4-15. Appeal from a determination as an aggressive dog

If the director determines a dog is a aggressive dog under this Code, that decision is final unless the licensee or owner files a written appeal in accordance with Sec. 822.0421 of the Texas Health and Safety Code with the municipal court of competent jurisdiction not later than the 15th calendar day after the date the licensee or owner received notice that the dog is an aggressive dog. A hearing officer shall conduct the hearing within ten calendar days of the director's receipt of the notice of appeal. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the registrant or owner. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is an aggressive dog. The written order of the hearing officer shall be sent by personal delivery or certified mail, return receipt requested, to the registrant or owner as soon after the conclusion of the hearing as practicable, but in no event more than five business days thereafter. The decision of the hearing officer shall be final.

Sec. 4-16. Public nuisance dog

- (a) Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that any dog may constitute a public nuisance, the director shall conduct an investigation. If upon investigation, the director reasonably believes that grounds exist to declare the dog a public nuisance dog, he shall issue a written order containing the grounds for his determination to the registrant or owner of the dog by personal delivery, or by certified mail, return receipt requested. The order shall include all requirements for a registrant or owner of a dog determined to be a public nuisance, as defined in this chapter, and the process for the appeal of the determination.
- (b) For purposes of this section, if a dog is documented to be at large three or more times in a 12-month period by a member of the public, such documentation must consist of photographic evidence with a date and time stamp and in which the dog can be clearly identified.

Sec. 4-17. Requirements for a public nuisance dog; violation

- (a) Not later than the 30th calendar day after the date a registrant or owner learns that he is the owner of a public nuisance dog, the registrant or owner shall take all measures necessary to abate the nuisance that served as the basis for the determination of the dog as a public nuisance dog.

- (b) A person commits an offense under Sec. 4-22 if he violates or fails to perform an act required by this section. A person commits a separate offense each day or part of a day during which a violation is committed, permitted, or continued.

Sec. 4-18. Appeal from a determination as a public nuisance dog

If the director determines a dog is a public nuisance dog under this Code, that decision is final unless the licensee or owner files a written appeal in accordance with Sec. 822.0421 of the Texas Health and Safety Code with the municipal court of competent jurisdiction not later than the 15th calendar day after the date the licensee or owner received notice that the dog is an public nuisance dog. A hearing officer shall conduct the hearing within ten calendar days of the director's receipt of the notice of appeal. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the registrant or owner. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is an public nuisance dog. The written order of the hearing officer shall be sent by personal delivery or certified mail, return receipt requested, to the registrant or owner as soon after the conclusion of the hearing as practicable, but in no event more than five business days thereafter. The decision of the hearing officer shall be final.

Sec. 4-19. Penalties; appeal

- (a) If a licensee, registrant or owner of a dog receives the specified number of convictions for the following offenses within a 12-month period, the director may order the dog at issue be removed from the city for:
- (1) One or more convictions for allowing an aggressive dog to be at large in violation of Sec. 4-14 of this chapter; or
 - (2) One or more convictions for allowing a public nuisance dog to be at large in violation of Sec. 4-17 of this chapter; or
- The removal order shall be issued in writing to the licensee, registrant or owner of the dog at issue by personal delivery or by certified mail, return receipt requested. The notice shall include the reason for the order and shall inform the licensee, registrant or owner of his right to appeal the order.
- (b) If the director determines a dog to be removed for the above stated reasons under this Code, that decision is final unless the licensee or owner files a written appeal in accordance with Sec. 822.0421 of the Texas Health and Safety Code with the municipal court of competent jurisdiction not later than the 15th calendar day after the date the licensee or owner received notice of this order. A hearing officer shall conduct the hearing within ten calendar days of the director's receipt of the notice of appeal. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the registrant or owner. At the

conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog should be removed under this order. The written order of the hearing officer shall be sent by personal delivery or certified mail, return receipt requested, to the registrant or owner as soon after the conclusion of the hearing as practicable, but in no event more than five business days thereafter. The decision of the hearing officer shall be final.

Sec. 4-20. Declassification of aggressive/public nuisance dogs

Declassification will be automatic pursuant to this section.

- (1) The following conditions must be met:
 - a. one (2) years without further incident; and
 - b. There have been no violations of the specified regulations.
- (2) When the owner or keeper of an aggressive/public nuisance dog meets all of the conditions in this chapter, the restrictions may be removed. Restrictions for aggressive dogs may be removed, with the exception of the secure enclosure.

Sec. 4-21. Dogs in packs

Dogs running in packs shall be considered feral and a serious threat to public health and safety. The animal control officer shall plan and supervise the impoundment of any dog packs so as to minimize the danger to the city residents and their property. If an owner of the dogs running in packs can be identified, the animal control officer or designee may cite the owner for this offense.

Sec. 4-22. Violations; penalties; defenses

- (a) *Class C misdemeanor.* A person who owns, keeps, or has custody or control of a dangerous, aggressive, or public nuisance dog, commits a Class C misdemeanor offense if he fails to comply with any provision of an administrative order or order of the municipal court judge, issued under this section. A violation of this section shall result in a fine no less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00). This penalty should not be construed as exclusive, and the city may seek any other remedy available to it, whether in law or in equity.
- (b) *Administrative proceedings.* In addition to the criminal penalties stated in subsection (a) immediately above, Sec. 822.0423, Texas Health and Safety Code. provides that a municipal court may conduct a hearing to determine whether the owner of a dangerous dog has complied with the requirements for the owner of a dangerous dog pursuant to the procedures that follow:
 - (1) Upon an application from any person, the municipal court shall conduct a hearing to determine compliance with dangerous dog requirements.
 - (2) A municipal court judge shall conduct a hearing to determine whether the preponderance of the evidence supports the allegation that the owner has failed to comply with dangerous dog requirements.

- (3) The municipal court judge shall be the finder of fact.
- (4) At the conclusion of the hearing, if the municipal court judge finds that the owner has failed to comply with the dangerous dog requirements, the judge shall order the seizure of the dog in accordance with Sec. 822.042, Texas Health and Safety Code
- (5) An owner or the person who filed the application for the hearing may appeal the decision of the municipal court in the manner provided for the appeal of cases from municipal court per Sec. 822.0423 and 822.0424, Texas Health and Safety Code, as amended.
- (6) The municipal court judge may compel the attendance of the applicant, any known witnesses, the dog owner against whom the application was filed, and the director or his representative who investigated. Any interested party, including the city attorney or an assistant city attorney, may present evidence at the hearing.
- (c) Any defense to prosecution under Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is a defense to prosecution under this article.
- (d) Any defense to an order to euthanize under § 822.003(f) of the Texas Health and Safety Code, as amended, is a defense under this article.

Secs. 4-23—4-50. - Reserved.

II

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Shavano Park, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

III

SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

IV

EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

V

OPEN MEETINGS

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

PASSED AND APPROVED as first reading by the City Council of the City of Shavano Park this the 27th day of March, 2023.

PASSED AND APPROVED as second reading by the City Council of the City of Shavano Park this the _____ day of _____, 2023.

CITY OF SHAVANO PARK, TEXAS

Robert B. Werner, Mayor

ATTEST:

Trish Nichols, City Secretary

Chapter 4 ANIMALS

Sec. 4-1. ~~Running at large.~~Definitions

- ~~(a) It shall be unlawful for domestic animals to run loose within the corporate limits of the City.~~
- ~~(b) Any animal that is identifiable by tag, tattoo or other means will be returned to the owner if at all possible. Those animals that are abandoned or not identified as to owner will be delivered to the rabies control facility in the City of San Antonio, Texas, or such other facility as Council prescribes. This includes canines and felines of the domestic varieties.~~
- ~~(c) If an animal's owner is identified but the animal cannot be returned to the owner, the expense incurred caring for the animal will be borne by the owner, and, additionally, any cost of destruction caused by the animal will be borne by the owner. This chapter is not intended to discourage walking or exercising of pets under the direct control and supervision of a responsible person.~~
- ~~(d) When walking pets within the City limits, owners must restrain their animals by the use of a leash.~~

As used in this chapter, the following words and phrases shall have the meanings provided below, unless the content of their usage clearly indicates another meaning:

Aggressive dog means a dog that meets one of the following conditions:

- (1) Bites, assaults, or otherwise attacks a person without provocation on the property of the owner and causes bodily injury to the person, provided that the person is on the property of the owner with the owner's consent or invitation;
- (2) Attacks and does bodily injury to domestic animals;
- (3) Has committed acts that cause a person of normal sensibilities to fear the dog will attack that person or a domesticated animal without provocation while inside an enclosure, and such enclosure is not sufficient to ensure the safety of persons or domesticated animals on adjoining property or the public at large; or
- (4) Has otherwise interfered with the freedom of movement of persons in a public right-of-way, regardless of whether the dog was on the property of its owner.

Animal Control Officer means the Chief of Police, the Police Department, and such other individuals as the City Manager designates as responsible for animal control.

Bodily injury means physical pain, illness, or any impairment of physical condition that results from a bite or attack by a dog.

Dangerous dog means a dog that:

- (1) makes an unprovoked attack on a person that causes serious bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause serious bodily injury to that person.

Owner means a person who owns or has custody or control of the dog.

Public nuisance dog shall mean any dog that meets one of the following conditions:

- (1) Substantially interferes with the right to enjoyment of life or property by persons other than the owner by acts including, but not limited to, frequent, long, or continued barking or howling, repeated defecation on property other than that of the owner, or damaging property other than that of the owner;
- (2) Is documented by animal control, a police officer, or a member of the public to be running at large three or more times in a 12-month period; or
- (3) Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner so as to be dangerous to the public health, safety or welfare.

Secure enclosure means a fenced area or structure that is:

- (1) At least six feet in height with secure sides and a secure top, built upon a concrete slab with four (4) sides and a top located in a fenced area at least five feet from the fence. Structure or pen must comply with all zoning, building and other ordinances of the City; and
- (2) Structure/pen will be such that animal cannot pass through, go over, under, dig, climb, or otherwise escape or bite through; and
- (3) Of sufficient size to allow the dog to move freely; and
- (4) Locked; and
- (5) Capable of preventing the entry of the general public, including children; and
- (6) Capable of preventing the escape or release of a dangerous dog by any means, including digging, climbing, jumping, or chewing out of the enclosure; and
- (7) Clearly marked as containing a dangerous dog; and

(8) Located no less than five feet from another property line or fence adjoining the premises on which the enclosure is located.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Unprovoked means action by a dog that is not:

- (1) In response to being tormented, abused, or assaulted by any person;
- (2) In response to pain or injury;
- (3) In protection of itself; or
- (4) In response to a person trespassing or committing a crime on the owner's property.

Sec. 4-2. Responsibilities of police.

~~(a) The Chief of Police, the Police Department, and such other individuals as the City Manager designates as responsible for animal control, shall be responsible for delivering the stray, abandoned, or unidentified animals to the control facility in the City of San Antonio, Texas, or such other facility as Council prescribes, and for enforcing this chapter.~~

(a) The Chief of Police, the police department, and such other individuals as the City Manager designates as responsible for animal control, shall be responsible for the enforcement of this chapter.

(b) The police department shall maintain a detailed database of all dogs deemed to be dangerous, aggressive, or public nuisance. The database shall include, but not be limited to, information such as the registrant's, licensee's or owner's name, address, phone number, the dangerous dog case number, the assigned microchip identification number, and all identifying information regarding the dog.

(c) Any reports involving complaints of animals investigated by the police department shall be maintained by animal control and shall include all relevant information gathered as a result of the response to the incident.

~~(b) All pets kept in the corporate limits of the City will be vaccinated against diseases and/or tested for same to be found negative according to the State Department of Health guidelines. Specifically, all cats and dogs will be vaccinated against rabies according to the State Department of Health guidelines.~~

~~(c) Bite incidents will be handled according to the regulations of the State Department of Health, which is made a part hereof.~~

Sec. 4-3. Conflict of Laws.Penalty-

This chapter is not intended to conflict with any provisions of State law including, but not limited to, Dangerous Dog provisions.Each violation of the provisions of this chapter shall be punishable by a fine of not less than \$35.00 nor more than \$500.00.

Sec. 4-4. Vaccination of Pets

All pets kept in the corporate limits of the City will be vaccinated against diseases and/or test for the same to be found negative according to the State Department of Health guidelines. All cats and dogs will be vaccinated against rabies according to the State Department of Health guidelines.

Sec. 4-5. Running at large

- (a) It shall be unlawful for domestic animals to run loose within the corporate limits of the City.
- (b) Any animal that is identifiable by tag, tattoo or other means will be returned to the owner if at all possible. Those animals that are abandoned or not identified as to owner will be delivered to the rabies control facility in the City of San Antonio, Texas, or such other facility as Council prescribes. This includes canines and felines of the domestic varieties.
- (c) If an animal's owner is identified but the animal cannot be returned to the owner, the expense incurred caring for the animal will be borne by the owner, and, additionally, any cost of destruction caused by the animal will be borne by the owner. This chapter is not intended to discourage walking or exercising of pets under the direct control and supervision of a responsible person.
- (d) When walking pets within the City limits, owners must restrain their animals by the use of a leash.

Sec. 4-6. Determination that a dog is dangerous

- (a) Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that a dog may constitute a dangerous dog, the director may conduct an investigation. At the conclusion of the investigation, the director may:
 - (1) Determine that a dog is not dangerous; or
 - (2) Determine that a dog is dangerous and order the registrant or owner to comply with the requirements for ownership of a dangerous dog set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code.
- (b) The director shall notify the registrant or owner, either in person, by posting a determination notice on the last known residence of the owner or by certified mail, return receipt requested, of his determination. If a dog is determined to be dangerous, the notice of determination shall inform the registrant or owner of the following:
 - (1) That the dog is dangerous;

(2) That the registrant or owner must comply with requirements for ownership of a dangerous dog as set forth in this article and Subchapter D, Chapter 822 of the Texas Health and Safety Code; and

(3) That the registrant or owner has a right to appeal a determination of dangerousness in accordance with this Code.

Sec. 4-7. Dog causing death or serious bodily injury to a person

(a) The provisions of this section for the seizure of a dog and subsequent hearing shall comply with Subchapter A, Chapter 822 of the Texas Health and Safety Code.

(b) Any person may make a sworn complaint to a municipal court that a dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person.

(c) Upon receipt of the complaint in subsection (b) and a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint, a municipal court shall order animal control to seize the dog and shall issue a warrant authorizing the seizure.

(d) animal control shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

(e) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued. The court shall give written notice of the time and place of the hearing to:

(1) The owner of the dog or the person from whom the dog was seized; and

(2) The person who made the complaint.

(f) Any interested party, including the city attorney, is entitled to present evidence at the hearing.

(g) The court shall order the dog to be humanely destroyed if the court finds that the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person. The court shall also order that the owner or registrant pay all fees incurred for the impoundment of the dog.

(h) If the court does not find that the dog caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person, the court shall waive any impoundment fees incurred and shall order the dog released to:

(1) Its owner;

(2) The person from whom the dog was seized; or

(3) Any other person authorized to take possession of the dog.

- (i) The court may not order the dog destroyed if the court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person and:
 - (1) The dog was being used for the protection of a person or person's property and the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and:
 - i. The enclosure was constructed in such a manner and of such materials as to be reasonably certain to prevent the dog from leaving the enclosure on its own and notice of the presence of a dog was posted upon the enclosure; and
 - ii. The injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;
 - (2) The dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;
 - (3) The attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;
 - (4) The dog was defending a person from assault or a person's property from damage or theft by the injured person; or
 - (5) The injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was constructed in such a manner and of such materials as to be reasonably certain to keep a person younger than eight years of age from entering.

Sec. 4-8. Requirements for owner of a dangerous dog

- (a) Not later than the 30th calendar day after the date a registrant or owner learns that he is the owner of a dangerous dog that is not to be humanely euthanized, the registrant or owner shall:
 - (1) Comply at all times with the requirements set forth in Subchapter D, Chapter 822 of the Texas Health and Safety Code;
 - (2) Permit the department to implant a microchip in the dog, at the registrant's or owner's expense, which will identify it as a dangerous dog;
 - (3) Obtain a dangerous dog license from the director for the fee stated in the city fee schedule and affix a city-issued "dangerous dog" tag to the dog's collar that must be worn by the dog at all times. The license and the accompanying tag must be renewed annually;
 - (4) Muzzle and restrain the dangerous dog at all times on a leash that is no longer than four feet in length, is of sufficient strength to control the dog, and is in the

direct physical control of a person capable of controlling the dog at any time the dog is not in a secure enclosure;

- (5) Confine the dog in a secure enclosure except as provided in item (4) of this subsection;
- (6) The owner shall post no less than two (2) signs on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street or highway.
- (7) Sterilize the dog;
- (8) Obtain liability insurance coverage in an amount of at least \$300,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the department. The proof of insurance must clearly indicate that the insurer is aware that the insured dog has been declared dangerous either by the inclusion of a statement on the coverage policy itself or in an original letter on the insurer's letterhead signed by the insurance agent issuing the policy.
- (9) At the owner's expense, the owner must complete a class on responsible pet ownership conducted by an organization approved by the department within two (2) months after the determination; and
- (10) The owner must allow an annual inspection of the residence where the dog is kept in order for the department to verify continued compliance with all requirements of this section. More frequent inspections may be conducted in response to specific complaints regarding non-compliance with this section.
- (b) The owner of a dangerous dog who does not comply with any part of subsection (a) of this section shall deliver the dog to animal control not later than the 30th calendar day after the owner learns that the dog is a dangerous dog.

Sec. 4-9. Failure to comply with requirements for ownership of a dangerous dog

- (a) Any person may make application to a municipal court that the owner of a dangerous dog has failed to comply with the requirements for ownership of a dangerous dog as set forth in Sec. 4-6 of this chapter.
- (b) The court shall set a time for a hearing to determine whether the owner of the dog has complied with the requirements for ownership as set forth in Sec. 4-6 of this chapter. The hearing must be held within 10 calendar days after the date on which the dog was to be delivered to animal control or within ten calendar days after the date of the application, whichever is later. The court shall give written notice of the time and place of the hearing to:
 - (1) The owner of the dog or the person from whom the dog was seized; and
 - (2) The person who made the complaint.

- (c) Any interested party, including the city attorney, is entitled to present evidence at the hearing.
- (d) The court shall determine whether the owner of a dangerous dog has complied with the requirements for ownership of a dangerous dog as set forth in Sec. 4-6 of this chapter.

 - (1) If the court determines that the owner has met all ownership requirements, the court shall waive any impoundment fees incurred and order the dog released to the owner.
 - (2) If the court determines that the owner has not met all ownership requirements, the court shall order the owner to come into compliance with all ownership requirements within 11 calendar days after the date the court issues the order and shall order the owner to pay all fees incurred for the impoundment of the dog. If all ownership requirements are met within 11 calendar days after the date the court issues the order, animal services shall release the dog to the owner upon payment of all fees incurred for the impoundment of the dog. Except as provided in item (4) of this subsection, if the owner has not met all ownership requirements within 11 calendar days after the date the court issues the order, the court may order animal control to humanely destroy the dog and the owner to pay all impoundment fees incurred and any fees for the destruction of the dog.
 - (3) The court may order the humane destruction of a dog if the owner of the dog has not been located after the 15th calendar day after the date on which the dog was to be delivered to animal control.
 - (4) The court may not order the destruction of a dog during the pendency of an appeal under subsection (h) of this section.
- (e) The court shall determine the estimated costs to house and care for the impounded dog during the appeal process set forth in subsection (h) of this section and shall set the bond for an appeal in an amount adequate to cover those estimated costs.
- (f) The order of the municipal court issued under subsection (f) of this section may be appealed in accordance with Section 822.0424 of the Texas Health and Safety Code to a county court or county court at law in the county in which the municipal court is located. The appellant is entitled to a jury trial on request. Not later than the 10th calendar day after the date the municipal court order is issued, the appellant must file a notice of appeal, and if applicable, an appeal bond in the amount determined by the court from which the appeal is taken.

Sec. 4-10. Appeal from a determination as a dangerous dog

If the director determines a dog is a dangerous dog under this Code, that decision is final unless the licensee or owner files a written appeal in accordance with Section 822.0421 of the Texas Health and Safety Code with the municipal court of competent jurisdiction not later than the 15th calendar day after the date the licensee or owner

received notice that the dog is dangerous. A hearing officer shall conduct the hearing within ten calendar days of the director's receipt of the notice of appeal. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the registrant or owner. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is an dangerous dog. The written order of the hearing officer shall be sent by personal delivery or certified mail, return receipt requested, to the registrant or owner as soon after the conclusion of the hearing as practicable, but in no event more than five business days thereafter. The decision of the hearing officer shall be final.

Sec. 4-11. Dangerous dog owned or harbored by a minor

If the licensee or owner of a dangerous dog is a minor, the parent or guardian of the minor shall be liable for all injuries and property damage sustained by any person or domestic animal in an unprovoked attack by the dog.

Sec. 4-12. Notification of change of status; disposition of dangerous dog

The owner/keeper of a dangerous dog shall notify the department within twenty-four (24) hours if their dangerous dog is loose, unconfined, has attacked another animal, has attacked a person, or has died. A dog determined to be dangerous under this chapter shall not be offered for adoption, rescue or sale or be given away. If the owner wishes to dispose of the dangerous dog, the owner shall return the dog to the department.

Sec. 4-13. Aggressive dog

Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that any dog may be an aggressive dog, the director shall conduct an investigation. If upon investigation, the director reasonably believes that grounds exist to declare the dog an aggressive dog, he shall issue a written order containing the grounds for his determination to the registrant or owner of the dog by personal delivery, or by certified mail, return receipt requested. The order shall include all requirements for a registrant or owner of a dog determined to be aggressive, as defined in this chapter, and the process for appeal of the determination.

Sec. 4-14. Requirements for an aggressive dog; violation

Not later than the 30th calendar day after the date a registrant or owner learns that he is the owner of an aggressive dog, the registrant or owner shall:

- (1) Permit the department, at the registrant's or owner's expense, to implant in the dog a microchip that will identify it as an aggressive dog;
- (2) Obtain an aggressive dog license from the director for the fee stated in the city fee schedule and affix a city-issued "aggressive dog" tag to the dog's collar

- that must be worn by the dog at all times. The license and the accompanying tag must be renewed annually;
- (3) Restrain the aggressive dog at all times on a leash of sufficient strength to control the dog, no longer than six feet in length and in the immediate control of a person capable of controlling the dog at any time the dog is not in a fenced area or structure that meets the requirements set forth in the following item;
- (4) Except as provided in the preceding item, confine the dog in a fenced area or a structure that is:
- a. At least six feet in height;
 - b. Of sufficient size to allow the dog to move freely;
 - c. Locked;
 - d. Capable of preventing the entry of the general public, including children;
 - e. Capable of preventing the escape or release of the dog; and
 - f. Clearly marked as containing an aggressive dog; and
- (5) Sterilize the dog.
- (b) A person commits an offense under Sec. 4-22 if he violates or fails to perform an act required by this section. A person commits a separate offense each day or part of a day during which a violation is committed, permitted, or continued.

Sec. 4-15. Appeal from a determination as an aggressive dog

If the director determines a dog is a aggressive dog under this Code, that decision is final unless the licensee or owner files a written appeal in accordance with Section 822.0421 of the Texas Health and Safety Code with the municipal court of competent jurisdiction not later than the 15th calendar day after the date the licensee or owner received notice that the dog is an aggressive dog. A hearing officer shall conduct the hearing within ten calendar days of the director's receipt of the notice of appeal. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the registrant or owner. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is an aggressive dog. The written order of the hearing officer shall be sent by personal delivery or certified mail, return receipt requested, to the registrant or owner as soon after the conclusion of the hearing as practicable, but in no event more than five business days thereafter. The decision of the hearing officer shall be final.

Sec. 4-16. Public nuisance dog

- (a) Upon receipt of a sworn, written complaint by any person, in a form approved by the director, that any dog may constitute a public nuisance, the director shall conduct an investigation. If upon investigation, the director reasonably believes that grounds exist to declare the dog a public nuisance dog, he shall issue a written order containing the grounds for his determination to the registrant or owner of the dog by personal delivery, or by certified mail, return receipt requested. The order

shall include all requirements for a registrant or owner of a dog determined to be a public nuisance, as defined in this chapter, and the process for the appeal of the determination.

- (b) For purposes of this section, if a dog is documented to be at large three or more times in a 12-month period by a member of the public, such documentation must consist of photographic evidence with a date and time stamp and in which the dog can be clearly identified.

Sec. 4-17. Requirements for a public nuisance dog; violation

- (a) Not later than the 30th calendar day after the date a registrant or owner learns that he is the owner of a public nuisance dog, the registrant or owner shall take all measures necessary to abate the nuisance that served as the basis for the determination of the dog as a public nuisance dog.
- (b) A person commits an offense under Sec. 4-22 if he violates or fails to perform an act required by this section. A person commits a separate offense each day or part of a day during which a violation is committed, permitted, or continued.

Sec. 4-18. Appeal from a determination as a public nuisance dog

If the director determines a dog is a public nuisance dog under this Code, that decision is final unless the licensee or owner files a written appeal in accordance with Section 822.0421 of the Texas Health and Safety Code with the municipal court of competent jurisdiction not later than the 15th calendar day after the date the licensee or owner received notice that the dog is an public nuisance dog. A hearing officer shall conduct the hearing within ten calendar days of the director's receipt of the notice of appeal. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the registrant or owner. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is an public nuisance dog. The written order of the hearing officer shall be sent by personal delivery or certified mail, return receipt requested, to the registrant or owner as soon after the conclusion of the hearing as practicable, but in no event more than five business days thereafter. The decision of the hearing officer shall be final.

Sec. 4-19. Penalties; appeal

- (a) If a licensee, registrant or owner of a dog receives the specified number of convictions for the following offenses within a 12-month period, the director may order the dog at issue be removed from the city for:

- (1) One or more convictions for allowing an aggressive dog to be at large in violation of Sec. 4-14 of this chapter; or
- (2) One or more convictions for allowing a public nuisance dog to be at large in violation of Sec. 4-17 of this chapter; or

The removal order shall be issued in writing to the licensee, registrant or owner of the dog at issue by personal delivery or by certified mail, return receipt requested. The notice shall include the reason for the order and shall inform the licensee, registrant or owner of his right to appeal the order.

- (b) If the director determines a dog to be removed for the above stated reasons under this Code, that decision is final unless the licensee or owner files a written appeal in accordance with section 822.0421 of the Texas Health and Safety Code with the municipal court of competent jurisdiction not later than the 15th calendar day after the date the licensee or owner received notice of this order. A hearing officer shall conduct the hearing within ten calendar days of the director's receipt of the notice of appeal. The hearing shall be conducted informally, and the hearing officer may consider city investigative reports, medical records, and affidavits, as well as any testimony or documentary evidence offered by the registrant or owner. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog should be removed under this order. The written order of the hearing officer shall be sent by personal delivery or certified mail, return receipt requested, to the registrant or owner as soon after the conclusion of the hearing as practicable, but in no event more than five business days thereafter. The decision of the hearing officer shall be final.

Sec. 4-20. Declassification of aggressive/public nuisance dogs

Declassification will be automatic pursuant to this section.

- (1) The following conditions must be met:
 - a. one (2) years without further incident; and
 - b. There have been no violations of the specified regulations.
- (2) When the owner or keeper of an aggressive/public nuisance dog meets all of the conditions in this chapter, the restrictions may be removed. Restrictions for aggressive dogs may be removed, with the exception of the secure enclosure.

Sec. 4-21. Dogs in packs

Dogs running in packs shall be considered feral and a serious threat to public health and safety. The animal control officer and police chief shall plan and supervise the impoundment of any dog packs so as to minimize the danger to the city residents and their property. If an owner of the dogs running in packs can be identified, the animal control officer or designee may cite the owner for this offense.

Sec. 4-22. Violations; penalties; defenses

- (a) *Class C misdemeanor.* A person who owns, keeps, or has custody or control of a dangerous, aggressive, or public nuisance dog, commits a Class C misdemeanor offense if he fails to comply with any provision of an administrative order or order of the municipal court judge, issued under this section. A violation of this section shall result in a fine no less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00). This penalty should not be construed as exclusive, and the city may seek any other remedy available to it, whether in law or in equity.
- (b) *Administrative proceedings.* In addition to the criminal penalties stated in subsection (a) immediately above, Section 822.0423, Texas Health and Safety Code, provides that a municipal court may conduct a hearing to determine whether the owner of a dangerous dog has complied with the requirements for the owner of a dangerous dog pursuant to the procedures that follow:
- (1) Upon an application from any person, the municipal court shall conduct a hearing to determine compliance with dangerous dog requirements.
 - (2) A municipal court judge shall conduct a hearing to determine whether the preponderance of the evidence supports the allegation that the owner has failed to comply with dangerous dog requirements.
 - (3) The municipal court judge shall be the finder of fact.
 - (4) At the conclusion of the hearing, if the municipal court judge finds that the owner has failed to comply with the dangerous dog requirements, the judge shall order the seizure of the dog in accordance with Section 822.042, Texas Health and Safety Code
 - (5) An owner or the person who filed the application for the hearing may appeal the decision of the municipal court in the manner provided for the appeal of cases from municipal court per Section 822.0423 and 822.0424, Texas Health and Safety Code, as amended.
 - (6) The municipal court judge may compel the attendance of the applicant, any known witnesses, the dog owner against whom the application was filed, and the director or his representative who investigated. Any interested party, including the city attorney or an assistant city attorney, may present evidence at the hearing.
- (c) Any defense to prosecution under Subchapter D, Chapter 822 of the Texas Health and Safety Code, as amended, is a defense to prosecution under this article.
- (d) Any defense to an order to euthanize under § 822.003(f) of the Texas Health and Safety Code, as amended, is a defense under this article.

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 6.6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion / action – Resolution R-2023-007 authorizing increase in micro-purchase threshold for purchases of goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D – City Manager / Finance Director

X

Attachments for Reference:

- 1) 6.6a Resolution R-2023-007
- 2) Federal Award Reqs Procurement Standards
- 3) Tx Gov Code Purchasing and Contracting (cities)

BACKGROUND / HISTORY: In the City staff's drive to reach an agreement with Bexar County audit and legal departments on the water system's \$750,000 ARPA funding request, a significant discussion topic was Federal procurement law. One such item is the *micro-purchase threshold*.

DISCUSSION: Micro-purchases under Federal Law have a maximum limit of \$10,000. This is the procurement method to obtain goods or services *without* federal competitive pricing or rate quotations, if the purchasing entity considers the price reasonable. Bexar County currently utilizes the \$10,000 threshold. This threshold may be increased to \$50,000 if the City self-certifies. Without self-certifying the City will have to follow Federal procurement law for all purchases above \$10,000 (Bexar County's threshold).

By Self-certifying up to \$50,000, the City will be able to report more purchases of materials and supplies for in-house water projects as eligible expenditures. City staff and City Attorney agree that the City is eligible to self-certify up to \$50,000. Bexar County had no issue with City self-certification.

COURSES OF ACTION: Approved Resolution R-2023-007; or decline entirely and provide further guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Motion to approve Resolution R-2023-007 authorizing increase in micro-purchase threshold for purchases of goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D

RESOLUTION NO. R-2023-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD FOR PURCHASES OF GOODS AND SERVICES USING FEDERAL FUNDING SUBJECT TO THE PROCUREMENT STANDARDS IN 2 C.F.R. PART 200, SUBPART D, IN FISCAL YEAR 2022-2023 FOR THE CITY OF SHAVANO PARK

WHEREAS, from time to time, the City of Shavano Park purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the City's procurement of such goods and services is subject to Sec. 2-180 of City of Shavano Park's Code of Ordinances; and

WHEREAS, the City is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and

WHEREAS, Texas Local Government Code, Chapter 252, subchapter A, does not require a Texas municipality to competitively bid for purchase of goods or services under \$50,000 other than the general exemptions as specified in the subchapter; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the City Council of the City of Shavano Park now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

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

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of Texas statute, the City of Shavano Park hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:
 - \$50,000, for the purchase of goods and services not subject to competitive bidding under Texas Local Government Code, Chapter 252, subchapter A; and
2. The self-certification made herein shall be effective as of the start of Fiscal Year 2022-2023 (October 1, 2022) and shall be applicable until the end of Fiscal Year 2022-2023 (September 30, 2023) of the City of Shavano Park.
3. In the event that the City of Shavano Park receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.
4. The City of Shavano Park shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.
5. The City Manager of the City of Shavano Park is hereby authorized to take all such actions to carry into effect the purpose and intent of the foregoing resolution.

PASSED AND APPROVED by the City Council of the City of Shavano Park at its Regular meeting held on this the 27th day of March, 2023.

Robert Werner
MAYOR

Attest: _____

Trish Nichols
CITY SECRETARY



Displaying title 2, up to date as of 3/08/2023. Title 2 was last amended 3/01/2023.

Title 2 - Grants and Agreements

Subtitle A - Office of Management and Budget Guidance for Grants and Agreements

Chapter II - Office of Management and Budget Guidance

Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Subpart D - Post Federal Award Requirements

Procurement Standards

§ 200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

- (a) **Informal procurement methods.** When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) **Micro-purchases -**

- (i) **Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.
- (ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.
- (iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.
- (iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:
 - (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
 - (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
 - (C) For public institutions, a higher threshold consistent with State law.
- (v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The

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increased threshold is valid until there is a change in status in which the justification was approved.

(2) *Small purchases* -

- (i) *Small purchase procedures.* The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.
- (ii) *Simplified acquisition thresholds.* The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.
- (b) *Formal procurement methods.* When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:
 - (1) *Sealed bids.* A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.
 - (i) In order, for sealed bidding to be feasible, the following conditions should be present:
 - (A) A complete, adequate, and realistic specification or purchase description is available;
 - (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - (ii) If sealed bids are used, the following requirements apply:
 - (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - (E) Any or all bids may be rejected if there is a sound documented reason.
 - (2) *Proposals.* A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:
 - (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals

- (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
 - (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.
- (c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:
- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
 - (2) The item is available only from a single source;
 - (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
 - (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
 - (5) After solicitation of a number of sources, competition is determined inadequate.

LOCAL GOVERNMENT CODE

TITLE 8. ACQUISITION, SALE, OR LEASE OF PROPERTY

SUBTITLE A. MUNICIPAL ACQUISITION, SALE, OR LEASE OF PROPERTY

CHAPTER 252. PURCHASING AND CONTRACTING AUTHORITY OF MUNICIPALITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 252.001. DEFINITIONS. In this chapter:

(1) "Bond funds" includes money in the treasury received from the sale of bonds and includes the proceeds of bonds that have been voted but have not been issued and delivered.

(2) "Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.

(3) "Current funds" includes money in the treasury, taxes in the process of being collected in the current tax year, and all other revenue that may be anticipated with reasonable certainty in the current tax year.

(4) "High technology procurement" means the procurement of equipment, goods, or services of a highly technical nature, including:

(A) data processing equipment and software and firmware used in conjunction with data processing equipment;

(B) telecommunications equipment and radio and microwave systems;

(C) electronic distributed control systems, including building energy management systems; and

(D) technical services related to those items.

(5) "Planning services" means services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.

(6) "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.

(7) "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

(8) "Time warrant" includes any warrant issued by a municipality that is not payable from current funds.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1250, Sec. 2, eff. Sept. 1, 1989; Acts 1995, 74th Leg., ch. 207, Sec. 1, eff. May 23, 1995.

Sec. 252.002. MUNICIPAL CHARTER CONTROLS IN CASE OF CONFLICT. Any provision in the charter of a home-rule municipality that relates to the notice of contracts, advertisement of the notice, requirements for the taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud, or the manner of letting contracts and that is in conflict with this chapter controls over this chapter unless the governing body of the municipality elects to have this chapter supersede the charter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 749, Sec. 5, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 757, Sec. 7, eff. Sept. 1, 1993.

Sec. 252.003. APPLICATION OF OTHER LAW. The purchasing requirements of Section 361.426, Health and Safety Code, apply to municipal purchases made under this chapter.

n: products for recycled materials
Added by Acts 1991, 72nd Leg., ch. 303, Sec. 17, eff. Sept. 1, 1991.

SUBCHAPTER B. COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED

Sec. 252.021. COMPETITIVE REQUIREMENTS FOR PURCHASES. (a)

Before a municipality may enter into a contract that requires an expenditure of more than \$50,000 from one or more municipal funds, the municipality must:

(1) comply with the procedure prescribed by this subchapter and Subchapter C for competitive sealed bidding or competitive sealed proposals;

Acts 2007, 80th Leg., R.S., Ch. 434 (S.B. 1765), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1213 (H.B. 1886), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1272 (H.B. 3517), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1272 (H.B. 3517), Sec. 2, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 4.01, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(20), eff. September 1, 2013.

Sec. 252.0215. COMPETITIVE BIDDING IN RELATION TO HISTORICALLY UNDERUTILIZED BUSINESS. A municipality, in making an expenditure of more than \$3,000 but less than \$50,000, shall contact at least two historically underutilized businesses on a rotating basis, based on information provided by the comptroller pursuant to Chapter 2161, Government Code. If the list fails to identify a historically underutilized business in the county in which the municipality is situated, the municipality is exempt from this section.

Added by Acts 1993, 73rd Leg., ch. 749, Sec. 3, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 165, Sec. 17.18, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 115, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 434 (S.B. 1765), Sec. 2, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. 3560), Sec. 1.100, eff. September 1, 2007.

Sec. 252.022. GENERAL EXEMPTIONS. (a) This chapter does not apply to an expenditure for:

(1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;

(2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;

for the state

(2) use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing; or

(3) comply with a method described by Chapter 2269, Government Code. → for construction projects

(b) A municipality may use the competitive sealed proposal procedure for the purchase of goods or services, including high technology items and insurance.

(c) The governing body of a municipality that is considering using a method other than competitive sealed bidding must determine before notice is given the method of purchase that provides the best value for the municipality. The governing body may delegate, as appropriate, its authority under this subsection to a designated representative. If the competitive sealed proposals requirement applies to the contract, the municipality shall consider the criteria described by Section 252.043(b) and the discussions conducted under Section 252.042 to determine the best value for the municipality.

(d) This chapter does not apply to the expenditure of municipal funds that are derived from an appropriation, loan, or grant received by a municipality from the federal or state government for conducting a community development program established under Chapter 373 if under the program items are purchased under the request-for-proposal process described by Section 252.042. A municipality using a request-for-proposal process under this subsection shall also comply with the requirements of Section 252.0215.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 56(b), eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 749, Sec. 1, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 757, Sec. 11, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 45, Sec. 1, eff. May 5, 1995; Acts 1997, 75th Leg., ch. 790, Sec. 1, eff. June 17, 1997; Acts 1999, 76th Leg., ch. 571, Sec. 1, eff. June 18, 1999; Acts 2001, 77th Leg., ch. 115, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 436, Sec. 2, eff. May 28, 2001; Acts 2001, 77th Leg., ch. 436, Sec. 3, eff. May 28, 2001; Acts 2001, 77th Leg., ch. 1409, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 217, Sec. 1, eff. June 18, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 12.003, eff. Sept. 1, 2003.

Amended by:

[6/17/21 Update: This post and resolution has been updated to clarify that for contracts subject to the Mini-Brooks Act (Article 3D of Chapter 143 of the General Statutes), a unit is advised to establish a micro-purchase threshold of \$0 in the event that it fails to exercise the exemption to the Mini-Brooks Act contained in G.S. 143-64.32. In that case, the generally applicable micro-purchase threshold contained in the FAR (\$10,000, as adjusted for inflation) is less restrictive than the threshold contained in North Carolina law. Therefore, units *failing* to exercise the exemption should follow the qualifications-based selection process of the Mini-Brooks Act in all cases.]

Micro-Purchase Threshold Self-Certification for Units of Local Government in North Carolina

On August 13, 2020, the Office of Management and Budget (“OMB”) published revisions to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200) (the “Uniform Guidance”).¹ Among other things, the revisions to the Uniform Guidance allow non-Federal entities to raise, via annual self-certification, the micro-purchase threshold to a “higher threshold consistent with State law.”²

This document provides background information for units of local government in North Carolina interested in self-certifying micro-purchase thresholds above \$10,000, and contains a sample resolution that a governing board may use to self-certify such higher thresholds.

Background

Many units of local government in North Carolina receive federal funding subject to the procurement standards in Subpart D of the Uniform Guidance (“Subpart D”).³ Those procurement standards enumerate three categories of procurement methods: (1) informal; (2) formal; and (3) noncompetitive.

A “micro-purchase” is both an informal procurement method and a noncompetitive procurement method.⁴ And when spending federal funds subject to Subpart D, a non-Federal entity may, on a noncompetitive basis, acquire supplies or services, the aggregate dollar amount of which does not exceed the “micro-purchase threshold” (as defined in the Uniform Guidance). A non-Federal entity need not solicit competitive price or rate quotations when awarding a micro-purchase if it considers the price to be “reasonable based on research, experience, purchase history or other information and documents [that] it files accordingly.”⁵

What is the “Micro-Purchase Threshold”?

¹ See [Guidance for Grants and Agreements](#), 85 Fed. Reg. 49506 (August 13, 2020) (to be codified at 2 C.F.R. pt. 200).

² *Id.* at 49553 (to be codified at 2 C.F.R. § 200.320(a)(1)(iv)(C)).

³ *Id.* at 49552-49556 (to be codified at 2 C.F.R. §§ 200.317 – 200.327).

⁴ *Id.* at 49553 (to be codified at 2 C.F.R. § 200.320(a)(1); 2 C.F.R. § 200.320(c)(1)).

⁵ *Id.* (to be codified at 2 C.F.R. § 200.320(a)(1)(ii))

Prior to the 2020 Uniform Guidance revisions, the Federal Acquisition Regulation set forth the primary definition of “micro-purchase threshold”⁶. And in 2018, OMB set the micro-purchase threshold at \$10,000.

Rather than set forth a uniform “micro-purchase threshold” for all non-Federal entities, the revised Uniform Guidance requires each individual non-Federal entity to “determin[e] and document[t] an appropriate micro-purchase threshold” on its own.⁷ Under the new definition of “micro-purchase threshold”, OMB has indicated that “[g]enerally, the micro-purchase threshold for procurement activities administered under Federal awards is not to exceed the amount set by the [Federal Acquisition Regulation] at 48 CFR Part 2, Subpart 2.1[.]”⁸ As of this writing, that amount is \$10,000 (subject to limited exceptions) and periodic adjustments for inflation.

Ability to Increase the Micro-Purchase Threshold

Despite the continued existence of the generally applicable micro-purchase threshold, the 2020 revisions to the Uniform Guidance permit non-Federal entities, for some types of contracts, to raise the micro-purchase to a level not to exceed \$50,000.⁹

A non-Federal entity may self-certify a threshold of up to \$50,000 on an annual basis if (1) it maintains documentation to be made available to a Federal awarding agency or pass-through entity and auditors in accordance with 2 C.F.R. 200.334, and (2) within the self-certification it:¹⁰

- (1) includes a justification for the threshold;
- (2) clearly identifies the threshold; and
- (3) includes supporting documentation of any of the following:
 - (A) a qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
 - (B) an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or
 - (C) for public institutions, a higher threshold consistent with State law.¹¹

⁶ 2 C.F.R. § 200.67 (2020) (“The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). It is \$3,000 except as otherwise discussed in Subpart 2.1 of that regulation, but this threshold is periodically adjusted for inflation.”). In 2018, the Office of Management and Budget raised the micro-purchase threshold under Federal financial assistance awards to \$10,000. See [Office of Mgmt. & Budget, Exec. Office of the President, OMB Memorandum M-18-18, Memorandum for Chief Financial Officers and Heads of Small Executive Agencies \(June 20, 2018\)](#).

⁷ [Guidance for Grants and Agreements, 85 Fed. Reg. 49506, 49553 \(August 13, 2020\) \(to be codified at 2 C.F.R. § 200.320\(a\)\(1\)\(iii\)\)](#).

⁸ *Id.* at 49502 (to be codified at [2 C.F.R. § 200.1](#)) (definition of “Micro-purchase threshold”).

⁹ *Id.* (to be codified at [2 C.F.R. § 200.320\(a\)\(1\)\(iv\)](#)).

¹⁰ Subject to limited exceptions, a non-Federal entity must retain all “[f]inancial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award . . . for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient.”). *Id.* at 49558 (to be codified at [2 C.F.R. § 200.334](#)).

¹¹ *Id.* at 49552 (to be codified at [2 C.F.R. § 200.320\(a\)\(1\)\(iv\)\(C\)](#)).

For certain categories of local government contracts, North Carolina law establishes competitive bidding thresholds higher than those currently identified in the Federal Acquisition Regulation.

Under North Carolina law, units of local government need not engage in a competitive bidding process for either the purchase of “apparatus, supplies, materials, or equipment” or the purchase of “construction or repair work” unless the cost of each such purchase exceeds \$30,000.¹² North Carolina law also does not require units of local government to engage in a competitive bidding process for the purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 (the “Mini-Brooks Act”) (e.g., architectural, engineering, surveying, and certain construction services).¹³

The newly promulgated micro-purchase threshold regulation suggests that a unit of local government in North Carolina may raise its micro-purchase threshold via annual self-certification to \$30,000 for the purchase of “apparatus, supplies, materials, or equipment” or the purchase of “construction or repair work,” and to \$50,000 for service contracts other than those subject to the Mini-Brooks Act.

State law enables units of local government to exercise an exemption to the qualifications-based selection process in the Mini-Brooks Act, in writing, for particular projects where the aggregate cost of services does not exceed \$50,000.¹⁴ G.S. 143-64.32 does not authorize use of a “blanket” exemption for all projects costing less than \$50,000—instead, a unit must exercise an exemption on a project specific basis. In conjunction with the increased micro-purchase threshold flexibility in 2 C.F.R. 200.320(a)(1)(iv)(C), a unit could set a micro-purchase threshold of \$50,000 for services subject to the Mini-Brooks Act as long as the unit exempts the project, in writing, from the qualifications-based selection process in the Mini-Brooks Act. Such an action and higher threshold would be “consistent with State law.”

Each unit should note that it is not required to raise any micro-purchase threshold above the generally applicable threshold in the Federal Acquisition Regulation,¹⁵ but may do so if it chooses.

Limitation on Applicability

If a unit adopts higher micro-purchase thresholds, it may not apply such thresholds to Federal financial assistance awards issued to the unit prior to November 12, 2020 (the effective date of the applicable revisions).¹⁶ A unit’s newly adopted micro-purchase threshold can apply to Federal financial assistance awards issued after that date. A unit must adopt the self-certification on an annual basis, and units making a self-certification should do so once per fiscal year.

Method of Adoption

¹² [N.C. Gen. Stat. § 143-129\(a\)](#) (formal bidding); [N.C. Gen. Stat. § 143-131\(a\)](#) (informal bidding).

¹³ [N.C. Gen. Stat. § 143-64.31 et seq.](#)

¹⁴ [N.C. Gen. Stat. § 143-64.32.](#)

¹⁵ [48 C.F.R. § 2.101 \(2020\)](#) (subject to limited exceptions, setting the micro-purchase threshold at \$10,000).

¹⁶ 85 Fed. Reg. 49506, 49521 (August 13, 2020) (“The revisions to 2 CFR are not applicable to Federal financial assistance awards issued prior to the effective dates provided in the Dates section of this Notice of Final Guidance, including financial assistance awards issued prior to those dates under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).”).

The revisions to the Uniform Guidance do not explicitly require that a non-Federal entity's governing board self-certify a higher micro-purchase threshold in an adopted resolution. The non-Federal entity might take such action in the form of a filed memorandum. As a best practice, however, units should obtain governing board approval of this change, as the revision necessarily requires a revision to a unit's written purchasing policies.

The Uniform Guidance continues to require non-Federal entities to have and use their own documented procurement policies, consistent with state law, local policy, and the procurement standards in Subpart D of the Uniform Guidance. Therefore, any change made pursuant to a self-certifying resolution must be integrated into a unit's generally applicable purchasing policy.

Self-Certification Resolution Template

This document contains a sample resolution that units can consider for adoption. Note that all local government entities are eligible to raise the micro-purchase thresholds to the levels identified below, which are consistent with North Carolina law:

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the Mini-Brooks Act (Article 3D of Chapter 143), but only where the unit of local government exercises, in writing, an exemption to the Mini-Brooks Act for a particular project pursuant to G.S. 143-64.32. Where the unit does not exercise an exemption to the Mini-Brooks Act for a particular project, the micro-purchase threshold shall be \$10,000 (as adjusted periodically for inflation pursuant to 48 CFR Subpart 2.1).

Contact and Questions

Please contact Connor Crews at the UNC School of Government (919-962-1575, c crews@sog.unc.edu) with questions or suggested revisions to this document.

RESOLUTION TEMPLATE

**RESOLUTION
OF
[GOVERNING BOARD]¹⁷
OF [UNIT]
AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD**

* * * * *

WHEREAS, from time to time, the [*name of the unit*] (the “[*Unit*]”¹⁸) purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the [*Unit*]’s procurement of such goods and services is subject to [*name of purchasing policy*], as most recently amended on [*date of most recent amendment to purchasing policy*]; and

WHEREAS, the [*Unit*] is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the [*Unit*] to conduct a competitive bidding process for the purchase of (1) “apparatus, supplies, materials, or equipment” where the cost of such purchase is equal to or greater than \$30,000, and (2) “construction or repair work” where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the “Mini-Brooks Act”); and

¹⁷ The term “governing board” should be replaced with the proper name of the governing board (e.g., council or board).

¹⁸ The term “unit” should be replaced with the proper name of the public entity (e.g., town, city, village, or county).

RESOLUTION TEMPLATE

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the [Governing Board] of the [Unit] now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

NOW THEREFORE, BE IT RESOLVED BY [NAME OF GOVERNING BOARD] OF THE [UNIT]:

[1. [Option #1]: In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the [Unit] hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:]¹⁹

[1. [Option #2]: The Unit has completed an annual internal institutional risk assessment to identify, mitigate, and manage financial risks. Therefore, in accordance with 2 C.F.R. § 200.320(a)(1)(iv)(B) and the applicable provisions of North Carolina law:]

[1. [Option #3: The Unit has qualified as a low-risk auditee in accordance with the criteria set forth in 2 C.F.R. § 200.520. Therefore, in accordance with 2 C.F.R. § 200.320(a)(1)(iv)(A) and the applicable provisions of North Carolina law, the [Unit] hereby self-certifies the following micro-purchase thresholds:]

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.]

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until the [end of the current fiscal year]²⁰ of the Unit, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the [Unit] receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

¹⁹All units of local government, regardless of audit findings, may raise the micro-purchase thresholds to levels “consistent with State law” pursuant to 2 C.F.R. § 200.320(a)(1)(iv)(C).

²⁰ The self-certification must be made on annual basis. A best practice is to adopt the self-certification at the beginning of each fiscal year.

RESOLUTION TEMPLATE

4. The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The [*appropriate officers and employees*]²¹ of the Unit are hereby authorized, individually and collectively, to revise the Purchasing Policy of the Unit to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

* * * * *

Adopted this the [____] day of [____], 2021.²²

²¹ Include those officers and employees with authority to revise the Unit's purchasing policy.

²² A Unit may format this resolution to include its standard resolution information (e.g., resolution number or vote tally).

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 6.6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion / action – Resolution R-2023-007 authorizing increase in micro-purchase threshold for purchases of goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D – City Manager / Finance Director

X

Attachments for Reference:

- 1) 6.6a Resolution R-2023-007
- 2) Federal Award Reqs Procurement Standards
- 3) Tx Gov Code Purchasing and Contracting (cities)

BACKGROUND / HISTORY: In the City staff's drive to reach an agreement with Bexar County audit and legal departments on the water system's \$750,000 ARPA funding request, a significant discussion topic was Federal procurement law. One such item is the *micro-purchase threshold*.

DISCUSSION: Micro-purchases under Federal Law have a maximum limit of \$10,000. This is the procurement method to obtain goods or services *without* federal competitive pricing or rate quotations, if the purchasing entity considers the price reasonable. Bexar County currently utilizes the \$10,000 threshold. This threshold may be increased to \$50,000 if the City self-certifies. Without self-certifying the City will have to follow Federal procurement law for all purchases above \$10,000 (Bexar County's threshold).

By Self-certifying up to \$50,000, the City will be able to report more purchases of materials and supplies for in-house water projects as eligible expenditures. City staff and City Attorney agree that the City is eligible to self-certify up to \$50,000. Bexar County had no issue with City self-certification.

COURSES OF ACTION: Approved Resolution R-2023-007; or decline entirely and provide further guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Motion to approve Resolution R-2023-007 authorizing increase in micro-purchase threshold for purchases of goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D

RESOLUTION NO. R-2023-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD FOR PURCHASES OF GOODS AND SERVICES USING FEDERAL FUNDING SUBJECT TO THE PROCUREMENT STANDARDS IN 2 C.F.R. PART 200, SUBPART D, IN FISCAL YEAR 2022-2023 FOR THE CITY OF SHAVANO PARK

WHEREAS, from time to time, the City of Shavano Park purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the City's procurement of such goods and services is subject to Sec. 2-180 of City of Shavano Park's Code of Ordinances; and

WHEREAS, the City is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and

WHEREAS, Texas Local Government Code, Chapter 252, subchapter A, does not require a Texas municipality to competitively bid for purchase of goods or services under \$50,000 other than the general exemptions as specified in the subchapter; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the City Council of the City of Shavano Park now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

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

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of Texas statute, the City of Shavano Park hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:
 - \$50,000, for the purchase of goods and services not subject to competitive bidding under Texas Local Government Code, Chapter 252, subchapter A; and
2. The self-certification made herein shall be effective as of the start of Fiscal Year 2022-2023 (October 1, 2022) and shall be applicable until the end of Fiscal Year 2022-2023 (September 30, 2023) of the City of Shavano Park.
3. In the event that the City of Shavano Park receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.
4. The City of Shavano Park shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.
5. The City Manager of the City of Shavano Park is hereby authorized to take all such actions to carry into effect the purpose and intent of the foregoing resolution.

PASSED AND APPROVED by the City Council of the City of Shavano Park at its Regular meeting held on this the 27th day of March, 2023.

Robert Werner
MAYOR

Attest: _____

Trish Nichols
CITY SECRETARY



Displaying title 2, up to date as of 3/08/2023. Title 2 was last amended 3/01/2023.

Title 2 - Grants and Agreements

Subtitle A - Office of Management and Budget Guidance for Grants and Agreements

Chapter II - Office of Management and Budget Guidance

Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Subpart D - Post Federal Award Requirements

Procurement Standards

§ 200.320 Methods of procurement to be followed.

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

- (a) **Informal procurement methods.** When the value of the procurement for property or services under a Federal award does not exceed the *simplified acquisition threshold (SAT)*, as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) **Micro-purchases -**

- (i) **Distribution.** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.
- (ii) **Micro-purchase awards.** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.
- (iii) **Micro-purchase thresholds.** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.
- (iv) **Non-Federal entity increase to the micro-purchase threshold up to \$50,000.** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:
 - (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
 - (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
 - (C) For public institutions, a higher threshold consistent with State law.
- (v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The

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increased threshold is valid until there is a change in status in which the justification was approved.

(2) *Small purchases* -

- (i) *Small purchase procedures.* The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.
- (ii) *Simplified acquisition thresholds.* The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.
- (b) *Formal procurement methods.* When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:
 - (1) *Sealed bids.* A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.
 - (i) In order, for sealed bidding to be feasible, the following conditions should be present:
 - (A) A complete, adequate, and realistic specification or purchase description is available;
 - (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - (ii) If sealed bids are used, the following requirements apply:
 - (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
 - (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
 - (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - (E) Any or all bids may be rejected if there is a sound documented reason.
 - (2) *Proposals.* A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:
 - (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals

- (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
 - (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.
- (c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:
- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
 - (2) The item is available only from a single source;
 - (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
 - (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
 - (5) After solicitation of a number of sources, competition is determined inadequate.

LOCAL GOVERNMENT CODE

TITLE 8. ACQUISITION, SALE, OR LEASE OF PROPERTY

SUBTITLE A. MUNICIPAL ACQUISITION, SALE, OR LEASE OF PROPERTY

CHAPTER 252. PURCHASING AND CONTRACTING AUTHORITY OF MUNICIPALITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 252.001. DEFINITIONS. In this chapter:

(1) "Bond funds" includes money in the treasury received from the sale of bonds and includes the proceeds of bonds that have been voted but have not been issued and delivered.

(2) "Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase.

(3) "Current funds" includes money in the treasury, taxes in the process of being collected in the current tax year, and all other revenue that may be anticipated with reasonable certainty in the current tax year.

(4) "High technology procurement" means the procurement of equipment, goods, or services of a highly technical nature, including:

(A) data processing equipment and software and firmware used in conjunction with data processing equipment;

(B) telecommunications equipment and radio and microwave systems;

(C) electronic distributed control systems, including building energy management systems; and

(D) technical services related to those items.

(5) "Planning services" means services primarily intended to guide governmental policy to ensure the orderly and coordinated development of the state or of municipal, county, metropolitan, or regional land areas.

(6) "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.

(7) "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase.

(8) "Time warrant" includes any warrant issued by a municipality that is not payable from current funds.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1250, Sec. 2, eff. Sept. 1, 1989; Acts 1995, 74th Leg., ch. 207, Sec. 1, eff. May 23, 1995.

Sec. 252.002. MUNICIPAL CHARTER CONTROLS IN CASE OF CONFLICT. Any provision in the charter of a home-rule municipality that relates to the notice of contracts, advertisement of the notice, requirements for the taking of sealed bids based on specifications for public improvements or purchases, the manner of publicly opening bids or reading them aloud, or the manner of letting contracts and that is in conflict with this chapter controls over this chapter unless the governing body of the municipality elects to have this chapter supersede the charter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 749, Sec. 5, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 757, Sec. 7, eff. Sept. 1, 1993.

Sec. 252.003. APPLICATION OF OTHER LAW. The purchasing requirements of Section 361.426, Health and Safety Code, apply to municipal purchases made under this chapter.

n: products for recycled materials
Added by Acts 1991, 72nd Leg., ch. 303, Sec. 17, eff. Sept. 1, 1991.

SUBCHAPTER B. COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED

Sec. 252.021. COMPETITIVE REQUIREMENTS FOR PURCHASES. (a)

Before a municipality may enter into a contract that requires an expenditure of more than \$50,000 from one or more municipal funds, the municipality must:

(1) comply with the procedure prescribed by this subchapter and Subchapter C for competitive sealed bidding or competitive sealed proposals;

Acts 2007, 80th Leg., R.S., Ch. 434 (S.B. 1765), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1213 (H.B. 1886), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1272 (H.B. 3517), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1272 (H.B. 3517), Sec. 2, eff. September 1, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. 628), Sec. 4.01, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.002(20), eff. September 1, 2013.

Sec. 252.0215. COMPETITIVE BIDDING IN RELATION TO HISTORICALLY UNDERUTILIZED BUSINESS. A municipality, in making an expenditure of more than \$3,000 but less than \$50,000, shall contact at least two historically underutilized businesses on a rotating basis, based on information provided by the comptroller pursuant to Chapter 2161, Government Code. If the list fails to identify a historically underutilized business in the county in which the municipality is situated, the municipality is exempt from this section.

Added by Acts 1993, 73rd Leg., ch. 749, Sec. 3, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 165, Sec. 17.18, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 115, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 434 (S.B. 1765), Sec. 2, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. 3560), Sec. 1.100, eff. September 1, 2007.

Sec. 252.022. GENERAL EXEMPTIONS. (a) This chapter does not apply to an expenditure for:

(1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;

(2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;

for the state (2) use the reverse auction procedure, as defined by Section 2155.062(d), Government Code, for purchasing; or

(3) comply with a method described by Chapter 2269, Government Code. *→ for construction projects*

(b) A municipality may use the competitive sealed proposal procedure for the purchase of goods or services, including high technology items and insurance.

(c) The governing body of a municipality that is considering using a method other than competitive sealed bidding must determine before notice is given the method of purchase that provides the best value for the municipality. The governing body may delegate, as appropriate, its authority under this subsection to a designated representative. If the competitive sealed proposals requirement applies to the contract, the municipality shall consider the criteria described by Section 252.043(b) and the discussions conducted under Section 252.042 to determine the best value for the municipality.

1/11/11 (d) This chapter does not apply to the expenditure of municipal funds that are derived from an appropriation, loan, or grant received by a municipality from the federal or state government for conducting a community development program established under Chapter 373 if under the program items are purchased under the request-for-proposal process described by Section 252.042. A municipality using a request-for-proposal process under this subsection shall also comply with the requirements of Section 252.0215.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 56(b), eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 749, Sec. 1, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 757, Sec. 11, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 45, Sec. 1, eff. May 5, 1995; Acts 1997, 75th Leg., ch. 790, Sec. 1, eff. June 17, 1997; Acts 1999, 76th Leg., ch. 571, Sec. 1, eff. June 18, 1999; Acts 2001, 77th Leg., ch. 115, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 436, Sec. 2, eff. May 28, 2001; Acts 2001, 77th Leg., ch. 436, Sec. 3, eff. May 28, 2001; Acts 2001, 77th Leg., ch. 1409, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 217, Sec. 1, eff. June 18, 2003; Acts 2003, 78th Leg., ch. 1276, Sec. 12.003, eff. Sept. 1, 2003.

Amended by:

[6/17/21 Update: This post and resolution has been updated to clarify that for contracts subject to the Mini-Brooks Act (Article 3D of Chapter 143 of the General Statutes), a unit is advised to establish a micro-purchase threshold of \$0 in the event that it fails to exercise the exemption to the Mini-Brooks Act contained in G.S. 143-64.32. In that case, the generally applicable micro-purchase threshold contained in the FAR (\$10,000, as adjusted for inflation) is less restrictive than the threshold contained in North Carolina law. Therefore, units *failing* to exercise the exemption should follow the qualifications-based selection process of the Mini-Brooks Act in all cases.]

Micro-Purchase Threshold Self-Certification for Units of Local Government in North Carolina

On August 13, 2020, the Office of Management and Budget (“OMB”) published revisions to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200) (the “Uniform Guidance”).¹ Among other things, the revisions to the Uniform Guidance allow non-Federal entities to raise, via annual self-certification, the micro-purchase threshold to a “higher threshold consistent with State law.”²

This document provides background information for units of local government in North Carolina interested in self-certifying micro-purchase thresholds above \$10,000, and contains a sample resolution that a governing board may use to self-certify such higher thresholds.

Background

Many units of local government in North Carolina receive federal funding subject to the procurement standards in Subpart D of the Uniform Guidance (“Subpart D”).³ Those procurement standards enumerate three categories of procurement methods: (1) informal; (2) formal; and (3) noncompetitive.

A “micro-purchase” is both an informal procurement method and a noncompetitive procurement method.⁴ And when spending federal funds subject to Subpart D, a non-Federal entity may, on a noncompetitive basis, acquire supplies or services, the aggregate dollar amount of which does not exceed the “micro-purchase threshold” (as defined in the Uniform Guidance). A non-Federal entity need not solicit competitive price or rate quotations when awarding a micro-purchase if it considers the price to be “reasonable based on research, experience, purchase history or other information and documents [that] it files accordingly.”⁵

What is the “Micro-Purchase Threshold”?

¹ See [Guidance for Grants and Agreements](#), 85 Fed. Reg. 49506 (August 13, 2020) (to be codified at 2 C.F.R. pt. 200).

² *Id.* at 49553 (to be codified at 2 C.F.R. § 200.320(a)(1)(iv)(C)).

³ *Id.* at 49552-49556 (to be codified at 2 C.F.R. §§ 200.317 – 200.327).

⁴ *Id.* at 49553 (to be codified at 2 C.F.R. § 200.320(a)(1); 2 C.F.R. § 200.320(c)(1)).

⁵ *Id.* (to be codified at 2 C.F.R. § 200.320(a)(1)(ii))

Prior to the 2020 Uniform Guidance revisions, the Federal Acquisition Regulation set forth the primary definition of “micro-purchase threshold”⁶. And in 2018, OMB set the micro-purchase threshold at \$10,000.

Rather than set forth a uniform “micro-purchase threshold” for all non-Federal entities, the revised Uniform Guidance requires each individual non-Federal entity to “determin[e] and document[t] an appropriate micro-purchase threshold” on its own.⁷ Under the new definition of “micro-purchase threshold”, OMB has indicated that “[g]enerally, the micro-purchase threshold for procurement activities administered under Federal awards is not to exceed the amount set by the [Federal Acquisition Regulation] at 48 CFR Part 2, Subpart 2.1[.]”⁸ As of this writing, that amount is \$10,000 (subject to limited exceptions) and periodic adjustments for inflation.

Ability to Increase the Micro-Purchase Threshold

Despite the continued existence of the generally applicable micro-purchase threshold, the 2020 revisions to the Uniform Guidance permit non-Federal entities, for some types of contracts, to raise the micro-purchase to a level not to exceed \$50,000.⁹

A non-Federal entity may self-certify a threshold of up to \$50,000 on an annual basis if (1) it maintains documentation to be made available to a Federal awarding agency or pass-through entity and auditors in accordance with 2 C.F.R. 200.334, and (2) within the self-certification it:¹⁰

- (1) includes a justification for the threshold;
- (2) clearly identifies the threshold; and
- (3) includes supporting documentation of any of the following:
 - (A) a qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
 - (B) an annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or
 - (C) for public institutions, a higher threshold consistent with State law.¹¹

⁶ 2 C.F.R. § 200.67 (2020) (“The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). It is \$3,000 except as otherwise discussed in Subpart 2.1 of that regulation, but this threshold is periodically adjusted for inflation.”). In 2018, the Office of Management and Budget raised the micro-purchase threshold under Federal financial assistance awards to \$10,000. See [Office of Mgmt. & Budget, Exec. Office of the President, OMB Memorandum M-18-18, Memorandum for Chief Financial Officers and Heads of Small Executive Agencies \(June 20, 2018\)](#).

⁷ [Guidance for Grants and Agreements, 85 Fed. Reg. 49506, 49553 \(August 13, 2020\) \(to be codified at 2 C.F.R. § 200.320\(a\)\(1\)\(iii\)\)](#).

⁸ *Id.* at 49502 (to be codified at [2 C.F.R. § 200.1](#)) (definition of “Micro-purchase threshold”).

⁹ *Id.* (to be codified at [2 C.F.R. § 200.320\(a\)\(1\)\(iv\)](#)).

¹⁰ Subject to limited exceptions, a non-Federal entity must retain all “[f]inancial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award . . . for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient.”). *Id.* at 49558 (to be codified at [2 C.F.R. § 200.334](#)).

¹¹ *Id.* at 49552 (to be codified at [2 C.F.R. § 200.320\(a\)\(1\)\(iv\)\(C\)](#)).

For certain categories of local government contracts, North Carolina law establishes competitive bidding thresholds higher than those currently identified in the Federal Acquisition Regulation.

Under North Carolina law, units of local government need not engage in a competitive bidding process for either the purchase of “apparatus, supplies, materials, or equipment” or the purchase of “construction or repair work” unless the cost of each such purchase exceeds \$30,000.¹² North Carolina law also does not require units of local government to engage in a competitive bidding process for the purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 (the “Mini-Brooks Act”) (e.g., architectural, engineering, surveying, and certain construction services).¹³

The newly promulgated micro-purchase threshold regulation suggests that a unit of local government in North Carolina may raise its micro-purchase threshold via annual self-certification to \$30,000 for the purchase of “apparatus, supplies, materials, or equipment” or the purchase of “construction or repair work,” and to \$50,000 for service contracts other than those subject to the Mini-Brooks Act.

State law enables units of local government to exercise an exemption to the qualifications-based selection process in the Mini-Brooks Act, in writing, for particular projects where the aggregate cost of services does not exceed \$50,000.¹⁴ G.S. 143-64.32 does not authorize use of a “blanket” exemption for all projects costing less than \$50,000—instead, a unit must exercise an exemption on a project specific basis. In conjunction with the increased micro-purchase threshold flexibility in 2 C.F.R. 200.320(a)(1)(iv)(C), a unit could set a micro-purchase threshold of \$50,000 for services subject to the Mini-Brooks Act as long as the unit exempts the project, in writing, from the qualifications-based selection process in the Mini-Brooks Act. Such an action and higher threshold would be “consistent with State law.”

Each unit should note that it is not required to raise any micro-purchase threshold above the generally applicable threshold in the Federal Acquisition Regulation,¹⁵ but may do so if it chooses.

Limitation on Applicability

If a unit adopts higher micro-purchase thresholds, it may not apply such thresholds to Federal financial assistance awards issued to the unit prior to November 12, 2020 (the effective date of the applicable revisions).¹⁶ A unit’s newly adopted micro-purchase threshold can apply to Federal financial assistance awards issued after that date. A unit must adopt the self-certification on an annual basis, and units making a self-certification should do so once per fiscal year.

Method of Adoption

¹² [N.C. Gen. Stat. § 143-129\(a\)](#) (formal bidding); [N.C. Gen. Stat. § 143-131\(a\)](#) (informal bidding).

¹³ [N.C. Gen. Stat. § 143-64.31 et seq.](#)

¹⁴ [N.C. Gen. Stat. § 143-64.32.](#)

¹⁵ [48 C.F.R. § 2.101 \(2020\)](#) (subject to limited exceptions, setting the micro-purchase threshold at \$10,000).

¹⁶ 85 Fed. Reg. 49506, 49521 (August 13, 2020) (“The revisions to 2 CFR are not applicable to Federal financial assistance awards issued prior to the effective dates provided in the Dates section of this Notice of Final Guidance, including financial assistance awards issued prior to those dates under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).”).

The revisions to the Uniform Guidance do not explicitly require that a non-Federal entity's governing board self-certify a higher micro-purchase threshold in an adopted resolution. The non-Federal entity might take such action in the form of a filed memorandum. As a best practice, however, units should obtain governing board approval of this change, as the revision necessarily requires a revision to a unit's written purchasing policies.

The Uniform Guidance continues to require non-Federal entities to have and use their own documented procurement policies, consistent with state law, local policy, and the procurement standards in Subpart D of the Uniform Guidance. Therefore, any change made pursuant to a self-certifying resolution must be integrated into a unit's generally applicable purchasing policy.

Self-Certification Resolution Template

This document contains a sample resolution that units can consider for adoption. Note that all local government entities are eligible to raise the micro-purchase thresholds to the levels identified below, which are consistent with North Carolina law:

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the Mini-Brooks Act (Article 3D of Chapter 143), but only where the unit of local government exercises, in writing, an exemption to the Mini-Brooks Act for a particular project pursuant to G.S. 143-64.32. Where the unit does not exercise an exemption to the Mini-Brooks Act for a particular project, the micro-purchase threshold shall be \$10,000 (as adjusted periodically for inflation pursuant to 48 CFR Subpart 2.1).

Contact and Questions

Please contact Connor Crews at the UNC School of Government (919-962-1575, ccrews@sog.unc.edu) with questions or suggested revisions to this document.

RESOLUTION TEMPLATE

**RESOLUTION
OF
[GOVERNING BOARD]¹⁷
OF [UNIT]
AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD**

* * * * *

WHEREAS, from time to time, the [*name of the unit*] (the “[*Unit*]”¹⁸) purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the [*Unit*]’s procurement of such goods and services is subject to [*name of purchasing policy*], as most recently amended on [*date of most recent amendment to purchasing policy*]; and

WHEREAS, the [*Unit*] is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the [*Unit*] to conduct a competitive bidding process for the purchase of (1) “apparatus, supplies, materials, or equipment” where the cost of such purchase is equal to or greater than \$30,000, and (2) “construction or repair work” where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the “Mini-Brooks Act”); and

¹⁷ The term “governing board” should be replaced with the proper name of the governing board (e.g., council or board).

¹⁸ The term “unit” should be replaced with the proper name of the public entity (e.g., town, city, village, or county).

RESOLUTION TEMPLATE

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the [Governing Board] of the [Unit] now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101.

NOW THEREFORE, BE IT RESOLVED BY [NAME OF GOVERNING BOARD] OF THE [UNIT]:

[1. [Option #1]: In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the [Unit] hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:]¹⁹

[1. [Option #2]: The Unit has completed an annual internal institutional risk assessment to identify, mitigate, and manage financial risks. Therefore, in accordance with 2 C.F.R. § 200.320(a)(1)(iv)(B) and the applicable provisions of North Carolina law:]

[1. [Option #3: The Unit has qualified as a low-risk auditee in accordance with the criteria set forth in 2 C.F.R. § 200.520. Therefore, in accordance with 2 C.F.R. § 200.320(a)(1)(iv)(A) and the applicable provisions of North Carolina law, the [Unit] hereby self-certifies the following micro-purchase thresholds:]

- A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
- B. \$30,000, for the purchase of “construction or repair work”; and
- C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and
- D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the Unit has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$0.]

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until the [end of the current fiscal year]²⁰ of the Unit, but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

3. In the event that the [Unit] receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Unit shall comply with the more restrictive threshold when expending such funds.

¹⁹All units of local government, regardless of audit findings, may raise the micro-purchase thresholds to levels “consistent with State law” pursuant to 2 C.F.R. § 200.320(a)(1)(iv)(C).

²⁰ The self-certification must be made on annual basis. A best practice is to adopt the self-certification at the beginning of each fiscal year.

RESOLUTION TEMPLATE

4. The Unit shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

5. The [*appropriate officers and employees*]²¹ of the Unit are hereby authorized, individually and collectively, to revise the Purchasing Policy of the Unit to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

* * * * *

Adopted this the [____] day of [____], 2021.²²

²¹ Include those officers and employees with authority to revise the Unit's purchasing policy.

²² A Unit may format this resolution to include its standard resolution information (e.g., resolution number or vote tally).

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 6.7

Prepared by: Bill Hill

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

6.7. Deliberate the appointment a Municipal Court of Record Alternate Prosecutor. Possible Executive Session pursuant to Texas Government Code §551.074, Personnel Matters - City Council



Attachments for Reference: 1) N/A

BACKGROUND / HISTORY: The City's current Municipal Court Alternate Prosecutor is the Law Offices of Ryan Henry and were appointed by City Council on April 26, 2021. Upon Request of Qualifications, only our City Prosecutor Darrel Dullnig and Law Offices of Ryan Henry submitted qualifications.

Municipal Court Prosecutors are a City Council-appointed official under Sec. 10-4 of City Code:

Sec. 10-4. Municipal court prosecutors.

The City Council shall appoint a Municipal Court Prosecutor and alternate Municipal Court Prosecutor. The Municipal Court Prosecutor or his alternate shall conduct all prosecution in the Municipal Court of Record No. 1 in the City of Shavano Park on behalf of the City. Each shall be licensed to practice law in the State and a member in good standing of the State Bar. The Prosecutor and Alternate Prosecutor shall be appointed for an indefinite term to serve at the pleasure of the City Council and shall receive compensation as the City Council may determine.

DISCUSSION: Since appointment, the City has not used the Law Offices of Ryan Henry. There are certain cases where the use of a special prosecutor may be of advantage to the City. Our current City Attorney firm, Denton Navarro Rocha Bernal & Zech, (DNRBZ) have a robust section of attorney's who perform City Prosecutor roles in municipalities. DNRBZ has an arrangement in Universal City where they prosecute only their nuisance violations and complex land use and building code cases and another prosecutor handles all the routine traffic tickets and such.

As a practical manner, having the Alternate Prosecutor be assigned from the same firm as our City Attorney will gain efficiencies and effectiveness.

There is no requirement to release a RFQ/RFP for any attorney services.

COURSES OF ACTION: Approve DNRBZ as the Municipal Court of Record Alternate Prosecutor; or decline and provide guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: To approve DNRBZ as the Municipal Court of Record Alternate Prosecutor

Council Monthly Summary Report for period between 02/01/2023 and 02/28/2023

City of Shavano Park

Description	[Designated period: 2/1/2023 to 2/28/2023]			[Prior period: 2/1/2022 to 2/28/2022]		
	Prms	Valuation	Fee Paid	Prms	Valuation	Fee Paid
Commercial:						
Building (C) New (Shell Only)	0	0.00	0.00	2	1996448.00	4509.29
Demolition (C) Demolition	0	0.00	0.00	1	25000.00	0.00
Electric (C)	3	0.00	0.00	2	0.00	0.00
Electric (C) Addition	0	0.00	0.00	1	38570.00	300.00
Electric (C) Remodel	0	0.00	0.00	1	8800.00	120.00
Finish Out Improvements/ Remodels**	1	0.00	922.28	0	0.00	0.00
Finish Out Tenant Finish Out	1	143899.00	498.33	2	259603.00	990.76
HVAC (C)	4	0.00	0.00	1	0.00	0.00
Plumbing (C)	2	0.00	0.00	1	0.00	0.00
<i>Development Services Fees:</i>						
Credit Card Fee			285.89			162.24
Technology Fee			55.00			60.00
Totals For Permits Shown Above	11	143899.00	1761.50	11	2328421.00	6142.29
Other:						
Driveway Permit Driveway	0	0.00	0.00	11	0.00	2750.00
Fire Alarm Permit Fire Sprinkler/Alarm	1	4700.00	40.00	0	0.00	0.00
Fire Alarm Permit Remodel	1	0.00	120.00	0	0.00	0.00
Fire Sprinkler Permit Other (please explain below)	0	0.00	0.00	1	0.00	40.00
Fire Sprinkler Permit Fire Sprinkler/Alarm	1	5050.00	80.00	1	5625.00	80.00
Foundation Other (please explain below)	1	0.00	177.00	0	0.00	0.00
Sign Permit Other (please explain below)	1	0.00	0.00	0	0.00	0.00
Sign Permit New	0	0.00	0.00	2	355.00	200.00
Sign Permit Other	1	845.00	0.00	0	0.00	0.00
Sign Permit Remodel	0	0.00	0.00	2	1000.00	0.00
Solar Panels	0	0.00	0.00	1	0.00	150.00
Swimming Pool Pool/ Spa	0	0.00	0.00	1	0.00	700.00
<i>Development Services Fees:</i>						
Credit Card Fee			31.21			107.84
Technology Fee			30.00			95.00
Totals For Permits Shown Above	6	10595.00	478.21	19	6980.00	4122.84
Residential:						
Additions Addition*	1	0.00	1010.20	0	0.00	0.00
Building (R) New Residence*	0	0.00	0.00	3	0.00	28884.65
Electric (R)	4	0.00	700.00	2	0.00	650.00
Fence (R) Fence	0	0.00	0.00	2	0.00	200.00
Garage Permit Accessory Building*	0	0.00	0.00	1	0.00	539.91
Gas (R)	1	0.00	200.00	0	0.00	0.00
HVAC (R)	4	0.00	1150.00	3	0.00	1100.00
Improvements Other (please explain below)	1	0.00	320.53	0	0.00	0.00
Irrigation (R)	1	0.00	200.00	3	0.00	350.00
Irrigation (R) Other (please explain below)	2	0.00	300.00	0	0.00	0.00
Plumbing (R)	2	0.00	150.00	10	0.00	2100.00

Council Monthly Summary Report for period between 02/01/2023 and 02/28/2023

City of Shavano Park

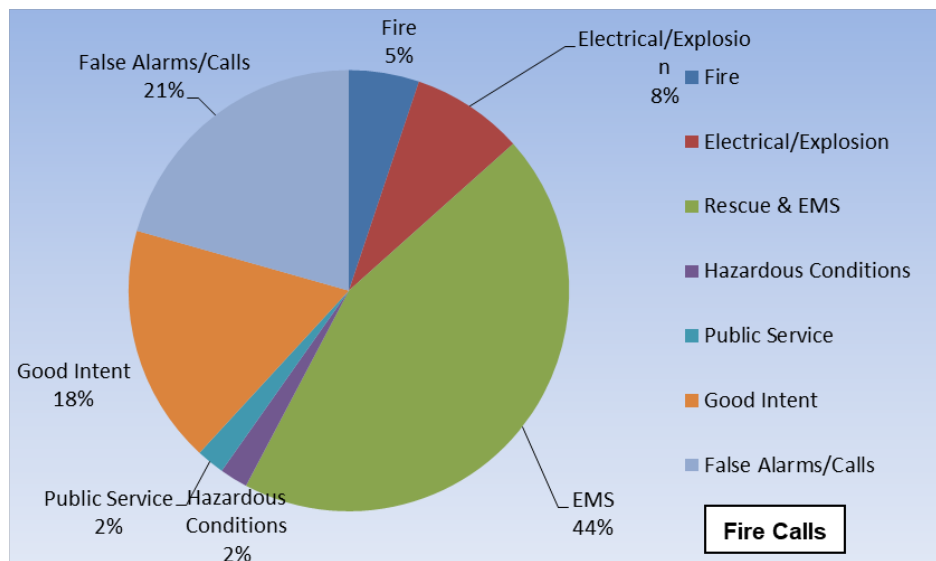
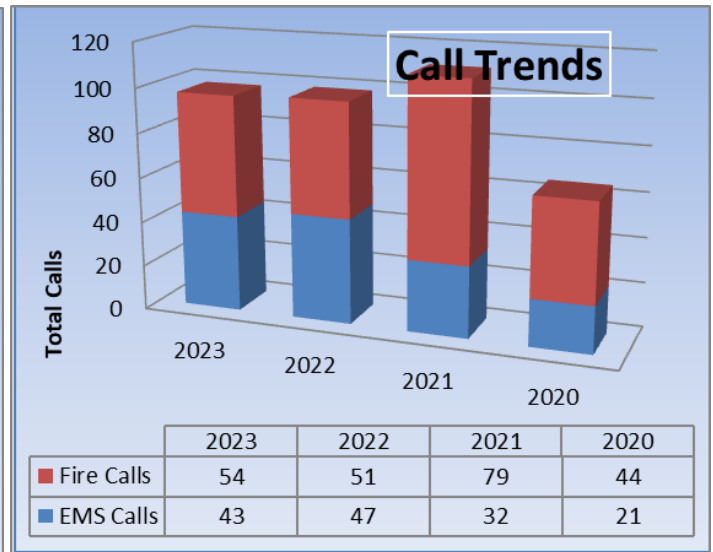
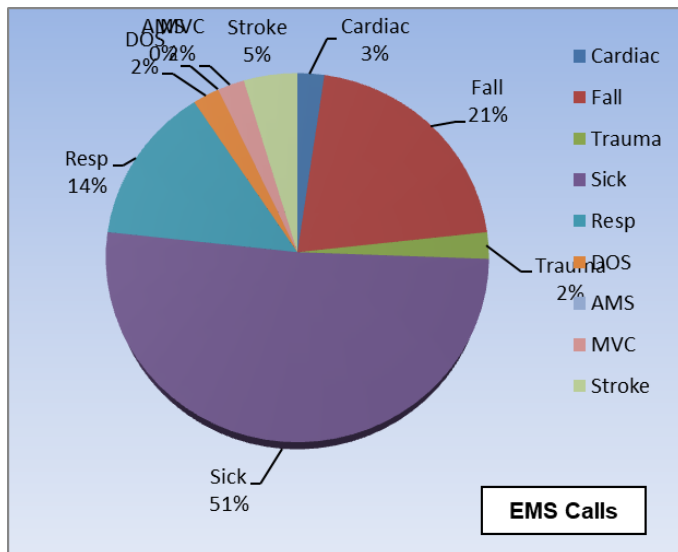
	[Designated period: 2/1/2023 to 2/28/2023]			[Prior period: 2/1/2022 to 2/28/2022]		
Description	Prms	Valuation	Fee Paid	Prms	Valuation	Fee Paid
Remodel (R) Improvements/ Remodels**	1	0.00	1897.18	1	0.00	161.60
Remodel (R) Other (please explain below)	1	0.00	408.00	0	0.00	0.00
Roof (R) Roof (or re-roof)	0	0.00	0.00	3	0.00	450.00
Septic (R)	3	0.00	1260.00	0	0.00	0.00
Tree Trimming (R)	0	0.00	0.00	1	0.00	35.00
<i>Development Services Fees:</i>						
Credit Card Fee			181.72			377.14
Technology Fee			95.00			195.00
Totals For Permits Shown Above	21	0.00	7872.63	29	0.00	35043.30
Total For All Permits In The Period	38	154494.00	10112.34	59	2335401.00	45308.43

Shavano Park Fire Department



Summary of Events for February 2023

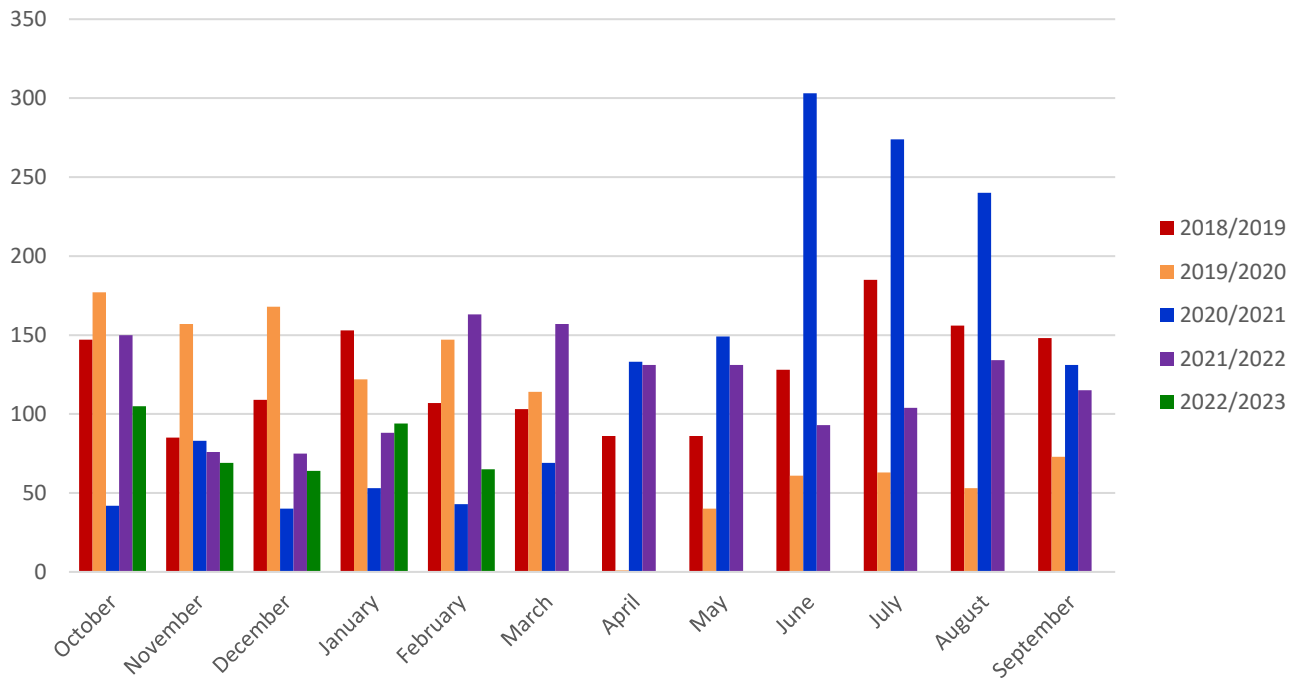
- Shavano Park FD responded to **97** requests for service in **February**.
- This is a **1% decrease** from the previous **February**.
- Shavano Park FD responded to **3** automatic aid requests from Leon Valley FD, Leon Springs FD, and Bexar-Bulverde FD.
- Shavano Park FD received **4** automatic aid responses for Hollywood Park FD and Castle Hills FD.
- Shavano Park FD Responded/stood-by for **19** mutual aid requests from other departments.
- The average response time for calls within Shavano Park is **4 minutes 46 seconds** this month.
- Fire Fighters completed a total of **197 hours of fire** and **158 hours of EMS** training in the month of **February**.
- Certified Fire Inspector inspected **3** commercial buildings.
- Fire crews performed 1 pre-incident fire plan reviews
- Certified Plans Examiners reviewed **3** sets of commercial building/renovation plans/changes to previously submitted plans
- ALS Care (Paramedics) accounted for 70% of EMS responses in February



City of Shavano Park

Municipal Court Activity February 2023

Cases Filed Per Month

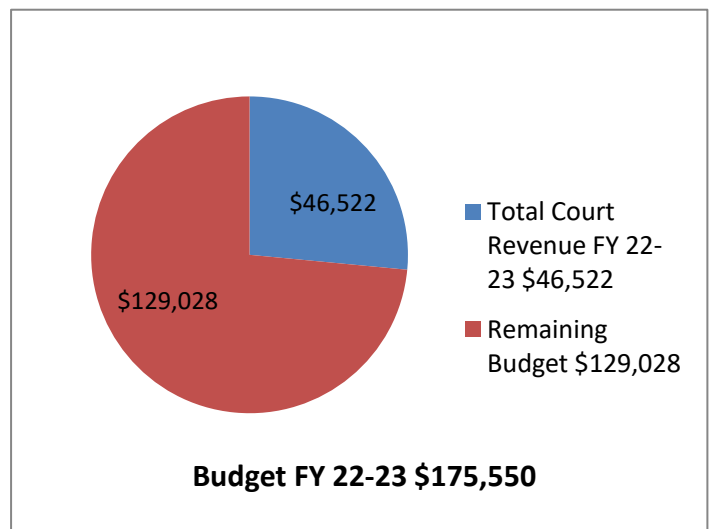


Cases Resolved	Current Month	Prior Year
Fine	29	53
Not Guilty By Judge	0	0
Guilty	21	39
Dismissed	5	3
Compliance Dismissal	17	16
Defensive Driving	10	16
Deferred Disposition	8	18
Proof of Insurance	1	1
TOTAL	91	146

There was 1 case filed in April 2020.
(Insufficient to register on the above chart)

There were no in-person Municipal Court proceedings March - May, July - December 2020 and January - February 2021 due to the coronavirus.

Court Revenue	Current 22/23	Prior 21/22
October	\$ 9,566	\$ 14,631
November	11,489	14,428
December	6,109	10,631
January	9,163	10,362
February	10,196	17,310
March	-	15,372
April	-	15,218
May	-	9,098
June	-	12,581
July	-	8,071
August	-	7,236
September	-	14,655
	\$ 46,522	\$ 149,594



Monthly Activity Report
City of Shavano Park Police Department
February 2023

Activity Report: 22 criminal offenses out of 18 incidents were handled by the Police Department for the month of February.
34 total Criminal Offenses were handled to by the Department for CY 2023.

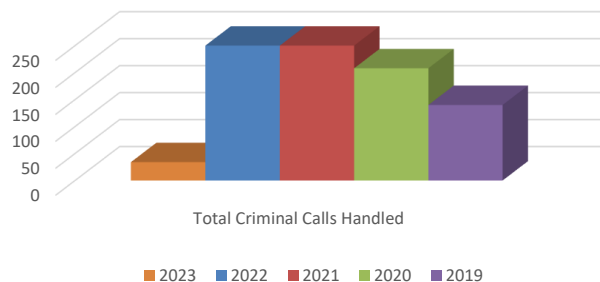
Criminal Incidents	Feb	Calendar Year				
		2023	2022	2021	2020	2019
Alcohol Beverage Code Violations	0	0	5	0	0	0
Arrest of Wanted Persons (Outside Agency)	2	2	26	27	10	18
Assault / Assault Family Violence	2	2	7	11	9	4
Burglary Building	0	0	5	6	5	5
Burglary of Habitation	0	0	0	2	0	0
Burglary Vehicle	3	5	35	23	10	13
Criminal Mischief / Reckless Damage	0	0	9	17	9	9
Criminal Mischief Mail Box	0	0	1	3	0	0
Criminal Trespass	0	0	0	6	3	3
Cruelty to Animals	0	0	0	1	0	0
Disorderly Conduct	0	0	0	3	0	0
Deadly Conduct	1	1	2	1	0	0
Duty on Striking Fixture/Landscaping	0	1	1	4	0	3
Driving Under the Influence - Minor	0	0	2	1	0	0
Driving While Intoxicated	1	3	20	28	15	10
Driving while License Suspended / Invalid (ENHANCED)	0	0	0	1	1	5
Endangerment of Child	0	0	0	0	0	1
Engaging in Organized Crime	0	0	0	1	0	0
Evading Arrest/Escape Custody	1	2	10	9	5	3
Exploitation Child/Elderly/Disabled	0	0	0	1	0	0
Failure to Identify	1	1	1	0	1	1
Fraud / Forgery / False Reports / Tamper w/Govt. Record	2	5	15	12	8	7
Graffiti	0	0	0	0	1	3
Harassment / Retaliation / Terroristic Threat / Viol. Protect. Order	1	1	9	3	4	3
Illegal Dumping	0	0	0	6	0	0
Injury to Child/Elderly/Disabled	0	0	3	1	0	0
Property Damage/Leaving Scene of Accident	0	0	3	7	1	1
Minor In Possession Alcohol/Tobacco	2	2	4	3	13	0
Murder	0	0	0	1	0	0
Narcotics Violation (class B and up)	1	2	18	7	31	13
Narcotics Violation (class C)	4	5	23	17	24	15
Unlawful Possession/Carry Weapon	0	0	11	4	7	2
Public Intoxication	0	0	0	0	1	1
Reckless Driving	0	0	0	2	0	0
Resisting Arrest/Interference/Hindering/Unlawful Restraint	0	0	2	2	2	2
Robbery	0	0	1	2	2	1
Sexual Offense	0	0	1	0	1	2
Solicitation of a Minor / Indecency with a Minor	0	0	1	0	0	0
Stalking	0	0	0	2	0	0
Suicide	0	0	1	1	1	0
Tampering with Evidence	0	0	0	1	2	1
Theft	1	2	21	25	29	14
Theft of Mail	0	0	6	3	7	0
Theft of Motor Vehicle	0	0	3	5	2	0
Unauthorized Use of Motor Vehicle	0	0	4	1	4	0
Total Criminal Calls Handled	22	34	250	250	208	140

Monthly Activity Report
City of Shavano Park Police Department
February 2023

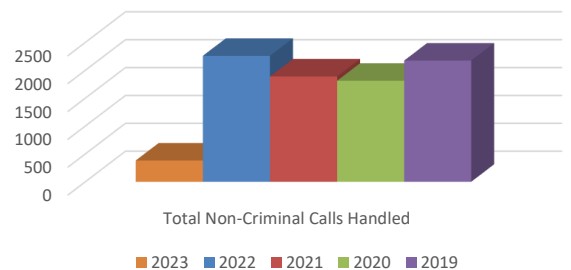
Non-Criminal Incidents

		Calendar Year				
	Feb	2023	2022	2021	2020	2019
Accidents Major (With Injuries)	1	1	5	6	2	8
Accidents Minor (Non-Injury)	4	7	68	78	36	74
Alarm Call	35	59	419	417	401	505
Animal Calls / Complaints	0	11	129	97	107	147
Assist Fire Department / EMS	49	91	404	372	373	426
Assist Other Law Enforcement Agencies	3	15	82	32	59	89
Assist the Public	4	8	78	37	80	105
City Ordinance Violations	22	41	42	47	57	34
animal 9 brush 1 dumpster 5 junk vehicles 1						
noise 1 parking 1 permit 2 pool 1 tree 1						
Criminal Trespass Warning	0	1	2	10	11	10
Deceased Person / Natural / Unattended	1	7	20	17	23	15
Disturbance / Keep the Peace	4	14	72	63	71	46
Emergency Detention	0	1	8	12	12	9
Impounded Vehicles	3	5	94	0	0	0
Information	24	40	271	131	127	164
Missing Person / Runaway	0	0	2	0	3	4
Recovered Property / Found Property	2	3	19	18	11	9
Suspicious Activity, Circumstances, Persons, Vehicles	10	23	186	164	154	194
Traffic Hazard	6	8	46	30	21	72
Welfare Concern	3	10	88	69	48	65
911 Hang-up Calls	22	37	225	290	217	199
Total Non-Criminal Calls Handled	193	382	2260	1890	1813	2175
Officer Initiated Contacts						
Community Policing Contacts / Crime Prevention				2754	899	1496
Out of Town / Patrol-By Requests	20	38	285	196	211	430
House Checks	462	962	5504			
Business Checks	283	692	4151			
Citizen Policing Contacts	336	784	4408			
Crime Prevention Activites	9	17	384			
Field Interview Contacts	0	2	585			
Total Officer Initiated Contacts	1110	2495	15317	2950	1110	1926

Criminal Calls



Non Criminal Calls



City of Shavano Park Police Department

February 2023 Breakdown

Arrest of Wanted Person

1. 4000 blk. De Zavala Road
2. 14700 blk. N.W. Military Hwy.

Assault

1. 4000 blk. N. Loop 16 04 W.
2. 100 blk. Ripple Creek

Burglary of Vehicle

1. 16800 blk. N.W. Military Hwy.
2. 500 blk. Blackjack Oak
3. 200 blk. Blackjack Oak

Deadly Conduct

1. 4000 blk. Pond Hill Road

DWI

1. 100 blk. S. Warbler Way

Evading Arrest

1. 16800 blk. N.W. Military Hwy.

Failure to ID

1. 1470 0 blk. N.W. Military Hwy.

Fraud

1. 300 blk. Regent Circle
2. 500 blk. Blackjack Oak

Harassment

1. De Zavala Place

Minor in Possession

1. 14700 blk. N.W. Military Hwy.
2. 14700 blk. N.W. Military Hwy.

Narcotic Violations

1. 14700 blk. N.W. Military Hwy.
2. 4600 blk. Lockhill-Selma Road
3. 4600 blk. Pond Hill Road
4. 14700 blk. N.W. Military Hwy.
5. 14800 blk. N.W. Military Hwy.
7. 14700 blk. N.W. Military Hwy.

Theft

1. 13200 blk. Huebner Road

February 2023

Officer	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	Grand Total
Warnings	30	10	0	5	8	8	0	5	2	21	0	10	11	2	0	112
Citations	11	0	0	2	11	5	0	3	0	15	0	16	5	4	0	72
Cases	22	22	1	8	17	24	0	9	25	28	1	16	28	11	0	212
Activity Totals	63	32	1	15	36	37	0	17	27	64	1	42	44	17	0	396
Vehicles Stopped	39	10	0	6	14	10	0	7	2	30	0	19	15	6	0	158

Cantu Casares De Anda Flores Garza Gutierrez Kelley Nakazono Page Quintanilla Ramsey Schumacher Torres Villanueva Fox

Officer	P	Q	R	S	T	U	V	W	X	Y	Z	Total B
Warnings												0
Citations												0
Cases												0
Activity Totals	0	0	0	0	0	0	0	0	0	0	0	0
Vehicles Stopped												0

Grand Total
112
72
212
396
158

CITY OF SHAVANO PARK

MONTHLY COMPARISON TO LAST YEAR # OF WATER ACCOUNTS IN EACH TIER

Tiers	Breakdown of Tiers in Thousands of Gallons	# of Units In Tier	Rate per 1,000 Gallons		FEB 2022	FEB 2023
Tier 1	0-5,000	5	\$3.07		311	263
Tier 2	5,001 - 30,000	25	\$3.40		352	379
Tier 3	30,001 - 50,000	20	\$3.83		31	42
Tier 4	50,001 - 70,000	20	\$4.58		9	10
Tier 5	70,001 - 100,000	30	\$6.29		3	8
Tier 6	Over 100,001		\$11.94		2	5
					708	707

Other Fees

FEB 2022	FEB 2023
-------------	-------------

EAA Fee @ \$.50/ 1,000 Gallons

\$3,835.50	\$4,585.00
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Debt Service Fee @ \$ 22.58

\$15,783.42	\$15,760.84
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Water Svc Fee

5/8	\$5.10
3/4	\$7.34
1	\$13.06
1 1/2	\$29.38
2	\$52.22

\$1,132.20	\$214.20
\$3,303.00	\$4,609.52
\$222.02	\$235.08
\$117.52	\$146.90
\$261.10	\$261.10

Water Sales Only

\$27,074.07	\$32,276.70
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PUBLIC WORKS DEPARTMENT
Monthly Report -FEBRUARY 2023

WATER UTILITY

- winter event addressed several locations for down trees, Well sites, and assisted CPS with outage area
- Completed meter readings, monthly dead end flushing, EAA reports
- Installed a new fire hydrant at 15604 NW Military, and Installed 580 ft of new main to Shavano Dr
- Repaired a service line leak at 120 West Mossy Cup
- Began to bag all old AC pipe removed from projects to prepare for dump site
- Swapped 3 new meters (Turkey Creek, Shavano)
- Began to prepare for long service replacements along 100-200 blk of Fawn

GROUND MAINTENANCE

- Cut and removed several downed tree limbs along municipal tract, from the ice storm

FACILITIES

- Completed TCEQ On Site Sewage Facility Inspection/Audit – a couple minor things need address

STREETS

- Patched several potholes (Bent oak/NW Military, Windmill/ NW military, and long service trenches)

OTHER

Water Utility	OCTOBER	MO	FY
# of Gallons Pumped		10,376,103	71,560,492
# of Gallons Pumped from Trinity		0	0
Total Pumped		10,376,103	71,560,492
 # of Gallons Sold		9,170,000	65,145,000
Water Lossed in gallons		1,216,603	4,812,759
Flushing		10,500	43,500
% of Loss		11.73%	0
 Water Revenue		\$ 32,276.70	252,215
EAA Fees Collected		\$ 4,585.00	32,477
Water Service Fees		\$ 5,466.80	27,354
Debt Service Collected		\$ 15,760.84	78,962
Late Fees		\$ 1,174.33	5,665
Cellular Access Fee		\$ 8.90	45
 Water Used by City		156,000	903,000
Water Cost Used by City		\$ 1,227.98	8,153
 # of Water Complaints		1	2
# of Bill Adjustments		2	9
# of locate tickets		44	206

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 7.6

Prepared by: Brenda Morey

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Presentation of February 2023 Monthly Reports

☒

Attachments for Reference:

- a) Power Point Presentation
- b) Revenue & Expenditure Report (Incode)
- c) Monthly Check Register

BACKGROUND / HISTORY: The information provided is for the FY 2022-23 budget period, month ending February 28, 2023. The “Current Budget” column contains the original adopted budget. This summary highlights a number of key points related to the current month’s activity for the General Fund and for the Water Utility Fund. Staff is also prepared to present the accompanying power point briefing.

DISCUSSION:

10 - General Fund (Page 1 of Revenue and Expenditure Report)

As of February 28, 2023, General Fund revenues total \$4,544,203 or 73.15% of the budget. General Fund expenditures total \$2,316,635 or 37.29% of the budget with 5 months or 41.67% of the year complete.

Revenues (GF) (Page 2 & 3)

- Current M&O Property tax (10-599-1010) collections for the month are \$405,490, with 87.32% of the annual budgeted amount collected to date. Collection percentage is on par with that of the same period, prior year, which was 87.08% collected.
- Sales Tax revenue received this month totaled \$72,913 based on taxable December 2022 sales reported by monthly filers, taxable October – December 2022 sales reported by quarterly filers and taxable calendar year 2022 sales reported by annual filers.
- Franchise Fees are paid quarterly and generally received two months after the quarter. Amounts received as expected this month. Next receipts due in May.
- Permits and Licenses revenues total \$24,457 for the month, with \$17,726 in building permits and \$2,661 in plan review fees.
- Court fees for the month are \$9,468, below the amount recognized in February 2022 of \$15,913.
- Police/Fire revenues total \$14,056 for the month, including \$12,269 from the EMS billing service provider and \$1,418 in delinquent EMS collections.

- Interest income at 242.78% of budget collected as rates have gone up in reaction to the Federal Reserve actions. Also, the City has a more diversified investment portfolio and this line item was very conservatively budgeted.
- Grants (7021) – this line reflects the revenue to match the expenditure for the bullet resistant shields that were purchased this month. See also 10-605-9000 Police Department Grant expenditures. Budget amendment in process.
- Forestry Service Grant (7030) – reflects the revenue to match the expenditure for the Fire Department’s personal protective equipment grant, see 10-604-9000 Grant expenditures. Budget amendment in process.
- Bexar County Election (7055) – the City received the reimbursement for the facility use for the November 2022 early voting and election day, includes reimbursement for building facilities personnel time.
- Donations – Administration (7086) – donation received from Republic Services for the 2022 Holiday event.
- Transfer in – ARPA Fund interest (8058) – per Treasury guidance, the interest earned on the ARPA award funds is not subject to program restrictions and the City has transferred the interest earned this fiscal year to date to the General Fund to defray the administrative expenses of the program. Budget amendment in process.

Expenditures (GF) (Pages 4-14)

-The Council (600) is at 58.83% spent year to date. No significant expenditures this month.

-The Administration Department (601) is under budget with \$77,387 spent this month or 38.13% of the annual budget utilized to date. Larger or unusual expenditures this month include: \$4,720 for attorney services mainly related to personnel issues and code compliance ordinances in Prof Services – Legal (3015), and IT Services (4060) includes \$1,912 for the annual email license renewal and \$2,264 for the annual firewall license renewal on top of the normal monthly services fee.

-The Court Department (602) expenditures for the month are \$7,181 for 42.17% of the annual budget spent year to date, just a bit ahead of budget. No unusual or significant expenditures this month and the payments of the annual insurance premiums in Liability (3050) and Property (3070) Insurance and the annual Incode fees in Computer Software/Incode (4075) during October are contributing to this Department being ahead of budget.

-The Public Works Department (603) expenditures for the month are \$37,452, below budget with 35.01% of the annual budget utilized. Equipment Maintenance & Repair (5010) includes \$1,449 for the Kubota muffler replacement.

-The Fire Department (604) is below budget for day-to-day operations at \$154,170 for the month, 35.64% total spent year to date. Larger expenditures this month include: Special Services (3080)

records the commission paid on EMS billing and collection services and is at 62.84% year to date when compared with the revenue line of EMS Fees (6060) which is at 50.57%. The collection percentage is higher on accounts that take longer to collect (requiring more effort) and the \$1,418 of delinquent collections this month would have created \$284 of commission fees. Vehicle Maintenance (5020) includes \$1,162 for repairs to Chief 139's radiator and heater hose, PPE Maintenance (6060) reflects \$2,321 for annual bunker gear cleaning and inspection for two of the three shifts, Grant Expenditures (9000) records the final purchases under the Forestry Service PPE grant (budget amendment pending).

-The Police Department (605) is below budget for day-to-day expenses at \$162,708 for the month and 38.14% of the budget spent year to date. Larger or unusual expenditures this month include: \$1,476 for a bullet resistant vest in Uniforms & Accessories and Grant Expenditures (9000) reflects the purchase of the bullet resistant shields funded by the Office of the Governor grant (budget amendment pending).

-The Development Services Department (607) reflects the Professional Services paid for engineering, contracted permit, sanitary, and health inspection services with February expenditures of \$4,940, at 40.49% of the annual budgeted amount recorded to date.

20-WATER FUND

As of February 28, 2023, the Water Fund total revenues are \$502,038 or 46.70% of the total annual budgeted amount. Water Fund (Water Department & Debt Service) expenses total \$617,022 or 57.39% of budget.

Revenues (Water)

-Water consumption (5015) billed in February for the month of January use is \$47,621, with 45.21% of annual budget recognized to date. This is \$13,161 more revenue recognized than for the same month prior year.

-The Debt Service (5018) and Water Service Fee (5019) are on target with annual budgeted amounts as these are flat fees and are not related to volume charges recognized, at 41.59% and 42.75% respectively.

-The EAA Pass Thru (5036) fees are charged to customers based on usage, \$6,294 was recorded for the month and 44.42% of the annual budgeted amount has been recognized to date.

-Interest Income (7000) – the Utility is seeing the effect of higher rates and more diversified investments.

Expenses (Water)

Water Department (606) expenses for the day-to-day operations are over budget with a total of \$61,812 incurred this month, 54.02% of the annual budget utilized. Expenses include sand and base in the Street Maintenance Supplies (6080) and pipe/other materials and flowable fill for long service

and water main crossings relocation in the Phase I street reconstruction area in Water System Improvements (8080).

Debt service payments, principal of \$117,265 and interest of \$33,951, were made as scheduled this month. The next debt payments are due in August, principal of \$28,940 on the SIB loan and interest on the Water Utility's share of the bonds of \$32,616.

PAYROLL

The City is on a bi-weekly payroll; there have been 10 pay periods out of 26 so approximately 38.46% should be expensed in the line items directly related to salaries when fully staffed. Total salaries and overtime accounts are at 37.12% of budget thru February, with higher overtime expenditures noted in the Fire and Police departments. Position vacancies at the end of February include one Firefighter/Paramedic, one Police Sergeant and two Police Corporals. Workers Comp Insurance (1037) is at 22.67% and is recognized on a quarterly basis with the next expenditure calculation at the end of March. Total TMRS (1040) expenditures for all departments are at 35.48%, below expected but this line is budgeted at the higher calendar year 2023 rate of 14.57% (versus the CY2022 rate of 14.16%) and part time firefighters are not eligible to participate in the City's TMRS plan. Health insurance related line items are at approximately 37.50%, when 41.67% is expected but reasonable considering the position vacancies so far this fiscal year.

COURSES OF ACTION: None related to the report - informational.

FINANCIAL IMPACT: N/A

STAFF RECOMMENDATION: N/A



Monthly Financial Report (February 28, 2023)

**Brenda Morey,
Finance Director**



- Cash and Investments
- General Fund Overview
- General Fund Revenues
- General Fund Expenditures
- Water Fund Overview
- Water Fund Revenues & Expenses
- Special Revenue Funds
- Capital Replacement Fund

Total Cash & Investment Update *

Together We Can!



CASH AND INVESTMENTS BY FUND	February 28, 2023	
General Fund (10)	\$	4,667,729
Water Fund (20)		1,063,809
Debt Service Fund (30)		100,921
Crime Control District Fund (40)		316,562
PEG Funds (42)		142,392
Tree Protection & Beautification Fund (45)		112,157
Street Maintenance Fund (48)		515,413
Court Security/Technology (50)		71,010
Child Safety Fund (52)		4,455
LEOSE Fund (53)		1,211
American Rescue Plan Act Fund (58)		503,426
Street Projects Fund (60)		9,308,419
GF Capital Replacement Fund (70)		1,745,195
Total Cash & Investments **	\$	18,552,699

***Total cash and investments represents all Funds per general ledger, not cash at bank.**

**** Not to be considered a reflection of the required quarterly investment report per the Public Funds Investment Act.**

Total Cash & Investment Update *

Together We Can!



SECURITY TYPE		February 28, 2023
OPERATING BANK ACCOUNTS		
Frost Bank		\$ 2,066,793
SAVINGS BANK ACCOUNTS		
Frost Bank		575,987
US TREASURY BILLS		1,780,132
POOLS		
TexStar	\$ 2,350,396	
TexPool	10,992,978	
SUBTOTAL - POOLS		13,343,374
CERTIFICATES OF DEPOSIT		
Security Service Credit Union	\$ 263,060	
United SA Credit Union	263,953	
Generation Credit Union	259,400	
SUBTOTAL - CERTIFICATES OF DEPOSIT		786,413
Total Cash & Investments **		\$ 18,552,699

***Total cash and investments represents holdings in all Funds.**

**** Not to be considered a reflection of the required quarterly investment report per the Public Funds Investment Act.**

10- General Fund Overview



Together We Can!

- General Fund current property tax collections year to date through February 2023 are \$3,508,412, 87.32% of budget
- February 2023 Sales Tax revenue was \$72,913.

(Collections are for taxable sales during December 2022 as reported by monthly filers, October – December 2022 for quarterly filers and Calendar Year 2022 for annual filers)

- Building Permits and Licenses revenue for the month was \$24,457 with \$17,726 collected in building permit fees and \$2,661 collected in plan review fees.
- Major Projects/Improvements in FY 2022-23

	<u>Budget</u>	<u>Expended</u>	<u>Balance</u>	<u>Status</u>
Household Hazardous Waste Event	\$ 27,500	\$ 26,093	\$ 1,407	Completed
Starr Family Donation Project	\$ 10,000	\$ -	\$ 10,000	Planning

Unassigned General Fund fund balance at September 30, 2022 = \$2,533,957 (Audited)

Unassigned General Fund fund balance at September 30, 2021 = \$2,441,857 (Audited)

10 - General Fund Revenues

Together We Can!



	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % BUDGET COLLECTED
CURRENT PROPERTY TAXES	\$ 4,018,000	\$ 405,490	\$ 3,508,412	87.32%
DEL. TAXES & PENALTIES	35,000	3,950	11,882	33.95%
SALES TAX	702,000	72,913	292,589	41.68%
MIXED BEVERAGE	28,000	3,459	12,854	45.91%
FRANCHISE REVENUES	493,000	110,268	259,489	52.63%
PERMITS & LICENSES	412,300	24,457	149,152	36.18%
COURT FEES	162,300	9,468	42,493	26.18%
POLICE/FIRE REVENUES	172,200	14,056	85,840	49.85%
MISC/INTEREST/GRANTS	149,070	73,795	172,893	115.98%
TRANSFERS IN/FUND BAL.	40,550	8,599	8,599	21.21%
TOTAL REVENUES	\$ 6,212,420	\$ 726,455	\$ 4,544,203	73.15%

10- General Fund Expenditures

Together We Can!



	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % BUDGET SPENT
CITY COUNCIL	\$ 67,958	\$ 665	\$ 39,977	58.83%
ADMINISTRATION	1,092,793	77,387	416,661	38.13%
COURT	100,750	7,181	42,490	42.17%
PUBLIC WORKS	622,489	37,452	217,905	35.01%
FIRE DEPARTMENT	2,135,911	154,170	761,262	35.64%
POLICE DEPARTMENT	2,099,919	162,708	800,847	38.14%
DEVELOPMENT SERVICES	92,600	4,940	37,493	40.49%
TOTAL EXPENDITURES	\$ 6,212,420	\$ 444,503	\$ 2,316,635	37.29%
REVENUES OVER/(UNDER) EXPENDITURES	\$ -	\$ 281,952	\$ 2,227,568	

Expenditures total \$2,316,635 through February 2023 or 37.29% of the adopted budget spent with 41.67% of budget complete (5 months).

20 - Water Fund Overview



Together We Can!

- Total revenues for the fiscal year through February 2023 are \$502,038, 46.70% of budget.
- Water consumption revenue of \$47,621 for February 2023 (actual January 2023 use) is \$13,161 more revenue recognized when compared to the same month, prior year.
- Water Department expenses are ahead of budget for the fiscal year at \$465,605 with a total of 54.02% of the budget spent with 41.67% of year complete.
- Debt Service, principal and interest, were paid as scheduled this month totaling \$151,416
- Major Projects/Improvements in FY 2022-23:

	<u>Budget</u>	<u>Expended</u>	<u>Balance</u>	<u>Status</u>
Replace spider water lines				
in one cul de sac	\$ 37,647	\$ 175,109	\$ (137,462)	**
Replace two pumps at Shavano				
Drive pump station	\$ 30,000	\$ 14,922	\$ 15,078	1 of 2 completed

** applying budgeted amount towards relocating long services and prioritized water crossings in advance of the street reconstruction project expected to begin in the latter part of FY2023.

20 - Utility Fund Revenues & Expenses

Together We Can!



	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % OF BUDGET
				<u>COLLECTED</u>
WATER CONSUMPTION	\$ 656,000	\$ 47,621	\$ 296,571	45.21%
DEBT SERVICE	189,900	15,761	78,985	41.59%
WATER SERVICE FEE	64,000	5,467	27,360	42.75%
EAA PASS THRU CHARGE	85,700	6,294	38,072	44.42%
MISC/INTEREST/GRANTS	79,524	7,068	61,050	76.77%
TOTAL REVENUES	\$ 1,075,124	\$ 82,211	\$ 502,038	46.70%
				<u>SPENT</u>
WATER DEPARTMENT	\$ 861,952	61,812	465,605	54.02%
DEBT SERVICE	213,172	151,416	151,416	71.03%
TOTAL EXPENSES	\$ 1,075,124	\$ 213,228	\$ 617,021	57.39%
REVENUES OVER/(UNDER) EXPENSES	\$ -	\$ (131,017)	\$ (114,983)	

Special Revenue Fund

Together We Can!



40- Crime Control Prevention District

	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % OF BUDGET
BEGINNING FUND BALANCE	\$ 367,069	\$ 331,418	\$ 367,069	
Crime Control Sales Tax	\$ 175,500	\$ 18,527	\$ 73,187	COLLECTED
Interest/Misc.	-	889	6,175	41.70%
TOTAL REVENUES	\$ 175,500	\$ 19,416	\$ 79,362	45.22%
Fire Expenditures	\$ 1,200	\$ -	\$ -	SPENT
Police Expenditures	172,890	5,412	101,009	0.00%
TOTAL EXPENDITURES	\$ 174,090	\$ 5,412	\$ 101,009	58.02%
REVENUES OVER/(UNDER) EXPENDITURES	\$ 1,410	\$ 14,004	\$ (21,647)	
PROJECTED ENDING FUND BALANCE	\$ 368,479	\$ 345,422	\$ 345,422	



40 – Crime Control Prevention District

- Supported by dedicated sales tax and interest income on invested balances.
- Major Projects/Improvements in FY 2022-23:

	<u>Budget</u>	<u>Expended</u>	<u>Balance</u>	<u>Status</u>
National Night Out	\$ 6,000	\$ 4,235	\$ 1,765	In progress
Replace two patrol vehicles	\$ 130,000	\$ 94,697	\$ 35,303	In progress
Payment on vehicle/body worn camera system	\$ 29,490	\$ -	\$ 29,490	Not started

Special Revenue Fund

Together We Can!



42- PEG Fund

	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % OF BUDGET
BEGINNING FUND BALANCE	<u>\$ 136,036</u>	<u>\$ 142,546</u>	<u>\$ 136,036</u>	
Franchise Fee- PEG	\$ 15,200	\$ 3,586	\$ 8,313	<u>COLLECTED</u> 54.69%
Misc/Interest	-	366	2,149	■ #DIV/0!
TOTAL REVENUES	\$ 15,200	\$ 3,952	\$ 10,462	68.83%
PEG Expenditures	<u>10,800</u>	<u>-</u>	<u>-</u>	<u>SPENT</u> 0.00%
REVENUES OVER/(UNDER) EXPENDITURES	\$ 4,400	\$ 3,952	\$ 10,462	
PROJECTED ENDING FUND BALANCE	<u><u>\$ 140,436</u></u>	<u><u>\$ 146,498</u></u>	<u><u>\$ 146,498</u></u>	

Special Revenue Fund

Together We Can!



45- Tree Protection & Beautification Fund

	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % OF BUDGET
BEGINNING FUND BALANCE	\$ 109,777	\$ 112,157	\$ 109,777	
Tree Trimming Permits Revenue	\$ 12,250	\$ -	\$ 2,380	<u>COLLECTED</u> 19.43%
Oak Wilt Expenditures	25,000	-	-	<u>SPENT</u> 0.00%
REVENUES OVER/(UNDER) EXPENDITURES	\$ (12,750)	\$ -	\$ 2,380	
PROJECTED ENDING FUND BALANCE	<u>\$ 97,027</u>	<u>\$ 112,157</u>	<u>\$ 112,157</u>	

Special Revenue Fund

Together We Can!



48- Street Maintenance Fund

	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % OF BUDGET
BEGINNING FUND BALANCE	\$ 867,905	\$ 922,823	\$ 867,905	
Sales Tax Revenues	\$ 175,500	\$ 18,229	\$ 73,147	COLLECTED 41.68%
Materials/Supplies	\$ 50,000	\$ -	\$ -	SPENT 0.00%
Transfer to Debt Service Fund	633,292	396,438	396,438	62.60%
Total Expenditures	683,292	396,438	396,438	
REVENUES OVER/(UNDER) EXPENDITURES	\$ (507,792)	\$ (378,209)	\$ (323,291)	
PROJECTED ENDING FUND BALANCE	\$ 360,113	\$ 544,614	\$ 544,614	

Special Revenue Fund

Together We Can!



58- American Rescue Plan Act Fund

	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % OF BUDGET
BEGINNING FUND BALANCE	\$ 5	\$ 5	\$ 5	
ARPA Federal Funding	\$ 281,042	\$ 14,705	\$ 70,482	COLLECTED 25.08%
Interest Income	-	1,800	8,599	#DIV/0!
TOTAL REVENUES	\$ 281,042	\$ 16,505	\$ 79,081	28.14%
Council	\$ 122,000	\$ -	\$ -	0.00%
Administration	49,000	8,599	35,868	73.20%
Public Works	40,500	106	4,991	12.32%
Fire	29,000	-	13,006	44.85%
Police	40,542	7,800	25,216	62.20%
TOTAL EXPENDITURES	\$ 281,042	\$ 16,505	\$ 79,081	28.14%
REVENUES OVER/(UNDER) EXPENDITURES	\$ -	\$ -	\$ -	
PROJECTED ENDING FUND BALANCE	\$ 5	\$ 5	\$ 5	



58 – American Rescue Plan Act Fund Overview

- Supported via allocated funds from the U.S. Treasury – American Rescue Plan Act.
- Major Projects/Improvements in FY 2022-23:

	<u>Budget</u>	<u>Expended</u>	<u>Balance</u>	<u>Status</u>
Land purchase, down payment	\$ 65,000	\$ -	\$ 65,000	In progress
Playground shade cover	\$ 57,000	\$ -	\$ 57,000	Planning
Back up Power Supply (joint with Public Works & Fire Departments)	\$ 38,000	\$ 4,991	\$ 33,009	In progress
Replace email server	\$ 20,500	\$ 20,489	\$ 11	Complete
Upgrade City Hall HVAC	\$ 20,000	\$ -	\$ 20,000	Planning
Police Department secondary gate	\$ 18,000	\$ 5,643	\$ 12,357	Completed

Capital Projects Fund

Together We Can!



60- Street Projects Fund

	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % OF BUDGET
BEGINNING FUND BALANCE	<u>\$ 9,512,798</u>	<u>\$ 9,391,999</u>	<u>\$ 9,512,798</u>	
Interest Income	\$ -	\$ 32,444	\$ 150,288	COLLECTED #DIV/0!
Public Works	<u>1,384,900</u>	<u>116,024</u>	<u>354,667</u>	25.61%
REVENUES OVER/(UNDER) EXPENDITURES	\$ (1,384,900)	\$ (83,580)	\$ (204,379)	
PROJECTED ENDING FUND BALANCE	<u><u>\$ 8,127,898</u></u>	<u><u>\$ 9,308,419</u></u>	<u><u>\$ 9,308,419</u></u>	

Governmental Fund



Together We Can!

70- Capital Replacement Fund

	FY 2022-23 ADOPTED BUDGET	FY 2022-23 FEBRUARY 2023	FY 2022-23 YEAR TO DATE	FY 2022-23 % OF BUDGET
BEGINNING FUND BALANCE	\$ 1,714,750	\$ 1,739,429	\$ 1,714,750	
Interest Income	\$ 1,500	\$ 5,865	\$ 30,544	COLLECTED 2036.27%
Transfers In - General Fund	297,241	-	-	0.00%
TOTAL REVENUES	\$ 298,741	\$ 5,865	\$ 30,544	10.22%
Council	\$ 260,000	\$ -	\$ -	0.00%
Administration	9,000	-	-	0.00%
TOTAL EXPENDITURES	\$ 269,000	\$ -	\$ -	0.00%
REVENUES OVER/(UNDER) EXPENDITURES	\$ 29,741	\$ 5,865	\$ 30,544	
PROJECTED ENDING FUND BALANCE	\$ 1,744,491	\$ 1,745,294	\$ 1,745,294	



70 – Capital Replacement Fund Overview

- Supported via budgeted transfers from the General Fund and interest earnings on invested balances.
- Major Projects/Improvements in FY 2022-23:

	<u>Budget</u>	<u>Expended</u>	<u>Balance</u>	<u>Status</u>
Land purchase	\$ 260,000	\$ -	\$ 260,000	In process
City Hall HVAC replacement	\$ 9,000	\$ -	\$ 9,000	Not started



Questions

CITY OF SHAVANO PARK
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 28TH, 2023

10 -GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>6,212,420.00</u>	<u>726,454.66</u>	<u>4,544,203.00</u>	<u>1,668,217.00</u>	<u>73.15</u>
TOTAL REVENUES	<u>6,212,420.00</u> =====	<u>726,454.66</u> =====	<u>4,544,203.00</u> =====	<u>1,668,217.00</u> =====	<u>73.15</u> =====
<u>EXPENDITURE SUMMARY</u>					
CITY COUNCIL	67,958.00	665.00	39,976.80	27,981.20	58.83
ADMINISTRATION	1,092,793.00	77,386.52	416,660.72	676,132.28	38.13
COURT	100,750.00	7,181.11	42,490.48	58,259.52	42.17
PUBLIC WORKS	622,489.00	37,452.33	217,904.83	404,584.17	35.01
FIRE DEPARTMENT	2,135,911.00	154,169.82	761,262.27	1,374,648.73	35.64
POLICE DEPARTMENT	2,099,919.00	162,708.07	800,847.07	1,299,071.93	38.14
DEVELOPMENT SERVICES	<u>92,600.00</u>	<u>4,940.00</u>	<u>37,493.00</u>	<u>55,107.00</u>	<u>40.49</u>
TOTAL EXPENDITURES	<u>6,212,420.00</u> =====	<u>444,502.85</u> =====	<u>2,316,635.17</u> =====	<u>3,895,784.83</u> =====	<u>37.29</u> =====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	281,951.81	2,227,567.83	(2,227,567.83)	0.00

10 -GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>NON-DEPARTMENTAL</u>					
<u>TAXES</u>					
10-599-1010 CURRENT ADVALOREM TAXES	4,018,000.00	405,490.01	3,508,412.16	509,587.84	87.32
10-599-1020 DELINQUENT ADVALOREM TAXES	20,000.00	2,531.29	8,612.28	11,387.72	43.06
10-599-1030 PENALTY & INTEREST REVENUE	15,000.00	1,418.77	3,270.35	11,729.65	21.80
10-599-1040 MUNICIPAL SALES TAX	702,000.00	72,913.04	292,588.50	409,411.50	41.68
10-599-1060 MIXED BEVERAGE TAX	<u>28,000.00</u>	<u>3,458.85</u>	<u>12,853.85</u>	<u>15,146.15</u>	<u>45.91</u>
TOTAL TAXES	4,783,000.00	485,811.96	3,825,737.14	957,262.86	79.99
<u>FRANCHISE REVENUES</u>					
10-599-2020 FRANCHISE FEES - ELECTRIC	335,000.00	65,426.36	170,319.21	164,680.79	50.84
10-599-2022 FRANCHISE FEES - GAS	45,000.00	24,563.26	31,325.53	13,674.47	69.61
10-599-2024 FRANCHISE FEES - CABLE	66,000.00	17,930.32	35,287.33	30,712.67	53.47
10-599-2026 FRANCHISE FEES - PHONE	11,000.00	2,347.72	4,818.02	6,181.98	43.80
10-599-2028 FRANCHISE FEES - REFUSE	<u>36,000.00</u>	<u>0.00</u>	<u>17,738.57</u>	<u>18,261.43</u>	<u>49.27</u>
TOTAL FRANCHISE REVENUES	493,000.00	110,267.66	259,488.66	233,511.34	52.63
<u>PERMITS & LICENSES</u>					
10-599-3010 BUILDING PERMITS	350,000.00	17,726.25	119,882.79	230,117.21	34.25
10-599-3012 PLAN REVIEW FEES	23,000.00	2,660.61	12,224.00	10,776.00	53.15
10-599-3018 CERT OF OCCUPANCY PERMITS	4,000.00	200.00	1,400.00	2,600.00	35.00
10-599-3020 PLATTING FEES	3,000.00	1,750.00	2,150.00	850.00	71.67
10-599-3025 VARIANCE/RE-ZONE FEES	1,000.00	0.00	350.00	650.00	35.00
10-599-3040 CONTRACTORS' LICENSES	9,000.00	370.00	3,765.00	5,235.00	41.83
10-599-3045 INSPECTION FEES	14,000.00	750.00	6,550.00	7,450.00	46.79
10-599-3048 COMMERCIAL SIGN PERMITS	1,800.00	200.00	700.00	1,100.00	38.89
10-599-3050 GARAGE SALE & OTHER PERMITS	2,000.00	0.00	430.00	1,570.00	21.50
10-599-3055 HEALTH INSPECTIONS	<u>4,500.00</u>	<u>800.00</u>	<u>1,700.00</u>	<u>2,800.00</u>	<u>37.78</u>
TOTAL PERMITS & LICENSES	412,300.00	24,456.86	149,151.79	263,148.21	36.18
<u>COURT FEES</u>					
10-599-4010 MUNICIPAL COURT FINES	135,000.00	7,869.09	37,027.13	97,972.87	27.43
10-599-4021 ARREST FEES	4,500.00	242.48	1,270.88	3,229.12	28.24
10-599-4028 STATE COURT COST ALLOCATION	6,500.00	0.00	0.00	6,500.00	0.00
10-599-4030 WARRANT FEES	16,000.00	1,350.00	4,169.00	11,831.00	26.06
10-599-4036 JUDICIAL FEE - CITY	<u>300.00</u>	<u>6.00</u>	<u>25.91</u>	<u>274.09</u>	<u>8.64</u>
TOTAL COURT FEES	162,300.00	9,467.57	42,492.92	119,807.08	26.18
<u>POLICE/FIRE REVENUES</u>					
10-599-6010 POLICE REPORT REVENUE	200.00	19.00	38.00	162.00	19.00
10-599-6030 POLICE DEPT. REVENUE	1,000.00	0.00	6.00	994.00	0.60
10-599-6040 TOWING CONTRACT	6,000.00	350.00	2,350.00	3,650.00	39.17
10-599-6060 EMS FEES	<u>165,000.00</u>	<u>13,687.43</u>	<u>83,445.95</u>	<u>81,554.05</u>	<u>50.57</u>
TOTAL POLICE/FIRE REVENUES	172,200.00	14,056.43	85,839.95	86,360.05	49.85

10 -GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>MISC./GRANTS/INTEREST</u>					
10-599-7000 INTEREST INCOME	24,970.00	14,601.15	60,621.43 (	35,651.43)	242.78
10-599-7021 GRANTS	25,000.00	32,360.00	57,360.00 (	32,360.00)	229.44
10-599-7025 US DOJ VEST GRANT	3,000.00	0.00	737.88	2,262.12	24.60
10-599-7030 FORESTRY SERVICE GRANT	5,000.00	20,000.00	20,000.00 (	15,000.00)	400.00
10-599-7040 PUBLIC RECORDS REVENUE	500.00	0.00	132.00	368.00	26.40
10-599-7050 ADMINISTRATIVE INCOME	10,500.00	0.00	2,134.03	8,365.97	20.32
10-599-7055 BEXAR COUNTY ELECTION	500.00	1,216.46	1,216.46 (	716.46)	243.29
10-599-7060 CC SERVICE FEES	8,000.00	625.25	3,208.69	4,791.31	40.11
10-599-7070 RECYCLING REVENUE	4,000.00	0.00	0.00	4,000.00	0.00
10-599-7072 PAVILION & CH GROUNDS RENT	6,000.00	340.00	1,675.00	4,325.00	27.92
10-599-7075 SITE LEASE/LICENSE FEES	28,600.00	2,652.19	13,260.95	15,339.05	46.37
10-599-7084 DONATIONS- FIRE DEPARTMENT	3,000.00	0.00	3,000.00	0.00	100.00
10-599-7086 DONATIONS- ADMINISTRATION	2,500.00	2,000.00	2,010.00	490.00	80.40
10-599-7090 SALE OF CITY ASSETS	27,500.00	0.00	7,093.00	20,407.00	25.79
10-599-7097 INSURANCE PROCEEDS	<u>0.00</u>	<u>0.00</u>	<u>443.97</u> (	<u>443.97</u>)	<u>0.00</u>
TOTAL MISC./GRANTS/INTEREST	149,070.00	73,795.05	172,893.41 (	23,823.41)	115.98
<u>TRANSFERS IN</u>					
10-599-8020 TRF IN -WATER FUND	22,050.00	0.00	0.00	22,050.00	0.00
10-599-8050 TRF IN -COURT RESTRICTED	8,500.00	0.00	0.00	8,500.00	0.00
10-599-8058 TRF IN - ARPA FUND INTEREST	0.00	8,599.13	8,599.13 (	8,599.13)	0.00
10-599-8099 FUND BALANCE RESERVE	<u>10,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>0.00</u>
TOTAL TRANSFERS IN	40,550.00	8,599.13	8,599.13	31,950.87	21.21
TOTAL NON-DEPARTMENTAL	6,212,420.00	726,454.66	4,544,203.00	1,668,217.00	73.15
TOTAL REVENUES	<u>6,212,420.00</u>	<u>726,454.66</u>	<u>4,544,203.00</u>	<u>1,668,217.00</u>	<u>73.15</u>

10 -GENERAL FUND
CITY COUNCIL

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SUPPLIES</u>					
10-600-2020 GENERAL OFFICE SUPPLIES	200.00	0.00	147.52	52.48	73.76
10-600-2035 COUNCIL/EMPLOYEE APPREC.	650.00	0.00	0.00	650.00	0.00
10-600-2037 CITY SPONSORED EVENTS	24,000.00	550.74	12,001.19	11,998.81	50.00
10-600-2040 MEETING SUPPLIES	<u>720.00</u>	<u>0.00</u>	<u>0.00</u>	<u>720.00</u>	<u>0.00</u>
TOTAL SUPPLIES	25,570.00	550.74	12,148.71	13,421.29	47.51
<u>SERVICES</u>					
10-600-3018 CITY WIDE CLEAN UP	29,220.00	0.00	26,092.93	3,127.07	89.30
10-600-3020 ASSOCIATION DUES & PUBS	1,768.00	0.00	600.00	1,168.00	33.94
10-600-3030 TRAINING/EDUCATION	3,800.00	0.00	0.00	3,800.00	0.00
10-600-3040 TRAVEL/LODGING/MEALS	<u>1,350.00</u>	<u>0.00</u>	<u>668.54</u>	<u>681.46</u>	<u>49.52</u>
TOTAL SERVICES	36,138.00	0.00	27,361.47	8,776.53	75.71
<u>CONTRACTUAL</u>					
10-600-4088 ELECTION SERVICES	<u>4,250.00</u>	<u>0.00</u>	<u>0.00</u>	<u>4,250.00</u>	<u>0.00</u>
TOTAL CONTRACTUAL	4,250.00	0.00	0.00	4,250.00	0.00
<u>CAPITAL OUTLAY</u>					
10-600-8005 NON CAPITAL - OFFICE FURNIT	1,000.00	114.26	466.62	533.38	46.66
10-600-8015 NON-CAPITAL-COMPUTER EQUIPM	<u>1,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	2,000.00	114.26	466.62	1,533.38	23.33
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TOTAL CITY COUNCIL	67,958.00	665.00	39,976.80	27,981.20	58.83

10 -GENERAL FUND
ADMINISTRATION

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>PERSONNEL</u>					
10-601-1010 SALARIES	572,942.00	44,072.21	217,960.24	354,981.76	38.04
10-601-1015 OVERTIME	500.00	0.00	0.00	500.00	0.00
10-601-1020 MEDICARE	8,430.00	631.07	3,120.37	5,309.63	37.02
10-601-1025 TWC (SUI)	1,350.00	0.00	0.00	1,350.00	0.00
10-601-1030 HEALTH INSURANCE	40,500.00	3,375.00	16,875.00	23,625.00	41.67
10-601-1031 HSA	133.00	11.10	55.50	77.50	41.73
10-601-1033 DENTAL INSURANCE	2,733.00	223.16	1,115.80	1,617.20	40.83
10-601-1035 VISION CARE INSURANCE	444.00	35.92	179.60	264.40	40.45
10-601-1036 LIFE INSURANCE	842.00	70.20	351.00	491.00	41.69
10-601-1037 WORKERS' COMP INSURANCE	1,240.00	0.00	280.35	959.65	22.61
10-601-1040 TMRS RETIREMENT	84,698.00	6,510.08	31,659.15	53,038.85	37.38
10-601-1070 SPECIAL ALLOWANCES	<u>7,875.00</u>	<u>605.80</u>	<u>3,029.00</u>	<u>4,846.00</u>	<u>38.46</u>
TOTAL PERSONNEL	721,687.00	55,534.54	274,626.01	447,060.99	38.05
<u>SUPPLIES</u>					
10-601-2020 GENERAL OFFICE SUPPLIES	7,000.00	488.82	2,373.36	4,626.64	33.91
10-601-2025 BENEFITS CITYWIDE	1,200.00	0.00	0.00	1,200.00	0.00
10-601-2030 POSTAGE/METER RENTAL	14,754.00	1,255.74	5,512.81	9,241.19	37.36
10-601-2035 EMPLOYEE APPRECIATION	1,500.00	71.22	884.49	615.51	58.97
10-601-2050 PRINTING & COPYING	1,000.00	65.00	126.00	874.00	12.60
10-601-2060 MED EXAMS/SCREENING/TESTING	200.00	0.00	0.00	200.00	0.00
10-601-2070 JANITORIAL SUPPLIES	<u>2,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,000.00</u>	<u>0.00</u>
TOTAL SUPPLIES	27,654.00	1,880.78	8,896.66	18,757.34	32.17
<u>SERVICES</u>					
10-601-3010 ADVERTISING EXPENSE	11,000.00	376.00	1,317.75	9,682.25	11.98
10-601-3012 PROF. SERVICES-ENGINEERS	2,500.00	0.00	0.00	2,500.00	0.00
10-601-3013 PROFESSIONAL SERVICES	5,460.00	80.00	400.00	5,060.00	7.33
10-601-3015 PROF. SERVICES-LEGAL	43,000.00	4,720.23	15,093.06	27,906.94	35.10
10-601-3016 CODIFICATION EXPENSE	5,000.00	0.00	1,560.15	3,439.85	31.20
10-601-3020 ASSOCIATION DUES & PUBL.	1,724.00	749.00	1,674.00	50.00	97.10
10-601-3030 TRAINING/EDUCATION	4,500.00	0.00	954.00	3,546.00	21.20
10-601-3040 TRAVEL/MILEAGE/LODGING/PERD	4,000.00	0.00	244.45	3,755.55	6.11
10-601-3050 LIABILITY INSURANCE	15,500.00	0.00	13,912.25	1,587.75	89.76
10-601-3070 PROPERTY INSURANCE	2,000.00	0.00	1,795.13	204.87	89.76
10-601-3075 BANK/CREDIT CARD FEES	8,000.00	1,323.81	3,637.59	4,362.41	45.47
10-601-3080 SPECIAL SERVICES	2,000.00	0.00	1,000.00	1,000.00	50.00
10-601-3085 WEBSITE TECHNOLOGY	2,500.00	0.00	2,200.00	300.00	88.00
10-601-3087 CITIZENS COMMUNICATION/EDUC	<u>9,500.00</u>	<u>143.41</u>	<u>3,120.41</u>	<u>6,379.59</u>	<u>32.85</u>
TOTAL SERVICES	116,684.00	7,392.45	46,908.79	69,775.21	40.20
<u>CONTRACTUAL</u>					
10-601-4050 DOCUMENT STORAGE/ARCHIVES	4,100.00	242.50	1,212.50	2,887.50	29.57
10-601-4060 IT SERVICES	55,500.00	8,320.29	31,547.61	23,952.39	56.84
10-601-4075 COMPUTER SOFTWARE/INCODE	10,759.00	0.00	10,986.09	(227.09)	102.11
10-601-4083 AUDIT SERVICES	16,000.00	0.00	14,250.00	1,750.00	89.06
10-601-4084 BEXAR COUNTY APPRAISAL DIST	20,291.00	0.00	5,174.00	15,117.00	25.50

10 -GENERAL FUND
ADMINISTRATION

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
10-601-4085 BEXAR COUNTY TAX ASSESSOR	<u>3,700.00</u>	<u>0.00</u>	<u>3,638.25</u>	<u>61.75</u>	<u>98.33</u>
TOTAL CONTRACTUAL	110,350.00	8,562.79	66,808.45	43,541.55	60.54
<u>MAINTENANCE</u>					
10-601-5005 EQUIPMENT LEASES	2,920.00	174.79	1,013.45	1,906.55	34.71
10-601-5010 EQUIPMENT MAINT & REPAIR	300.00	0.00	0.00	300.00	0.00
10-601-5015 ELECTRONIC EQPT MAINT	300.00	0.00	0.00	300.00	0.00
10-601-5030 BUILDING MAINTENANCE	<u>35,650.00</u>	<u>2,146.14</u>	<u>10,532.88</u>	<u>25,117.12</u>	<u>29.55</u>
TOTAL MAINTENANCE	39,170.00	2,320.93	11,546.33	27,623.67	29.48
<u>UTILITIES</u>					
10-601-7042 UTILITIES - PHONE/CELL/VOIP	<u>16,650.00</u>	<u>1,516.03</u>	<u>7,635.48</u>	<u>9,014.52</u>	<u>45.86</u>
TOTAL UTILITIES	16,650.00	1,516.03	7,635.48	9,014.52	45.86
<u>CAPITAL OUTLAY</u>					
10-601-8015 NON-CAPITAL-COMPUTER	600.00	179.00	239.00	361.00	39.83
10-601-8026 NON-CAPITAL - FURNITURE	750.00	0.00	0.00	750.00	0.00
10-601-8080 CAPITAL - IMPROVEMENTS	<u>10,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	11,350.00	179.00	239.00	11,111.00	2.11
<u>INTERFUND TRANSFERS</u>					
10-601-9010 TRANSFERS/CAP. REPLACE.	20,308.00	0.00	0.00	20,308.00	0.00
10-601-9030 TRANSFER TO DEBT SERVICE FU	<u>28,940.00</u>	<u>0.00</u>	<u>0.00</u>	<u>28,940.00</u>	<u>0.00</u>
TOTAL INTERFUND TRANSFERS	49,248.00	0.00	0.00	49,248.00	0.00
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TOTAL ADMINISTRATION	1,092,793.00	77,386.52	416,660.72	676,132.28	38.13

10 -GENERAL FUND
COURT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>PERSONNEL</u>					
10-602-1010 SALARIES	59,256.00	4,558.41	22,640.81	36,615.19	38.21
10-602-1020 MEDICARE	877.00	67.44	335.01	541.99	38.20
10-602-1025 TWC (SUI)	225.00	0.00	0.00	225.00	0.00
10-602-1036 LIFE INSURANCE	140.00	11.70	58.50	81.50	41.79
10-602-1037 WORKERS' COMP INSURANCE	129.00	0.00	29.42	99.58	22.81
10-602-1040 TMRS RETIREMENT	8,808.00	677.60	3,309.41	5,498.59	37.57
10-602-1070 SPECIAL ALLOWANCES	<u>1,200.00</u>	<u>92.30</u>	<u>461.50</u>	<u>738.50</u>	<u>38.46</u>
TOTAL PERSONNEL	70,635.00	5,407.45	26,834.65	43,800.35	37.99
<u>SUPPLIES</u>					
10-602-2020 OFFICE SUPPLIES	500.00	0.00	241.43	258.57	48.29
10-602-2050 PRINTING & COPYING	<u>750.00</u>	<u>0.00</u>	<u>165.98</u>	<u>584.02</u>	<u>22.13</u>
TOTAL SUPPLIES	1,250.00	0.00	407.41	842.59	32.59
<u>SERVICES</u>					
10-602-3015 JUDGE/PROSECUTOR	15,600.00	1,300.00	6,500.00	9,100.00	41.67
10-602-3020 ASSOCIATION DUES & PUBS	150.00	0.00	75.00	75.00	50.00
10-602-3030 TRAINING/EDUCATION	1,500.00	0.00	800.00	700.00	53.33
10-602-3040 TRAVEL/MILEAGE/LODGING	2,000.00	0.00	564.60	1,435.40	28.23
10-602-3050 LIABILITY INSURANCE	135.00	0.00	121.17	13.83	89.76
10-602-3070 PROPERTY INSURANCE	78.00	0.00	70.01	7.99	89.76
10-602-3075 BANK/CREDIT CARD FEES	<u>1,800.00</u>	<u>219.70</u>	<u>792.34</u>	<u>1,007.66</u>	<u>44.02</u>
TOTAL SERVICES	21,263.00	1,519.70	8,923.12	12,339.88	41.97
<u>CONTRACTUAL</u>					
10-602-4075 COMPUTER SOFTWARE/INCODE	<u>5,202.00</u>	<u>0.00</u>	<u>5,098.19</u>	<u>103.81</u>	<u>98.00</u>
TOTAL CONTRACTUAL	5,202.00	0.00	5,098.19	103.81	98.00
<u>UTILITIES</u>					
10-602-7042 UTILITIES - PHONE/CELL/VOIP	<u>2,400.00</u>	<u>253.96</u>	<u>1,227.11</u>	<u>1,172.89</u>	<u>51.13</u>
TOTAL UTILITIES	2,400.00	253.96	1,227.11	1,172.89	51.13
<u>CAPITAL OUTLAY</u>					
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TOTAL COURT	100,750.00	7,181.11	42,490.48	58,259.52	42.17

10 -GENERAL FUND
PUBLIC WORKS

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
PERSONNEL					
10-603-1010 SALARIES	238,491.00	17,208.67	89,635.55	148,855.45	37.58
10-603-1015 OVERTIME	9,500.00	767.47	3,245.38	6,254.62	34.16
10-603-1020 MEDICARE	3,993.00	258.73	1,336.98	2,656.02	33.48
10-603-1025 TWC (SUI)	900.00	0.00	0.00	900.00	0.00
10-603-1030 HEALTH INSURANCE	32,400.00	2,700.00	13,500.00	18,900.00	41.67
10-603-1031 HSA	178.00	14.80	74.00	104.00	41.57
10-603-1033 DENTAL INSURANCE	1,535.00	125.65	628.25	906.75	40.93
10-603-1035 VISION CARE INSURANCE	325.00	26.52	132.60	192.40	40.80
10-603-1036 LIFE INSURANCE	562.00	46.80	234.00	328.00	41.64
10-603-1037 WORKERS' COMP INSURANCE	5,317.00	0.00	1,209.22	4,107.78	22.74
10-603-1040 TMRS RETIREMENT	40,124.00	2,703.91	13,719.20	26,404.80	34.19
10-603-1070 SPECIAL ALLOWANCES	<u>7,650.00</u>	<u>588.48</u>	<u>2,942.40</u>	<u>4,707.60</u>	<u>38.46</u>
TOTAL PERSONNEL	340,975.00	24,441.03	126,657.58	214,317.42	37.15
SUPPLIES					
10-603-2020 OFFICE SUPPLIES	750.00	0.00	22.36	727.64	2.98
10-603-2035 EMPLOYEE APPRECIATION	400.00	0.00	0.00	400.00	0.00
10-603-2050 PRINTING & COPYING	175.00	0.00	0.00	175.00	0.00
10-603-2060 MEDICAL EXAMS/SCREENINGS	200.00	0.00	0.00	200.00	0.00
10-603-2070 JANITORIAL SUPPLIES	2,500.00	0.00	0.00	2,500.00	0.00
10-603-2080 UNIFORMS	2,200.00	369.98	369.98	1,830.02	16.82
10-603-2090 SMALL TOOLS	3,500.00	0.00	1,043.24	2,456.76	29.81
10-603-2091 SAFETY GEAR	<u>1,500.00</u>	<u>211.47</u>	<u>1,256.64</u>	<u>243.36</u>	<u>83.78</u>
TOTAL SUPPLIES	11,225.00	581.45	2,692.22	8,532.78	23.98
SERVICES					
10-603-3012 PROFESSIONAL - ENGINEERING	4,000.00	0.00	0.00	4,000.00	0.00
10-603-3013 PROFESSIONAL SERVICES	26,800.00	1,168.62	12,660.76	14,139.24	47.24
10-603-3014 PROF SERV - CH & MONUMENTS	7,500.00	0.00	1,095.57	6,404.43	14.61
10-603-3020 ASSOCIATION DUES & PUBS	300.00	0.00	150.00	150.00	50.00
10-603-3030 TRAINING/EDUCATION	600.00	0.00	378.00	222.00	63.00
10-603-3040 TRAVEL/MILEAGE/LODGING/PERD	250.00	0.00	0.00	250.00	0.00
10-603-3050 LIABILITY INSURANCE	4,900.00	0.00	4,398.07	501.93	89.76
10-603-3060 UNIFORM SERVICE	2,000.00	205.28	1,250.65	749.35	62.53
10-603-3070 PROPERTY INSURANCE	<u>2,700.00</u>	<u>0.00</u>	<u>2,423.42</u>	<u>276.58</u>	<u>89.76</u>
TOTAL SERVICES	49,050.00	1,373.90	22,356.47	26,693.53	45.58
CONTRACTUAL					
10-603-4075 COMPUTER SOFTWARE	<u>1,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.00</u>
TOTAL CONTRACTUAL	1,000.00	0.00	0.00	1,000.00	0.00
MAINTENANCE					
10-603-5005 EQUIPMENT LEASES	2,500.00	0.00	0.00	2,500.00	0.00
10-603-5010 EQUIPMENT MAINT & REPAIR	12,000.00	2,503.58	5,646.02	6,353.98	47.05
10-603-5020 VEHICLE MAINTENANCE	6,431.00	51.54	4,414.05	2,016.95	68.64
10-603-5030 BUILDING MAINTENANCE	4,500.00	89.35	4,217.97	282.03	93.73
10-603-5060 VEHICLE & EQPT FUELS	<u>10,000.00</u>	<u>979.97</u>	<u>6,052.09</u>	<u>3,947.91</u>	<u>60.52</u>
TOTAL MAINTENANCE	35,431.00	3,624.44	20,330.13	15,100.87	57.38

10 -GENERAL FUND
PUBLIC WORKS

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>DEPT MATERIALS-SERVICES</u>					
10-603-6011 CHEMICALS	500.00	0.00	519.96 (	19.96)	103.99
10-603-6080 STREET MAINTENANCE	25,000.00	0.00	8,471.79	16,528.21	33.89
10-603-6081 SIGN MAINTENANCE	3,000.00	0.00	785.00	2,215.00	26.17
10-603-6083 DRAINAGE MAINT	300.00	0.00	0.00	300.00	0.00
10-603-6084 PAVILION/PLAY/PATH MAINT	2,000.00	0.00	144.92	1,855.08	7.25
10-603-6086 EAGLE SCOUT PROJECTS	<u>750.00</u>	<u>0.00</u>	<u>0.00</u>	<u>750.00</u>	<u>0.00</u>
TOTAL DEPT MATERIALS-SERVICES	31,550.00	0.00	9,921.67	21,628.33	31.45
<u>UTILITIES</u>					
10-603-7040 UTILITIES - ELECTRIC	39,500.00	3,566.84	15,357.29	24,142.71	38.88
10-603-7041 UTILITIES - GAS	500.00	19.59	136.15	363.85	27.23
10-603-7042 UTILITIES - PHONE	1,000.00	45.01	225.05	774.95	22.51
10-603-7044 UTILITIES - WATER	20,000.00	1,014.06	7,042.79	12,957.21	35.21
10-603-7045 STREET LIGHTS	28,000.00	2,651.45	12,336.13	15,663.87	44.06
10-603-7046 UTILITIES - SAWS	<u>6,000.00</u>	<u>134.56</u>	<u>849.35</u>	<u>5,150.65</u>	<u>14.16</u>
TOTAL UTILITIES	95,000.00	7,431.51	35,946.76	59,053.24	37.84
<u>CAPITAL OUTLAY</u>					
10-603-8015 NON-CAPITAL-COMPUTER	400.00	0.00	0.00	400.00	0.00
10-603-8020 NON-CAPITAL-MAINT EQPT	<u>1,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	1,400.00	0.00	0.00	1,400.00	0.00
<u>INTERFUND TRANSFERS</u>					
10-603-9010 TRF TO CAPITAL REPLACEMENT	<u>56,858.00</u>	<u>0.00</u>	<u>0.00</u>	<u>56,858.00</u>	<u>0.00</u>
TOTAL INTERFUND TRANSFERS	56,858.00	0.00	0.00	56,858.00	0.00
TOTAL PUBLIC WORKS	622,489.00	37,452.33	217,904.83	404,584.17	35.01

10 -GENERAL FUND
FIRE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>PERSONNEL</u>					
10-604-1010 SALARIES	1,220,000.00	90,610.56	441,261.93	778,738.07	36.17
10-604-1015 OVERTIME	40,000.00	8,460.71	38,147.74	1,852.26	95.37
10-604-1020 MEDICARE	17,760.00	1,423.12	6,861.33	10,898.67	38.63
10-604-1025 TWC (SUI)	5,175.00	0.00	23.12	5,151.88	0.45
10-604-1030 HEALTH INSURANCE	137,700.00	9,450.00	47,250.00	90,450.00	34.31
10-604-1031 HSA	755.00	44.40	214.60	540.40	28.42
10-604-1033 DENTAL INSURANCE	6,768.00	448.92	2,247.44	4,520.56	33.21
10-604-1035 VISION CARE INSURANCE	1,405.00	96.34	481.34	923.66	34.26
10-604-1036 LIFE INSURANCE	2,387.00	175.50	854.10	1,532.90	35.78
10-604-1037 WORKERS' COMP INSURANCE	40,235.00	0.00	9,079.85	31,155.15	22.57
10-604-1040 TMRS RETIREMENT	187,968.00	13,512.02	64,973.22	122,994.78	34.57
10-604-1070 SPECIAL ALLOWANCES	<u>30,400.00</u>	<u>1,923.36</u>	<u>9,189.78</u>	<u>21,210.22</u>	<u>30.23</u>
TOTAL PERSONNEL	1,690,553.00	126,144.93	620,584.45	1,069,968.55	36.71
<u>SUPPLIES</u>					
10-604-2020 OFFICE SUPPLIES	1,200.00	0.00	568.18	631.82	47.35
10-604-2035 EMPLOYEE APPRECIATION	765.00	0.00	94.09	670.91	12.30
10-604-2060 MEDICAL EXAMS/SCREENINGS	1,000.00	0.00	754.00	246.00	75.40
10-604-2070 JANITORIAL SUPPLIES	3,000.00	208.51	1,943.75	1,056.25	64.79
10-604-2080 UNIFORMS & ACCESSORIES	<u>8,500.00</u>	<u>0.00</u>	<u>1,635.65</u>	<u>6,864.35</u>	<u>19.24</u>
TOTAL SUPPLIES	14,465.00	208.51	4,995.67	9,469.33	34.54
<u>SERVICES</u>					
10-604-3017 PROFESSIONAL - MEDICAL DIRE	5,400.00	450.00	2,250.00	3,150.00	41.67
10-604-3020 ASSOCIATION DUES & PUBS	8,420.00	170.00	6,547.30	1,872.70	77.76
10-604-3030 TRAINING/EDUCATION	7,000.00	175.00	6,245.51	754.49	89.22
10-604-3040 TRAVEL/MILEAGE/LODGING/PERD	4,000.00	55.98	525.43	3,474.57	13.14
10-604-3050 LIABILITY INSURANCE	27,500.00	0.00	24,683.02	2,816.98	89.76
10-604-3070 PROPERTY INSURANCE	17,800.00	0.00	15,976.65	1,823.35	89.76
10-604-3080 SPECIAL SERVICES	13,000.00	1,101.21	8,168.63	4,831.37	62.84
10-604-3090 COMMUNICATIONS SERVICES	<u>6,108.00</u>	<u>609.35</u>	<u>2,747.24</u>	<u>3,360.76</u>	<u>44.98</u>
TOTAL SERVICES	89,228.00	2,561.54	67,143.78	22,084.22	75.25
<u>CONTRACTUAL</u>					
10-604-4045 RADIO ACCESS FEES - COSA	5,800.00	468.00	2,394.00	3,406.00	41.28
10-604-4075 COMPUTER SOFTWARE/MAINTENAN	<u>0.00</u>	<u>0.00</u>	<u>977.96</u>	<u>(977.96)</u>	<u>0.00</u>
TOTAL CONTRACTUAL	5,800.00	468.00	3,371.96	2,428.04	58.14
<u>MAINTENANCE</u>					
10-604-5010 EQUIPMENT MAINT & REPAIR	5,000.00	266.00	1,269.16	3,730.84	25.38
10-604-5020 VEHICLE MAINTENANCE	18,100.00	1,498.17	13,832.19	4,267.81	76.42
10-604-5030 BUILDING MAINTENANCE	6,350.00	245.41	619.17	5,730.83	9.75
10-604-5060 VEHICLE & EQPT FUELS	<u>15,000.00</u>	<u>1,052.13</u>	<u>4,925.03</u>	<u>10,074.97</u>	<u>32.83</u>
TOTAL MAINTENANCE	44,450.00	3,061.71	20,645.55	23,804.45	46.45

10 -GENERAL FUND
FIRE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>DEPT MATERIALS-SERVICES</u>					
10-604-6015 ELECTRONIC EQPT MAINT	6,500.00	0.00	1,360.47	5,139.53	20.93
10-604-6030 INVESTIGATIVE SUPPLIES/PROC	750.00	0.00	282.45	467.55	37.66
10-604-6040 EMS SUPPLIES	27,940.00	284.49	7,445.06	20,494.94	26.65
10-604-6045 FIRE FIGHTING EQPT SUPPLIES	10,000.00	59.96	3,449.96	6,550.04	34.50
10-604-6060 PPE MAINTENANCE	<u>15,750.00</u>	<u>3,911.13</u>	<u>5,498.95</u>	<u>10,251.05</u>	<u>34.91</u>
TOTAL DEPT MATERIALS-SERVICES	60,940.00	4,255.58	18,036.89	42,903.11	29.60
<u>UTILITIES</u>					
10-604-7044 UTILITIES - WATER	<u>2,000.00</u>	<u>175.55</u>	<u>906.97</u>	<u>1,093.03</u>	<u>45.35</u>
TOTAL UTILITIES	2,000.00	175.55	906.97	1,093.03	45.35
<u>CAPITAL OUTLAY</u>					
10-604-8015 NON-CAPITAL-COMPUTER EQUIPM	400.00	0.00	0.00	400.00	0.00
10-604-8023 NON CAPITAL - FITNESS EQPT	<u>3,000.00</u>	<u>0.00</u>	<u>2,999.00</u>	<u>1.00</u>	<u>99.97</u>
TOTAL CAPITAL OUTLAY	3,400.00	0.00	2,999.00	401.00	88.21
<u>INTERFUND TRANSFERS</u>					
10-604-9000 GRANT EXPENDITURES	5,000.00	17,294.00	22,578.00 (	17,578.00)	451.56
10-604-9010 TRF TO CAPITAL REPLACEMENT	<u>220,075.00</u>	<u>0.00</u>	<u>0.00</u>	<u>220,075.00</u>	<u>0.00</u>
TOTAL INTERFUND TRANSFERS	225,075.00	17,294.00	22,578.00	202,497.00	10.03
TOTAL FIRE DEPARTMENT	2,135,911.00	154,169.82	761,262.27	1,374,648.73	35.64

10 -GENERAL FUND
POLICE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
PERSONNEL					
10-605-1010 SALARIES	1,355,493.00	86,639.54	470,626.43	884,866.57	34.72
10-605-1015 OVERTIME	32,500.00	3,066.04	23,741.58	8,758.42	73.05
10-605-1020 MEDICARE	20,747.00	1,315.01	7,260.17	13,486.83	34.99
10-605-1025 TWC (SUI)	4,275.00	0.00	0.00	4,275.00	0.00
10-605-1030 HEALTH INSURANCE	145,800.00	10,800.00	54,675.00	91,125.00	37.50
10-605-1031 HSA	755.00	48.10	240.50	514.50	31.85
10-605-1033 DENTAL INSURANCE	7,160.00	518.94	2,653.66	4,506.34	37.06
10-605-1035 VISION CARE INSURANCE	1,487.00	110.52	561.16	925.84	37.74
10-605-1036 LIFE INSURANCE	2,668.00	187.20	971.10	1,696.90	36.40
10-605-1037 WORKERS' COMP INSURANCE	38,102.00	0.00	8,711.02	29,390.98	22.86
10-605-1040 TMRS RETIREMENT	208,467.00	13,450.60	72,809.62	135,657.38	34.93
10-605-1070 SPECIAL ALLOWANCES	<u>42,800.00</u>	<u>2,611.54</u>	<u>14,556.77</u>	<u>28,243.23</u>	<u>34.01</u>
TOTAL PERSONNEL	1,860,254.00	118,747.49	656,807.01	1,203,446.99	35.31
SUPPLIES					
10-605-2020 OFFICE SUPPLIES	3,000.00	128.81	612.76	2,387.24	20.43
10-605-2035 EMPLOYEE APPRECIATION	855.00	0.00	117.86	737.14	13.78
10-605-2050 PRINTING & COPYING	1,300.00	0.00	387.00	913.00	29.77
10-605-2060 MEDICAL/SCREENING/TESTING/B	1,000.00	30.63	81.68	918.32	8.17
10-605-2070 JANITORIAL/BUILDING SUPPLIE	500.00	0.00	0.00	500.00	0.00
10-605-2080 UNIFORMS & ACCESSORIES	<u>25,000.00</u>	<u>2,638.35</u>	<u>6,658.00</u>	<u>18,342.00</u>	<u>26.63</u>
TOTAL SUPPLIES	31,655.00	2,797.79	7,857.30	23,797.70	24.82
SERVICES					
10-605-3020 ASSOCIATION DUES & PUBS	3,180.00	0.00	1,125.00	2,055.00	35.38
10-605-3030 TRAINING/EDUCATION	3,000.00	100.00	1,482.00	1,518.00	49.40
10-605-3040 TRAVEL/MILEAGE/LODGING/PERD	5,000.00	0.00	1,296.28	3,703.72	25.93
10-605-3050 LIABILITY INSURANCE	23,600.00	0.00	21,182.53	2,417.47	89.76
10-605-3060 UNIFORM MAINTENANCE	6,000.00	242.97	1,859.39	4,140.61	30.99
10-605-3071 PROPERTY INSURANCE	11,300.00	0.00	10,142.48	1,157.52	89.76
10-605-3072 ANIMAL CONTROL SERVICES	12,500.00	1,000.00	5,000.00	7,500.00	40.00
10-605-3087 CITIZENS COMMUNICATION/ED	600.00	0.00	0.00	600.00	0.00
10-605-3090 COMMUNICATIONS SERVICES	<u>9,400.00</u>	<u>660.06</u>	<u>3,300.30</u>	<u>6,099.70</u>	<u>35.11</u>
TOTAL SERVICES	74,580.00	2,003.03	45,387.98	29,192.02	60.86
CONTRACTUAL					
10-605-4045 CONTRACT/RADIO FEES COSA	8,000.00	630.00	3,150.00	4,850.00	39.38
10-605-4075 COMPUTER SOFTWARE/INCODE	<u>19,780.00</u>	<u>39.00</u>	<u>17,289.82</u>	<u>2,490.18</u>	<u>87.41</u>
TOTAL CONTRACTUAL	27,780.00	669.00	20,439.82	7,340.18	73.58
MAINTENANCE					
10-605-5005 EQUIPMENT LEASES	2,000.00	132.00	792.00	1,208.00	39.60
10-605-5010 EQUIPMENT MAINT & REPAIR	2,000.00	360.00	463.66	1,536.34	23.18
10-605-5015 ELECTRONIC EQPT MAINT	2,350.00	0.00	184.20	2,165.80	7.84
10-605-5020 VEHICLE MAINTENANCE	28,000.00	1,102.14	11,915.80	16,084.20	42.56
10-605-5030 BUILDING MAINTENANCE	3,000.00	0.00	573.98	2,426.02	19.13
10-605-5060 VEHICLE & EQPT FUELS	<u>46,000.00</u>	<u>3,902.48</u>	<u>18,695.13</u>	<u>27,304.87</u>	<u>40.64</u>
TOTAL MAINTENANCE	83,350.00	5,496.62	32,624.77	50,725.23	39.14

10 -GENERAL FUND
POLICE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>DEPT MATERIALS-SERVICES</u>					
10-605-6030 INVESTIGATIVE SUPPLIES	5,000.00	48.25	443.46	4,556.54	8.87
10-605-6032 POLICE SAFETY SUPPLIES	3,000.00	0.00	0.00	3,000.00	0.00
10-605-6035 FIREARMS EQUIPMENT/SUPPLIES	<u>8,800.00</u>	<u>244.83</u>	<u>1,975.35</u>	<u>6,824.65</u>	<u>22.45</u>
TOTAL DEPT MATERIALS-SERVICES	16,800.00	293.08	2,418.81	14,381.19	14.40
<u>UTILITIES</u>					
10-605-7042 UTILITES- PHONE	<u>5,100.00</u>	<u>341.48</u>	<u>1,706.95</u>	<u>3,393.05</u>	<u>33.47</u>
TOTAL UTILITIES	5,100.00	341.48	1,706.95	3,393.05	33.47
<u>CAPITAL OUTLAY</u>					
10-605-8015 NON-CAPITAL-COMPUTER EQUIP.	<u>400.00</u>	<u>0.00</u>	<u>1,244.85</u>	<u>(844.85)</u>	<u>311.21</u>
TOTAL CAPITAL OUTLAY	400.00	0.00	1,244.85	(844.85)	311.21
<u>INTERFUND TRANSFERS</u>					
10-605-9000 GRANT EXPENDITURES	<u>0.00</u>	<u>32,359.58</u>	<u>32,359.58</u>	<u>(32,359.58)</u>	<u>0.00</u>
TOTAL INTERFUND TRANSFERS	0.00	32,359.58	32,359.58	(32,359.58)	0.00
TOTAL POLICE DEPARTMENT	2,099,919.00	162,708.07	800,847.07	1,299,071.93	38.14

10 -GENERAL FUND
DEVELOPMENT SERVICES

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SUPPLIES</u>					
10-607-2020 OFFICE SUPPLIES	125.00	0.00	0.00	125.00	0.00
10-607-2050 PRINTING & COPYING	<u>300.00</u>	<u>0.00</u>	<u>198.00</u>	<u>102.00</u>	<u>66.00</u>
TOTAL SUPPLIES	425.00	0.00	198.00	227.00	46.59
<u>SERVICES</u>					
10-607-3012 PROF -ENGINEERING REVIEW	2,000.00	0.00	0.00	2,000.00	0.00
10-607-3015 PROF -BLDG INSPECTION SERVI	80,000.00	4,700.00	35,275.00	44,725.00	44.09
10-607-3016 PROF -HEALTH INSPECTOR	2,800.00	240.00	1,020.00	1,780.00	36.43
10-607-3017 PROF -SANITARY INSPECTION S	<u>4,000.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>3,000.00</u>	<u>25.00</u>
TOTAL SERVICES	88,800.00	4,940.00	37,295.00	51,505.00	42.00
<u>CONTRACTUAL</u>					
10-607-4075 COMPUTER SOFTWARE/MAINTENAN	<u>3,375.00</u>	<u>0.00</u>	<u>0.00</u>	<u>3,375.00</u>	<u>0.00</u>
TOTAL CONTRACTUAL	3,375.00	0.00	0.00	3,375.00	0.00
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TOTAL DEVELOPMENT SERVICES	92,600.00	4,940.00	37,493.00	55,107.00	40.49
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TOTAL EXPENDITURES	6,212,420.00	444,502.85	2,316,635.17	3,895,784.83	37.29
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REVENUES OVER/ (UNDER) EXPENDITURES	0.00	281,951.81	2,227,567.83 (2,227,567.83)		0.00
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20 -WATER FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
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<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>1,075,124.00</u>	<u>82,210.62</u>	<u>502,038.36</u>	<u>573,085.64</u>	<u>46.70</u>
TOTAL REVENUES	<u>1,075,124.00</u> =====	<u>82,210.62</u> =====	<u>502,038.36</u> =====	<u>573,085.64</u> =====	<u>46.70</u> =====
<u>EXPENDITURE SUMMARY</u>					
WATER DEPARTMENT	861,952.00	61,811.76	465,605.11	396,346.89	54.02
DEBT SERVICE	<u>213,172.00</u>	<u>151,416.40</u>	<u>151,416.40</u>	<u>61,755.60</u>	<u>71.03</u>
TOTAL EXPENDITURES	<u>1,075,124.00</u> =====	<u>213,228.16</u> =====	<u>617,021.51</u> =====	<u>458,102.49</u> =====	<u>57.39</u> =====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	(131,017.54)	(114,983.15)	114,983.15	0.00

20 -WATER FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>WATER SALES</u>					
20-599-5015 WATER CONSUMPTION	656,000.00	47,621.35	296,571.13	359,428.87	45.21
20-599-5016 LATE CHARGES	8,000.00	707.50	6,073.83	1,926.17	75.92
20-599-5018 DEBT SERVICE	189,900.00	15,760.84	78,984.84	110,915.16	41.59
20-599-5019 WATER SERVICE FEE	64,000.00	5,466.80	27,359.74	36,640.26	42.75
20-599-5036 EAA PASS THRU CHARGE	<u>85,700.00</u>	<u>6,294.00</u>	<u>38,072.00</u>	<u>47,628.00</u>	<u>44.42</u>
TOTAL WATER SALES	1,003,600.00	75,850.49	447,061.54	556,538.46	44.55
<u>MISC./GRANTS/INTEREST</u>					
20-599-7000 INTEREST INCOME	1,100.00	3,751.81	18,565.86 (	17,465.86)	1,687.81
20-599-7011 OTHER INCOME	0.00	8.90	69.50 (	69.50)	0.00
20-599-7012 LEASE OF WATER RIGHTS	23,000.00	0.00	7,750.00	15,250.00	33.70
20-599-7060 CC SERVICE FEES	6,000.00	572.47	3,534.71	2,465.29	58.91
20-599-7075 SITE/TOWER LEASE REVENUE	<u>24,424.00</u>	<u>2,026.95</u>	<u>10,134.75</u>	<u>14,289.25</u>	<u>41.50</u>
TOTAL MISC./GRANTS/INTEREST	54,524.00	6,360.13	40,054.82	14,469.18	73.46
<u>TRANSFERS IN</u>					
20-599-8072 TRF IN-CAPITAL REPLACEMENT	<u>17,000.00</u>	<u>0.00</u>	<u>14,922.00</u>	<u>2,078.00</u>	<u>87.78</u>
TOTAL TRANSFERS IN	17,000.00	0.00	14,922.00	2,078.00	87.78
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TOTAL NON-DEPARTMENTAL	1,075,124.00	82,210.62	502,038.36	573,085.64	46.70
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TOTAL REVENUES	1,075,124.00	82,210.62	502,038.36	573,085.64	46.70
	=====	=====	=====	=====	=====

20 -WATER FUND
WATER DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>PERSONNEL</u>					
20-606-1010 SALARIES	238,000.00	18,272.83	90,782.30	147,217.70	38.14
20-606-1015 OVERTIME	15,000.00	1,521.68	5,651.37	9,348.63	37.68
20-606-1020 MEDICARE	3,673.00	291.12	1,419.15	2,253.85	38.64
20-606-1025 TWC (SUI)	900.00	0.00	0.00	900.00	0.00
20-606-1030 HEALTH INSURANCE	32,400.00	2,700.00	13,500.00	18,900.00	41.67
20-606-1031 HSA	133.00	11.10	55.50	77.50	41.73
20-606-1033 DENTAL INSURANCE	1,480.00	125.65	628.25	851.75	42.45
20-606-1035 VISION CARE INSURANCE	330.00	27.88	139.40	190.60	42.24
20-606-1036 LIFE INSURANCE	562.00	46.80	234.00	328.00	41.64
20-606-1037 WORKERS' COMP INSURANCE	5,830.00	0.00	1,285.33	4,544.67	22.05
20-606-1040 TMRS RETIREMENT	36,299.00	3,020.80	14,491.35	21,807.65	39.92
20-606-1070 SPECIAL ALLOWANCES	<u>13,000.00</u>	<u>934.64</u>	<u>4,673.20</u>	<u>8,326.80</u>	<u>35.95</u>
TOTAL PERSONNEL	347,607.00	26,952.50	132,859.85	214,747.15	38.22
<u>SUPPLIES</u>					
20-606-2020 OFFICE SUPPLIES	1,200.00	77.63	136.72	1,063.28	11.39
20-606-2030 POSTAGE	3,895.00	324.00	1,507.60	2,387.40	38.71
20-606-2035 EMPLOYEE APPRECIATION	370.00	0.00	0.00	370.00	0.00
20-606-2050 PRINTING & COPYING	600.00	0.00	300.00	300.00	50.00
20-606-2060 MED EXAMS/SCREENING/TESTING	100.00	0.00	0.00	100.00	0.00
20-606-2070 JANITORIAL SUPPLIES	100.00	0.00	0.00	100.00	0.00
20-606-2075 BANK/CREDITCARD FEES	8,500.00	724.28	4,748.72	3,751.28	55.87
20-606-2080 UNIFORMS	1,600.00	209.98	610.77	989.23	38.17
20-606-2090 SMALL TOOLS	3,000.00	0.00	1,761.88	1,238.12	58.73
20-606-2091 SAFETY SUPPLIES/EQUIPMENT	<u>1,400.00</u>	<u>0.00</u>	<u>331.20</u>	<u>1,068.80</u>	<u>23.66</u>
TOTAL SUPPLIES	20,765.00	1,335.89	9,396.89	11,368.11	45.25
<u>SERVICES</u>					
20-606-3012 ENGINEERING SERVICES	10,000.00	0.00	1,080.00	8,920.00	10.80
20-606-3013 PROFESSIONAL SERVICES	2,000.00	0.00	0.00	2,000.00	0.00
20-606-3020 ASSOCIATION DUES & PUBS	2,115.00	100.00	1,419.75	695.25	67.13
20-606-3030 TRAINING/EDUCATION	3,750.00	50.00	(282.50)	4,032.50	7.53-
20-606-3040 TRAVEL/MILEAGE/LODGING/PERD	1,000.00	0.00	41.25	958.75	4.13
20-606-3050 INSURANCE - LIABILITY	5,100.00	0.00	4,577.58	522.42	89.76
20-606-3060 UNIFORM SERVICES	3,000.00	205.27	1,258.18	1,741.82	41.94
20-606-3070 INSURANCE - PROPERTY	2,600.00	0.00	2,333.67	266.33	89.76
20-606-3075 CONSERV. ED./REBATES	100.00	0.00	0.00	100.00	0.00
20-606-3080 SPECIAL SERVICES	2,300.00	41.80	264.10	2,035.90	11.48
20-606-3082 WATER ANALYSIS FEES	7,000.00	93.00	2,736.07	4,263.93	39.09
20-606-3090 COMMUNICATIONS SERVICES	<u>0.00</u>	<u>45.02</u>	<u>225.10</u>	<u>(225.10)</u>	<u>0.00</u>
TOTAL SERVICES	38,965.00	535.09	13,653.20	25,311.80	35.04

20 -WATER FUND
WATER DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>CONTRACTUAL</u>					
20-606-4075 COMPUTER SOFTWARE/INCODE	12,130.00	657.04	7,947.83	4,182.17	65.52
20-606-4085 EAA -WATER MANAGEMENT FEES	84,084.00	6,306.52	35,732.56	48,351.44	42.50
20-606-4099 WATER RIGHTS/LEASE PAYMENTS	0.00	0.00	6,250.00	(6,250.00)	0.00
TOTAL CONTRACTUAL	96,214.00	6,963.56	49,930.39	46,283.61	51.90
<u>MAINTENANCE</u>					
20-606-5005 EQUIPMENT LEASES	5,000.00	0.00	845.00	4,155.00	16.90
20-606-5010 EQUIPMENT MAINT & REPAIR	7,000.00	0.00	491.48	6,508.52	7.02
20-606-5015 ELECTRONIC EQPT MAINTENANCE	500.00	0.00	0.00	500.00	0.00
20-606-5020 VEHICLE MAINTENANCE	3,000.00	35.04	235.13	2,764.87	7.84
20-606-5030 BUILDING MAINTENANCE	2,500.00	31.88	31.88	2,468.12	1.28
20-606-5060 VEHICLE & EQPT FUELS	6,500.00	728.28	4,022.95	2,477.05	61.89
TOTAL MAINTENANCE	24,500.00	795.20	5,626.44	18,873.56	22.97
<u>DEPT MATERIALS-SERVICES</u>					
20-606-6011 CHEMICALS	9,000.00	200.00	2,470.93	6,529.07	27.45
20-606-6050 WATER METERS & BOXES	2,000.00	0.00	945.37	1,054.63	47.27
20-606-6055 FIRE HYDRANTS & VALVES	10,000.00	712.49	712.49	9,287.51	7.12
20-606-6060 HUEBNER STORAGE TANK	5,000.00	575.11	1,188.83	3,811.17	23.78
20-606-6061 WELL SITE #1	8,750.00	0.00	250.94	8,499.06	2.87
20-606-6062 WELL SITE #2-EAA MONITORED	500.00	0.00	0.00	500.00	0.00
20-606-6064 WELL SITE #4-NOT OPERATION	1,000.00	0.00	0.00	1,000.00	0.00
20-606-6065 WELL SITE #5-EDWARDS BLENDI	1,000.00	250.00	3,676.64	(2,676.64)	367.66
20-606-6066 WELL SITE #6-MUNI TRACT	8,500.00	250.00	687.84	7,812.16	8.09
20-606-6067 WELL SITE #7	4,000.00	250.00	365.72	3,634.28	9.14
20-606-6068 WELL SITE #8	4,000.00	471.26	919.33	3,080.67	22.98
20-606-6069 WELL SITE #9-TRINITY	500.00	0.00	0.00	500.00	0.00
20-606-6070 SCADA SYSTEM MAINTENANCE	5,000.00	28.68	767.80	4,232.20	15.36
20-606-6071 SHAVANO DRIVE PUMP STATION	2,000.00	0.00	0.00	2,000.00	0.00
20-606-6072 WATER SYSTEM MAINTENANCE	30,000.00	491.25	22,189.95	7,810.05	73.97
20-606-6080 STREET MAINT SUPPLIES	4,000.00	3,445.25	3,744.65	255.35	93.62
TOTAL DEPT MATERIALS-SERVICES	95,250.00	6,674.04	37,920.49	57,329.51	39.81
<u>UTILITIES</u>					
20-606-7040 UTILITIES - ELECTRIC	74,700.00	4,480.62	25,983.49	48,716.51	34.78
20-606-7042 UTILITIES - PHONE/CELL	1,350.00	0.00	0.00	1,350.00	0.00
20-606-7044 UTILITIES - WATER	400.00	38.37	203.39	196.61	50.85
TOTAL UTILITIES	76,450.00	4,518.99	26,186.88	50,263.12	34.25
<u>CAPITAL OUTLAY</u>					
20-606-8015 NON-CAPITAL - COMPUTERS	700.00	0.00	0.00	700.00	0.00
20-606-8020 NON-CAPITAL MAINTENANCE EQU	2,320.00	0.00	0.00	2,320.00	0.00
20-606-8080 WATER SYSTEM IMPROVEMENTS	37,647.00	14,036.49	175,109.47	(137,462.47)	465.14
20-606-8087 WATER METER REPLACEMENT	3,000.00	0.00	0.00	3,000.00	0.00
20-606-8093 CAPITAL - SHAV DR PUMP STA	30,000.00	0.00	14,921.50	15,078.50	49.74
TOTAL CAPITAL OUTLAY	73,667.00	14,036.49	190,030.97	(116,363.97)	257.96

20 -WATER FUND
WATER DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>INTERFUND TRANSFERS</u>					
20-606-9010 TRF TO GENERAL FUND	22,050.00	0.00	0.00	22,050.00	0.00
20-606-9020 TRF TO CAPITAL REP. FUND 72	<u>66,484.00</u>	<u>0.00</u>	<u>0.00</u>	<u>66,484.00</u>	<u>0.00</u>
TOTAL INTERFUND TRANSFERS	88,534.00	0.00	0.00	88,534.00	0.00
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TOTAL WATER DEPARTMENT	861,952.00	61,811.76	465,605.11	396,346.89	54.02

20 -WATER FUND
DEBT SERVICE

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CAPITAL OUTLAY</u>					
20-607-8016 2017 GO REFUNDING (2009) PR	70,000.00	70,000.00	70,000.00	0.00	100.00
20-607-8017 2017 GO REFUNDING (2009) IN	62,200.00	31,450.00	31,450.00	30,750.00	50.56
20-607-8030 BOND AGENT FEES	400.00	200.00	200.00	200.00	50.00
20-607-8056 2018 GO REFUNDING (2009) PR	47,265.00	47,265.00	47,265.00	0.00	100.00
20-607-8057 2018 GO REFUNDING (2009) IN	4,367.00	2,501.40	2,501.40	1,865.60	57.28
20-607-8060 SIB LOAN - PRINCIPAL	<u>28,940.00</u>	<u>0.00</u>	<u>0.00</u>	<u>28,940.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	213,172.00	151,416.40	151,416.40	61,755.60	71.03
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TOTAL DEBT SERVICE	213,172.00	151,416.40	151,416.40	61,755.60	71.03
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TOTAL EXPENDITURES	1,075,124.00	213,228.16	617,021.51	458,102.49	57.39
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	(131,017.54)	(114,983.15)	114,983.15	0.00
	=====	=====	=====	=====	=====

30 -DEBT SERVICE FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>959,103.00</u>	<u>431,089.29</u>	<u>689,274.90</u>	<u>269,828.10</u>	<u>71.87</u>
TOTAL REVENUES	<u>959,103.00</u> =====	<u>431,089.29</u> =====	<u>689,274.90</u> =====	<u>269,828.10</u> =====	<u>71.87</u> =====
<u>EXPENDITURE SUMMARY</u>					
DEBT SERVICE	<u>959,103.00</u>	<u>703,428.47</u>	<u>703,428.47</u>	<u>255,674.53</u>	<u>73.34</u>
TOTAL EXPENDITURES	<u>959,103.00</u> =====	<u>703,428.47</u> =====	<u>703,428.47</u> =====	<u>255,674.53</u> =====	<u>73.34</u> =====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	(272,339.18)	(14,153.57)	14,153.57	0.00

REVENUE & EXPENSE REPORT (UNAUDITED)

AS OF: FEBRUARY 28TH, 2023

30 -DEBT SERVICE FUND

FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>TAXES</u>					
30-599-1010 CURRENT ADVALOREM TAXES	245,067.00	33,423.16	289,186.51 (	44,119.51)	118.00
30-599-1020 DELINQUENT ADVALOREM TAXES	0.00	123.33	401.34 (	401.34)	0.00
30-599-1030 PENALTY & INTEREST	<u>0.00</u>	<u>118.52</u>	<u>205.01</u> (	<u>205.01</u>)	<u>0.00</u>
TOTAL TAXES	245,067.00	33,665.01	289,792.86 (	44,725.86)	118.25
 <u>TRANSFERS IN</u>					
30-599-8010 INTEREST INCOME	0.00	986.28	3,044.04 (	3,044.04)	0.00
30-599-8012 TRANSFER FROM GENERAL FUND	28,940.00	0.00	0.00	28,940.00	0.00
30-599-8030 FUND BALANCE - TRANSFER IN	51,804.00	0.00	0.00	51,804.00	0.00
30-599-8048 TRANSFER IN - STREET MAINT	<u>633,292.00</u>	<u>396,438.00</u>	<u>396,438.00</u>	<u>236,854.00</u>	<u>62.60</u>
TOTAL TRANSFERS IN	714,036.00	397,424.28	399,482.04	314,553.96	55.95
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TOTAL NON-DEPARTMENTAL	959,103.00	431,089.29	689,274.90	269,828.10	71.87
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TOTAL REVENUES	959,103.00	431,089.29	689,274.90	269,828.10	71.87
	=====	=====	=====	=====	=====

30 -DEBT SERVICE FUND
DEBT SERVICE

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CAPITAL OUTLAY</u>					
30-607-8054 BOND AGENT FEES	500.00	18.87	18.87	481.13	3.77
30-607-8056 2018 GO REFUNDING (2009) PR	178,763.00	182,735.00	182,735.00 (	3,972.00)	102.22
30-607-8057 2018 GO REFUNDING (2009) IN	21,746.00	9,670.85	9,670.85	12,075.15	44.47
30-607-8058 2022 GO BOND - PRINCIPAL	265,000.00	265,000.00	265,000.00	0.00	100.00
30-607-8059 2022 GO BONDS - INTEREST	464,154.00	246,003.75	246,003.75	218,150.25	53.00
30-607-8060 SIB LOAN - PRINCIPAL	<u>28,940.00</u>	<u>0.00</u>	<u>0.00</u>	<u>28,940.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	959,103.00	703,428.47	703,428.47	255,674.53	73.34
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TOTAL DEBT SERVICE	959,103.00	703,428.47	703,428.47	255,674.53	73.34
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TOTAL EXPENDITURES	959,103.00	703,428.47	703,428.47	255,674.53	73.34
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00 (272,339.18) (14,153.57)	14,153.57	0.00
	=====	=====	=====	=====	=====

40 -CRIME CONTROL DISTRICT
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>175,500.00</u>	<u>19,416.15</u>	<u>79,362.43</u>	<u>96,137.57</u>	<u>45.22</u>
TOTAL REVENUES	<u>175,500.00</u> =====	<u>19,416.15</u> =====	<u>79,362.43</u> =====	<u>96,137.57</u> =====	<u>45.22</u> =====
<u>EXPENDITURE SUMMARY</u>					
FIRE DEPARTMENT	1,200.00	0.00	0.00	1,200.00	0.00
POLICE DEPARTMENT	<u>172,890.00</u>	<u>5,412.20</u>	<u>101,009.52</u>	<u>71,880.48</u>	<u>58.42</u>
TOTAL EXPENDITURES	<u>174,090.00</u> =====	<u>5,412.20</u> =====	<u>101,009.52</u> =====	<u>73,080.48</u> =====	<u>58.02</u> =====
REVENUES OVER/ (UNDER) EXPENDITURES	1,410.00	14,003.95 (	21,647.09)	23,057.09	1,535.25-

40 -CRIME CONTROL DISTRICT
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>TAXES</u>					
40-599-1050 SALES - CRIME CONTROL DIST	<u>175,500.00</u>	<u>18,527.25</u>	<u>73,186.96</u>	<u>102,313.04</u>	<u>41.70</u>
TOTAL TAXES	175,500.00	18,527.25	73,186.96	102,313.04	41.70
<u>MISC./GRANTS/INTEREST</u>					
40-599-7085 POLICE DEPT - DONATIONS	<u>0.00</u>	<u>0.00</u>	<u>500.00</u>	(<u>500.00</u>)	<u>0.00</u>
TOTAL MISC./GRANTS/INTEREST	0.00	0.00	500.00	(500.00)	0.00
<u>TRANSFERS IN</u>					
40-599-8005 INTEREST INCOME	<u>0.00</u>	<u>888.90</u>	<u>5,675.47</u>	(<u>5,675.47</u>)	<u>0.00</u>
TOTAL TRANSFERS IN	0.00	888.90	5,675.47	(5,675.47)	0.00
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TOTAL NON-DEPARTMENTAL	175,500.00	19,416.15	79,362.43	96,137.57	45.22
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TOTAL REVENUES	175,500.00	19,416.15	79,362.43	96,137.57	45.22
	=====	=====	=====	=====	=====

40 -CRIME CONTROL DISTRICT
FIRE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>					
40-604-3030 TRAINING/EDUCATION	<u>1,200.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,200.00</u>	<u>0.00</u>
TOTAL SERVICES	1,200.00	0.00	0.00	1,200.00	0.00
<u>CAPITAL OUTLAY</u>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<u>INTERFUND TRANSFERS</u>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
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TOTAL FIRE DEPARTMENT	1,200.00	0.00	0.00	1,200.00	0.00

REVENUE & EXPENSE REPORT (UNAUDITED)

AS OF: FEBRUARY 28TH, 2023

40 -CRIME CONTROL DISTRICT
POLICE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>					
40-605-3030 TRAINING/EDUCATION	6,400.00	35.00	2,077.50	4,322.50	32.46
40-605-3087 CITIZENS COMMUNICATION/EDUC	<u>7,000.00</u>	<u>0.00</u>	<u>4,234.98</u>	<u>2,765.02</u>	<u>60.50</u>
TOTAL SERVICES	13,400.00	35.00	6,312.48	7,087.52	47.11
<hr/>					
<u>CONTRACTUAL</u>					
<hr/>					
<u>CAPITAL OUTLAY</u>					
40-605-8030 POLICE EQUIPMENT PURCHASE	29,490.00	0.00	0.00	29,490.00	0.00
40-605-8050 CAPITAL - VEHICLES	<u>130,000.00</u>	<u>5,377.20</u>	<u>94,697.04</u>	<u>35,302.96</u>	<u>72.84</u>
TOTAL CAPITAL OUTLAY	159,490.00	5,377.20	94,697.04	64,792.96	59.37
<hr/>					
<u>INTERFUND TRANSFERS</u>					
<hr/>					
TOTAL POLICE DEPARTMENT	172,890.00	5,412.20	101,009.52	71,880.48	58.42
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TOTAL EXPENDITURES	174,090.00	5,412.20	101,009.52	73,080.48	58.02
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	1,410.00	14,003.95	(21,647.09)	23,057.09	1,535.25-
	=====	=====	=====	=====	=====

CITY OF SHAVANO PARK
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 28TH, 2023

42 -PEG FUNDS
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>15,200.00</u>	<u>3,951.92</u>	<u>10,462.36</u>	<u>4,737.64</u>	<u>68.83</u>
TOTAL REVENUES	<u>15,200.00</u>	<u>3,951.92</u>	<u>10,462.36</u>	<u>4,737.64</u>	<u>68.83</u>
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
ADMINISTRATION	<u>10,800.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,800.00</u>	<u>0.00</u>
TOTAL EXPENDITURES	<u>10,800.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,800.00</u>	<u>0.00</u>
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	4,400.00	3,951.92	10,462.36 (	6,062.36)	237.78

42 -PEG FUNDS
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>FRANCHISE REVENUES</u>					
42-599-2024 FRANCHISE - PEG FEES	<u>15,200.00</u>	<u>3,586.06</u>	<u>8,313.50</u>	<u>6,886.50</u>	<u>54.69</u>
TOTAL FRANCHISE REVENUES	15,200.00	3,586.06	8,313.50	6,886.50	54.69
<u>MISC./GRANTS/INTEREST</u>					
42-599-7000 INTEREST	<u>0.00</u>	<u>365.86</u>	<u>2,148.86</u>	(<u>2,148.86</u>)	<u>0.00</u>
TOTAL MISC./GRANTS/INTEREST	0.00	365.86	2,148.86	(2,148.86)	0.00
<u>TRANSFERS IN</u>					
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<hr/>					
TOTAL NON-DEPARTMENTAL	15,200.00	3,951.92	10,462.36	4,737.64	68.83
<hr/>					
TOTAL REVENUES	15,200.00	3,951.92	10,462.36	4,737.64	68.83
	=====	=====	=====	=====	=====

42 -PEG FUNDS
ADMINISTRATION

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CAPITAL OUTLAY</u>					
42-601-8030 CAPITAL-ELECTRONIC EQUIPMEN	<u>10,800.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,800.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	10,800.00	0.00	0.00	10,800.00	0.00
<hr/>					
TOTAL ADMINISTRATION	10,800.00	0.00	0.00	10,800.00	0.00
<hr/>					
TOTAL EXPENDITURES	10,800.00	0.00	0.00	10,800.00	0.00
<hr/>					
REVENUES OVER/ (UNDER) EXPENDITURES	4,400.00	3,951.92	10,462.36 (	6,062.36)	237.78
<hr/>					

45 -TREE PROTECT & BEAUT FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>25,000.00</u>	<u>0.00</u>	<u>2,380.00</u>	<u>22,620.00</u>	<u>9.52</u>
TOTAL REVENUES	<u>25,000.00</u>	<u>0.00</u>	<u>2,380.00</u>	<u>22,620.00</u>	<u>9.52</u>
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
ADMINISTRATION	22,375.00	0.00	0.00	22,375.00	0.00
DEVELOPMENT SERVICES	<u>2,625.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,625.00</u>	<u>0.00</u>
TOTAL EXPENDITURES	<u>25,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>25,000.00</u>	<u>0.00</u>
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	0.00	2,380.00 (	2,380.00)	0.00

45 -TREE PROTECT & BEAUT FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>PERMITS & LICENSES</u>					
45-599-3015 TREE TRIMMING PERMITS	<u>12,250.00</u>	<u>0.00</u>	<u>2,380.00</u>	<u>9,870.00</u>	<u>19.43</u>
TOTAL PERMITS & LICENSES	12,250.00	0.00	2,380.00	9,870.00	19.43
<u>MISC./GRANTS/INTEREST</u>					
<hr/>					
<u>TRANSFERS IN</u>					
45-599-8099 FUND BALANCE RESERVE	<u>12,750.00</u>	<u>0.00</u>	<u>0.00</u>	<u>12,750.00</u>	<u>0.00</u>
TOTAL TRANSFERS IN	12,750.00	0.00	0.00	12,750.00	0.00
<hr/>					
TOTAL NON-DEPARTMENTAL	25,000.00	0.00	2,380.00	22,620.00	9.52
<hr/>					
TOTAL REVENUES	25,000.00	0.00	2,380.00	22,620.00	9.52
	=====	=====	=====	=====	=====

45 -TREE PROTECT & BEAUT FUND
ADMINISTRATION

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>					
45-601-3087 CITIZENS COMMUNICATION/EDUC	500.00	0.00	0.00	500.00	0.00
TOTAL SERVICES	500.00	0.00	0.00	500.00	0.00
 <u>DEPT MATERIALS-SERVICES</u>					
45-601-6085 SUPPLIES/MATERIAL/CHEMICALS	21,875.00	0.00	0.00	21,875.00	0.00
TOTAL DEPT MATERIALS-SERVICES	21,875.00	0.00	0.00	21,875.00	0.00
<hr/>					
TOTAL ADMINISTRATION	22,375.00	0.00	0.00	22,375.00	0.00

45 -TREE PROTECT & BEAUT FUND
DEVELOPMENT SERVICES

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CONTRACTUAL</u>					
45-607-4075 COMPUTER SOFTWARE	<u>2,625.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,625.00</u>	<u>0.00</u>
TOTAL CONTRACTUAL	2,625.00	0.00	0.00	2,625.00	0.00
<hr/>					
TOTAL DEVELOPMENT SERVICES	2,625.00	0.00	0.00	2,625.00	0.00
<hr/>					
TOTAL EXPENDITURES	25,000.00	0.00	0.00	25,000.00	0.00
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	0.00	2,380.00 (	2,380.00)	0.00
	=====	=====	=====	=====	=====

48 -STREET MAINTENANCE FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>683,292.00</u>	<u>18,228.26</u>	<u>73,147.12</u>	<u>610,144.88</u>	<u>10.71</u>
TOTAL REVENUES	<u>683,292.00</u> =====	<u>18,228.26</u> =====	<u>73,147.12</u> =====	<u>610,144.88</u> =====	<u>10.71</u> =====
<u>EXPENDITURE SUMMARY</u>					
PUBLIC WORKS	<u>683,292.00</u>	<u>396,438.00</u>	<u>396,438.00</u>	<u>286,854.00</u>	<u>58.02</u>
TOTAL EXPENDITURES	<u>683,292.00</u> =====	<u>396,438.00</u> =====	<u>396,438.00</u> =====	<u>286,854.00</u> =====	<u>58.02</u> =====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	(378,209.74)	(323,290.88)	323,290.88	0.00

48 -STREET MAINTENANCE FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>TAXES</u>					
48-599-1040 SALES - STREET MAINTENANCE	<u>175,500.00</u>	<u>18,228.26</u>	<u>73,147.12</u>	<u>102,352.88</u>	<u>41.68</u>
TOTAL TAXES	175,500.00	18,228.26	73,147.12	102,352.88	41.68
<u>PERMITS & LICENSES</u>					
<hr/>					
<u>TRANSFERS IN</u>					
48-599-8099 FUND BALANCE RESERVE	<u>507,792.00</u>	<u>0.00</u>	<u>0.00</u>	<u>507,792.00</u>	<u>0.00</u>
TOTAL TRANSFERS IN	507,792.00	0.00	0.00	507,792.00	0.00
<hr/>					
TOTAL NON-DEPARTMENTAL	683,292.00	18,228.26	73,147.12	610,144.88	10.71
<hr/>					
TOTAL REVENUES	<u>683,292.00</u>	<u>18,228.26</u>	<u>73,147.12</u>	<u>610,144.88</u>	<u>10.71</u>
	=====	=====	=====	=====	=====

48 -STREET MAINTENANCE FUND
PUBLIC WORKS

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
DEPT MATERIALS-SERVICES					
48-603-6080 STREET MAINTENANCE	50,000.00	0.00	0.00	50,000.00	0.00
TOTAL DEPT MATERIALS-SERVICES	50,000.00	0.00	0.00	50,000.00	0.00
<hr/>					
INTERFUND TRANSFERS					
48-603-9030 TRANS TO DEBT SERVICE	633,292.00	396,438.00	396,438.00	236,854.00	62.60
TOTAL INTERFUND TRANSFERS	633,292.00	396,438.00	396,438.00	236,854.00	62.60
<hr/>					
TOTAL PUBLIC WORKS	683,292.00	396,438.00	396,438.00	286,854.00	58.02
<hr/>					
TOTAL EXPENDITURES	683,292.00	396,438.00	396,438.00	286,854.00	58.02
<hr/>					
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	(378,209.74)	(323,290.88)	323,290.88	0.00
<hr/>					

50 -COURT RESTRICTED FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>69,250.00</u>	<u>728.43</u>	<u>3,706.53</u>	<u>65,543.47</u>	<u>5.35</u>
TOTAL REVENUES	<u>69,250.00</u>	<u>728.43</u>	<u>3,706.53</u>	<u>65,543.47</u>	<u>5.35</u>
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
OPERATING EXPENSES	<u>63,500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>63,500.00</u>	<u>0.00</u>
TOTAL EXPENDITURES	<u>63,500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>63,500.00</u>	<u>0.00</u>
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	5,750.00	728.43	3,706.53	2,043.47	64.46

50 -COURT RESTRICTED FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>COURT FEES</u>					
50-599-4022 COURT EFFICIENCY REVENUE	150.00	7.50	41.67	108.33	27.78
50-599-4023 COURT SECURITY REVENUE	4,800.00	257.83	1,306.47	3,493.53	27.22
50-599-4024 TRUANCY PREVENTION FUND	4,000.00	232.48	1,200.88	2,799.12	30.02
50-599-4025 COURT TECHNOLOGY REVENUE	4,200.00	225.97	1,133.48	3,066.52	26.99
50-599-4026 JURY FUND	<u>100.00</u>	<u>4.65</u>	<u>24.03</u>	<u>75.97</u>	<u>24.03</u>
TOTAL COURT FEES	13,250.00	728.43	3,706.53	9,543.47	27.97
<u>TRANSFERS IN</u>					
50-599-8099 FUND BALANCE RESERVE	<u>56,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>56,000.00</u>	<u>0.00</u>
TOTAL TRANSFERS IN	56,000.00	0.00	0.00	56,000.00	0.00
<hr/>					
TOTAL NON-DEPARTMENTAL	69,250.00	728.43	3,706.53	65,543.47	5.35
<hr/>					
TOTAL REVENUES	69,250.00	728.43	3,706.53	65,543.47	5.35
	=====	=====	=====	=====	=====

50 -COURT RESTRICTED FUND
OPERATING EXPENSES

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CAPITAL OUTLAY</u>					
50-602-8080 CAPITAL IMPROVEMENTS	<u>55,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>55,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	55,000.00	0.00	0.00	55,000.00	0.00
<u>INTERFUND TRANSFERS</u>					
50-602-9010 TRANSFER TO GENERAL FUND	<u>8,500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>8,500.00</u>	<u>0.00</u>
TOTAL INTERFUND TRANSFERS	8,500.00	0.00	0.00	8,500.00	0.00
<hr/>					
TOTAL OPERATING EXPENSES	63,500.00	0.00	0.00	63,500.00	0.00
<hr/>					
TOTAL EXPENDITURES	63,500.00	0.00	0.00	63,500.00	0.00
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	5,750.00	728.43	3,706.53	2,043.47	64.46
	=====	=====	=====	=====	=====

52 -CHILD SAFETY FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON DEPARTMENTAL	<u>5,000.00</u>	<u>357.35</u>	<u>1,640.06</u>	<u>3,359.94</u>	<u>32.80</u>
TOTAL REVENUES	<u>5,000.00</u>	<u>357.35</u>	<u>1,640.06</u>	<u>3,359.94</u>	<u>32.80</u>
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
FIRE DEPARTMENT	2,000.00	0.00	0.00	2,000.00	0.00
POLICE DEPARTMENT	<u>3,000.00</u>	<u>0.00</u>	<u>35.88</u>	<u>2,964.12</u>	<u>1.20</u>
TOTAL EXPENDITURES	<u>5,000.00</u>	<u>0.00</u>	<u>35.88</u>	<u>4,964.12</u>	<u>0.72</u>
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	357.35	1,604.18 (	1,604.18)	0.00

52 -CHILD SAFETY FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON DEPARTMENTAL</u>					
<u>MISC./GRANTS/INTEREST</u>					
52-599-7010 SCHOOL CROSSING GUARD FUNDS	<u>4,000.00</u>	<u>357.35</u>	<u>1,640.06</u>	<u>2,359.94</u>	<u>41.00</u>
TOTAL MISC./GRANTS/INTEREST	4,000.00	357.35	1,640.06	2,359.94	41.00
<u>TRANSFERS IN</u>					
52-599-8089 FUND BALANCE RESERVE	<u>1,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,000.00</u>	<u>0.00</u>
TOTAL TRANSFERS IN	1,000.00	0.00	0.00	1,000.00	0.00
<hr/>					
TOTAL NON DEPARTMENTAL	5,000.00	357.35	1,640.06	3,359.94	32.80
<hr/>					
TOTAL REVENUES	5,000.00	357.35	1,640.06	3,359.94	32.80
	=====	=====	=====	=====	=====

52 -CHILD SAFETY FUND
FIRE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>					
52-604-3087 CITIZENS COMMUNICATION/EDUC	<u>2,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,000.00</u>	<u>0.00</u>
TOTAL SERVICES	2,000.00	0.00	0.00	2,000.00	0.00
<hr/>					
TOTAL FIRE DEPARTMENT	2,000.00	0.00	0.00	2,000.00	0.00

52 -CHILD SAFETY FUND
POLICE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>					
52-605-3087 CITIZENS COMMUNICATION/EDUC	<u>3,000.00</u>	<u>0.00</u>	<u>35.88</u>	<u>2,964.12</u>	<u>1.20</u>
TOTAL SERVICES	3,000.00	0.00	35.88	2,964.12	1.20
<hr/>					
TOTAL POLICE DEPARTMENT	3,000.00	0.00	35.88	2,964.12	1.20
<hr/>					
TOTAL EXPENDITURES	5,000.00	0.00	35.88	4,964.12	0.72
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	357.35	1,604.18 (	1,604.18)	0.00
	=====	=====	=====	=====	=====

53 -LEOSE
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>1,300.00</u>	<u>1,281.31</u>	<u>1,281.31</u>	<u>18.69</u>	<u>98.56</u>
TOTAL REVENUES	<u>1,300.00</u> =====	<u>1,281.31</u> =====	<u>1,281.31</u> =====	<u>18.69</u> =====	<u>98.56</u> =====
 <u>EXPENDITURE SUMMARY</u>					
POLICE DEPARTMENT	<u>1,300.00</u>	<u>70.00</u>	<u>70.00</u>	<u>1,230.00</u>	<u>5.38</u>
TOTAL EXPENDITURES	<u>1,300.00</u> =====	<u>70.00</u> =====	<u>70.00</u> =====	<u>1,230.00</u> =====	<u>5.38</u> =====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	1,211.31	1,211.31 (	1,211.31)	0.00

53 -LEOSE
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>POLICE/FIRE REVENUES</u>					
53-599-6020 LEOSE FUNDS	<u>1,300.00</u>	<u>1,281.31</u>	<u>1,281.31</u>	<u>18.69</u>	<u>98.56</u>
TOTAL POLICE/FIRE REVENUES	1,300.00	1,281.31	1,281.31	18.69	98.56
<u>TRANSFERS IN</u>					
<hr/>					
TOTAL NON-DEPARTMENTAL	1,300.00	1,281.31	1,281.31	18.69	98.56
<hr/>					
TOTAL REVENUES	<u>1,300.00</u>	<u>1,281.31</u>	<u>1,281.31</u>	<u>18.69</u>	<u>98.56</u>
	=====	=====	=====	=====	=====

53 -LEOSE
POLICE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>					
53-605-3030 TRAINING/EDUCATION	<u>1,300.00</u>	<u>70.00</u>	<u>70.00</u>	<u>1,230.00</u>	<u>5.38</u>
TOTAL SERVICES	1,300.00	70.00	70.00	1,230.00	5.38
<hr/>					
TOTAL POLICE DEPARTMENT	1,300.00	70.00	70.00	1,230.00	5.38
<hr/>					
TOTAL EXPENDITURES	1,300.00	70.00	70.00	1,230.00	5.38
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	1,211.31	1,211.31 (	1,211.31)	0.00
	=====	=====	=====	=====	=====

REVENUE & EXPENSE REPORT (UNAUDITED)

AS OF: FEBRUARY 28TH, 2023

58 -AMER RESCUE PLAN ACT FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON DEPARTMENTAL	<u>281,042.00</u>	<u>16,505.13</u>	<u>79,080.95</u>	<u>201,961.05</u>	<u>28.14</u>
TOTAL REVENUES	281,042.00 =====	16,505.13 =====	79,080.95 =====	201,961.05 =====	28.14 =====
<u>EXPENDITURE SUMMARY</u>					
CITY COUNCIL	122,000.00	0.00	0.00	122,000.00	0.00
CITY ADMINISTRATION	49,000.00	8,599.13	35,868.13	13,131.87	73.20
PUBLIC WORKS/GOV. BLDG.	40,500.00	106.00	4,991.00	35,509.00	12.32
FIRE DEPARTMENT	29,000.00	0.00	13,006.05	15,993.95	44.85
POLICE DEPARTMENT	<u>40,542.00</u>	<u>7,800.00</u>	<u>25,215.77</u>	<u>15,326.23</u>	<u>62.20</u>
TOTAL EXPENDITURES	281,042.00 =====	16,505.13 =====	79,080.95 =====	201,961.05 =====	28.14 =====

58 -AMER RESCUE PLAN ACT FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON DEPARTMENTAL</u>					
<u>MISC./GRANTS/INTEREST</u>					
58-599-7000 INTEREST INCOME	0.00	1,800.33	8,599.13 (	8,599.13)	0.00
58-599-7021 ARPA FEDERAL FUNDING	<u>281,042.00</u>	<u>14,704.80</u>	<u>70,481.82</u>	<u>210,560.18</u>	<u>25.08</u>
TOTAL MISC./GRANTS/INTEREST	281,042.00	16,505.13	79,080.95	201,961.05	28.14
<hr/>					
TOTAL NON DEPARTMENTAL	281,042.00	16,505.13	79,080.95	201,961.05	28.14
<hr/>					
TOTAL REVENUES	281,042.00	16,505.13	79,080.95	201,961.05	28.14
	=====	=====	=====	=====	=====

58 -AMER RESCUE PLAN ACT FUND
CITY COUNCIL

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CAPITAL OUTLAY</u>					
58-600-8070 CAPITAL - LAND	65,000.00	0.00	0.00	65,000.00	0.00
58-600-8080 CAPITAL - IMPROVEMENTS	<u>57,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>57,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	122,000.00	0.00	0.00	122,000.00	0.00
<hr/>					
TOTAL CITY COUNCIL	122,000.00	0.00	0.00	122,000.00	0.00

58 -AMER RESCUE PLAN ACT FUND
CITY ADMINISTRATION

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>					
<hr/>					
<u>CAPITAL OUTLAY</u>					
58-601-8045 CAPITAL - COMPUTER EQUIPMEN	22,500.00	0.00	20,489.00	2,011.00	91.06
58-601-8080 CAPITAL - IMPROVEMENT PROJ	6,500.00	0.00	6,780.00 (	280.00)	104.31
58-601-8081 CAPITAL - BUILDINGS	<u>20,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>20,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	49,000.00	0.00	27,269.00	21,731.00	55.65
 <u>INTERFUND TRANSFERS</u>					
58-601-9010 TRF - GENERAL FUND	<u>0.00</u>	<u>8,599.13</u>	<u>8,599.13</u> (<u>8,599.13)</u>	<u>0.00</u>
TOTAL INTERFUND TRANSFERS	0.00	8,599.13	8,599.13 (8,599.13)	0.00
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TOTAL CITY ADMINISTRATION	49,000.00	8,599.13	35,868.13	13,131.87	73.20

58 -AMER RESCUE PLAN ACT FUND
PUBLIC WORKS/GOV. BLDG.

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>MAINTENANCE</u>					
58-603-5030 BUILDING MAINTENANCE	<u>2,500.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,500.00</u>	<u>0.00</u>
TOTAL MAINTENANCE	2,500.00	0.00	0.00	2,500.00	0.00
<u>CAPITAL OUTLAY</u>					
58-603-8081 CAPITAL - BUILDINGS	<u>38,000.00</u>	<u>106.00</u>	<u>4,991.00</u>	<u>33,009.00</u>	<u>13.13</u>
TOTAL CAPITAL OUTLAY	38,000.00	106.00	4,991.00	33,009.00	13.13
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TOTAL PUBLIC WORKS/GOV. BLDG.	40,500.00	106.00	4,991.00	35,509.00	12.32

58 -AMER RESCUE PLAN ACT FUND
FIRE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>MAINTENANCE</u>					
58-604-5030 BUILDING MAINTENANCE	<u>2,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,000.00</u>	<u>0.00</u>
TOTAL MAINTENANCE	2,000.00	0.00	0.00	2,000.00	0.00
<u>CAPITAL OUTLAY</u>					
58-604-8005 FURNITURE	4,000.00	0.00	3,050.00	950.00	76.25
58-604-8015 NON CAPITAL - COMPUTERS	5,500.00	0.00	3,906.46	1,593.54	71.03
58-604-8030 ELECTRONIC EQUIPMENT	7,500.00	0.00	0.00	7,500.00	0.00
58-604-8040 CAPITAL - FIRE EQUIPMENT	0.00	0.00	6,049.59 (	6,049.59)	0.00
58-604-8081 CAPITAL - BUILDING	<u>10,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	27,000.00	0.00	13,006.05	13,993.95	48.17
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TOTAL FIRE DEPARTMENT	29,000.00	0.00	13,006.05	15,993.95	44.85

58 -AMER RESCUE PLAN ACT FUND
POLICE DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CAPITAL OUTLAY</u>					
58-605-8030 POLICE EQUIPMENT	14,042.00	7,800.00	13,086.00	956.00	93.19
58-605-8045 CAPITAL - COMPUTER EQUIPMEN	8,500.00	0.00	6,486.60	2,013.40	76.31
58-605-8080 CAPITAL - IMPROVEMENT PROJ	<u>18,000.00</u>	<u>0.00</u>	<u>5,643.17</u>	<u>12,356.83</u>	<u>31.35</u>
TOTAL CAPITAL OUTLAY	40,542.00	7,800.00	25,215.77	15,326.23	62.20
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TOTAL POLICE DEPARTMENT	40,542.00	7,800.00	25,215.77	15,326.23	62.20

58 -AMER RESCUE PLAN ACT FUND
WATER DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
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<u>CAPITAL OUTLAY</u>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<u>INTERFUND TRANSFERS</u>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
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58 -AMER RESCUE PLAN ACT FUND
DEBT SERVICE

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
CAPITAL OUTLAY					
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TOTAL EXPENDITURES	281,042.00	16,505.13	79,080.95	201,961.05	28.14
	=====	=====	=====	=====	=====
	=====	=====	=====	=====	=====

60 -STREET PROJECTS FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>1,384,900.00</u>	<u>32,444.02</u>	<u>150,288.30</u>	<u>1,234,611.70</u>	<u>10.85</u>
TOTAL REVENUES	<u>1,384,900.00</u> =====	<u>32,444.02</u> =====	<u>150,288.30</u> =====	<u>1,234,611.70</u> =====	<u>10.85</u> =====
<u>EXPENDITURE SUMMARY</u>					
PUBLIC WORKS	<u>1,384,900.00</u>	<u>116,023.40</u>	<u>354,666.82</u>	<u>1,030,233.18</u>	<u>25.61</u>
TOTAL EXPENDITURES	<u>1,384,900.00</u> =====	<u>116,023.40</u> =====	<u>354,666.82</u> =====	<u>1,030,233.18</u> =====	<u>25.61</u> =====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	(83,579.38)	(204,378.52)	204,378.52	0.00

60 -STREET PROJECTS FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>TRANSFERS IN</u>					
60-599-8010 INTEREST INCOME	0.00	32,444.02	150,288.30 (	150,288.30)	0.00
60-599-8099 FUND BALANCE RESERVE	<u>1,384,900.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,384,900.00</u>	<u>0.00</u>
TOTAL TRANSFERS IN	1,384,900.00	32,444.02	150,288.30	1,234,611.70	10.85
<hr/>					
TOTAL NON-DEPARTMENTAL	1,384,900.00	32,444.02	150,288.30	1,234,611.70	10.85
<hr/>					
TOTAL REVENUES	1,384,900.00	32,444.02	150,288.30	1,234,611.70	10.85
	=====	=====	=====	=====	=====

60 -STREET PROJECTS FUND
ADMINISTRATION

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<u>INTERFUND TRANSFERS</u>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
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60 -STREET PROJECTS FUND
PUBLIC WORKS

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>SERVICES</u>					
60-603-3012 ENGINEERING - PHASE I	262,000.00	47,763.40	269,110.90 (	7,110.90)	102.71
60-603-3013 ENGINEERING - DEZAVALA	<u>122,900.00</u>	<u>68,260.00</u>	<u>85,555.92</u>	<u>37,344.08</u>	<u>69.61</u>
TOTAL SERVICES	384,900.00	116,023.40	354,666.82	30,233.18	92.15
 <u>CAPITAL OUTLAY</u>					
60-603-8085 CAPITAL - STREETS	<u>1,000,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,000,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	1,000,000.00	0.00	0.00	1,000,000.00	0.00
<hr/>					
TOTAL PUBLIC WORKS	1,384,900.00	116,023.40	354,666.82	1,030,233.18	25.61
<hr/>					
TOTAL EXPENDITURES	1,384,900.00	116,023.40	354,666.82	1,030,233.18	25.61
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	0.00 (	83,579.38) (	204,378.52)	204,378.52	0.00
	=====	=====	=====	=====	=====

70 -CAPITAL REPLACEMENT FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
OTHER SOURCES	<u>298,741.00</u>	<u>5,865.23</u>	<u>30,544.31</u>	<u>268,196.69</u>	<u>10.22</u>
TOTAL REVENUES	<u>298,741.00</u>	<u>5,865.23</u>	<u>30,544.31</u>	<u>268,196.69</u>	<u>10.22</u>
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
COUNCIL	260,000.00	0.00	0.00	260,000.00	0.00
ADMIN	<u>9,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>9,000.00</u>	<u>0.00</u>
TOTAL EXPENDITURES	<u>269,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>269,000.00</u>	<u>0.00</u>
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	29,741.00	5,865.23	30,544.31 (	803.31)	102.70

REVENUE & EXPENSE REPORT (UNAUDITED)

AS OF: FEBRUARY 28TH, 2023

70 -CAPITAL REPLACEMENT FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>OTHER SOURCES</u>					
<u>MISC./GRANTS/INTEREST</u>					
<hr/>					
<u>TRANSFERS IN</u>					
70-599-8010 INTEREST INCOME	1,500.00	5,865.23	30,544.31	(29,044.31)	2,036.29
70-599-8020 TRF IN - GENERAL FUND	<u>297,241.00</u>	<u>0.00</u>	<u>0.00</u>	<u>297,241.00</u>	<u>0.00</u>
TOTAL TRANSFERS IN	298,741.00	5,865.23	30,544.31	268,196.69	10.22
<hr/>					
TOTAL OTHER SOURCES	298,741.00	5,865.23	30,544.31	268,196.69	10.22
<hr/>					
TOTAL REVENUES	298,741.00	5,865.23	30,544.31	268,196.69	10.22
	=====	=====	=====	=====	=====

70 -CAPITAL REPLACEMENT FUND
COUNCIL

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CONTRACTUAL</u>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<u>CAPITAL OUTLAY</u>					
70-600-8070 CAPITAL - LAND	<u>260,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>260,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	260,000.00	0.00	0.00	260,000.00	0.00
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TOTAL COUNCIL	260,000.00	0.00	0.00	260,000.00	0.00

70 -CAPITAL REPLACEMENT FUND
ADMIN

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CAPITAL OUTLAY</u>					
70-601-8081 CAPITAL - BUILDING	<u>9,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>9,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	9,000.00	0.00	0.00	9,000.00	0.00
<u>INTERFUND TRANSFERS</u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
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TOTAL ADMIN	9,000.00	0.00	0.00	9,000.00	0.00

70 -CAPITAL REPLACEMENT FUND
PUBLIC WORKS

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
CAPITAL OUTLAY					
INTERFUND TRANSFERS					

70 -CAPITAL REPLACEMENT FUND
FIRE

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>CAPITAL OUTLAY</u>					
<u>INTERFUND TRANSFERS</u>					
TOTAL EXPENDITURES	269,000.00	0.00	0.00	269,000.00	0.00
REVENUES OVER/ (UNDER) EXPENDITURES	29,741.00	5,865.23	30,544.31	(803.31)	102.70

72 -WATER CAPITAL REPLACEMENT
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>REVENUE SUMMARY</u>					
NON-DEPARTMENTAL	<u>66,484.00</u>	<u>0.00</u>	<u>0.00</u>	<u>66,484.00</u>	<u>0.00</u>
TOTAL REVENUES	<u>66,484.00</u>	<u>0.00</u>	<u>0.00</u>	<u>66,484.00</u>	<u>0.00</u>
	=====	=====	=====	=====	=====
<u>EXPENDITURE SUMMARY</u>					
WATER DEPARTMENT	<u>127,000.00</u>	<u>0.00</u>	<u>14,922.00</u>	<u>112,078.00</u>	<u>11.75</u>
TOTAL EXPENDITURES	<u>127,000.00</u>	<u>0.00</u>	<u>14,922.00</u>	<u>112,078.00</u>	<u>11.75</u>
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	(60,516.00)	0.00	(14,922.00)	(45,594.00)	24.66

72 -WATER CAPITAL REPLACEMENT
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 41.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>NON-DEPARTMENTAL</u>					
<u>MISC./GRANTS/INTEREST</u>					
<hr/>					
<u>TRANSFERS IN</u>					
72-599-8020 TRANSFER FROM WATER FUND	<u>66,484.00</u>	<u>0.00</u>	<u>0.00</u>	<u>66,484.00</u>	<u>0.00</u>
TOTAL TRANSFERS IN	66,484.00	0.00	0.00	66,484.00	0.00
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TOTAL NON-DEPARTMENTAL	66,484.00	0.00	0.00	66,484.00	0.00
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TOTAL REVENUES	66,484.00	0.00	0.00	66,484.00	0.00
	=====	=====	=====	=====	=====

72 -WATER CAPITAL REPLACEMENT
WATER DEPARTMENT

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<hr/>					
<u>CAPITAL OUTLAY</u>					
72-606-8080 WATER SYSTEM IMPROVEMENTS	<u>110,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>110,000.00</u>	<u>0.00</u>
TOTAL CAPITAL OUTLAY	110,000.00	0.00	0.00	110,000.00	0.00
<u>INTERFUND TRANSFERS</u>					
72-606-9020 TRANSFER TO WATER UTILITY	<u>17,000.00</u>	<u>0.00</u>	<u>14,922.00</u>	<u>2,078.00</u>	<u>87.78</u>
TOTAL INTERFUND TRANSFERS	17,000.00	0.00	14,922.00	2,078.00	87.78
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TOTAL WATER DEPARTMENT	127,000.00	0.00	14,922.00	112,078.00	11.75

72 -WATER CAPITAL REPLACEMENT
DEBT SERVICE

% OF YEAR COMPLETED: 41.67

EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
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CAPITAL OUTLAY					
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TOTAL EXPENDITURES	127,000.00	0.00	14,922.00	112,078.00	11.75
	=====	=====	=====	=====	=====
REVENUES OVER/ (UNDER) EXPENDITURES	(60,516.00)	0.00	(14,922.00)	(45,594.00)	24.66
	=====	=====	=====	=====	=====

DATE	VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
2/03/23	ACH****TX CSDU	CASE ID # 0013595137	GENERAL FUND	NON-DEPARTMENTAL	233.07
2/03/23	ACH****TX CSDU	CASE ID# 0011608980	GENERAL FUND	NON-DEPARTMENTAL	275.54
2/03/23	ACH****MISSION SQUARE RETIREMENT	ICMA-FLAT AMOUNTS	GENERAL FUND	NON-DEPARTMENTAL	1,355.06
2/03/23	FROST BANK	FEDERAL WITHHOLDING	GENERAL FUND	NON-DEPARTMENTAL	13,388.59
2/03/23	FROST BANK	FEDERAL WITHHOLDING	GENERAL FUND	NON-DEPARTMENTAL	14,108.43
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	NON-DEPARTMENTAL	1,743.19
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	NON-DEPARTMENTAL	1,826.17
2/03/23	CITY OF SHAVANO PARK GF/PAYROLL	GENERAL FUND DUE TO PAYROL	GENERAL FUND	NON-DEPARTMENTAL	93,171.79
2/03/23	CITY OF SHAVANO PARK GF/PAYROLL	GENERAL FUND DUE TO PAYROL	GENERAL FUND	NON-DEPARTMENTAL	97,750.67
2/03/23	ACH****ELEVON INC	PERMIT CC FEES	GENERAL FUND	CITY ADMINISTRATION	4.97
2/03/23	ACH****ELEVON INC	PERMITS - MPN ONLINE	GENERAL FUND	CITY ADMINISTRATION	1,210.79
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	CITY ADMINISTRATION	315.56
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	CITY ADMINISTRATION	315.51
2/03/23	AMERICA EXPRESS	AMEX CC FEES	GENERAL FUND	CITY ADMINISTRATION	3.25
2/03/23	ACH****ELEVON INC	COURT CC FEES	GENERAL FUND	MUNICIPAL COURT	210.97
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	MUNICIPAL COURT	33.72
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	MUNICIPAL COURT	33.72
2/03/23	AMERICA EXPRESS	AMEX CC FEES	GENERAL FUND	MUNICIPAL COURT	8.73
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	137.55
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	136.12
2/03/23	ACH****BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	GENERAL FUND	FIRE DEPARTMENT	2,135.63
2/03/23	ACH****BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	GENERAL FUND	FIRE DEPARTMENT	203.99
2/03/23	ACH****BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	GENERAL FUND	FIRE DEPARTMENT	82.41
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	FIRE DEPARTMENT	621.80
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	FIRE DEPARTMENT	651.76
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	POLICE DEPARTMENT	634.56
2/03/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	POLICE DEPARTMENT	689.05
2/03/23	ACH****MISSION SQUARE RETIREMENT	ICMA-FLAT AMOUNTS	WATER FUND	NON-DEPARTMENTAL	64.94
2/03/23	FROST BANK	FEDERAL WITHHOLDING	WATER FUND	NON-DEPARTMENTAL	785.73
2/03/23	FROST BANK	FEDERAL WITHHOLDING	WATER FUND	NON-DEPARTMENTAL	832.05
2/03/23	FROST BANK	MEDICARE TAXES	WATER FUND	NON-DEPARTMENTAL	145.05
2/03/23	FROST BANK	MEDICARE TAXES	WATER FUND	NON-DEPARTMENTAL	137.71
2/03/23	CITY OF SHAVANO PARK GF/PAYROLL	WATER FUND DUE TO PAYROLL	WATER FUND	NON-DEPARTMENTAL	8,095.01
2/03/23	CITY OF SHAVANO PARK GF/PAYROLL	WATER FUND DUE TO PAYROLL	WATER FUND	NON-DEPARTMENTAL	7,581.57
2/03/23	ACH****ELEVON INC	WATER CC FEES (5424) OFFIC	WATER FUND	WATER DEPARTMENT	128.35
2/03/23	ACH****ELEVON INC	WATER CC FEES (5425 (ONLIN	WATER FUND	WATER DEPARTMENT	595.93
2/03/23	FROST BANK	MEDICARE TAXES	WATER FUND	WATER DEPARTMENT	145.05
2/03/23	FROST BANK	MEDICARE TAXES	WATER FUND	WATER DEPARTMENT	137.72
2/06/23	JANI KING OF SAN ANTONIO	MONTHLY CLEANING - FEBRUAR	GENERAL FUND	CITY ADMINISTRATION	767.25
2/06/23	HOLTS MECHANICAL	A/C REPAIR CITY HALL	GENERAL FUND	CITY ADMINISTRATION	822.00
2/06/23	STAPLES BUSINESS ADVANTAGE	COURT STAMP	GENERAL FUND	MUNICIPAL COURT	38.14
2/06/23	ILSA D. BAILEY-GRAHAM	TMCEC CLASS	GENERAL FUND	MUNICIPAL COURT	250.00
2/06/23	AT&T MOBILITY	PUBLIC WORKS/WATER DEPT	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	45.01
2/06/23	RDZ PAVING	MAN SAND & A2 SAND TRUCK L	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	900.00
2/06/23	O'REILLY AUTO PARTS	CH139 ANTIFREEZE/WASHER FL	GENERAL FUND	FIRE DEPARTMENT	35.97
2/06/23	HANK STORBECK GARAGE, INC.	B139 STATE INSPECTION	GENERAL FUND	FIRE DEPARTMENT	7.00
2/06/23	WELDERS SUPPLY COMPANY	MEDICAL OXYGEN	GENERAL FUND	FIRE DEPARTMENT	45.50
2/06/23	DOOLEY TACKABERRY	SHIPPING CHARGE/BOX TRUCK	GENERAL FUND	FIRE DEPARTMENT	30.04
2/06/23	VM-3 SERVICES INC.	JANITORIAL SUPPLIES	GENERAL FUND	FIRE DEPARTMENT	634.90
2/06/23	CITY OF SAN ANTONIO	PUBLIC SAFETY RADIO - FIRE	GENERAL FUND	FIRE DEPARTMENT	468.00
2/06/23	HEAT SAFETY EQUIPMENT	ANNUAL P139 PACK FLOW TEST	GENERAL FUND	FIRE DEPARTMENT	25.00
2/06/23	PMAM CORPORATION	23-24 MGMT PLATFORM SUBSCR	GENERAL FUND	POLICE DEPARTMENT	2,250.00
2/06/23	GALLS	DUTY BELT	GENERAL FUND	POLICE DEPARTMENT	120.71
2/06/23	CITY OF SAN ANTONIO	PUBLIC SAFETY RADIO - POLI	GENERAL FUND	POLICE DEPARTMENT	630.00
2/06/23	POLICE AND SHERIFFS PRESS, INC.	GUTIERREZ ID CARD	GENERAL FUND	POLICE DEPARTMENT	17.60
2/06/23	POLICE AND SHERIFFS PRESS, INC.	DE ANDA ID CARD	GENERAL FUND	POLICE DEPARTMENT	17.60

DATE	VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
2/06/23	DENNIS KELLEY	01-15 THRU 01-20 HUTTO TRA	GENERAL FUND	POLICE DEPARTMENT	505.28
2/06/23	ACH***USPS	FEBRUARY MONTHLY BILLING	WATER FUND	WATER DEPARTMENT	324.00
2/06/23	AT&T MOBILITY	PUBLIC WORKS/WATER DEPT	WATER FUND	WATER DEPARTMENT	45.02
2/06/23	ADVANCED WATER WELL TECHNOLOGIES	WELL #1 BOOSTER PUMPS	WATER FUND	WATER DEPARTMENT	14,921.50
2/06/23	USA BLUEBOOK	CHLORINE COLORIMETER	WATER FUND	WATER DEPARTMENT	628.00
2/06/23	USA BLUEBOOK	SAMPLE CELLS	WATER FUND	WATER DEPARTMENT	127.98
2/06/23	USA BLUEBOOK	FREIGHT	WATER FUND	WATER DEPARTMENT	13.88
2/06/23	SUNSTATE EQUIPMENT CO.	STEEL PLATE RENTAL	WATER FUND	WATER DEPARTMENT	590.00
2/06/23	DITCH WITCH	VACTRON REPAIRS	WATER FUND	WATER DEPARTMENT	484.48
2/06/23	DE LA GARZA FENCE & SUPPLY CO	SECONDARY VEHICLE GATE	AMER RESCUE PLAN A	POLICE DEPARTMENT	5,532.21
2/06/23	DE LA GARZA FENCE & SUPPLY CO	POLES	AMER RESCUE PLAN A	POLICE DEPARTMENT	110.96
2/07/23	WASHINGTON, TERIYONTA	Bond Refund:205137F -01	GENERAL FUND	NON-DEPARTMENTAL	200.00
2/07/23	GONZALEZ, ROEL	1-0516-01	WATER FUND	NON-DEPARTMENTAL	250.00
2/07/23	CASTRO, JENNIFER	1-0238-01	WATER FUND	NON-DEPARTMENTAL	250.00
2/07/23	SHELLGREN, KELLY	1-0525-02	WATER FUND	NON-DEPARTMENTAL	250.00
2/08/23	ACH***AMAZON.COM SERVICES INC	MILKWEED SEEDS (4 OF 25 PC	GENERAL FUND	CITY COUNCIL	125.79
2/08/23	ACH***CHARTER COMMUNICATIONS	JANUARY INTERNET & PHONE	GENERAL FUND	CITY ADMINISTRATION	1,285.98
2/08/23	ACH***BARCOM TECHNOLOGY	MARCH CONTRACT FEES	GENERAL FUND	CITY ADMINISTRATION	2,203.80
2/08/23	ACH***BARCOM TECHNOLOGY	CITY BACKUP MARCH	GENERAL FUND	CITY ADMINISTRATION	1,154.60
2/08/23	ACH***BARCOM TECHNOLOGY	CID BACKUP MARCH	GENERAL FUND	CITY ADMINISTRATION	590.00
2/08/23	ACH***ORKIN, INC.	MONTHLY PEST CONTROL - JAN	GENERAL FUND	CITY ADMINISTRATION	143.00
2/08/23	ACH***AMAZON.COM SERVICES INC	VALVE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	144.92
2/08/23	ACH***AMAZON.COM SERVICES INC	RETURN STORAGE BINS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	671.89-
2/08/23	ACH***VOYAGER FLEET SYSTEM	FUEL - FIRE DEPT	GENERAL FUND	FIRE DEPARTMENT	549.87
2/08/23	ACH***VOYAGER FLEET SYSTEM	FUEL - POLICE DEPT	GENERAL FUND	POLICE DEPARTMENT	2,864.07
2/08/23	ACH***AMAZON.COM SERVICES INC	USB HUB CARD READER	GENERAL FUND	POLICE DEPARTMENT	77.98
2/08/23	ACH***AMAZON.COM SERVICES INC	FINGERPRINT INK PAD	GENERAL FUND	POLICE DEPARTMENT	41.99
2/08/23	ACH***AMAZON.COM SERVICES INC	IPAD CASES (2)	GENERAL FUND	POLICE DEPARTMENT	44.64
2/08/23	ACH***AMAZON.COM SERVICES INC	COMMERICAL ULTRASONIC CLEA	GENERAL FUND	POLICE DEPARTMENT	628.52
2/08/23	ACH***VOYAGER FLEET SYSTEM	FUEL - WATER DEPT	WATER FUND	WATER DEPARTMENT	154.57
2/08/23	ACH***KFW ENGINEERS	STREET PROJECT PHASE 1 77.	STREET PROJECTS FU	PUBLIC WORKS	32,905.00
2/10/23	TX DEPARTMENT OF STATE HEALTH SERVICES	EMS CERT RENEWAL-WOODRUFF	GENERAL FUND	FIRE DEPARTMENT	49.00
2/13/23	HOME DEPOT CREDIT SERVICE	COURT WINDOW	GENERAL FUND	CITY ADMINISTRATION	17.49
2/13/23	DEX IMAGING LLC	PRINTING ADMIN	GENERAL FUND	CITY ADMINISTRATION	6.15
2/13/23	SERVICE UNIFORM	FLOOR MATS FOR CUTY HALL &	GENERAL FUND	CITY ADMINISTRATION	59.10
2/13/23	SERVICE UNIFORM	FLOOR MATS FOR CITY HALL &	GENERAL FUND	CITY ADMINISTRATION	59.10
2/13/23	SERVICE UNIFORM	FLOOR MATS FOR CITY HALL &	GENERAL FUND	CITY ADMINISTRATION	59.10
2/13/23	SERVICE UNIFORM	FLOOR MATS CITY HALL & POL	GENERAL FUND	CITY ADMINISTRATION	59.10
2/13/23	SERVICE UNIFORM	FLOOR MATS FOR CITY HALL &	GENERAL FUND	CITY ADMINISTRATION	59.10
2/13/23	DARRELL S. DULLNIG	FEBRUARY COURT DATE	GENERAL FUND	MUNICIPAL COURT	650.00
2/13/23	GERALD S. REAMEY	FEBRUARY COURT DATE	GENERAL FUND	MUNICIPAL COURT	650.00
2/13/23	HOME DEPOT CREDIT SERVICE	GLOVES	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	22.71
2/13/23	HOME DEPOT CREDIT SERVICE	GLOVES	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	141.25
2/13/23	HOME DEPOT CREDIT SERVICE	SUPPLIES	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	65.91
2/13/23	HOME DEPOT CREDIT SERVICE	CONCRETE MIX	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	216.00
2/13/23	HOME DEPOT CREDIT SERVICE	T-POST	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	39.98
2/13/23	DISCOUNT TIRE	TIRE - TILT TRAILER	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	265.87
2/13/23	ULINE, INC.	GAS CAN	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	188.13
2/13/23	CLEAN SCAPES, LP	FEBRUARY LANDSCAPE MAINTEN	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	668.62
2/13/23	SERVICE UNIFORM	UNIFORMS - PUBLIC WORKS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	58.10
2/13/23	SERVICE UNIFORM	UNIFORMS - PUBLIC WORKS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	44.79
2/13/23	SERVICE UNIFORM	UNIFORMS - PUBLIC WORKS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	58.29
2/13/23	SERVICE UNIFORM	UNIFORMS - PUBLIC WORKS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	58.29
2/13/23	SERVICE UNIFORM	UNIFORMS - PUBLIC WORKS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	58.29
2/13/23	LYNDA'S TIRE AND AUTO SVC	TIRE FOR BACKHOE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	85.00
2/13/23	CITY OF SHAVANO PARK WATER DEPT.	WATER BILL - PUBLIC WORKS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	40.32

DATE	VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
2/13/23	CITY OF SHAVANO PARK WATER DEPT.	GENERAL ADMIN	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	1,547.19
2/13/23	HOME DEPOT CREDIT SERVICE	REPLC STRING TRIMMER HEAD	GENERAL FUND	FIRE DEPARTMENT	29.97
2/13/23	HOME DEPOT CREDIT SERVICE	BAR/CHAIN OIL	GENERAL FUND	FIRE DEPARTMENT	28.56
2/13/23	O'REILLY AUTO PARTS	FUSE FOR P139	GENERAL FUND	FIRE DEPARTMENT	5.99
2/13/23	O'REILLY AUTO PARTS	BLUEDEF FUEL ADDITIVE	GENERAL FUND	FIRE DEPARTMENT	19.99
2/13/23	O'REILLY AUTO PARTS	ABSORBENT FOR MITIGATION	GENERAL FUND	FIRE DEPARTMENT	59.96
2/13/23	GEAR CLEANING SOLUTIONS, LLC	BUNKER GEAR CEAMING-B SHIF	GENERAL FUND	FIRE DEPARTMENT	673.96
2/13/23	CITY OF SHAVANO PARK WATER DEPT.	WATER BILL - FIRE DEPT	GENERAL FUND	FIRE DEPARTMENT	167.75
2/13/23	AT&T MOBILITY	POLICE DEPT - PHONES	GENERAL FUND	POLICE DEPARTMENT	196.60
2/13/23	AT&T MOBILITY	POLICE DEPT-MDT,CPT,IPAD,T	GENERAL FUND	POLICE DEPARTMENT	660.00
2/13/23	AT&T MOBILITY	PENNY SUSPEND	GENERAL FUND	POLICE DEPARTMENT	0.06
2/13/23	SAN ANTONIO CODE BLUE POLICE	TORRES UNIFORM	GENERAL FUND	POLICE DEPARTMENT	128.00
2/13/23	SAN ANTONIO CODE BLUE POLICE	DE ANDA UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	340.00
2/13/23	MIDWEST RADAR & EQUIPMENT	RADAR CERTIFICTIONS	GENERAL FUND	POLICE DEPARTMENT	360.00
2/13/23	NARDIS PUBLIC SAFETY	UNIFORM ITEMS	GENERAL FUND	POLICE DEPARTMENT	111.98
2/13/23	COWBOY CLEANERS	JANUARY CLEANING	GENERAL FUND	POLICE DEPARTMENT	349.85
2/13/23	MONTY JOE MCGUFFIN	4 HEALTH INSPECTIONS	GENERAL FUND	DEVELOPMENT SERVICES	240.00
2/13/23	HOME DEPOT CREDIT SERVICE	GLOVES	WATER FUND	WATER DEPARTMENT	22.71
2/13/23	HOME DEPOT CREDIT SERVICE	GLOVES	WATER FUND	WATER DEPARTMENT	141.25
2/13/23	HOME DEPOT CREDIT SERVICE	WATER METER MAINTENANCE/SU	WATER FUND	WATER DEPARTMENT	279.70
2/13/23	HOME DEPOT CREDIT SERVICE	FUSE	WATER FUND	WATER DEPARTMENT	19.12
2/13/23	HOME DEPOT CREDIT SERVICE	TOOL BAG	WATER FUND	WATER DEPARTMENT	49.92
2/13/23	HOME DEPOT CREDIT SERVICE	TUBING CLAMP TOOL	WATER FUND	WATER DEPARTMENT	139.00
2/13/23	TEXAS EXCAVATION SAFETY SYSTEM	LOCATING TICKETS	WATER FUND	WATER DEPARTMENT	55.10
2/13/23	MK1 CONSTRUCTION SERVICES	FLOWABLE FILL-WINDMILL/BEN	WATER FUND	WATER DEPARTMENT	2,203.08
2/13/23	SERVICE UNIFORM	UNIFORMS - WATER DEPT	WATER FUND	WATER DEPARTMENT	58.47
2/13/23	SERVICE UNIFORM	UNIFORMS - WATER DEPT	WATER FUND	WATER DEPARTMENT	44.78
2/13/23	SERVICE UNIFORM	UNIFORMS - WATER DEPT	WATER FUND	WATER DEPARTMENT	58.29
2/13/23	SERVICE UNIFORM	UNIFORMS - WATER DEPT	WATER FUND	WATER DEPARTMENT	58.28
2/13/23	SERVICE UNIFORM	UNIFORMS - WATER DEPT	WATER FUND	WATER DEPARTMENT	58.28
2/13/23	JCH CONSTRUCTION, INC.	ROCKSAW & OPERATOR RENTAL	WATER FUND	WATER DEPARTMENT	2,250.00
2/13/23	FERGUSON WATERWORKS # 1106	METER VALVES	WATER FUND	WATER DEPARTMENT	1,033.84
2/13/23	FERGUSON WATERWORKS # 1106	HARDWARE	WATER FUND	WATER DEPARTMENT	128.28
2/13/23	FERGUSON WATERWORKS # 1106	SANDBAGS	WATER FUND	WATER DEPARTMENT	846.18
2/13/23	FERGUSON WATERWORKS # 1106	MAIN RPLC PVC - SHAVNAO CR	WATER FUND	WATER DEPARTMENT	6,071.55
2/13/23	CITY OF SAN ANTONIO	HARARDOUS CHEMICAL PERMIT	WATER FUND	WATER DEPARTMENT	390.00
2/13/23	CITY OF SHAVANO PARK WATER DEPT.	WATER BILL - WATER DEPT	WATER FUND	WATER DEPARTMENT	40.32
2/13/23	TCOLE	DE ANDA COURT SECURITY CER	LEOSE	POLICE DEPARTMENT	35.00
2/15/23	FIRST NATIONAL BANK TEXAS	INTEREST PMT	WATER FUND	DEBT SERVICE	2,501.40
2/15/23	FIRST NATIONAL BANK TEXAS	INTEREST PMT	WATER FUND	DEBT SERVICE	47,265.00
2/15/23	BOK FINANCIAL	INTEREST PMT 2017 GO REF B	WATER FUND	DEBT SERVICE	31,450.00
2/15/23	BOK FINANCIAL	INTEREST PMT 2017 GO REF B	WATER FUND	DEBT SERVICE	70,000.00
2/15/23	BOK FINANCIAL	INTEREST PMT 2017 GO REF B	WATER FUND	DEBT SERVICE	200.00
2/15/23	BOK FINANCIAL	INTEREST PMT 2022 GO BONDS	WATER FUND	DEBT SERVICE	18.87
2/15/23	FIRST NATIONAL BANK TEXAS	INTEREST PMT	DEBT SERVICE FUND	DEBT SERVICE	9,670.85
2/15/23	FIRST NATIONAL BANK TEXAS	INTEREST PMT	DEBT SERVICE FUND	DEBT SERVICE	182,735.00
2/15/23	BOK FINANCIAL	INTEREST PMT 2022 GO BONDS	DEBT SERVICE FUND	DEBT SERVICE	246,003.75
2/15/23	BOK FINANCIAL	INTEREST PMT 2022 GO BONDS	DEBT SERVICE FUND	DEBT SERVICE	265,000.00
2/17/23	ACH****TX CSDU	CASE ID # 0013595137	GENERAL FUND	NON-DEPARTMENTAL	233.07
2/17/23	ACH****TX CSDU	CASE ID# 0011608980	GENERAL FUND	NON-DEPARTMENTAL	275.54
2/17/23	ACH***MISSION SQUARE RETIREMENT	ICMA-FLAT AMOUNTS	GENERAL FUND	NON-DEPARTMENTAL	1,355.06
2/17/23	FROST BANK	FEDERAL WITHHOLDING	GENERAL FUND	NON-DEPARTMENTAL	15,522.25
2/17/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	NON-DEPARTMENTAL	1,952.19
2/17/23	CITY OF SHAVANO PARK GF/PAYROLL	GENERAL FUND DUE TO PAYROL	GENERAL FUND	NON-DEPARTMENTAL	104,455.18
2/17/23	ACH***NEIGHBORHOOD NEWS	MARCH ROADRUNNER	GENERAL FUND	CITY ADMINISTRATION	1,029.94
2/17/23	ACH***SAN ANTONIO EXPRESS NEWS	NOTICE OF PUBLIC HEARING	GENERAL FUND	CITY ADMINISTRATION	109.50

DATE	VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
2/17/23	ACH***PITNEY BOWES - PURCHASE POWER	OFFICE METER REFILL	GENERAL FUND	CITY ADMINISTRATION	402.50
2/17/23	ACH***BARCOM TECHNOLOGY	JANUARY TICKET EXPRESS	GENERAL FUND	CITY ADMINISTRATION	135.00
2/17/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	CITY ADMINISTRATION	315.51
2/17/23	ACH***SAFESITE, INC.	FEBRUARY DOCUMENT STORAGE	GENERAL FUND	CITY ADMINISTRATION	242.50
2/17/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	MUNICIPAL COURT	33.72
2/17/23	ACH***SUN COAST RESOURCES, INC	FUEL - PUBLIC WORKS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	986.95
2/17/23	ACH***AMAZON.COM SERVICES INC	HEADLAMP	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	29.99
2/17/23	ACH***AMAZON.COM SERVICES INC	BOOTS: JESSE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	119.99
2/17/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	121.18
2/17/23	ACH***BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	GENERAL FUND	FIRE DEPARTMENT	238.99
2/17/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	FIRE DEPARTMENT	801.32
2/17/23	ACH***LEXISNEXIS RISK SOLUTIONS	JANUARY INVESTIGATION TOOL	GENERAL FUND	POLICE DEPARTMENT	33.50
2/17/23	ACH***LEXISNEXIS RISK SOLUTIONS	JANUARY TOOLS	GENERAL FUND	POLICE DEPARTMENT	2.00
2/17/23	FROST BANK	MEDICARE TAXES	GENERAL FUND	POLICE DEPARTMENT	680.45
2/17/23	ACH***BB INSPECTIONS	152 INSPECTIONS	GENERAL FUND	DEVELOPMENT SERVICES	7,600.00
2/17/23	ACH***BB INSPECTIONS	23 PLAN REVIEWS	GENERAL FUND	DEVELOPMENT SERVICES	1,150.00
2/17/23	ACH***MISSION SQUARE RETIREMENT	ICMA-FLAT AMOUNTS	WATER FUND	NON-DEPARTMENTAL	64.94
2/17/23	FROST BANK	FEDERAL WITHHOLDING	WATER FUND	NON-DEPARTMENTAL	877.91
2/17/23	FROST BANK	MEDICARE TAXES	WATER FUND	NON-DEPARTMENTAL	146.06
2/17/23	CITY OF SHAVANO PARK GF/PAYROLL	WATER FUND DUE TO PAYROLL	WATER FUND	NON-DEPARTMENTAL	8,070.43
2/17/23	ACH***SUN COAST RESOURCES, INC	FUEL - WATER DEPT	WATER FUND	WATER DEPARTMENT	493.48
2/17/23	ACH***AMAZON.COM SERVICES INC	BOOTS: JESSE	WATER FUND	WATER DEPARTMENT	119.99
2/17/23	ACH***AMAZON.COM SERVICES INC	CARDSTOCK & BINDERS	WATER FUND	WATER DEPARTMENT	77.63
2/17/23	ACH***AMAZON.COM SERVICES INC	CABLE PROTECTORS	WATER FUND	WATER DEPARTMENT	299.40
2/17/23	ACH***BADGER METER, INC.	JANUARY - MLB HOSTING	WATER FUND	WATER DEPARTMENT	589.34
2/17/23	FROST BANK	MEDICARE TAXES	WATER FUND	WATER DEPARTMENT	146.07
2/21/23	GARZA, JUAN DANIEL	Bond Refund:195390 -01	GENERAL FUND	NON-DEPARTMENTAL	214.70
2/21/23	DENTON, NAVARRO, ROCHA, BERNAL, HYDE &	JANUARY LEGAL SERVICES	GENERAL FUND	CITY ADMINISTRATION	3,695.20
2/21/23	AT&T	FIRE ALARMS AT CITY HALL	GENERAL FUND	CITY ADMINISTRATION	230.05
2/21/23	GREAT AMERICA FINANCIAL SERVICES CORP.	JANUARY LEASE AGREEMENT	GENERAL FUND	CITY ADMINISTRATION	160.00
2/21/23	AT&T	COURT LINE	GENERAL FUND	MUNICIPAL COURT	253.96
2/21/23	CITY PUBLIC SERVICE	CTY BLDG & SHAVANO CREEK L	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	672.56
2/21/23	CITY PUBLIC SERVICE	CTY BLDG & SHAVANO CREEK L	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	11.03
2/21/23	CITY PUBLIC SERVICE	CTY BLDG & SHAVANO CREEK L	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	1,569.87
2/21/23	CITY PUBLIC SERVICE	CTY BLDG & SHAVANO CREEK L	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	19.65
2/21/23	CITY PUBLIC SERVICE	CTY BLDG & SHAVANO CREEK L	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	9.42
2/21/23	CITY PUBLIC SERVICE	CITY PUBLIC SERVICE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	9.10
2/21/23	CITY PUBLIC SERVICE	CITY PUBLIC SERVICE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	11.50
2/21/23	CITY PUBLIC SERVICE	CITY PUBLIC SERVICE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	25.25
2/21/23	CITY PUBLIC SERVICE	CITY PUBLIC SERVICE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	11.61
2/21/23	CITY PUBLIC SERVICE	CITY PUBLIC SERVICE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	11.17
2/21/23	CITY PUBLIC SERVICE	CITY PUBLIC SERVICE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	32.90
2/21/23	CITY PUBLIC SERVICE	CITY PUBLIC SERVICE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	16.85
2/21/23	CITY PUBLIC SERVICE	CITY PUBLIC SERVICE	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.37
2/21/23	CITY PUBLIC SERVICE	3004307404	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	28.76
2/21/23	CITY PUBLIC SERVICE	3000593453	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	433.88
2/21/23	CITY PUBLIC SERVICE	3001293578	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	2,525.71
2/21/23	CITY PUBLIC SERVICE	3004307404	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	9.64
2/21/23	CITY PUBLIC SERVICE	3005137797	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	9.95
2/21/23	A & I TIRE AND AUTO	2019 F250 VEHICLE REGISTRA	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	7.00
2/21/23	CINTAS CORPORATION #2	FIRST AID REPLACEMENTS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	181.48
2/21/23	AT&T MOBILITY	FIRE DEPT - HOTPOST AND CE	GENERAL FUND	FIRE DEPARTMENT	362.98
2/21/23	AT&T	FAX&PAGER AT FIRE DEPT	GENERAL FUND	FIRE DEPARTMENT	253.96
2/21/23	AT&T	SERVICE OUTAGE CREDIT-FIRE	GENERAL FUND	FIRE DEPARTMENT	7.59-
2/21/23	METRO FIRE APARATUS SPECIALISTS INC.	WILDLAND PERS. PROTECT EQU	GENERAL FUND	FIRE DEPARTMENT	17,294.00
2/21/23	METRO FIRE APARATUS SPECIALISTS INC.	RPLC FIREFIGHTING BOOTS	GENERAL FUND	FIRE DEPARTMENT	414.00

DATE	VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
2/21/23	VALVOLINE	CH139 OIL CHANGE	GENERAL FUND	FIRE DEPARTMENT	58.94
2/21/23	AT&T	PD DISPATCH LINE	GENERAL FUND	POLICE DEPARTMENT	144.88
2/21/23	A & I TIRE AND AUTO	#523 TIRE, OIL CHANG #516	GENERAL FUND	POLICE DEPARTMENT	981.72
2/21/23	GREAT AMERICA FINANCIAL SERVICES CORP.	JANUARY LEASE AGREEMENT	GENERAL FUND	POLICE DEPARTMENT	132.00
2/21/23	OFFICE DEPOT	HOLE PUNCH	GENERAL FUND	POLICE DEPARTMENT	34.42
2/21/23	OFFICE DEPOT	ADHESIVE	GENERAL FUND	POLICE DEPARTMENT	13.39
2/21/23	OFFICE DEPOT	ADHESIVE	GENERAL FUND	POLICE DEPARTMENT	8.59
2/21/23	MONARCH TROPHY STUDIO	BBQ AWARD - "Q"	GENERAL FUND	POLICE DEPARTMENT	30.00
2/21/23	SHAVANO PARK, PETTY CASH	FINGERPRINTING-GUTIERREZ	GENERAL FUND	POLICE DEPARTMENT	10.21
2/21/23	SHAVANO PARK, PETTY CASH	FINGERPRINTING-DE ANDA	GENERAL FUND	POLICE DEPARTMENT	10.21
2/21/23	SHAVANO PARK, PETTY CASH	FINGERPRINTING-CURTIS	GENERAL FUND	POLICE DEPARTMENT	10.21
2/21/23	SHAVANO PARK, PETTY CASH	PARKING DA OFFICE CASE 22-	GENERAL FUND	POLICE DEPARTMENT	5.00
2/21/23	SHAVANO PARK, PETTY CASH	PARKING DA OFFICE CASE 23-	GENERAL FUND	POLICE DEPARTMENT	5.00
2/21/23	SHAVANO PARK, PETTY CASH	POSTAGE CASE 22-1429	GENERAL FUND	POLICE DEPARTMENT	12.35
2/21/23	SHAVANO PARK, PETTY CASH	POSTAGE CASE 23-0183	GENERAL FUND	POLICE DEPARTMENT	13.00
2/21/23	SHAVANO PARK, PETTY CASH	POSTAGE CASE 23-0183	GENERAL FUND	POLICE DEPARTMENT	12.90
2/21/23	BRAVOS AUTO CARE 2 LLC	# 522 - OIL CHANGE	GENERAL FUND	POLICE DEPARTMENT	45.72
2/21/23	VALVOLINE	# 519 - STATE INSPECTION	GENERAL FUND	POLICE DEPARTMENT	7.00
2/21/23	CITY PUBLIC SERVICE	3000593442	WATER FUND	WATER DEPARTMENT	426.36
2/21/23	CITY PUBLIC SERVICE	3000593443	WATER FUND	WATER DEPARTMENT	23.84
2/21/23	CITY PUBLIC SERVICE	3003644154	WATER FUND	WATER DEPARTMENT	1,645.38
2/21/23	CITY PUBLIC SERVICE	3000593446	WATER FUND	WATER DEPARTMENT	1,031.41
2/21/23	CITY PUBLIC SERVICE	3000593449	WATER FUND	WATER DEPARTMENT	909.89
2/21/23	CITY PUBLIC SERVICE	3000593450	WATER FUND	WATER DEPARTMENT	829.52
2/21/23	CITY PUBLIC SERVICE	3004513312	WATER FUND	WATER DEPARTMENT	12.59
2/21/23	CITY PUBLIC SERVICE	3002617278	WATER FUND	WATER DEPARTMENT	46.54
2/21/23	CITY PUBLIC SERVICE	3002618145	WATER FUND	WATER DEPARTMENT	142.31
2/21/23	EDWARDS AQUIFER AUTHORITY	2023 PROGRAM FEES	WATER FUND	WATER DEPARTMENT	4,054.19
2/21/23	EDWARDS AQUIFER AUTHORITY	2023 PROGRAM FEES	WATER FUND	WATER DEPARTMENT	2,252.33
2/21/23	DPC INDUSTRIES	CHLORINE / WELL 5	WATER FUND	WATER DEPARTMENT	50.00
2/21/23	DPC INDUSTRIES	CHLORINE / WELL 6	WATER FUND	WATER DEPARTMENT	30.00
2/21/23	DPC INDUSTRIES	CHLORINE / WELL 7	WATER FUND	WATER DEPARTMENT	40.00
2/21/23	DPC INDUSTRIES	CHLORINE / WELL 8	WATER FUND	WATER DEPARTMENT	40.00
2/21/23	DPC INDUSTRIES	CHLORINE / SHAV DR.	WATER FUND	WATER DEPARTMENT	40.00
2/21/23	RDZ PAVING	A2 SAND / BASE	WATER FUND	WATER DEPARTMENT	3,000.00
2/21/23	FERGUSON WATERWORKS # 1106	NUT, BOLT, WASHER	WATER FUND	WATER DEPARTMENT	491.25
2/21/23	FERGUSON WATERWORKS # 1106	PIPE / LONG SERVICES	WATER FUND	WATER DEPARTMENT	400.74
2/21/23	POLLUTION CONTROL SERVICES	WATER TESTING	WATER FUND	WATER DEPARTMENT	93.00
2/21/23	SHAVANO PARK, PETTY CASH	REGISTRATION FOR # 527 & #	CRIME CONTROL DIST	POLICE DEPARTMENT	34.20
2/21/23	TCOLE	COURT SECURITY CERTIFICATI	LEOSE	POLICE DEPARTMENT	35.00
2/21/23	TCEQ	DEZAVALA PROJECT WPAP SUBM	STREET PROJECTS FU	PUBLIC WORKS	5,000.00
2/23/23	ACH***CHARTER COMMUNICATIONS	FEBRUARY - INTERNET & PHON	GENERAL FUND	CITY ADMINISTRATION	1,285.98
2/23/23	ACH***SUN COAST RESOURCES, INC	FUEL - PUBLIC WORKS	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	979.97
2/23/23	ACH***SUN COAST RESOURCES, INC	FUEL - POLICE DEPT	GENERAL FUND	POLICE DEPARTMENT	807.70
2/23/23	ACH***DeZAVALA-SHAVANO VET CLINIC	ANIMAL CONTRACT	GENERAL FUND	POLICE DEPARTMENT	1,000.00
2/23/23	ACH***SUN COAST RESOURCES, INC	FUEL - WATER DEPT	WATER FUND	WATER DEPARTMENT	489.98
2/23/23	ACH***KFW ENGINEERS	DEZAVALA PROJ PHASE 1a -48	STREET PROJECTS FU	PUBLIC WORKS	15,813.75
2/23/23	ACH***KFW ENGINEERS	ST PROJ PHASE I - 80.82%	STREET PROJECTS FU	PUBLIC WORKS	24,947.77
2/27/23	LINEBARGER, GOGGAN, BLAIR & SAMPSON, L	MUNICIPAL COURT FEES COLLE	GENERAL FUND	NON-DEPARTMENTAL	827.67
2/27/23	STAPLES BUSINESS ADVANTAGE	PAPER,BINDER & PAPER CLIPS	GENERAL FUND	CITY ADMINISTRATION	97.14
2/27/23	SAN ANTONIO WATER SYSTEM	001497316-0145332	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	16.48
2/27/23	SAN ANTONIO WATER SYSTEM	001497313-0145573	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	16.48
2/27/23	SAN ANTONIO WATER SYSTEM	001497317-0145575	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.70
2/27/23	SAN ANTONIO WATER SYSTEM	001497321-0156129	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.70
2/27/23	SAN ANTONIO WATER SYSTEM	001497510-0156128	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.70
2/27/23	SAN ANTONIO WATER SYSTEM	001497512-0156127	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.70

DATE	VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
2/27/23	SAN ANTONIO WATER SYSTEM	001497516-0156126	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.70
2/27/23	SAN ANTONIO WATER SYSTEM	001497518-0156125	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.70
2/27/23	SAN ANTONIO WATER SYSTEM	001497521-0156124	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.70
2/27/23	SAN ANTONIO WATER SYSTEM	001497522-0156123	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	12.70
2/27/23	GEAR CLEANING SOLUTIONS, LLC	ANNUAL BUNKER GEAR CLEANIN	GENERAL FUND	FIRE DEPARTMENT	1,182.39
2/27/23	RALPH N. TERPOLILLI	MARCH MEDICAL DIRECTION	GENERAL FUND	FIRE DEPARTMENT	450.00
2/27/23	MVBA, LLC	DI SOMMA&SMITH COLLECTION	GENERAL FUND	FIRE DEPARTMENT	253.60
2/27/23	LAWRENCE FACTOR INC.	AIR QUAILITY TEST SAMPLE K	GENERAL FUND	FIRE DEPARTMENT	502.40
2/27/23	BRAVOS AUTO CARE 2 LLC	TAHOE-RADIATOR,HEATER HOSE	GENERAL FUND	FIRE DEPARTMENT	1,161.70
2/27/23	NARDIS PUBLIC SAFETY	CASARES VEST	GENERAL FUND	POLICE DEPARTMENT	1,475.76
2/27/23	NARDIS PUBLIC SAFETY	UNIFORM - DE ANDA	GENERAL FUND	POLICE DEPARTMENT	241.98
2/27/23	DAILEY WELLS COMMUNICATIONS, INC.	UPGRADES MOBILE PD RADIOS	AMER RESCUE PLAN A	POLICE DEPARTMENT	7,800.00
2/28/23	FROST - VISA DEBIT CARD	O'BRYANT MAGICIAN DEPOSIT	GENERAL FUND	CITY COUNCIL	75.00
2/28/23	FROST - VISA DEBIT CARD	CONFERENCE TABLE REFINISHI	GENERAL FUND	CITY COUNCIL	61.25
2/28/23	FROST - VISA DEBIT CARD	CONFERENCE ROOM TABLE REFI	GENERAL FUND	CITY COUNCIL	11.90
2/28/23	FROST - VISA DEBIT CARD	CONFERENCE ROOM TABLE REFI	GENERAL FUND	CITY COUNCIL	41.11
2/28/23	FROST - VISA DEBIT CARD	POSTEERBOARD	GENERAL FUND	CITY COUNCIL	349.95
2/28/23	FROST - VISA DEBIT CARD	BIRTHDAY-NOTHING BUNT CAKE	GENERAL FUND	CITY ADMINISTRATION	29.00
2/28/23	FROST - VISA DEBIT CARD	SSL DOMAIN CONTROLLER	GENERAL FUND	CITY ADMINISTRATION	99.99
2/28/23	FROST - VISA DEBIT CARD	CLOUD EMAIL LICENSE 2023	GENERAL FUND	CITY ADMINISTRATION	1,912.50
2/28/23	FROST - VISA DEBIT CARD	GCAA 2023 APPLICATION FEE	GENERAL FUND	CITY ADMINISTRATION	25.00
2/28/23	FROST - VISA DEBIT CARD	BIRTHDAY - CHIK FIL A	GENERAL FUND	CITY ADMINISTRATION	42.22
2/28/23	FROST - VISA DEBIT CARD	PANDORA SUBSCRIPTION	GENERAL FUND	CITY ADMINISTRATION	118.41
2/28/23	FROST - VISA DEBIT CARD	FOXIT SOFTWARE - APHR CLER	GENERAL FUND	CITY ADMINISTRATION	179.00
2/28/23	FROST - VISA DEBIT CARD	2019 FORD REGISTRATION	GENERAL FUND	PUBLIC WORKS/GOV. BLDG	9.50
2/28/23	FROST - VISA DEBIT CARD	B139 REGISTRATION	GENERAL FUND	FIRE DEPARTMENT	9.50
2/28/23	TX DEPARTMENT OF STATE HEALTH SERVICES	EMS CERT RENEWAL - WEAVER	GENERAL FUND	FIRE DEPARTMENT	126.00
2/28/23	FROST - VISA DEBIT CARD	VETERAN UNIFORM SERVICE BA	GENERAL FUND	POLICE DEPARTMENT	94.50
2/28/23	FROST - VISA DEBIT CARD	# 521 THROTTLE BODY-ROCKNA	GENERAL FUND	POLICE DEPARTMENT	58.20
2/28/23	FROST - VISA DEBIT CARD	DEPOSIT ASP INSTRUCTOR - K	GENERAL FUND	POLICE DEPARTMENT	100.00
2/28/23	FROST - VISA DEBIT CARD	CLAY TRAGET - ACADEMY	GENERAL FUND	POLICE DEPARTMENT	34.98
2/28/23	FROST - VISA DEBIT CARD	# 519 REGISTRATION	GENERAL FUND	POLICE DEPARTMENT	9.50
2/28/23	FROST - VISA DEBIT CARD	TCEQ EXAM: JESSE	WATER FUND	WATER DEPARTMENT	50.00
2/28/23	FROST - VISA DEBIT CARD	SAND	WATER FUND	WATER DEPARTMENT	300.00
2/28/23	FROST - VISA DEBIT CARD	SAND	WATER FUND	WATER DEPARTMENT	145.25
2/28/23	FROST - VISA DEBIT CARD	AACOG - DE ANDA	CRIME CONTROL DIST	POLICE DEPARTMENT	35.00
TOTAL:					1,463,666.89

DATE	VENDOR NAME	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
===== FUND TOTALS =====					
10		GENERAL FUND	438,506.61		
20		WATER FUND	229,501.79		
30		DEBT SERVICE FUND	703,409.60		
40		CRIME CONTROL DISTRICT	69.20		
53		LEOSE	70.00		
58		AMER RESCUE PLAN ACT FUND	13,443.17		
60		STREET PROJECTS FUND	78,666.52		

		GRAND TOTAL:	1,463,666.89		

TOTAL PAGES: 7

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-CITY OF SHAVANO PARK
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 2/01/2023 THRU 2/28/2023

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Date
DESCRIPTION: Distribution
GL ACCTS: YES
REPORT TITLE: C O U N C I L A / P R E P O R T
SIGNATURE LINES: 0

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

1. CALL MEETING TO ORDER

Mayor Werner called the meeting to order at 6:30 p.m.

PRESENT:	ABSENT: None
Alderman Aleman	
Mayor Pro Tem Kautz	
Alderman Kuykendall	
Alderman Miller	
Alderman Powers	
Mayor Werner	

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Alderman Kuykendall led the Pledge of Allegiance to the Flag.

Mayor Pro Tem Kautz led the Invocation.

3. CITIZENS TO BE HEARD

Citizen Grona addressed City Council regarding the use of Flock Safety technology to support Shavano Park Police Department

4. CITY COUNCIL COMMENTS

City Council welcomed everyone to the meeting.

5. PRESENTATIONS, COMMENDATIONS AND ANNOUNCEMENTS

5.1. Proclamation - Recognizing February 27 – March 3rd, 2023 as Employee Appreciation Week - Mayor Werner

Mayor Werner presented the proclamation for recognizing Employee Appreciation Week February 27 – March 3rd, 2023. City Council conducted a drawing for three monetary awards donated by “Friends of Shavano Park” to be given to three employees for Employee Appreciation Week. The three recipients were Frank Urbaneck Public Works, Michael Swoboda Fire Department, and Benjamin Barrera Public Works.

6. REGULAR AGENDA ITEMS

At this time, Mayor Werner, with the consent of City Council, deviated to agenda item 6.2.

6.1. Presentation / discussion - Phase I (East) and Phase IA (DeZavala) planning update - City Engineer

City Engineer Chris Otto of KFW Engineering provided an update on - Phase I (East) and Phase IA (DeZavala) planning.

6.2. Discussion / action - Ordinance O-2023-002 extending maximum speed limits into Willow Wood (Shavano Park) Homeowners Association and establishing speed regulations enforcement (first reading) - Chief Fox

Police Chief Fox presented an overview of the proposed program to extend maximum speed limits into the Willow Wood (Shavano Park) Homeowners Association and establishing speed regulations enforcement.

Alderman Miller made a motion to approve Ordinance O-2023-002 extending maximum speed limits into Willow Wood (Shavano Park) Homeowners Association and establishing speed regulations enforcement (first reading).

Alderman Powers seconded the motion.

The motion to approve to approve Ordinance O-2023-002 extending maximum speed limits into Willow Wood (Shavano Park) Homeowners Association and establishing speed regulations enforcement (first reading) carried with a unanimous vote

Mayor Werner, with the consent of City Council, deviated to agenda item 6.1 at this time.

6.3. Discussion / action - Consideration for Hiring incentives - Chief Dover / City Manager

Fire Chief Dover presented an overview of the proposed Fire Department hiring incentives.

Alderman Miller made a motion to approve the authorization of the City Manager to extend hiring incentives (to be determined at the time) to qualified firefighter/paramedic applicants.

Mayor Pro Tem Kautz seconded the motion.

The motion carried with a unanimous vote.

At this time, Mayor Werner, with the consent of City Council, deviated to agenda item 6.5.

6.4. Discussion / action - Ordinance O-2023-003 of the City of Shavano Park, Texas regulating junked vehicles within the City; providing for penalties; providing for a cumulative and conflicts clause; providing for a severability clause and providing for an effective date (first reading) - City Manager

Mayor Pro Tem Kautz made a motion to adjourn into executive session for consultation with attorney as authorized by Texas Government Code Section 551.071

Alderman Aleman seconded the motion.

The open meeting adjourned at 7:50 p.m.

The open meeting reconvened at 8:55 p.m.

Alderman Kuykendall made a motion to approve Ordinance O-2023-003 regulating junked vehicles within the City of Shavano Park; providing for penalties; providing for a cumulative and conflicts clause; providing for a severability clause and providing for an effective date (first reading).

Alderman Aleman seconded the motion.

The motion carried with a unanimous vote.

6.5. Discussion / Action - Resolution R-2023-004 cancelling the City of Shavano Park General Election scheduled to be held on May 6, 2023 and declaring the unopposed candidates elected - City Secretary

Alderman Powers made a motion to approve R-2023-004 cancelling the City of Shavano Park General Election scheduled to be held on May 6, 2023 and declaring the unopposed candidates elected.

Mayor Pro Tem Kautz seconded the motion.

The motion to approve R-2023-004 cancelling the City of Shavano Park General Election scheduled to be held on May 6, 2023 and declaring the unopposed candidates elected carried with a unanimous vote.

6.6. Discussion / action - Real Property - Possible Executive Session pursuant to Texas Government Code §551.072, Deliberation regarding Real Property - City Council / City Attorney

Mayor Werner, with the consent of City Council, withdrew agenda item 6.6 at this time.

At this time Mayor Werner, with the consent of City Council, deviated to agenda item 7.1-7.6 and 8.1-8.6.

7. CITY MANAGER'S REPORT

All matters listed under this item are considered routine by the City Council and will only be considered at the request of one or more Aldermen. Coincident with each listed item, discussion will generally occur.

7.1. Building Permit Activity Report

7.2. Fire Department Activity Report

7.3. Municipal Court Activity Report

7.4. Police Department Activity Report

7.5. Public Works Activity Report

7.6. Finance Report

8. CONSENT AGENDA

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.

8.1. Approval - Regular City Council Minutes, January 23, 2023

8.2. Approval - Special City Council Minutes, January 30, 2023

8.3. Accept - Planning and Zoning Commission Minutes, January 11, 2023

8.4. Accept - Ordinance O-2023-001 accepting the amended City of Shavano Park Budget Amendment and Purchasing Policy adopting rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time

8.5. Accept - Investment Reports, ending December 31, 2023

8.6. Approval - Resolution R-2023-003 amending the City of Shavano Park Investment Policy and approving the Investment Strategy

Mayor Pro Tem Kautz made a motion to approve & accept Consent Agenda Items 8.1 – 8.6 as presented.

Alderman Kuykendall seconded the motion.

The motion to approve Consent Agenda Items 8.1 – 8.6 carried with a unanimous vote.

At this time, Mayor Werner, with the consent of City Council, deviated to agenda item 6.4.

9. ADJOURNMENT

Mayor Pro Tem made a motion to adjourn the meeting.

Alderman Powers seconded the motion.

The motion to adjourn the meeting carried with a unanimous vote.

The meeting ended at 8:58 p.m.

Robert Werner Mayor

Trish Nichols
City Secretary

1. Call to order

Chairman Laws called the meeting to order at 6:30 p.m.

PRESENT:

Carla Laws
Donna Beladi
Lori Fanning
Shawn Fitzpatrick
Vickey Maisel
Bill Simmons
Song Tan
Cindy Teske

ABSENT:

William Stipek

2. Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.

Upon a motion made by Commissioner, Fanning and a second made by Commissioner, Teske, the Planning & Zoning Commission voted six (6) for and one (1) opposed, (Commissioner Maisel), to approve the agenda as it was provided to the Planning & Zoning Commission. The motion carried.

3. Citizens to be Heard.

No one in the public signed up to speak at the Citizens to be Heard.

4. Consent Agenda:

A. Approval - Planning & Zoning Commission minutes, January 11, 2023

Upon a motion made by Commissioner Tan and a second made by Commissioner Fanning the Planning & Zoning Commission voted seven (7) for and none (0) opposed, to approve the Planning & Zoning Commission minutes of January 11, 2023 as presented. The motion carried.

5. Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding the City’s Municipal Talent Management and Retention focus area of the Town Plan.

The Public Hearing opened at 6:33 p.m.

City Manager, Hill presented comments from members of the public regarding the City’s Municipal Talent Management and Retention focus area of the Town Plan.

The Public Hearing closed at 6:42 p.m.

6. Discussion - Second review of the Municipal Talent Management and Retention focus area of the 2023 Town Plan – City Manager, Hill / Assistant City Manager, Leeth

6.a. Review and discussion – Municipal Talent Management and Retention public survey results

6.b. Review and discussion – Municipal Talent Management and Retention draft write-up

City Manager Hill presented the second review of the Municipal Talent Management and Retention zoning focus area of the 2023 Town Plan.

The Commission reviewed and discussed the second review of the Municipal Talent Management and Retention zoning focus area of the 2023 Town Plan. The Commission gave guidance to staff; no action was taken.

7. Discussion – First review of the Public Infrastructure focus area of the 2023 Town Plan - City Manager Hill / Assistant City Manager, Leeth

7.a. Presentation – Overview of current City infrastructure projects, and future infrastructure maintenance needs

7.b. Review and discussion – Public Infrastructure draft write-up

7.c. Review and discussion – Public Infrastructure draft survey

City Manager Hill and Public Works Director, Brandon Peterson presented the first review of the draft write-ups and draft survey on the Public Infrastructure focus area of the 2023 Town Plan.

The Commission reviewed and discussed the first review of the draft write-ups and draft survey on the Public Infrastructure focus area of the 2023 Town Plan. The Commission gave guidance to staff; no action was taken. The Commission reached a consensus that the Public Infrastructure focus area would be brought back to the Planning & Zoning Commission at the March 1st, 2023 meeting as 2nd initial review

8. Discussion – Third and final review of the Property Maintenance Standards and Zoning focus area of the 2023 Town Plan - City Manager / Assistant City Manager

City Manager Hill presented the third and final review of the Property Maintenance Standards and focus area of the 2023 Town Plan.

The Commission reviewed and discussed the third and final review of the Property Maintenance Standards and Zoning focus area of the 2023 Town Plan. The Commission gave guidance to staff; no action was taken.

9. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager

City Manager Hill provided an overview of items considered at the previous City Council meeting.

10. Chairman Announcements:

- a. Advise members to contact City staff to add new or old agenda items.
- b. Advise members of pending agenda items:
 - i. March: *Municipal Talent Management and Retention* Final Review
 - ii. March: *Public Infrastructure* Public Hearing and Second Review
 - iii. March: Introduction of *Long-term City Finances*
 - iv. Ordinance to fix the mistaken 2017 B-2 PUD re-zoning of Lots 1701 & 1702 in Block 21, CB 4782E (Lynd Building / Pond Hill Restaurant) by formally re-zoning the lots back to MXD

11. Adjournment

Upon a motion made by Commissioner, Simmons, and a second made by Commissioner, Fanning, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to adjourn the meeting at 8:53 p.m. The motion carried.

Carla Laws,
Chairman

Trish Nichols,
City Secretary

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 8.3

Prepared by: Bill Hill

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion/Action - Ordinance O-2023-001 codifying amendments to the City of Shavano Park Budget Amendment and Purchasing Policy adopting rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time - City Manager / Finance Director

X

Attachments for Reference:

- 1) Amended Draft Purchasing Policy
- 2) Ordinance O-2023-001

BACKGROUND / HISTORY: State law provides that cities may receive bids or proposals through electronic transmission, provided the city council adopts rules to ensure the identification, security and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

DISCUSSION: The City adopted rules for budget adjustments and purchasing policy in 2007 and have revised from time to time with the last revision in 2018. The Budget Adjustments and Purchasing policy is the appropriate means to authorize the City to receive electronic bids or proposals.

On January 30th, City Council approved Resolution R-2023-002 authorizing the City Manager to amend the Budget Amendment and Purchasing policy to adopt rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

On February, 2nd 2023, the City Manager after coordination with the City Attorney approved amendments to the Budget Adjustments and Purchasing policy.

This Ordinance proposes that the City Council codify amendment made by the City Manager to the Budget Adjustments and Purchasing Policy Manual of the City of Shavano Park to allow the City to receive bids or proposals through electronic transmission to ensure the identification, security and confidentiality of electronic bids or proposals and ensures that the electronic bids or proposals remain effectively unopened until the proper time, in conformance with Local Government Code 252.0415.

COURSES OF ACTION: Approve the Ordinance as presented; approve with amendments; or disapprove with further guidance to staff

FINANCIAL IMPACT: N/A

MOTION REQUESTED: To approve Ordinance O-2023-001 codifying amendments to the City of Shavano Park Budget Amendment and Purchasing Policy adopting rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time

Sec. 2-180. - Budget adjustments and purchasing policy.

- (a) **Budget Administration:** Department directors will be responsible for the administration of their departmental budget. This includes the goals and objectives adopted as part of the budget and monitoring the department budget for compliance with spending limitations. The point of budget control is at the department level budget for all funds. Department Directors shall manage budgets to ensure that appropriations are not exceeded. Budgets are approved by the City Council within a departmental or program budget category (personnel, supplies, maintenance, capital, etc.). No recognized or significant salary or capital budgetary savings in any Department shall be spent by the Department Head without authorization.
- (b) **Budget Adjustments:** This policy provides a method to amend appropriations. City Management has the authority to transfer balances within departments and programs. A Department Director may request a budget adjustment between line items, or categories of items through the Finance Director and City Manager. The City Council must authorize all budget adjustments over \$10,000. In addition, the City Council may authorize:
- **Supplemental Appropriations.** If the City Manager certifies that revenues are available in excess of those estimated in the budget, an amendment ordinance may be prepared for City Council approval. In general, the supplemental appropriations will be evaluated using the following criteria:
 - Why was the item not budgeted in the normal budget process?
 - Why can't an adjustment be done within the Department to remedy the condition?
 - **Emergency Appropriations.** To meet public emergency affecting life, health, property or the public peace.
 - **Reduction of Appropriations.** If at any time during the fiscal year it appears probable that expected revenues will be insufficient to finance expenditures for which appropriations have been authorized, the City Council may adopt an ordinance to reduce appropriations.

All budget adjustments require approval as outlined in Table One below. All budget adjustments will be included in the Finance Director's monthly financial report to City Council.

Table One
**Budget
Adjustments**

Category	Amount	Dept. Head	Finance Director	City Manager	City Council
Within Budget Category	<\$5,000	X	X		
	\$5,000—\$10,000		X	X	

Between Budget Categories and within Dept.	\$1,000—\$5,000		X		
	\$5,000-\$10,000			X	
	Over \$10,000				X (Ord.)
Between Depts.	ALL			X	X (Ord.)
**Supplemental Appropriations	ALL				X (Ord.)
Emergency Appropriations	ALL			X	X (Ord.)

**City Staff Must Identify Revenue to Cover the Increase in Appropriations.

- (c) **Purchasing Administration:** This policy shall be used as a guide and aid in securing professional services, materials and supplies needed to operate each department. City employees shall solicit professional services, materials and supplies through a process that involves competition either formal or informal. The process shall be conducted in such a manner that is fair to bidders and provides the City with the best qualified bid and the best product. Each city employee authorized to purchase supplies, equipment or services must be familiar with the City's purchasing procedures and shall adhere to them in order to obtain the best results. With adequate planning and teamwork by all departments, much can be accomplished toward furthering the services provided to our community.
- (1) All City purchases of goods or services will be made in accordance with State law. Current State law states that any purchase of goods or materials over \$50,000 requires a formal bid. Multiple quotes (a minimum of three) are required for all purchases of over \$1,000. Contracts greater than \$50,000 must be approved by the City Council. The following is the purchasing dollar limits:
- Purchases under \$1,000 shall be made by using the City's purchase order system via check requests.
 - All purchases between \$1,000 and \$9,999 require a tabulation sheet with at least three competitive bid quotations. Bid quotations may be informal - verbal or email.
 - All purchases between \$10,000 and \$49,999 require at least three formal (i.e., written), competitive bid quotations.
 - For purchases of \$50,000 or more, a formal bid process is required. This includes development of specifications, publication of the bid notice through the City's website or other media as deemed appropriate.
 - Services and capital items under \$250,000 will follow the above guidelines and may be authorized by the City Manager if previously budgeted and approved by City Council.

- f. All items over \$250,000 require City Council approval by ordinance, which may be by budget amendment.

(2) The following chart illustrates the purchasing authority allowed under City policy:

Table Two
Purchasing Authority

Amount	Supervisor	Director	Finance Director	City Manager	City Council
Less than \$1,000	X	X			
\$1,000—\$5,000		X	X		
\$5,000—\$24,999				X	
\$25,000—\$49,999				X	X
\$50,000 - \$249,999 Formal Bid				X	X (Ord.) or Budget
\$250,000 + Formal Bid					X (Ord.)

All purchases over \$25,000 will be included in the Finance Director's monthly financial report to the City Council.

Note – purchases contracted through BuyBoard or HGAC will not follow the previously defined bidding as those agencies have subjected their approved vendors to a competitive bidding process.

(3) Procedures for Electronic Bids or Proposals. All electronic bids or proposals must comply with Texas Local Government Code Sec. 252.0415 to ensure the identification, security and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

- On-line bidding programs shall meet the requirements for receiving electronic bids as set forth by Texas Local Government Code Sec 252.0415, and (if applicable), Texas Water Code 49.273, 49.2731.
- Bidding programs shall store submitted bids that are protected in a virtual lockbox. Bids will remain inaccessible to the City Engineer until the date and time for receipt of bids has passed.
- After the bid submission deadline has passed, bidding programs shall allow access to bids to be enabled which allows the City Engineer / City staff to officially open the received bids. The precise date and time of this button click shall be recorded.
- Electronic programs shall render submitted bids permanent once the bid date-time has passed. This ensures that bids remain unaltered.
- Electronic programs shall ensure the virtual lockbox cannot be resealed

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once the bids have been opened.

- f. When bids are opened, electronic bidding programs should ensure each bidder is alerted by email that his/her bid has been opened.

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ORDINANCE NO. O-2023-001

AN ORDINANCE AMENDING THE CITY OF SHAVANO PARK BUDGET ADJUSTMENTS AND PURCHASING POLICY; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Shavano Park believes in the importance of transparent and democratic control over City financials; and

WHEREAS, the City of Shavano Park Code of Ordinances Section 2-180 regulates the budget adjustment and purchasing policy of the City; and

WHEREAS, the City Council of the City of Shavano Park believes Section 2-180 requires periodic review to ensure efficient oversight over City financials; and

WHEREAS, the City Council of the City of Shavano Park believes the budget adjustment and purchasing policy amendments are in the best interests of the City and authorized the City Manager to amend the policy; and

WHEREAS, the City Council of the City of Shavano Park want to ensure the purchasing policy ensures that the identification, security and confidentiality of electronic bids or proposals and ensures that the electronic bids or proposals remain effectively unopened until the proper time, in conformance with Local Government Code 252.0415; and

WHEREAS, the City Council of the City of Shavano Park wants to codify these amendments into the City of Shavano Park Code of Ordinances.

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

I

CODE AMENDMENT

Chapter 2, Article VI., Section 2-180 of the City of Shavano Park Code of Ordinances is hereby amended to read as follows:

Sec. 2-180. - Budget adjustments and purchasing policy.

- (a) *Budget Administration*: Department directors are responsible for the administration of their departmental budget. This includes the goals and objectives adopted as part of the budget and monitoring the department budget for compliance with spending limitations. The point of budget control is at the department level for all funds. Department Directors shall manage budgets to ensure that appropriations are not exceeded. Budgets are approved by the City Council within a departmental or program budget category (personnel, supplies,

maintenance, capital, etc.). No recognized or significant salary or capital budgetary savings in any Department shall be spent by the Department Head without authorization.

(b) *Budget Adjustments*: This policy provides a method to amend appropriations. City Management has the authority to transfer balances within departments and programs. A Department Director may request a budget adjustment between line items, or categories of items through the Finance Director and City Manager. The City Council must authorize all budget adjustments over \$10,000. In addition, the City Council may authorize:

- *Supplemental Appropriations*. If the City Manager certifies that revenues are available in excess of those estimated in the budget, an amendment ordinance may be prepared for City Council approval. In general, the supplemental appropriations will be evaluated using the following criteria:

- Why was the item not budgeted in the normal budget process?
- Why can't an adjustment be done within the Department to remedy the condition?
- *Emergency Appropriations*. To meet public emergency affecting life, health, property or the public peace.
- *Reduction of Appropriations*. If at any time during the fiscal year it appears probable that expected revenues will be insufficient to finance expenditures for which appropriations have been authorized, the City Council may adopt an ordinance to reduce appropriations.

All budget adjustments require approval as outlined in Table One below. All budget adjustments will be included in the Finance Director's monthly financial report to City Council.

Table One
Budget Adjustments

Category	Amount	Dept. Head	Finance Director	City Manager	City Council
Within Budget Category	<\$5,000	X	X		
	\$5,000—\$10,000		X	X	
Between Budget Categories and within Dept.	\$1,000—\$5,000		X		
	\$5,000-\$10,000			X	

	Over \$10,000				X (Ord.)
Between Depts.	ALL			X	X (Ord.)
**Supplemental Appropriations	ALL				X (Ord.)
Emergency Appropriations	ALL			X	X (Ord.)

**City Staff Must Identify Revenue to Cover the Increase in Appropriations.

(c) *Purchasing Administration*: This policy shall be used as a guide and aid in securing professional services, materials and supplies needed to operate each department. City employees shall solicit professional services, materials and supplies through a process that involves competition, either formal or informal. The process shall be conducted in such a manner that is fair to bidders and provides the City with the best qualified bid and the best product. Each city employee authorized to purchase supplies, equipment or services must be familiar with the City's purchasing procedures and shall adhere to them in order to obtain the best results. With adequate planning and teamwork by all departments, much can be accomplished toward furthering the services provided to our community.

(1) All City purchases of goods or services will be made in accordance with State law. Current State law indicates that any purchase of goods or materials over \$50,000 requires a formal bid. Multiple quotes (a minimum of three) are required for all purchases of over \$1,000. Contracts greater than \$50,000 must be approved by the City Council. The following is the purchasing dollar limits:

- a. Purchases under \$1,000 shall be made by using the City's purchase order system via check requests.
- b. All purchases between \$1,000 and \$9,999 require a tabulation sheet with at least three competitive bid quotations. Bid quotations may be informal - verbal or email.
- c. All purchases between \$10,000 and \$49,999 require at least three formal (ie written), competitive bid quotations.
- d. For purchases of \$50,000 or more, a formal bid process is required. This includes development of specifications, publication of the bid notice through the City's website or other media as deemed appropriate.
- e. Services and capital items under \$250,000 will follow the above guidelines and

may be authorized by the City Manager if previously budgeted and approved by City Council and purchased through an approved Buy Board.

- f. All items over \$250,000 require City Council approval by ordinance, which may be by budget amendment.

(2) The following chart illustrates the purchasing authority allowed under City policy:

Table Two
Purchasing Authority

Amount	Supervisor	Director	Finance Director	City Manager	City Council
Less than \$1,000	X	X			
\$1,000—\$5,000		X	X		
\$5,000—\$24,999				X	
\$25,000—\$49,999				X	X
\$50,000 - \$249,999 Formal Bid				X	X (Ord.) or
\$250,000 + Formal Bid					X (Ord.)

All purchases over \$25,000 will be included in the Finance Director's monthly financial report to the City Council.

Note – purchases contracted through BuyBoard or HGAC will not follow the previously defined bidding as those agencies have subjected their approved vendors to a competitive bidding process.

(3) Procedures for Electronic Bids or Proposals. All electronic bids or proposals must comply with Texas Local Government Code Sec. 252.0415 to ensure the identification, security and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

- a. On-line bidding programs shall meet the requirements for receiving electronic bids as set forth by Texas Local Government Code Sec 252.0415, and (if applicable), Texas Water Code 49.273, 49.2731.

- b. Bidding programs shall store submitted bids that are protected in a virtual lockbox. Bids will remain inaccessible to the City Engineer until the date and time for receipt of bids has passed.
- c. After the bid submission deadline has passed, bidding programs shall allow access to bids to be enabled which allows the City Engineer / City staff to officially open the received bids. The precise date and time of this button click shall be recorded.
- d. Electronic programs shall render submitted bids permanent once the bid date-time has passed. This ensures that bids remain unaltered.
- e. Electronic programs shall ensure the virtual lockbox cannot be resealed once the bids have been opened.
- f. When bids are opened, electronic bidding programs should ensure each bidder is alerted by email that his/her bid has been opened.

II CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

III SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

IV PROPER NOTICE AND MEETING

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

V

EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

PASSED AND APPROVED on the first reading as an administrative ordinance by the City Council of the City of Shavano Park this the 27th day of February, 2023.

ROBERT WERNER
Mayor

Attest:

TRISH NICHOLS
City Secretary

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 8.4

Prepared by: Curtis Leeth / Chief Fox

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Approval - Ordinance O-2023-002 extending maximum speed limits into Willow Wood (Shavano Park) Homeowners Association and establishing speed regulations enforcement (second reading)

X

Attachments for Reference:

- 1) 8.4a Willow Wood HOA Petition
- 2) 8.4b Ord O-2023-002 Speed Enforcement

BACKGROUND / HISTORY: **UPDATES** On February 13, 2023, Mayor Werner received a petition letter from Willow Wood HOA for the for the Shavano Police Department to enforce the existing 25 MPH speed limit inside the subdivision (see attachment 6.2a). Willow Wood petition was approved by the HOA Board at their November 17, 2022 meeting.

During HOA meetings in 2022, Willow Wood HOA expressed safety concerns with motorists within the subdivision, and consulted with the police department. The police department does not believe there to be any additional burden on resources by approving this ordinance.

In 2009 the Bentley Manor HOA petitioned the City for speed enforcement of their 25 miles per hour streets, and Ordinance No. 100-09-09 was approved.

At February 27, 2023 meeting the City Council approved Ordinance O-2023-002 (first reading).

DISCUSSION: Texas Transportation Code Sec. 542.008. allows municipalities over 300 population to enforce traffic regulations on private subdivision streets upon request of the governing body of a private subdivision:

Sec. 542.008. TRAFFIC REGULATIONS: PRIVATE SUBDIVISIONS IN CERTAIN MUNICIPALITIES.

(a) This section applies only to a subdivision in which the roads are privately owned or maintained that is located in a municipality with a population of 300 or more.

(b) On petition of 25 percent of the property owners residing in the subdivision or **on the request of the governing body of the entity that maintains the roads, the governing body of the**

municipality may extend by ordinance any traffic rules that apply to a road owned by the municipality, or by the county in which the municipality is located, to the roads in the subdivision so that the roads of the subdivision are under the same traffic rules, if the governing body of the municipality finds the ordinance in the interest of the municipality generally. A petition under this subsection must specify the traffic rules that are sought to be extended. The ordinance may extend any or all of the requested rules.

In addition, Texas Transportation Code Sec. 545.356 allows municipalities to lower speed limits below the 30 miles per hour State Law (and City Ordinance Sec. 32-54) if the existing speed limit is “unreasonable or unsafe.” Attached Ordinance (6.2b) accomplishes the requirements of State Law as described above and below.

Sec. 545.356. AUTHORITY OF MUNICIPALITY TO ALTER SPEED LIMITS.

(a) . . .

(b) . . .

(b-1) Except as provided by Subsection (b-3), the governing body of a municipality, for a highway or a part of a highway in the municipality that is not an officially designated or marked highway or road of the state highway system, may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

(b-2) Subsection (b-1) applies only to a two-lane, undivided highway or part of a highway.

(b-3) . . .

COURSES OF ACTION: Approve Ordinance O-2023-002; or alternatively decline and provide staff with further guidance.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Approve Ordinance O-2023-002 extending maximum speed limits into Willow Wood (Shavano Park) Homeowners Association and establishing speed regulations enforcement (second reading).

Willow Wood Homeowner Association

Shavano Park, Texas

February 13, 2023

The Honorable Robert Werner
Mayor of the City of Shavano Park
Shavano Park, Texas 78231

Re: Willow Wood Homeowners Association (HOA) Petition
Request for Speed Enforcement within Willow Wood Subdivision

Dear Mayor Werner:

I am writing to respectfully request that the Council of the City of Shavano Park's consider a petition from the Willow Wood HOA for the Shavano Police Department to enforce the 25 MPH speed limit inside the subdivision.

This petition was approved by the Willow Wood HOA Board at our November 17, 2022 meeting. As you are aware, streets within Willow Wood HOA are private streets. Our coordination with the Shavano Park Police Department indicates that only by a formal petition and ordinance approval by the City Council may the Police Department have legal authority under State Law to enforce the speed limits within our subdivision. Approval of such an ordinance will greatly improve our efforts to protect the families and children of the Willow Wood subdivision from drivers who disregard the speed limits of our streets. Your assistance in this matter will be greatly appreciated.

Should you have any questions or concerns regarding this request, please do not hesitate to contact me via call or text at 210-776-6522 or crismcfarland@yahoo.com.

Thank you in advance for your consideration.

Respectfully submitted,

Cristina McFarland

Cristina McFarland, President
Willow Wood Homeowners Association
City of Shavano Park

ORDINANCE NO. O-2023-002

AN ORDINANCE OF THE CITY OF SHAVANO PARK, TEXAS, EXTENDING MAXIMUM SPEED LIMITS INTO THE WILLOW WOOD (SHAVANO PARK) HOMEOWNERS ASSOCIATION; ESTABLISHING SPEED REGULATIONS; ENFORCEMENT; ADMINISTRATION; PENALTIES AND FINES; PROVIDING A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Texas Transportation Code § 542.008 provides that municipalities with a population of 300 or more may enforce specifically identified traffic regulations on private streets upon request of the governing body of the entity that maintains the roads; and

WHEREAS, The City of Shavano Park has a population of more than 300; and

WHEREAS, The City Council of the City of Shavano Park has received a request from the governing body of the Willow Wood (Shavano Park) Homeowners Association specifically requesting for the enforcement of speeds limits inside the subdivision; and

WHEREAS, The City Council of the City of Shavano Park recognizes the City's responsibility and authority to enforce safe, reasonable and prudent speed limits for motor vehicles within its jurisdictional limits; and

WHEREAS, Section 32-54 of the City of Shavano Park Code of Ordinances and Texas Transportation Code § 545.352 establishes the maximum prima facie speed limit of 30 miles per hour for all non-major residential streets, roads and thoroughfares within the corporate limits of the City; and

WHEREAS, Texas Transportation Code § 545.356 provides, among other things, that the governing body of a municipality may, for certain roads declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit is unreasonable or unsafe; and

WHEREAS, The City Council for the City of Shavano Park hereby finds and determines that the prima facie speed limit of 30 mph would be unreasonable and unsafe if imposed on the roads within Shavano Park Units 18-Phase 1, 18B-Phase II and Unit 18B-Phase III (Willow Wood); and

WHEREAS, the City Council has determined that this ordinance is in the best interest of the general welfare of the City of Shavano Park by furthering the public health;

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

I

EXTENSION OF MAXIMUM SPEED LIMITS AND OTHER TRAFFIC REGULATIONS; LIMITED PURPOSE PUBLIC STREET

The City Council of the City of Shavano Park hereby orders that a maximum speed limit of 25 miles per hour hereby be extended to all streets, roads and thoroughfares within Shavano Park Units 18-Phase 1, 18B-Phase II and Unit 18B-Phase III (Willow Wood) as authorized by Sec. 542.008 of the Texas Transportation Code and that all said streets are hereby considered to be public streets for the sole purpose of enforcing said speed limit.

II

SPEED REGULATION

- (a) Compliance Required.** It is unlawful to violate any provision of this ordinance.
- (b) Speed Limits.** The maximum speed an operator of a motor vehicle may drive on private roads within Shavano Park Units 18-Phase 1, 18B-Phase II and Unit 18B-Phase III (Willow Wood) within the territorial limits of the City of Shavano Park is a speed of twenty-five (25) miles per hour.
- (c) Signs.** The City is hereby authorized to place any street sign necessary to effectuate this ordinance upon consent of the Willow Wood (Shavano Park) Homeowners Association.

III

ENFORCEMENT

Any police officer of the City of Shavano Park or any law enforcement agency authorized to enforce an ordinance of the City of Shavano Park may enforce this Ordinance. For purposes of this Ordinance "police officer" or "any officer of any law enforcement agency authorized to enforce an ordinance of the City of Shavano Park" means an officer authorized to direct traffic or arrest persons who violate traffic regulations. "Law enforcement agency" means any law enforcement agency authorized to enforce any laws within the territorial limits of the City of Shavano Park, Texas.

IV ADMINISTRATION

Any violation of this Ordinance shall be prosecuted pursuant to the Texas Code of Criminal Procedure in the Municipal Court of Record No. 1 in the City of Shavano Park, or any other court of competent jurisdiction.

V PENALTIES AND FINES

A person commits an offense pursuant to this Ordinance if that person commits, causes, permits, allows or maintains a violation of this Ordinance. A violation of any provision of this ordinance is a misdemeanor under the Texas Code of Criminal Procedure. Administration of all penalties and fines shall follow the Texas Code of Criminal Procedure or other State Laws, as applicable.

VI CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of the City of Shavano Park, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

VII SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Shavano Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

VIII PROPER NOTICE AND MEETING

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

IX
EFFECTIVE DATE

This ordinance shall be and become effective immediately upon its passage, publication, and after the City erects signs giving notice of the new speed limit and at all times thereafter.

PASSED AND APPROVED on the first reading by the City Council of the City of Shavano Park this the 27th day of February, 2023.

PASSED AND APPROVED on the second reading by the City Council of the City of Shavano Park this the 27th day of March, 2023.

ROBERT WERNER, MAYOR

Attest:

TRISH NICHOLS, CITY SECRETARY

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 8.5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Approval - Ordinance O-2023-005 amending the City of Shavano Park's flood damage prevention ordinance to enforce the flood insurance rate maps of July 19, 2023 (administrative) - City Manager / Public Works Director

X

Attachments for Reference:

- 1) 8.5a Ordinance O-2023-005
- 2) 8.5b Track Changes document

BACKGROUND / HISTORY: On February 12, 2023 the City was informed by FEMA Region 6 that Bexar County and the communities within will receive new Flood Insurance Rate Maps on July 19, 2023 and provided a template ordinance to adopt the new FEMA maps. For the City to continue to participate in the National Flood Insurance Program (and be eligible for FEMA disaster reimbursement funding as well as Texas Water Development Board grant funding) it must under Federal law adopt the new July 2023 flood maps for enforcement.

DISCUSSION: The City's currently adopted Flood Damage Prevention Ordinance is codified under Chapter 18 of the City's Code of Ordinances. The proposed Ordinance (attachment 8.5a) amends this chapter to enforce the July 2023 FEMA maps along with other updates to bring City ordinance into better congruence with FEMA template ordinance.

Track changes are available in attachment 8.5b. This Ordinance is composed of small edits that are administrative matter in nature to ensure City Ordinance is compliant with federal and state law.

COURSES OF ACTION: Approve Ordinance O-2023-005; or approve with amendments; or, disapprove the proposed Ordinance and provide further guidance to City Staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: To approve Ordinance O-2023-005 amending the City of Shavano Park's flood damage prevention ordinance to enforce the flood insurance rate maps of July 19, 2023 (administrative).

ORDINANCE NO. O-2023-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AMENDING THE CITY OF SHAVANO PARK'S FLOOD DAMAGE PREVENTION ORDINANCE TO ENFORCE THE FLOOD INSURANCE RATE MAPS OF JULY 19, 2023; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses; and

WHEREAS, the Federal Emergency Management Agency will issue their report "The Flood Insurance Study for Bexar County, Texas and Incorporated Areas," dated July 19, 2023, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps dated July 19, 2023; and

WHEREAS, the flood hazard areas of the City Shavano Park are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare; and

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

WHEREAS, the City Council desires to minimize public and private losses due to flood conditions in specific areas; and

WHEREAS, the City Council desires to amend the City's regulations relating to flood damage prevention within the City's corporate limits to better protect the health, safety, and general welfare of the residents of the City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, THAT:

I

CODE AMENDMENT

Chapter 18 - FLOOD DAMAGE PREVENTION of the City of Shavano Park Code of Ordinances is hereby amended read as follows:

ARTICLE I. IN GENERAL

Sec. 18-1. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. It is also the purpose of this chapter to qualify the City for flood insurance under requirements of the National Flood Insurance Program and Texas Water Code with provisions designed to:

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

Sec. 18-2. Methods of reducing flood losses.

In order to accomplish reduction of flood loss, this chapter uses the following methods:

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

- (4) Control filling, grading, dredging and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 18-3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

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

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

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one-percent chance of being equaled or exceeded in a given year.

Based flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent chance of equaling or exceeding that level in any given year—Also called the "base flood."

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

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

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

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

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

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

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

FEMA means the Federal Emergency Management Agency.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

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

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

Flood insurance study (FIS) is an official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation or the base flood, as well as the flood boundary map. Also see "Flood elevation study."

Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding). The one-percent annual chance floodplain is also known as the area of special flood hazard. Also see "Regulatory floodplain."

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

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

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

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a

community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway. See "Regulatory floodway."

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

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

Historic structure means any structure that is:

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

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

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

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

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

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

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

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

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

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

floodway is congruent with the regulatory one-percent annual chance floodplain in the City of Shavano Park.

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

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

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The term "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; the installation of streets and /or walkways; the excavation for basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. The start of construction period is valid for 180 days; provided, however, that in his sole discretion the City Manager may extend the start of construction period for one additional 180-day period. Any delay beyond this period would require resubmission of added data and the permit application.

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

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

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure. This term includes structures which have incurred

"substantial damage", regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

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

Variance means a grant of relief from the requirement of chapter 18.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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

Sec. 18-4. Lands to which this chapter applies.

This chapter shall apply to all duly designated FEMA areas of special flood hazard within the jurisdiction of the City of Shavano Park.

Sec. 18-5. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Bexar County, Texas," dated July 19, 2023, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated July 19, 2023 and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

Sec. 18-6. Establishment of development permit.

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

Sec. 18-7. Compliance.

No structure or land in an area of special flood hazard shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 18-8. Abrogation and greater restrictions.

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

Sec. 18-9. Interpretation

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 18-10. Warning and disclaimer of liability.

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

Secs. 18-11—18-38. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 18-39. Designation of the Floodplain Administrator.

The Public Works Director or his designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations), pertaining to floodplain management.

Sec. 18-40. Duties and responsibilities of the Floodplain Administrator.

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

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review and approve or deny all applications for development permits required by adoption of the ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Sec. 18-5 obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, State or other source, in order to administer the provisions of Article III of this chapter.
- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1—30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

Sec. 18-41. Permit application procedures.

- (a) Application for a floodplain development permit shall be presented to the Floodplain Administrator on forms furnished by him prior to any development, and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Application for a floodplain development permit for a proposed subdivision may be presented prior to or in conjunction with other data required for the platting process. For platting purposes, a floodplain development permit shall serve only as an approval of the floodplain ordinance requirements. No cut [and]/or fill, building, or other site alterations shall proceed until the permit is approved. Additionally, the following information shall accompany the permit application:
- (1) An elevation certificate for buildings on property located in or abutting the floodplain;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 18-74(2).
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with subsection 18-40(1).
 - (6) An existing structure may be improved (remodeled) without conforming to requirements of this article when the improvement does not constitute a substantial improvement. In the event that the work is considered a substantial improvement then the structure must be brought into compliance with this article.
 - (7) Certification of the fair market value of an existing structure prepared by a certified real estate appraiser (or Bexar County Appraisal District's assessment) and a cost estimate of proposed improvements to the structure prepared by a

registered contractor, architect, or registered professional engineer shall be submitted to verify whether or not the proposed improvements exceed 50 percent of the fair market value of the existing structure immediately prior to the base flood. In the case of a structure that has suffered damage, the date will verify the fair market value of the existing structure at the time of issuance of said first floodplain development permit.

- a. Once a property has been issued a floodplain development permit (FPDP) using the 50-percent rule stated above, any additional improvements thereafter will be tracked over a total of ten years. These improvements within the ten-year period can not exceed 50 percent of the fair market value of the existing structure at the time of issuance of said first floodplain development permit.
- b. The following items shall be considered maintenance in nature and shall not be considered in substantial improvement calculations when such items are not required as the result of a flood event:
 1. Air conditioning or heating system repairs not involving replacement or upgrade.
 2. Reroofing.
 3. Electrical rewiring or upgrade.
 4. General repairs to home (siding, window replacement, carpeting, sinks, tile, etc.)

(b) Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

- (1) The danger to life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The danger that materials may be swept onto other lands to the injury of others;
- (4) The compatibility of the proposed use with existing and anticipated development;
- (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable; and

- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (c) If a development permit application is disapproved, the Floodplain Administrator shall notify the applicant in writing of the section and specific requirement of this article with which the proposed development does not comply and the nature of such noncompliance.

Sec. 18-42. Variance procedures.

- (a) The City Council of the City of Shavano Park shall be the Appeal Board as described by this section. The Appeal Board shall hear and render judgment on requests for variances from the requirements of this ordinance. The Appeal Board, after a public hearing and examining the applicant's hardships, shall approve or disapprove a request for variance.
- (b) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (c) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- (d) The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
- (e) Guidelines for the granting of variances are as follows:
 - (1) Variances shall not be issued by within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
 - (2) Variances may be issued by for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (b)(3), (4), (5) and (6) of this section;
 - (3) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

(4) Variances shall only be issued by a upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon:

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;

(5) The City shall notify the applicant in writing over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the base flood elevation, and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation; and
- b. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions as required in paragraph (e)(6) of this section; and

(6) The City shall:

- a. Maintain a record of all variance actions, including justification for their issuance; and
- b. Report such variances issued in its annual or biennial report submitted to the Administrator of National Flood Insurance Program.

(7) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a. The criteria of paragraphs (e)(1) through (e)(4) of this section are met; and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(8) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Secs. 18-43—18-72. Reserved.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 18-73. General standards.

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

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

Sec. 18-74. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 18-5, 18-40(8) or 18-75(c), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in subsection 18-41(a)(1) is satisfied.

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

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

- a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(4) *Manufactured homes.*

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

- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately-anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or above the base flood elevation; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Sec. 18-41, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 18-75. Standards for subdivision proposals.

- (a) All subdivision proposals, including the placement of manufactured home parks, shall be consistent with sections 18-1 and 18-2.
- (b) All proposals for the development of subdivisions, including the placement of manufactured home parks, shall meet the development permit requirements of this chapter.
- (c) Base flood elevation data shall be provided for subdivision proposals, including the placement of manufactured home parks, and other proposed development if not

otherwise provided pursuant to section 18-5 or 18-40(8), and shall conform to the design requirements this chapter.

- (d) All subdivision proposals, including the placement of manufactured home parks, shall have adequate drainage provided to reduce the exposure to flood hazards, and in accordance with this chapter.
- (e) All subdivision proposals, including the placement of manufactured home parks, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage
- (f) All proposed subdivisions, including the placement of manufactured home parks, traversed by an area of special flood hazard where the "buildable" portion of the subdivision is severed by the floodplain shall be provided with adequate access. Adequate access shall be a structure that will pass the control flood (ultimate development 100-year) without overtopping the structure. Proposed subdivisions that involve the platting of streets shall have at least one access to an unflooded portion of existing dedicated street or roadway.
- (g) Proposed subdivisions that do not involve the platting of streets shall have the access to an existing dedicated street that is not subject to flood depths of over one foot.

Sec. 18-76. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 18-5 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures;
 - (a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (b) together with attendant utility and sanitary facilities

be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in section 18-41 are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Sec. 18-77. Floodways.

Located within areas of special flood hazard established in section 18-5 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fencing, fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice and certification by a registered professional engineer is provided demonstrating that the proposed encroachment would not result in any increase in flood levels within the community during occurrence of the base flood discharge. However, fencing within a regulated floodway is strictly prohibited.
- (2) If the provision of subsection (a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

Sec. 18-78. Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

Sec. 18-79. Penalties for noncompliance and enforcement.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(a) Notice of violation.

- (1) *Generally.* Whenever the Floodplain Administrator receives information of the existence of a floodplain violation, the Floodplain Administrator shall serve the owner of the property with a written notice informing the owner of such condition, directing that action be initiated to bring the property into compliance and advising the owner that he or she must respond in person to the Floodplain Administrator or authorized representative within 15 days of receipt of the notice.
- (2) *Service—Generally.* Such notice may be served by personal delivery to the owner if he can be located within the City limits, but if he cannot be so located or served after reasonable effort, notice may be served by certified letter addressed to such owner at his post office address, but if such address cannot be ascertained after reasonable effort, notice may be served by publication two times within ten consecutive days in a newspaper of general circulation published in the City. In the case of community property, service upon either the husband or the wife shall be deemed sufficient notice hereunder.
- (3) *Service—Corporation.* If the owner is a corporation, service may be made by delivery of same to any office or place of business of such corporation or any officer of the corporation if such office, place of business or officer can be located within the City limits; but if such office, place of business, or officer cannot be so located after reasonable effort, service may be made by certified letter addressed to its corporate headquarters post office address.

(b) Remediation.

- (1) *Generally.* The City may also cause the work necessary to bring any property into compliance herewith to be done, if the owner has failed to respond as set forth in subsection (a) above within 15 days from the date

notice has been received or published, and to charge the owner for the costs incurred by the City. A statement of the costs incurred by the City to abate such condition shall be mailed to the owner of such premises if the owner and mailing address are known and, if not known, may be published in a newspaper of general circulation in the City. The statement shall demand payment within 30 days from the date of receipt or publication.

(2) *Failure to pay.* If such statement has not been paid within such period, and if such work was further accomplished because the Health Officer certified that such work was required to abate an unwholesome or unsanitary condition described in Tex. Health and Safety Code Ch. 342, then the Floodplain Administrator may cause a statement of the expenses incurred to abate and correct such condition on the premises to be filed with the County Clerk of the county in the deed records, and such statement shall be and the City shall have a privileged lien upon the lot, parcel, or tract of land upon which such expenses were incurred, second only to tax liens and liens for street improvement, together with ten percent interest per annum on the delinquent amount from the date such payment was due. For any such expenditures and interest as aforesaid, suit may be instituted and foreclosure had in the name of the City; and the statement so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work.

(3) *Large trees.* Although large trees are not covered hereby, and are not felt to be a nuisance or a hazard, it may be necessary at times to remove trees or parts thereof in order for the City crews or City contractors to affect entry of mowing or clearing equipment to property or portions of property not meeting standards established in this subdivision. In such case, the removal of such trees or parts thereof as is found necessary shall be done and is hereby authorized and the cost of this work shall be included in the cost charged to the owner.

(c) *Options.*

(1) *Options available.* The following options are available to an owner of property in violation of the requirements of this section.

The owner may cause all work, improvements, and grading performed in violation of this section to be restored to the natural state. Proof of compliance must be provided in the form of a certification signed by a registered professional engineer or surveyor to the effect that the property in question has been restored as nearly as possible to its natural state. The owner may cease all or a portion of the work, improvements,

and grading performed in violation of this subdivision and seek approval of a floodplain development permit by the Floodplain Administrator. Data presented with the permit application must demonstrate the compliance of any remaining improvements with this subdivision.

(2) *Time for compliance.* Each of the above options shall require a series of steps to be completed by the property owner at time intervals approved by the Floodplain Administrator. During the initial meeting set forth in subsection (b)(1) above, these options shall be discussed. Thereafter, the owner shall have fifteen (15) days to decide which option to pursue and provide a schedule of steps with completion dates necessary to rectify the violation. Upon failure of the owner to comply with these requirements or to complete the steps according to the schedule approved by the Floodplain Administrator, the City may choose to pursue the remedies set forth in subsections (b) or (c).

(3) *Time periods.* Each violation shall be considered on an individual basis. The time period for each step shall be approved by the Floodplain Administrator on the basis of hardship to the owner and danger to residents and citizens. The maximum time period allowed under any circumstances to perform all work necessary to bring a violation into compliance with the requirements of this subdivision is six months.

(d) *Reporting violations, other remedies.* Violations of the Floodplain Ordinance shall be reported by the Floodplain Administrator as set out herein. Any person who fails to comply with these regulations is guilty of a misdemeanor. In addition to the other remedies provided by law, the City Council may institute appropriate action to abate violations of these regulations as a public nuisance.

II

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Shavano Park, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

III

SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared

unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

IV
EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

V
OPEN MEETINGS

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

PASSED AND APPROVED as administrative matters by the City Council of the City of Shavano Park this the 27th day of March, 2023.

CITY OF SHAVANO PARK, TEXAS

Robert B. Werner, Mayor

ATTEST:

Trish Nichols, City Secretary

Chapter 18 FLOOD DAMAGE PREVENTION¹

ARTICLE I. IN GENERAL

Sec. 18-1. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. It is also the purpose of this chapter to qualify the City for flood insurance under requirements of the National Flood Insurance ~~Act of 1969~~Program and Texas Water Code with provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas, and;
- (7) ~~Provide a database for potential buyers to determine if property falls in a flood area, as defined by FEMA~~Insure that potential buyers are notified that property is in a flood area.;
- ~~(8) Avoid increasing flood levels or flood hazards or creating new flood hazards areas;~~
- ~~(9) Minimize public and private property losses due to flooding; and~~
- ~~(10) Preserve the natural floodplains where at all possible.~~

¹State law reference(s)—Local governments must adopt ordinances necessary for jurisdiction to qualify for National Flood Insurance Program, Tex. Water Code § 16.3145; political subdivisions to comply with federal requirements, Tex. Water Code § 16.315.

Sec. 18-2. Methods of reducing flood losses.

In order to accomplish reduction of flood loss, this chapter uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. Control development which would cause greater erosion or potential flood damage such as grading, dredging, excavation, and filling; and
- ~~(6) Imposing a regulatory one-percent annual chance floodplain that requires using the ultimate development of the watershed to determine the one-percent annual chance water surface elevations. New developments must be constructed above this elevation.~~

Sec. 18-3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

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

~~Area of flood inundation refers to sites that are subject to flooding as a result of water ponding in the controlled storage areas of dams, detention and retention ponds.~~

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

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one-percent chance of being equaled or exceeded in a given year.

Based flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying ~~F~~lood ~~I~~nsurance ~~S~~tudy (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent chance of equaling or exceeding that level in any given year—Also called the "base flood."

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

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

~~CLOMR means a Conditional Letter of Map Revision. A CLOMR will be submitted for FEMA approval for all proposed physical changes to the floodplain that will result in a change to the floodplain boundary.~~

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

Development means any manmade change in improved and unimproved real estate including, but not limited to, buildings or other structures, mining, dredging,

filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

~~*Elevated building* means a non-basement building (i) built, in the case of a building in Zones AE, A, A99, AO, AH, X, and D, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AE, A, A99, AO, AH, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.~~

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

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

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

FEMA means the Federal Emergency Management Agency.

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

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

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

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

Flood insurance study (FIS) is an official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation or the base flood, as well as the flood boundary map. Also see "Flood elevation study."

Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding). The one-percent annual chance floodplain is also known as the area of special flood hazard. Also see "Regulatory floodplain."

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

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

~~*Floodprone area* means any land area susceptible to being inundated by water from any source (see definition of flooding).~~

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

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

Floodway. See "Regulatory floodway."

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

~~*Habitable structure* means a structure that has facilities to accommodate people for an overnight stay. These include, but are not limited to, residential homes, apartments,~~

~~condominiums, hotels, motels, and manufactured homes. Recreational vehicles are not included in this definition.~~

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

Historic structure means any structure that is:

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

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

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

~~*LOMR* means a letter of map revision. A LOMR will be submitted for FEMA approval for all changes to the floodplain boundary that are delineated on the current flood insurance rate maps.~~

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

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

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

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

~~*Natural state* means the topography that exists at the time information is gathered for flood insurance rate maps or any subsequent approved revisions to those maps.~~

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

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

~~*One-percent annual chance floodplain* (also known as a 100-year floodplain) is the land within a community subject to a one-percent or greater chance of flooding in any given year. These areas are typically designated as a Federal Emergency Management Agency (FEMA) Zone A, AE, AH, or AO on FEMA Flood Insurance Rate Maps (FIRM Panels).~~

Recreational vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~*Regulatory floodplain* is the land within the community subject to a one-percent or greater chance of flooding in any given year assuming all future development has occurred throughout the watershed. The regulatory floodplain is delineated on the currently effective FEMA flood insurance rate maps (FIRM panels). Note: As the City's floodplain ordinance (Code Section 18) is approved by FEMA as a condition of~~

~~participation in the National Flood Insurance Program (NFIP), the City's regulatory floodplain is considered FEMA's future base flood.~~

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The floodway is congruent with the regulatory one-percent annual chance floodplain in the City of Shavano Park.

~~*Repetitive loss* means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.~~

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

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

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The term "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filing; ~~or does it include the installation of streets and /or walkways; -the~~ excavation for basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. The start of construction period is valid for 180 days; provided, however, that in his sole discretion the City Manager may extend the start of construction period for one additional 180-day period. Any delay beyond this period would require resubmission of added data and the permit application.

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

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or

exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means repetitive loss.

Substantial improvement means any ~~repair~~, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure ~~before the damage occurred~~. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either:

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

Variance means a grant of relief from the requirement of chapter 18.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR Section 60.3 (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) ~~(Floodplain management criteria for flood-prone areas)~~ is presumed to be in violation until such time as that documentation is provided.

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

Sec. 18-4. Lands to which this chapter applies.

This chapter shall apply to all duly designated FEMA ~~flood zones~~ ("areas of special flood hazard") within the jurisdiction of the City of Shavano Park.

Sec. 18-5. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Shavano Park Bexar County, Texas," dated September 29, 2010 July 19, 2023, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) dated September 29, 2010 July 19, 2023 and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

Sec. 18-6. Establishment of development permit.

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

Sec. 18-7. Compliance.

No structure or land in an area of special flood hazard shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.~~, or otherwise be developed unless a floodplain development permit has been issued, pursuant to the terms of this chapter. Where construction of structures in a floodplain is allowed by the Floodplain Administrator, a floodplain development permit shall be required to ensure conformance with the provisions of this chapter. In addition, all land development in any area of special flood hazard shall be required to have a floodplain development permit. Proposed work must be started within six months of the date of approval of a floodplain development permit, otherwise the permit will become null and void. The floodplain development permit will be in effect for 12 months following the start of construction unless otherwise approved on the permit by the Floodplain Administrator.~~

Sec. 18-8. Abrogation and greater restrictions.

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

Sec. 18-9. ~~Reserved.~~ Interpretation

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 18-10. Warning and disclaimer of liability.

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

Secs. 18-11—18-38. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 18-39. Designation of the Floodplain Administrator.

The Public Works Director or his designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations), pertaining to floodplain management.

Sec. 18-40. Duties and responsibilities of the Floodplain Administrator.

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

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review and approve or deny all applications for development permits required by adoption of the ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those ~~f~~federal, ~~s~~State or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and ~~the~~-actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency, which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) ~~Ensure~~-Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When ~~the~~-base flood elevation data has not been provided in accordance with Ssec. tion 18-5 obtain, review and reasonably ~~y~~e utilize any base flood elevation

data and floodway data available from a federal, State or other source, in order to administer the provisions of [Article III of this chapter](#).

- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1—30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1—30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.

Sec. 18-41. Permit application procedures.

- (a) Application for a floodplain development permit shall be presented ~~too and must be approved by~~ the Floodplain Administrator on forms furnished by him prior to any development, and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Application for a floodplain development permit for a proposed subdivision may be presented prior to or in conjunction with other data required for the platting process. For platting purposes, a floodplain development permit shall serve only as an approval of the floodplain ordinance requirements. No cut [and]/or fill, building, or other site alterations shall proceed until the permit is approved. Additionally, the following information shall accompany the permit application:
 - (1) An elevation certificate for buildings on property located in or abutting the floodplain;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 18-74(2).

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- (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with subsection 18-40(1).
 - (6) An existing structure may be improved (remodeled) without conforming to requirements of this article when the improvement does not constitute a substantial improvement. In the event that the work is considered a substantial improvement then the structure must be brought into compliance with this article.
 - (7) Certification of the fair market value of an existing structure prepared by a certified real estate appraiser (or Bexar County Appraisal District's assessment) and a cost estimate of proposed improvements to the structure prepared by a registered contractor, architect, or registered professional engineer shall be submitted to verify whether or not the proposed improvements exceed 50 percent of the fair market value of the existing structure immediately prior to the base flood. In the case of a structure that has suffered damage, the date will verify the fair market value of the existing structure at the time of issuance of said first floodplain development permit.
 - a. Once a property has been issued a floodplain development permit (FPDP) using the 50-percent rule stated above, any additional improvements thereafter will be tracked over a total of ten years. These improvements within the ten-year period can not exceed 50 percent of the fair market value of the existing structure at the time of issuance of said first floodplain development permit.
 - b. The following items shall be considered maintenance in nature and shall not be considered in substantial improvement calculations when such items are not required as the result of a flood event:
 1. Air conditioning or heating system repairs not involving replacement or upgrade.
 2. Reroofing.
 3. Electrical rewiring or upgrade.
 4. General repairs to home (siding, window replacement, carpeting, sinks, tile, etc.)
 - (b) Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;

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- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the ~~floodwaters~~flood waters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable; and
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.¹⁷
 - ~~(10) The relationship of the proposed use to the comprehensive plan for that area.~~
- (c) If a development permit application is disapproved, the Floodplain Administrator shall notify the applicant in writing of the section and specific requirement of this article with which the proposed development does not comply and the nature of such noncompliance.

Sec. 18-42. Variance procedures.

- (a) (a) — The City Council of the City of Shavano Park shall be the Appeal Board as described by this section. The Appeal Board shall hear and render judgment on requests for variances from the requirements of this ordinance. The Appeal Board, after a public hearing and examining the applicant's hardships, shall approve or disapprove a request for variance.
- (b) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (c) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(d) The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

~~(a)~~

~~The City Council, after a public hearing and examining the applicant's hardships, shall approve or disapprove a request for variance.~~

(eb) Guidelines for the granting of variances are as follows:

- (1) Variances shall not be issued by within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
- (2) Variances may be issued by for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (b)(3), (4), (5) and (6) of this section;

(3) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

~~(43)~~ Variances shall only be issued by a upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. ~~Variances shall only be issued upon: community upon:~~

- a. A showing of good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;

~~(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;~~

(5) The City shall notify the applicant in writing over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the base flood ~~level will result in increased premium rates for elevation, and the cost of~~ flood insurance will be commensurate with the increased risk resulting

~~from the reduced lowest floor elevation up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and~~

- b. Such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions as required in paragraph (ea)(6) of this section; and

(6) The City shall:

- a. Maintain a record of all variance actions, including justification for their issuance; and
- b. Report such variances issued in its annual or biennial report submitted to the Administrator of National Flood Insurance Program.

(7) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- a. The criteria of paragraphs (eb)(1) through (eb)(4) of this section are met; and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(8) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Secs. 18-43—18-72. Reserved.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 18-73. General standards.

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

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

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- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - (3) All new construction or substantial improvements shall be constructed with materials ~~and utility equipment~~ resistant to flood damage.
 - (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of ~~floodwaters~~flood waters into the system;
 - (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood_waters into the system and discharge from the systems into flood_waters; and
 - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Waste disposal systems shall be located outside the regulatory floodplain.; ~~and~~
 - ~~(8) Filling or the disposal of any materials which will diminish the water flow capacity of any waterway or floodplain defined by this article must be compensated with remedial action. An equal amount of storage volume must be created in another location of the same special flood hazard area to compensate for the storage capacity lost.~~

Sec. 18-74. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 18-5, 18-40(8) or 18-75(c), the following provisions are required:

- (1) *Residential construction.* ~~Construction of habitable structures within the regulatory floodplain (base flood) is not allowed.~~ New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated one foot above the ~~regulatory floodplain~~base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in subsection 18-41(a)(1) is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have (a) the lowest floor (including basement) elevated to one foot above the base flood level or (b) have the lowest floor (including basement) together with the attendant utility and sanitary facilities, ~~to the passage of water have the lowest~~

~~floor (including basement) with attendant utility and sanitary facilities~~, be designed floodproofed so that below the base flood level plus one foot above the lowest floor the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with ~~the~~ accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevations (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

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

- a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

- (4) *Manufactured homes.*

- a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an

existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately-anchored foundation system to resist flotation, collapse, and lateral movement.

- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 1. The lowest floor of the manufactured home is at or above the base flood elevation; or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that rRecreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Sec. 18-41, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. ~~elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.~~ A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 18-75. Standards for subdivision proposals.

- (a) All subdivision proposals, including the placement of manufactured home parks, shall be consistent with sections 18-1 and 18-2.
- (b) All proposals for the development of subdivisions, including the placement of manufactured home parks, shall meet the development permit requirements of this chapter. ~~No floodproofing of an existing or proposed building in a new subdivision will be allowed as a substitute for providing the proper finished ground elevation, at the slab, above the ultimate development 100-year or 25-year plus freeboard flood~~

~~elevation, whichever is higher. Buildings in a proposed subdivision shall be on land that is above the controlling flood elevation.~~

- (c) Base flood elevation data shall be provided for subdivision proposals, including the placement of manufactured home parks, -and other proposed development if not otherwise provided pursuant to section 18-5 or 18-40(8), and shall conform to the design requirements ~~of the City's stormwater management plan~~this chapter.
- (d) All subdivision proposals, including the placement of manufactured home parks, shall have adequate drainage provided to reduce the exposure to flood hazards, and in accordance with this chapter.
- (e) All subdivision proposals, including the placement of manufactured home parks, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed ~~so that they will not affect the existing water surface elevations of the base flood, the ultimate development 100-year or 25-year ultimate development flood (whichever is greater) in the area of special flood hazard, to minimize or eliminate flood damage~~
- (f) All proposed subdivisions, including the placement of manufactured home parks, traversed by an area of special flood hazard where the "buildable" portion of the subdivision is severed by the floodplain shall be provided with adequate access. Adequate access shall be a structure that will pass the control flood (ultimate development 100-year) without overtopping the structure. Proposed subdivisions that involve the platting of streets shall have at least one access to an unflooded portion of existing dedicated street or roadway.
- (g) Proposed subdivisions that do not involve the platting of streets shall have the access to an existing dedicated street that is not subject to flood depths of over one foot.

Sec. 18-76. Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 18-5 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

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- (2) All new construction and substantial improvements of nonresidential structures; (a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the base flood elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in section 18-41 are satisfied.
 - (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide ~~floodwaters~~flood waters around and away from proposed structures.

Sec. 18-77. Floodways.

Located within areas of special flood hazard established in section 18-5 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of ~~floodwaters~~flood waters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fencing, fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice and certification by a registered professional engineer is provided demonstrating that the proposed encroachment would not result in any increase in flood levels within the community during occurrence of the base flood discharge. However, fencing within a regulated floodway is strictly prohibited.
- (2) If the provision of subsection (a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

~~(4) The placement of any manufactured home in a regulatory floodway is prohibited.~~

Sec. 18-78. Severability.

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

Sec. 18-79. Penalties for noncompliance and enforcement.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(a) Notice of violation.

- (1) *Generally.* Whenever the Floodplain Administrator receives information of the existence of a floodplain violation, the Floodplain Administer shall serve the owner of the property with a written notice informing the owner of such condition, directing that action be initiated to bring the property into compliance and advising the owner that he or she must respond in person to the Floodplain Administrator or authorized representative within 15 days of receipt of the notice.
- (2) *Service—Generally.* Such notice may be served by personal delivery to the owner if he can be located within the City limits, but if he cannot be so located or served after reasonable effort, notice may be served by certified letter addressed to such owner at his post office address, but if such address cannot be ascertained after reasonable effort, notice may be served by publication two times within ten consecutive days in a newspaper of general circulation published in the City. In the case of community property, service upon either the husband or the wife shall be deemed sufficient notice hereunder.
- (3) *Service—Corporation.* If the owner is a corporation, service may be made by delivery of same to any office or place of business of such corporation or any officer of the corporation if such office, place of business or officer can be located within the City limits; but if such office, place of business, or officer cannot be so located after reasonable effort, service may be

made by certified letter addressed to its corporate headquarters post office address, ~~but if such address cannot be ascertained after reasonable effort, the notice may be served by publication two times within ten consecutive days in a newspaper of general circulation published in the City.~~

~~(4) *Service by publication.* Whether delivered personally, by mail, or by publication, the notice provided for above shall be addressed to the owner, but if the owner is not known, service may be had by publication addressed "To the owner of (legal description of the property involved)." The notice shall give the legal description of the property, state the condition which constitutes a violation hereof, and shall state that upon failure of the owner to take approved steps toward compliance within 15 days from date the notice is delivered or within 15 days from date of the second publication, if notice is to be served by publication, a criminal complaint may be filed in the municipal court of the City for violation of this chapter, stating the penalties for violation hereof as given below.~~

(b) *Remediation.*

- (1) *Generally.* The City may also cause the work necessary to bring any property into compliance herewith to be done, if the owner has failed to respond as set forth in subsection (a) above within 15 days from the date notice has been received or published, and to charge the owner for the costs incurred by the City. A statement of the costs incurred by the City to abate such condition shall be mailed to the owner of such premises if the owner and mailing address are known and, if not known, may be published in a newspaper of general circulation in the City. The statement shall demand payment within 30 days from the date of receipt or publication.
- (2) *Failure to pay.* If such statement has not been paid within such period, and if such work was further accomplished because the Health Officer certified that such work was required to abate an unwholesome or unsanitary condition described in Tex. Health and Safety Code Ch. 342, then the Floodplain Administrator may cause a statement of the expenses incurred to abate and correct such condition on the premises to be filed with the County Clerk of the county in the deed records, and such statement shall be and the City shall have a privileged lien upon the lot, parcel, or tract of land upon which such expenses were incurred, second only to tax liens and liens for street improvement, together with ten percent interest per annum on the delinquent amount from the date such payment was due. For any such expenditures and interest as aforesaid, suit may be instituted and foreclosure had in the name of the City; and

the statement so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work.

- (3) *Large trees.* Although large trees are not covered hereby, and are not felt to be a nuisance or a hazard, it may be necessary at times to remove trees or parts thereof in order for the City crews or City contractors to affect entry of mowing or clearing equipment to property or portions of property not meeting standards established in this subdivision. In such case, the removal of such trees or parts thereof as is found necessary shall be done and is hereby authorized and the cost of this work shall be included in the cost charged to the owner.

(c) *Options.*

- (1) *Options available.* The following options are available to an owner of property in violation of the requirements of this section.

The owner may cause all work, improvements, and grading performed in violation of this section to be restored to the natural state. Proof of compliance must be provided in the form of a certification signed by a registered professional engineer or surveyor to the effect that the property in question has been restored as nearly as possible to its natural state. The owner may cease all or a portion of the work, improvements, and grading performed in violation of this subdivision and seek approval of a floodplain development permit by the Floodplain Administrator. Data presented with the permit application must demonstrate the compliance of any remaining improvements with this subdivision.

- (2) *Time for compliance.* Each of the above options shall require a series of steps to be completed by the property owner at time intervals approved by the Floodplain Administrator. During the initial meeting set forth in subsection (b)(1) above, these options shall be discussed. Thereafter, the owner shall have fifteen (15) days to decide which option to pursue and provide a schedule of steps with completion dates necessary to rectify the violation. Upon failure of the owner to comply with these requirements or to complete the steps according to the schedule approved by the Floodplain Administrator, the City may choose to pursue the remedies set forth in subsections (b) or (c).

- (3) *Time periods.* Each violation shall be considered on an individual basis. The time period for each step shall be approved by the Floodplain Administrator on the basis of hardship to the owner and danger to residents and citizens. The maximum time period allowed under any circumstances to perform all work necessary to bring a violation into compliance with the requirements of this subdivision is six months.

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- (d) *Reporting violations, other remedies.* Violations of the Floodplain Ordinance shall be reported by the Floodplain Administrator as set out herein. Any person who fails to comply with these regulations is guilty of a misdemeanor. In addition to the other remedies provided by law, the City Council may institute appropriate action to abate violations of these regulations as a public nuisance.

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 8.6

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Discussion / Action - Resolution R-2023-006 approving a policy providing guidance on proceedings to the Junked Vehicle Board of Appeals for the City of Shavano Park - City Manager



Attachments for Reference:

- 1) 8.6a Junk Vehicle Appeal Board Policy
- 2) 8.6b Resolution R-2023-006

BACKGROUND / HISTORY: See agenda item 6.4 for Ordinance O-2023-003 and discussion of Texas Transportation Code Chapter 683, Subchapter E which authorizes the City to declare certain vehicles meeting the definition of a junked vehicle as a public nuisance and abatement them in accordance with State Law.

DISCUSSION: The proposed Ordinance O-2023-003's Sec. 32-158(3)(a) states: *The Junked Vehicle Board of Appeals shall establish rule of procedure for the conduct of hearings in a manner that is consistent with this Article and that provides due process to all parties to the Appeal.*

This proposed resolution adopts a policy providing guidance on proceedings to the Junked Vehicle Board of Appeals for the City in accordance with the Ordinance and achieves two primary purposes:

1. City Council guidance at the February 27, 2023 City Council meeting was to have the Board of Adjustment act as the Junked Vehicle Board of Appeals. The City Attorney advised not explicitly list the Board of Adjustment in the ordinance, but instead appoint the members of the Board of Adjustment separately. This policy states the Board of Adjustment members shall act as the Junked Vehicle Board of Appeals with all Council-appointments and terms of service being co-appointments and co-terms.
 2. This policy proposes procedures for handling the appellant's request for a public hearing and how evidence is to be considered and the motion made similar to City Policy #18 which provide guidance to the Board of Adjustment on conduct of Board of Adjustment meetings.
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COURSES OF ACTION: Approve Resolution R-2023-006; provide additional amendments; or decline entirely and provide guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Approve Resolution R-2023-006 approving a policy providing guidance on proceedings to the Junked Vehicle Board of Appeals for the City of Shavano Park

RESOLUTION NO. R-2023-006

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS,
APPROVING A POLICY PROVIDING GUIDANCE ON PROCEEDINGS TO THE
JUNKED VEHICLE BOARD OF APPEALS FOR THE CITY OF SHAVANO PARK**

WHEREAS, the City of Shavano Park in accordance with the authorization of Texas statutes, including but not limited to Texas Transportation Code Chapter 683, Subchapter E, is authorized to regulate junked vehicles; and

WHEREAS, Texas Transportation Code Chapter 683, Subchapter E authorizes the City of Shavano Park to declare certain vehicles meeting the definition of a junked vehicle as a public nuisance and abatement them in accordance with State Law; and

WHEREAS, the City Council of the City of Shavano Park Code of Ordinance passed and approved Ordinance O-2023-003 establishing procedures to regulate junked vehicles; and

WHEREAS, Ordinance O-2023-003 requires the City establish a rule of procedure for the conduct of hearings by the Junked Vehicle Board of Appeals in a manner that is consistent with the ordinance and provides due process to all parties to the Appeal;

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

That the City Council adopts the Junked Vehicle Board of Appeals Policy for the City of Shavano Park, attached herein Exhibit A, and is adopted in its entirety.

PASSED AND APPROVED by the City Council of the City of Shavano Park at its Regular meeting held on this the 27th day of March, 2023.

Robert Werner
MAYOR

Attest: _____
Trish Nichols
CITY SECRETARY



CITY OF SHAVANO PARK
900 Saddletree Court Shavano Park, TX 78231

CITY POLICY NO. 23

SUBJECT: Junked Vehicle Board of Appeals

March 27, 2023

1. References.

- a. Texas Transportation Code Chapter 683, Subchapter E
- b. City of Shavano Park, Texas – Code of Ordinances / Chapter 32, Article VII. -
REGULATION OF JUNKED VEHICLES
- c. Minutes of March 27, 2023 City Council meeting

2. Purpose. The purpose of this policy is to provide appointment of members to the Junked Vehicle Board of Appeals and guidance for the preparation and conduct of the Junked Vehicle Board of Appeals hearing proceedings.

3. Staff Point-of-Contact. The staff point of contact for this policy is the City Secretary at 210.581.1116 or citysecretary@shavanopark.org.

4. Background.

a. Texas Transportation Code Sec. 683.074 states a municipality or county may adopt procedures that conform to subchapter E for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance.

b. Sec. 32-156 of City of Shavano Park Code of Ordinances establishes that City Council shall appoint a board to act as Junked Vehicle Board of Appeals to conduct hearings on appeals from Municipal Court necessary orders to enforce an abatement action taken by the Code Official.

6. Policy.

a. The City Council of the City of Shavano Park appoints the members of the Board of Adjustment to serve as the members of the Junked Vehicle Board of Appeals. All appointments and terms of the Board of Adjustment will be co-appointments and co-terms with the Junked Vehicle Board of Appeals.

b. The Junked Vehicle Board of Appeals shall conduct all appeal hearings in accordance with this policy and Sec. 32-158 of City Ordinances.

c. Appellants will be provided a packet containing information on how to prepare their case to the Junked Vehicle Board of Appeals. The packet should have a checklist of the statutory and local ordinance factors needed to prove their vehicle is not a junked vehicle and does not constitute a public nuisance. The packet should emphasize to the applicant that each and every

factor must be met and that the burden is the appellant. While it is not necessary for an attorney to present the case on behalf of the applicant, because of the quasi-judicial nature of the proceeding and the fact that it is an appealable decision, it will be strongly suggested that the applicant has legal representation.

d. The appellant's packet submission must be notarized and shall be submitted to the City Secretary. The City Secretary shall deliver the appellant's packet submission to the Junked Vehicle Board of Appeals and Code Official and arrange for a public hearing to be held as soon as practical, but not earlier than the eleventh (11th) day following service of the notice to remove the vehicle.

e. Code Official shall prepare a packet submission providing evidence for their determination that the vehicle(s) being appealed meet the definition of a junked vehicle and constitute a public nuisance under Texas statute and local ordinance.

f. Packets prepared by both the appellant and the Code Official shall be provided to the Junked Vehicle Board of Appeals by the City Secretary.

g. At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable. The Junked Vehicle Board of Appeals shall not overturn a Code Official's decision unless the Junk Vehicle Board of Appeals determines that a preponderance of the presented evidence proves that the Code Official's decision was in error.

h. After the case is presented and discussion is completed, the Chairman will request a motion. Motions made shall be to either (1) finding the vehicle(s) is a nuisance and issue an order requiring abatement of the junked vehicle as a public nuisance or (2) issue an order finding that the vehicle is not a public nuisance and overturning the decision of the Code Official.

All motions shall, if such information is available, include:

- (i) for a motor vehicle, the vehicle's:
 - 1. description;
 - 2. vehicle identification number; and
 - 3. license plate number;
- (ii) for an aircraft, the aircraft's:
 - 1. description; and
 - 2. federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
- (iii) for a watercraft, the watercraft's:
 - 1. description; and
 - 2. identification number as set forth in the watercraft's certificate of number.

Motions overturning the decision of the Code Official shall cite specific evidence to declare the Code Official's decision to be in error.

The above findings within the motion shall be recorded in the minutes of the meeting. All meetings of the Board shall be audio recorded.

i. When the Junked Vehicle Board of Appeals meets, the City Attorney will provide a brief review of Texas Law and City Ordinances to the Board prior to the meeting.

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 8.7

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Accept - Replat to subdivide Lot 10, County Block 4787 of Napier Park Unit-3 (PUD) subdivision into three separate lots proposed as Lots 11, 12 and 13, County Block 4787 - City Manager / Assistant City Manager

X

Attachments for Reference:

- 1) 8.7a Property Owner Request Letter
- 2) 8.7b Replat submittal
- 3) 8.7c Current Plat (redline)
- 4) 8.7d Plat Checklist
- 5) 8.7e Engineer Review Letter
- 6) 8.7f Pape-Dawson Response Letter
- 7) 8.7g Ord O-2020-015 Napier Park PUD

BACKGROUND / HISTORY: On February 7, 2023 Pape-Dawson Engineering and City staff met to conduct the Preliminary Plat conference. The plat was submitted for City Engineer review on February 17, 2023. On February 22, 2023 the City Engineer completed their review (see attachment 7e). Pape-Dawson Engineering issued updated hardcopies for the packet and a response letter that comply with City Engineer review (attachment 7f).

On February 24, 2023 the plat submittal completed the City's Administrative Completeness Review and was filed to Planning & Zoning Commission.

At the March 1, 2023 Planning & Zoning Commission the proposed replat was approved as submitted after holding a public hearing.

DISCUSSION: The proposed replat subdivides Lot 10 of Napier Park PUD into three new lots. The proposed replat is in the Napier Park Planned Unit Development (see attachment 7f) which has particular parking and landscape buffer requirements specific to the subdivision. The City Engineer indicates no variance or exception is required for approval so the procedures for this replat falls under Sec. 28-46(a) and (d):

Sec. 28-46. Replatting without vacating a previous plat.

- (a) **Conditions.** A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat under the following conditions:

- (1) The replat must be signed and acknowledged by only the owners of the property being replatted.

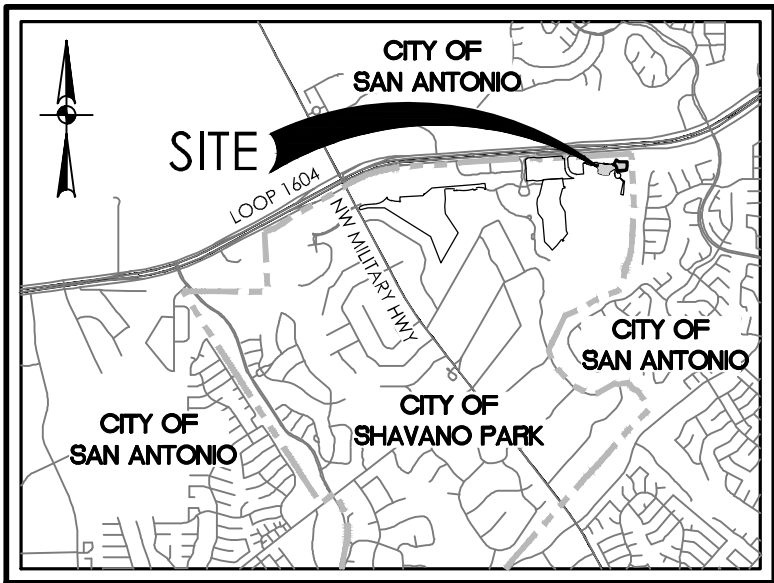
- (2) The replat does not attempt to alter, amend or remove any covenants or restrictions.
- (3) The replat must be approved by the Planning and Zoning Commission and accepted by the City Council.
- (b) *Additional conditions.* In addition to the provisions of subsection (a) of this section:
 - (1) If during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to not more than two dwelling units per lot; or
 - (2) If any lot in the preceding plat was limited by deed restrictions to residential use for not more than two dwelling units per lot, the procedures outlined in subsection (c) of this section shall be followed before the approval of the Planning and Zoning Commission and the City Council can be given.
- (c) *Administrative completeness review.*
...
- (d) *Procedures for replat without variance or exception.* If the proposed replat does not require a variance or exception, the following procedures and specifications in addition to those contained elsewhere in this chapter shall apply:
 - (1) If it is determined during the administrative completeness review that the proposed replat does not require a variance or exception, the City Manager shall not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 500 feet of the lot or lots to be replatted according to the most recent municipality or county tax roll.
 - (2) If the replat is considered administratively complete, it can then be filed. A replat will require the approval of the Planning and Zoning Commission and acceptance of the City Council.
- (e) *Procedures for replat requiring a variance or exception.* If it is determined during the administrative completeness review that the proposed replat requires a variance or exception, the following procedures and specifications in addition to those contained elsewhere in this chapter shall apply:
...

If plat submittal is approved, City staff will accomplish the required public notice to surrounding property owners under Sec. 28-46(d)(1).

COURSES OF ACTION: Accept replat submittal as presented; Decline entirely and give guidance to staff.

FINANCIAL IMPACT: \$1,350 in Plat fees collected.

MOTION REQUESTED: Accept replat to subdivide Lot 10, County Block 4787 of Napier Park Unit-3 (PUD) subdivision into three separate lots proposed as Lots 11, 12 and 13, County Block 4787



LOCATION MAP

NOT-TO-SCALE

SURVEYOR'S NOTES:

- PROPERTY CORNERS ARE MONUMENTED WITH CAP OR DISK MARKED "PAPE-DAWSON" UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
- DIMENSIONS SHOWN ARE SURFACE.
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

INGRESS/EGRESS:

NO STRUCTURE, FENCES, WALLS, OR OTHER OBSTRUCTIONS SHALL BE PLACED WITHIN THE LIMITS OF THE INGRESS/EGRESS EASEMENT SHOWN ON THIS PLAT.

SAWS AQUIFER:

THIS SUBDIVISION IS WITHIN THE EDWARDS AQUIFER RECHARGE ZONE. DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO CHAPTER 34, ARTICLE VI, DIVISION 6 OF THE SAN ANTONIO CITY CODE ENTITLED "AQUIFER RECHARGE ZONE AND WATERSHED PROTECTION" OR THE LATEST REVISIONS THEREOF. ANY REGULATED ACTIVITY MUST COMPLY WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS RELATING TO DEVELOPMENT WITHIN THE EDWARDS AQUIFER RECHARGE ZONE.

SAWS HIGH PRESSURE:

A PORTION OF THE TRACT IS BELOW THE GROUND ELEVATION OF 985 FEET WHERE THE STATIC PRESSURE WILL NORMALLY EXCEED 80 PSI. AT ALL SUCH LOCATIONS, THE OWNER OR BUILDER SHALL INSTALL AT EACH LOT, ON THE CUSTOMER'S SIDE OF THE METER, AN APPROVED TYPE PRESSURE REGULATOR IN CONFORMANCE WITH THE PLUMBING CODE OF THE CITY OF SAN ANTONIO.

SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

SAWS WASTEWATER EDU:

THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE UNDER THE PLAT NUMBER AT THE SAN ANTONIO WATER SYSTEM.

CPS/SAWS/COSA UTILITY:

- THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDING, STRUCTURE, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.
- ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.
- THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.

BASE ZONING EXCEPTION NOTE:

THIS PLAT IS PART OF A PUD AND DOES NOT MEET THE FOLLOWING REQUIREMENTS OF THE BASE ZONING DISTRICT OF B2:
1) 36-39(2)(b); OTHER USE REGULATIONS. SEE TABLE NO 6;
3. VARIABLE O-1, B-1, AND B-2 ZONING DISTRICT FRONT SETBACK.
7. REDUCED O-1, B-1, AND B-2 ZONING DISTRICT REAR SETBACK.

CERTIFICATION OF CITY'S ENGINEER

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SHAVANO PARK CITY COUNCIL.

LICENSED PROFESSIONAL ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR

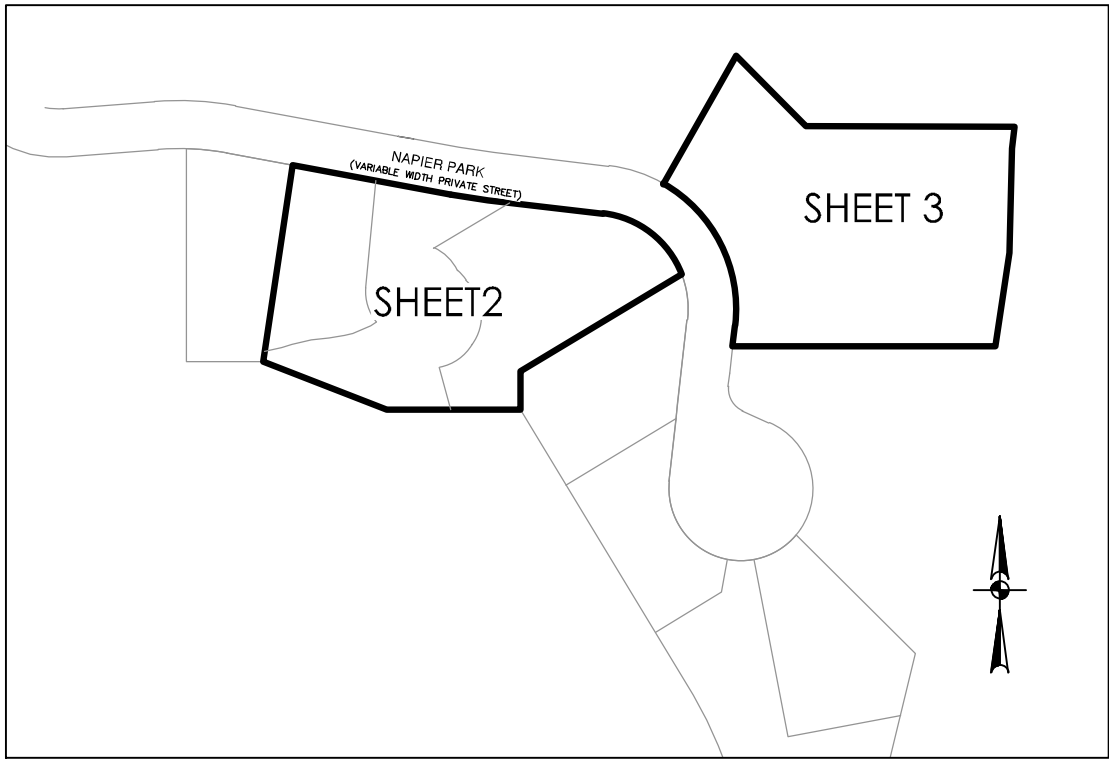
LEGEND

- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
OPR OFFICIAL PUBLIC RECORDS (OFFICIAL PUBLIC RECORDS OF REAL PROPERTY) OF BEXAR COUNTY, TEXAS
PR PLAT RECORDS OF BEXAR COUNTY, TEXAS
(PUD) PLANNED UNIT DEVELOPMENT
CB COUNTY BLOCK
● FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
○ SET 1/2" IRON ROD
— 1140 — EXISTING CONTOURS
— 1140 — PROPOSED CONTOURS
③ 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT
⑪ 10' BUILDING SETBACK LINE
⑫ 28' ELECTRIC, TELEPHONE AND CABLE TV EASEMENT

- ① VARIABLE WIDTH GAS, ELECTRIC, TELEPHONE, CATV AND WATER EASEMENT (VOLUME 10010, PAGES 292-297 OPR)
② 16' WATER EASEMENT (SHAVANO PARK, UNIT-19B PHASE V (PUD) (VOLUME 9706, PAGES 45-46 DPR)
③ VARIABLE WIDTH SANITARY SEWER EASEMENT (VOLUME 9811, PAGES 1861-1872 OPR)
④ VARIABLE WIDTH GAS, ELECTRIC, TELEPHONE, CATV AND WATER EASEMENT (VOLUME 10010, PAGES 312-319 OPR)
⑤ VARIABLE WIDTH SANITARY SEWER EASEMENT (VOLUME 11465, PAGE 1216-1222 OPR)
⑥ 16' WATER EASEMENT (SHAVANO PARK, UNIT-19B PHASE V (PUD) (VOLUME 9706, PAGES 45-46 DPR)
⑦ 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOLUME 20001, PAGE 1176 PR)
⑧ 10' BUILDING SETBACK LINE (VOLUME 20001, PAGES 1176 PR)
⑨ 10' GAS, ELECTRIC, TELEPHONE AND CABLE TV EASEMENT (VOLUME 9707, PAGE 18 DPR)
⑩ 10' BUILDING SETBACK LINE (VOLUME 9707, PAGE 18 DPR)
⑪ 16' DRAINAGE EASEMENT (DOCUMENT NUMBER 20220288579, OPR)

LOT 25 CB 4787 NOTE:

LOT 25 CB 4787 IS CONSIDERED A VARIABLE WIDTH DRAINAGE EASEMENT AND IS NOT A BUILDABLE LOT.



SHEET INDEX

NOT-TO-SCALE

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S04°11'53"E	40.17'
L2	S51°34'36"W	7.19'
L3	S61°45'07"W	20.25'
L4	S74°22'43"W	8.93'
L5	S76°59'20"W	16.09'
L6	S79°36'00"W	18.58'
L7	S71°55'07"W	20.57'
L8	S69°19'47"W	11.12'
L9	S73°07'09"W	18.61'
L10	N04°29'37"E	10.93'
L11	S87°21'09"E	22.84'
L12	S19°13'07"E	45.83'
L13	S02°46'36"W	22.59'
L14	N02°17'14"E	21.81'

CURVE TABLE					
CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	625.00'	003°35'45"	S85°33'16"E	39.22'	39.22'
C2	100.00'	062°06'00"	S56°18'09"E	103.16'	108.38'
C3	50.00'	043°15'28"	S21°21'05"E	36.86'	37.75'
C4	50.00'	039°52'35"	S49°49'33"E	34.10'	34.80'
C5	50.00'	015°23'22"	S45°58'09"E	13.39'	13.43'
C6	50.00'	084°07'55"	S09°30'10"E	67.00'	73.42'
C7	50.00'	048°18'08"	S50°39'40"W	40.91'	42.15'
CB	150.00'	066°50'42"	N31°08'07"W	165.24'	175.00'

REDLINED SUBDIVISION PLAT

OF NAPIER PARK, UNIT-3 (PUD)

A 3.44 ACRE TRACT OF LAND OUT OF A 289.5 ACRE TRACT DESCRIBED IN DEED TO ROGERS SHAVANO PARK UNIT 18/19, LTD, RECORDED IN VOLUME 12007, PAGE 2490, OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, IN THE CITY OF SHAVANO PARK, BEXAR COUNTY, TEXAS, OUT OF THE REFUGIO VARGAS, SURVEY NUMBER 80, ABSTRACT NUMBER 781, IN COUNTY BLOCK 4787 OF BEXAR COUNTY, TEXAS.



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800
DATE OF PREPARATION: February 16, 2023

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: LLOYD A. DENTON, JR.
ROGERS SHAVANO PARK UNIT 18/19, LTD.
11 LYNN BATTIS LANE, SUITE 100
SAN ANTONIO, TEXAS 78218
(210) 828-6131

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED LLOYD A. DENTON, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D. 20____.

NOTARY PUBLIC, BEXAR COUNTY, TEXAS

THIS PLAT OF _____ NAPIER PARK, UNIT-3 _____ HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED: THIS THE _____ DAY OF _____, A.D. 20____.

BY: _____
CHAIRMAN

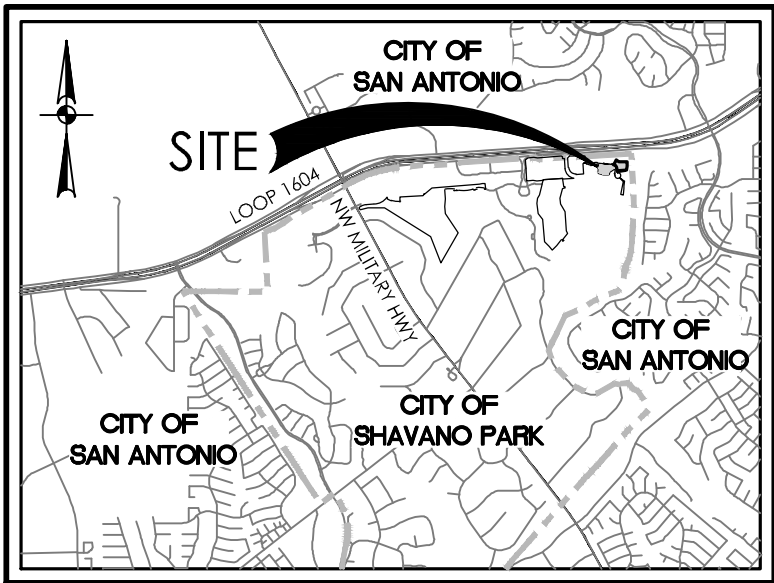
BY: _____
CITY CLERK

THIS PLAT OF _____ NAPIER PARK, UNIT-3 _____ HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

DATED: THIS _____ DAY OF _____, A.D. 20____.

BY: _____
MAYOR

BY: _____
CITY CLERK



LOCATION MAP
NOT-TO-SCALE

SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

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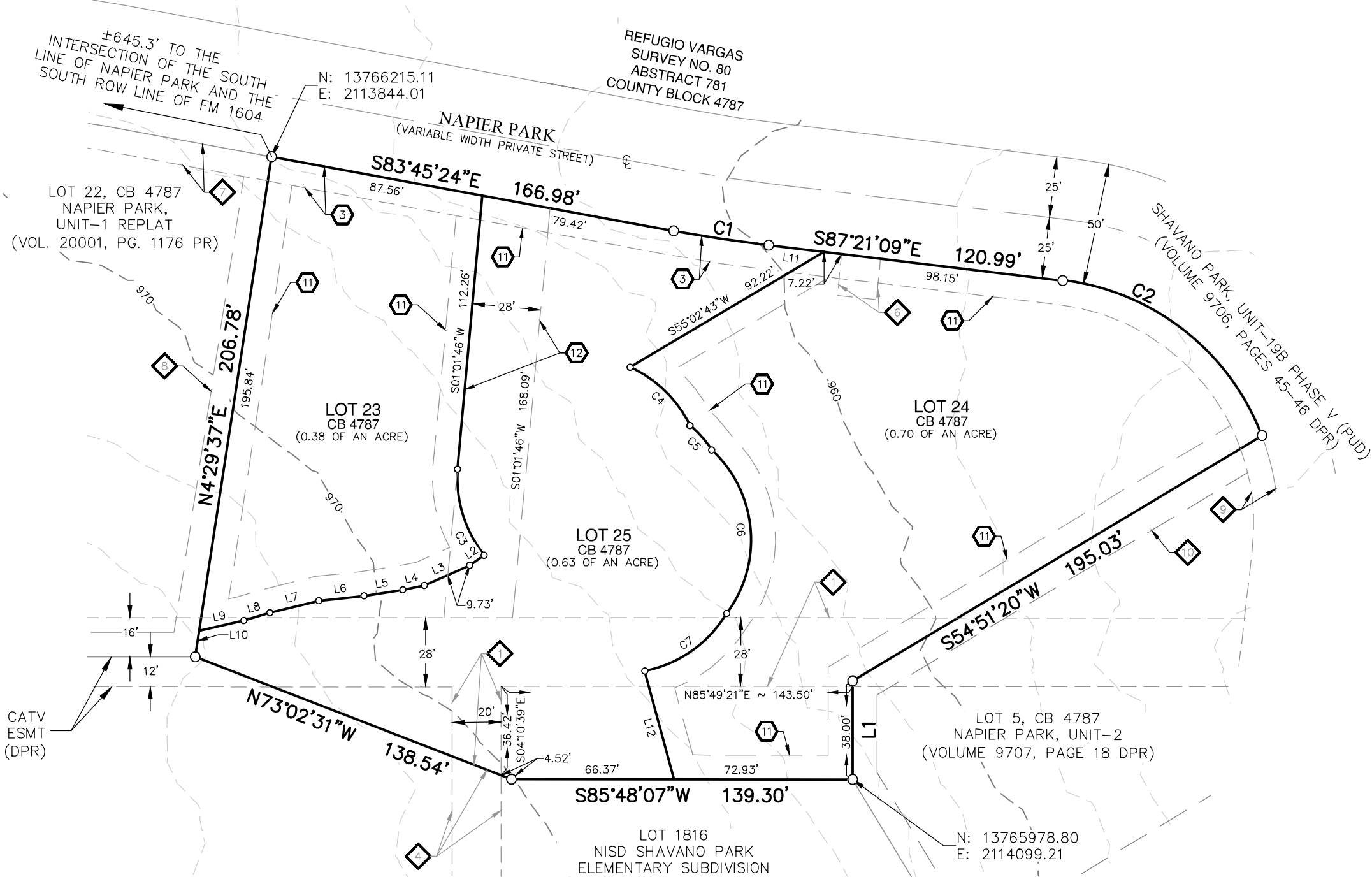
CPS/SAWS/COSA UTILITY:

1. THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDING, STRUCTURE, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.

2. ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.

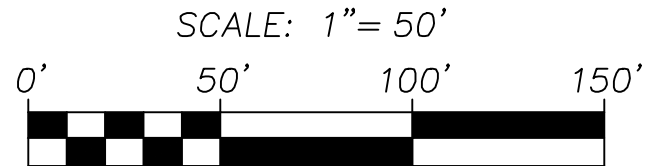
3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.

GAS, ELEC, TEL, CATV
AND WATER ESMT
VOL. 9554, PG. 52 (DPR)



**REDLINED SUBDIVISION PLAT
OF
NAPIER PARK, UNIT-3 (PUD)**

A 3.44 ACRE TRACT OF LAND OUT OF A 289.5 ACRE TRACT DESCRIBED IN DEED TO ROGERS SHAVANO PARK UNIT 18/19, LTD, RECORDED IN VOLUME 12007, PAGE 2490, OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, IN THE CITY OF SHAVANO PARK, BEXAR COUNTY, TEXAS, OUT OF THE REFUGIO VARGAS, SURVEY NUMBER 80, ABSTRACT NUMBER 781, IN COUNTY BLOCK 4787 OF BEXAR COUNTY, TEXAS.



**PAPE-DAWSON
ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800
DATE OF PREPARATION: February 16, 2023

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: LLOYD A. DENTON, JR.
ROGERS SHAVANO PARK UNIT 18/19, LTD.
11 LYNN BATTIS LANE, SUITE 100
SAN ANTONIO, TEXAS 78218
(210) 828-6131

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED LLOYD A. DENTON, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D. 20____.

NOTARY PUBLIC, BEXAR COUNTY, TEXAS

THIS PLAT OF NAPIER PARK, UNIT-3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.
DATED: THIS THE _____ DAY OF _____, A.D. 20____.

BY: _____ CHAIRMAN

BY: _____ CITY CLERK

THIS PLAT OF NAPIER PARK, UNIT-3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.
DATED: THIS _____ DAY OF _____, A.D. 20____.

BY: _____ MAYOR

BY: _____ CITY CLERK

CERTIFICATION OF CITY'S ENGINEER

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

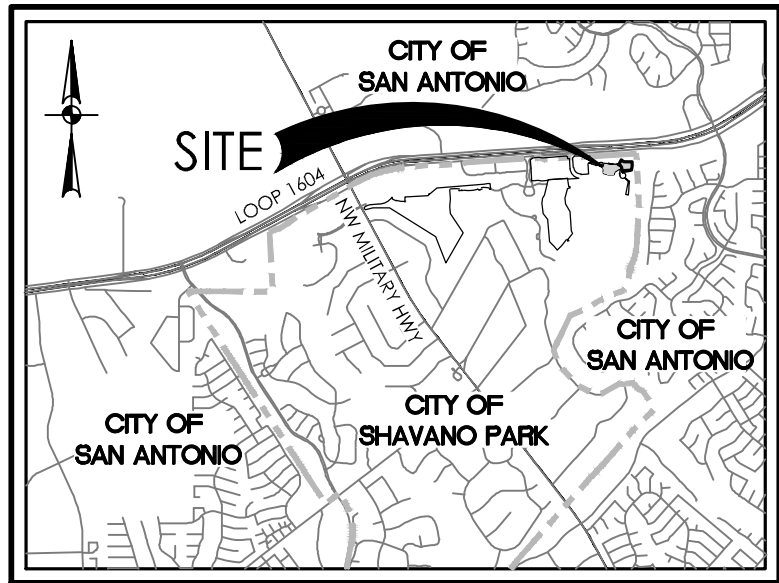
I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SHAVANO PARK CITY COUNCIL.

LICENSED PROFESSIONAL ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR



LOCATION MAP
NOT-TO-SCALE

SAWS IMPACT FEE:

WATER AND/OR WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATTING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

SAWS WASTEWATER EDU:

THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE UNDER THE PLAT NUMBER AT THE SAN ANTONIO WATER SYSTEM.

CPS/SAWS/COSA UTILITY:

1. THE CITY OF SAN ANTONIO AS PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS - CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) - IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT," "ANCHOR EASEMENT," "SERVICE EASEMENT," "OVERHANG EASEMENT," "UTILITY EASEMENT," "GAS EASEMENT," "TRANSFORMER EASEMENT," "WATER EASEMENT," "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING, AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE, CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDING, STRUCTURE, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.

2. ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE AND SERVICE FACILITIES, LOCATED WITHIN SAID EASEMENTS, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATIONS.

3. THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.

CERTIFICATION OF CITY'S ENGINEER

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

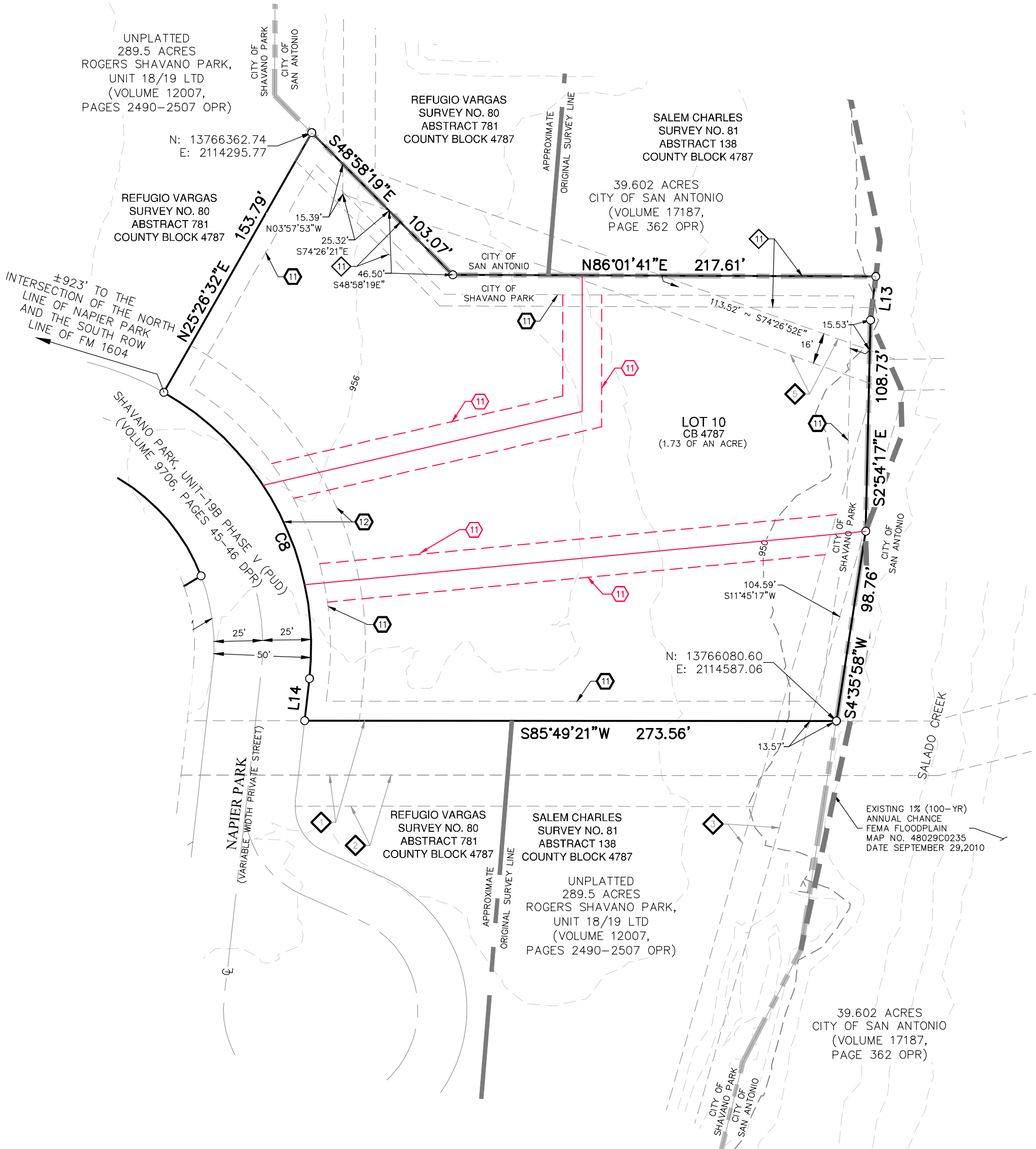
I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SHAVANO PARK CITY COUNCIL.

LICENSED PROFESSIONAL ENGINEER

STATE OF TEXAS
COUNTY OF BEXAR

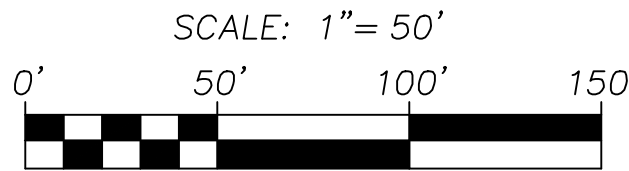
I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY: PAPE-DAWSON ENGINEERS, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR



**REDLINED SUBDIVISION PLAT
OF
NAPIER PARK, UNIT-3 (PUD)**

A 3.44 ACRE TRACT OF LAND OUT OF A 289.5 ACRE TRACT DESCRIBED IN DEED TO ROGERS SHAVANO PARK UNIT 18/19, LTD, RECORDED IN VOLUME 12007, PAGE 2490, OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, IN THE CITY OF SHAVANO PARK, BEXAR COUNTY, TEXAS, OUT OF THE REFUGIO VARGAS, SURVEY NUMBER 80, ABSTRACT NUMBER 781, IN COUNTY BLOCK 4787 OF BEXAR COUNTY, TEXAS.



**PAPE-DAWSON
ENGINEERS**

SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000
TPE FIRM REGISTRATION #470 | TPELS FIRM REGISTRATION #10028800
DATE OF PREPARATION: February 21, 2023

STATE OF TEXAS
COUNTY OF BEXAR

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: LLOYD A. DENTON, JR.
ROGERS SHAVANO PARK UNIT 18/19, LTD.
11 LYNN BATTS LANE, SUITE 100
SAN ANTONIO, TEXAS 78218
(210) 828-6131

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED LLOYD A. DENTON, JR. KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, A.D. 20____.

NOTARY PUBLIC, BEXAR COUNTY, TEXAS

THIS PLAT OF NAPIER PARK, UNIT-3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED: THIS THE _____ DAY OF _____, A.D. 20____.

BY: _____
CHAIRMAN

BY: _____
CITY CLERK

THIS PLAT OF NAPIER PARK, UNIT-3 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

DATED: THIS _____ DAY OF _____, A.D. 20____.

BY: _____
MAYOR

BY: _____
CITY CLERK

CITY OF SHAVANO PARK

Preliminary Plat Submittal Checklist

This checklist is to be completed by the developer or his representative and submitted with the preliminary plat and accompanying data. If any areas are incomplete, the plat will not be accepted. Any items labeled N/A must be explained in writing. Shavano Park City Council has asked that all plats be submitted to the City with a brief description of the purpose of the plat or re-plat. Also requested is that an electronic version be sent to the City Secretary at citysecretary@shavanopark.org. This checklist does not supersede the City of Shavano Park Development Ordinances.

Name of Subdivision:	<u>Napier Park Unit 3 - (PUD)</u>
Proposed Use of Property:	<u>Commercial</u>
Property Description:	<u>3117 Napier Park</u>
(Lot & block, address or location)	<u>Shavano Park, Texas 78231</u>

Owner		Engineer	
Name:	<u>Brandt Ranch NB, LLC</u>	Name:	<u>Pape-Dawson Engineers, Inc.</u>
Address:	<u>3216 Napier Park #200</u>	Address:	<u>2000 NW Loop 410</u>
	<u>Shavano Park, Texas 78231</u>		<u>San Antonio, Texas 78213</u>
Phone:	<u>210-448-0800</u>	Phone:	<u>210-375-9000</u>
Fax:		Fax:	
Email:	<u>jhjaphet@yahoo.com</u>	Email:	<u>BLindholm@pape-dawson.com</u>

Current Zoning:	<u>PUD</u>	Total Acreage:	<u>1.734</u>
Total Platting Fees:	<u>\$1,350</u>	Developable Acreage:	<u>1.734</u>
(Coordinate with Staff)		Greenbelts & Drainage Acreage:	<u>-</u>

S.A.W.S. Sewer	<u>X</u> Yes <u> </u> No	Septic System	<u> </u> Yes <u>X</u> No
S.A.W.S. Water	<u>X</u> Yes <u> </u> No	Shavano Park Water	<u> </u> Yes <u>X</u> No

	Yes	No	N/A
1. This is an original plat of property	<u> </u>	<u>X</u>	<u> </u>
2. This is a replat of an existing plat	<u>X</u>	<u> </u>	<u> </u>
3. If item 1 was answered "No," then:	<u> </u>	<u>X</u>	<u> </u>
a. this is a vacate and replat	<u> </u>	<u>X</u>	<u> </u>
b. this is a replat with out vacating	<u>X</u>	<u> </u>	<u> </u>
c. this is an amending plat	<u> </u>	<u>X</u>	<u> </u>
d. this is a minor plat	<u>X</u>	<u> </u>	<u> </u>
4. If item 1 was answered "No," a copy of the original plat is included in the submittal	<u>X</u>	<u> </u>	<u> </u>
5. The plat is of a Planned Unit Development District (PUD)	<u>X</u>	<u> </u>	<u> </u>
6. If item 5 was answered "Yes" then include on plat PUD development standards that differ from the base zoning district development standards and include "PUD" in the subdivision name	<u> </u>	<u> </u>	<u>X</u>

7.	Is a digital copy of plans, plat, forms, and/or letter included in the submittal?	<u>X</u>	<u> </u>	<u> </u>
The following items pertain to the proposed preliminary drawing:				
		Yes	No	N/A
8.	This subdivision is one phase of a larger development	<u>X</u>	<u> </u>	<u> </u>
9.	If item 5 was answered "Yes," a PUD plan is included in this submittal	<u> </u>	<u> </u>	<u>x</u>
10.	Some portion of this property is located over the Edwards Recharge Zone	<u>X</u>	<u> </u>	<u> </u>
11.	If Item 10 was answered "Yes," a Water Pollution Abatement Plan (WPAP) has been prepared for this site	<u>X</u>	<u> </u>	<u> </u>
12.	This site requires offsite drainage or utility improvements	<u> </u>	<u>X</u>	<u> </u>
13.	If item 12 was answered "Yes," 3 copies of the construction plans are included with cost estimate	<u> </u>	<u> </u>	<u> </u>
14.	The plat is drawn on an 18"x 24" sheet (not a 24"x 36" sheet as incorrectly stated on City Code)	<u>X</u>	<u> </u>	<u> </u>
15.	15 Folded copies of the plat are included	<u>X</u>	<u> </u>	<u> </u>
16.	The plat contains the names, addresses, and Contact information of the owner and engineer	<u>X</u>	<u> </u>	<u> </u>
17.	The plat shows complete bearings and distances on all lot line and easements	<u>x</u>	<u> </u>	<u> </u>
18.	The plat shows the location of the subject property in relation to an original survey corner or public street intersection	<u>X</u>	<u> </u>	<u> </u>
19.	The plat illustrates and identifies all adjacent properties including recording information	<u>X</u>	<u> </u>	<u> </u>
20.	The plat contains the total acreage being platted and individual lot acreage	<u>X</u>	<u> </u>	<u> </u>
21.	The plat shows location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public right-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries	<u>X</u>	<u> </u>	<u> </u>
22.	The plat shows location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, and other sites within or contiguous with the subdivision	<u>X</u>	<u> </u>	<u> </u>
23.	The plat shows location, dimensions, description, and name of all proposed streets, alleys, parks, public areas reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision	<u>X</u>	<u> </u>	<u> </u>

The following items pertain to the proposed preliminary drawing: Yes No N/A

- | | | | | |
|-----|--|----------|-------------|-------------|
| 24. | The plat shows the date of preparation, scale of plat and North arrow | <u>X</u> | <u> </u> | <u> </u> |
| 25. | The plat shows the topographical information with contour lines on a basis of two (2) vertical feet in terrain with an average slope of five percent (5%) | <u>X</u> | <u> </u> | <u> </u> |
| 26. | The plat shows a number or letter to identify each lot or site and each block. Said number shall be coordinated by the developer with the Clerk of Bexar County to prevent duplication | <u>X</u> | <u> </u> | <u> </u> |
| 27. | The plat shows front building setback lines on all lots and sites. Side yard building setback lines at street intersection and crosswalk ways and rear building setback lines. | <u>X</u> | <u> </u> | <u> </u> |
| 28. | The plat addresses the required landscape buffer in accordance with Table 6 of the Code of Ordinances | <u>X</u> | <u> </u> | <u> </u> |
| 29. | The plat shows location map at a scale of not more than 4000 feet to an inch which shall show existing adjacent subdivisions and major streets | <u>X</u> | <u> </u> | <u> </u> |
| 30. | The plat shows existing flood plain boundaries | <u>X</u> | <u> </u> | <u> </u> |
| 31. | The proposed platted property is compliant with current zoning regulations | <u>x</u> | <u> </u> | <u> </u> |

I certify that the above statements are true to the best of my knowledge and I further certify that I have read the City of Shavano Park Development Ordinances and this plat meets said ordinances except as notes.

Submitted by: Birt Lail Date: 2/17/22

Accepted by: [Signature] Date: 2/17/23

City Staff Reviewed

City Secretary: [Signature] Date: 02/21/2023

Fire Marshal: [Signature] Date: 2/17/23

Public Works / Water Director: [Signature] Date: 2-17-23

February 22, 2023

City of Shavano Park
Attn: Curtis Leeth
900 Saddletree Ct
San Antonio, Texas 78231

On behalf of the:



Re: Replat Review
Napier Park U-3, PUD

Mr. Leeth,

KFW Engineers has completed its review of the referenced plat as submitted by Pape Dawson Engineers. KFW has the following comments.

Sheet 1 of 2 –

1. Update acreage for lot 10 in area being replatted view port.
2. Update Lot 23 & 25 to reference Unit 3 in the area being replatted view port.
3. Duplicate owner signature blocks in sheet 1. One can be removed.

Sheet 2 of 2 –

1. Add the minimum finished floor elevation for lots adjacent to floodplain.
2. Add City Engineers signature block.
3. Update FEMA floodplain map ref. in main view port to match all other FEMA references.

Our review of the plat does not relieve or release the Engineer of Record or Surveyor of Record from complying with any and all the requirements of the local, state, and federal rules and regulations or guidelines impacting this project. If you require additional information, please contact our office.

Sincerely,

Andy Carruth, P.E.
Plan Reviewer for the City of Shavano Park

February 22, 2023

Mr. Curtis Leeth
City of Shavano Park
900 Saddletree Ct.
San Antonio, Texas 78231

Re: Napier Park Unit 3 Replat, PUD
Replat Review

Dear Mr. Leeth:

We have reviewed your replat comments dated February 22, 2023 for the above-referenced project and offer the following responses.

Sheet 1 of 2:

1. Update acreage for lot 10 in area being replatted view port.
Response: *The requested revisions has been made.*
2. Update Lot 23 & 25 to reference Unit 3 in the area being replatted view port.
Response: *The requested revisions has been made.*
3. Duplicate owner signature blocks in sheet 1. One can be removed.
Response: *The requested revisions has been made.*

Sheet 2 of 2:

4. Add the minimum finished floor elevation for lots adjacent to floodplain.
Response: *The requested revisions has been made.*
5. Add City Engineers signature block.
Response: *The requested revisions has been made.*
6. Update FEMA floodplain map ref. in main view port to match all other FEMA references.
Response: *The requested revisions has been made.*

Mr. Curtis Leeth, P.E.
Napier Park U-E, PUD
February 22, 2023
Page 2 of 2

We hope this material adequately responds to your questions and comments. If you have any questions or require additional information, please do not hesitate to contact our office at your earliest convenience.

Sincerely,
Pape-Dawson Engineers, Inc.



Brooke Lindholm, P.E.
Associate Vice President

Attachments

P:\71\18\69\Word\Letters\230222 KFW-City of Shavano Park Replat CR Letter (Carruth).docx

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 8.8

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION: Accept – Plat and Replat to combine 206 Box Oak (Lot 1516, County Block 4773A) with un-platted lot County Block 472 P-49C ABS 482 - City Manager / Assistant City Manager

X

Attachments for Reference:

- 1) 8.8a Property Owner Request Letter
- 2) 8.8b Plat and Replat submittal
- 3) 8.8c Current Plat
- 4) 8.8d Plat Checklist
- 5) 8.8e Engineer Review Letter

BACKGROUND / HISTORY: On February 7, 2023 Bendicion Engineering and City staff met to conduct the Preliminary Plat conference. At this meeting guidance was given for Amending Plat action by City staff.

The plat was submitted for City Engineer review on February 9, 2023. On February 22, 2023 the City Engineer completed their review and informed City staff that Amending plat action was not a legal course of action due to the rear vacant lot being an un-platted and un-recorded tract. The plat then became a Plat and Replat action. Bendicion was unable to provide updated plat copies in compliance with City Engineer in time for the packets.

On February 24, 2023 the plat submittal completed the City's Administrative Completeness Review and was filed to Planning & Zoning Commission.

At the March 1, 2023 Planning & Zoning Commission meeting the Plat + Replat was approved with the following conditions: (1) add missing L6 to line parcel table and (2) correct front setback to match A-2 zoning standards. Both edits were accomplished by Bendicion along with compliance with all City Engineer review comments.

DISCUSSION: The proposed Plat + Replat combines an un-platted tract with the lot of 206 Box Oak in Shavano Creek. The un-platted tract was purchased by the previous homeowner of 206 Box Oak in 2019 from the Shavano Creek HOA's greenbelt running between Shavano Creek and Shavano Estates. The un-platted tract is in the FEMA 100-year floodplain. The City Engineer indicates no variance or exception is required for approval so the procedures for this Replat falls under Sec. 28-46(a) and (d):

Sec. 28-46. Replatting without vacating a previous plat.

- (a) *Conditions.* A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat under the following conditions:
- (1) The replat must be signed and acknowledged by only the owners of the property being replatted.
 - (2) The replat does not attempt to alter, amend or remove any covenants or restrictions.
 - (3) The replat must be approved by the Planning and Zoning Commission and accepted by the City Council.
- (b) *Additional conditions.* In addition to the provisions of subsection (a) of this section:
- (1) If during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to not more than two dwelling units per lot; or
 - (2) If any lot in the preceding plat was limited by deed restrictions to residential use for not more than two dwelling units per lot, the procedures outlined in subsection (c) of this section shall be followed before the approval of the Planning and Zoning Commission and the City Council can be given.
- (c) *Administrative completeness review.*
- ...
- (d) *Procedures for replat without variance or exception.* If the proposed replat does not require a variance or exception, the following procedures and specifications in addition to those contained elsewhere in this chapter shall apply:
- (1) If it is determined during the administrative completeness review that the proposed replat does not require a variance or exception, the City Manager shall not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 500 feet of the lot or lots to be replatted according to the most recent municipality or county tax roll.
 - (2) If the replat is considered administratively complete, it can then be filed. A replat will require the approval of the Planning and Zoning Commission and acceptance of the City Council.
- (e) *Procedures for replat requiring a variance or exception.* If it is determined during the administrative completeness review that the proposed replat requires a variance or exception, the following procedures and specifications in addition to those contained elsewhere in this chapter shall apply:
- ...

If plat submittal is approved, City staff will accomplish the required public notice to surrounding property owners under Sec. 28-46(d)(1).

COURSES OF ACTION: Accept Plat and Replat submittal as presented; Decline entirely and give guidance to staff.

FINANCIAL IMPACT: \$650 in Plat fees collected.

MOTION REQUESTED: Accept Plat and Replat to combine 206 Box Oak (Lot 1516, County Block 4773A) with un-platted lot County Block 472 P-49C ABS 482.

Mrs. Christina Steinmetz-Rodriguez
206 Box Oak
Shavano Park, Texas 78230
(210) 490-3661

February 2, 2023

Mr. Bill Hill, City Manager
City of Shavano Park
Shavano Park, Texas 78230
(210) 490-3661

Re: 206 Box Oak, Shavano Park, Texas 78230

Dear Mr. Hill:

I am submitting this letter to request an amending plat to combine 208 Box Oak (CB 4773A BLK Lot 1516 (Shavano Park UT-16C)) with vacant lot CB 472 P-49C ABS 482, under Sec. 28-47(b)(1)(e) of the City of Shavano Park Code or Ordinances.

I have engaged Bendicion Engineering, LLC to prepare and process the subject amending plat as required.

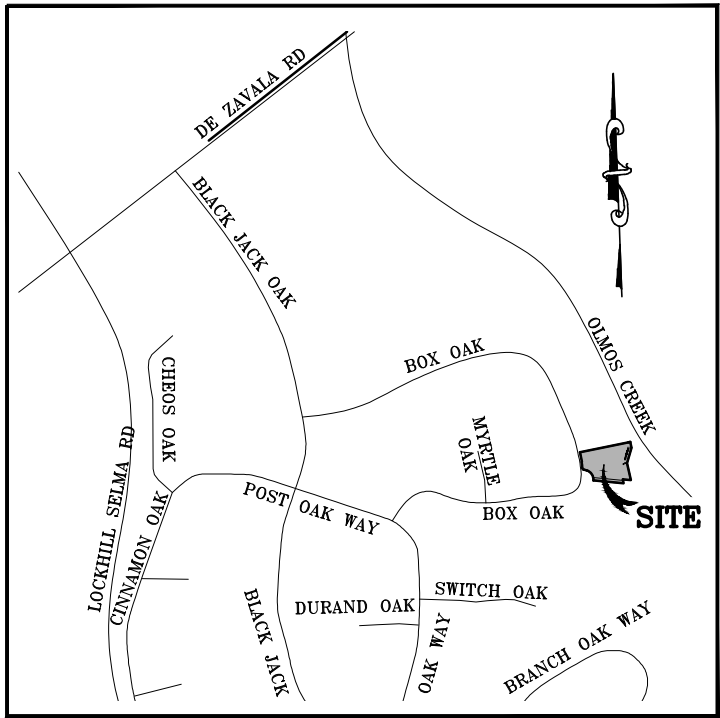
If you have any questions or require any additional information, please contact me or Bendicion Engineering, LLC at 210-392-0036 at your earliest convenience.

Thank you for your consideration.

Sincerely,

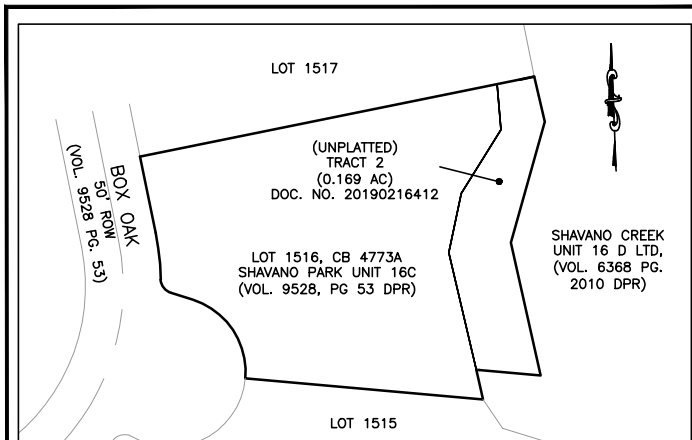


Mrs. Christina Steinmetz-Rodriguez
Property Owner



LOCATION MAP

SCALE: 1"=1000'



AREA BEING REPLATTED WITH WRITTEN NOTIFICATION

THE AREA BEING AMENDED WAS PREVIOUSLY PLATTED AS LOT 1516, CB 4773A, SHAVANO PARK UNIT 16C SUBDIVISION PLAT AS RECORDED IN VOL. 9528, PG. 53 DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS AND TRACT 2, A 0.169 AC TRACT OF LAND OUT OF THE COLLIN C MCRAE SURVEY NO. 391 ABSTRACT NO. 4782, CB 4782 AS DESCRIBED IN WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 20190216412, IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.

SURVEYORS NOTES

- PROPERTY CORNERS ARE MONUMENTED WITH A CAP OR DISK MARKED "WESTAR SURVEYORS" UNLESS NOTED OTHERWISE.
- COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996) FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE. DISPLAYED IN GRID VALUES DERIVED FROM NGS COOPERATIVE CORS NETWORK.
- DIMENSIONS SHOWN ARE SURFACE.
- BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

STATE OF TEXAS COUNTY OF BEXAR
I HEREBY CERTIFY THAT THE ABOVE PLAT CONFORMS TO THE MINIMUM STANDARDS SET FORTH BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND BY:
MARK J. EWALD, R.P.L.S. (WESTAR ALAMO LAND SURVEYORS)
FIRM No. 1011170

MARK J. EWALD, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NUMBER 5095
FIRM No. 1011170

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT. TO THE BEST OF MY KNOWLEDGE THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE, EXCEPT FOR THOSE VARIANCES GRANTED BY THE SAN ANTONIO PLANNING COMMISSION.

SALVADOR FLORES, P.E. No. 82638
LICENSED PROFESSIONAL ENGINEER

LEGEND:

- PROPERTY BOUNDARY
- EXISTING CONTOUR ELEV.
- EASEMENT
- IRON PIN FOUND
- SET 1/2" IRON ROD CAPPED "WESTAR SURVEYORS"
- ELECTRIC, GAS, TELEPHONE, CABLE TV
- EASEMENT
- VOL. VOLUME
- PG. PAGE
- AC. ACRES
- ROW RIGHT-OF-WAY
- C CENTERLINE
- OPR OFFICIAL PUBLIC RECORD OF BEXAR COUNTY, TEXAS
- DPR DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
- BLK. BLOCK
- CB COUNTY BLOCK
- COSA CITY OF SAN ANTONIO
- DOC. DOCUMENT
- BSL BUILDING SETBACK LINE
- NTS NOT TO SCALE
- ① 2'x2' TELE ESM'T (VOL. 9528 PG. 53 DPR)
- ② 3'x3' ELEC ESM'T (VOL. 9528 PG. 53 DPR)

CPS/SAWS/COSA UTILITY NOTES:

1) THE CITY OF SAN ANTONIO, AS A PART OF ITS ELECTRIC, GAS, WATER, AND WASTEWATER SYSTEMS – CITY PUBLIC SERVICE BOARD (CPS ENERGY) AND SAN ANTONIO WATER SYSTEM (SAWS) – IS HEREBY DEDICATED EASEMENTS AND RIGHTS-OF-WAY FOR UTILITY, TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE AND SERVICE FACILITIES IN THE AREAS DESIGNATED ON THIS PLAT AS "ELECTRIC EASEMENT", "ANCHOR EASEMENT", "SERVICE EASEMENT", "OVERHANG EASEMENT", "UTILITY EASEMENT", "GAS EASEMENT", "TRANSFORMER EASEMENT", "WATER EASEMENT", "SANITARY SEWER EASEMENT" AND/OR "RECYCLED WATER EASEMENT" FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REMOVING, INSPECTING, PATROLLING AND ERECTING UTILITY INFRASTRUCTURE AND SERVICE FACILITIES FOR THE REASONS DESCRIBED ABOVE. CPS ENERGY AND SAWS SHALL ALSO HAVE THE RIGHT TO RELOCATE SAID INFRASTRUCTURE AND SERVICE FACILITIES WITHIN EASEMENT AND RIGHT-OF-WAY AREAS, TOGETHER WITH RIGHT OF INGRESS AND EGRESS OVER GRANTOR'S ADJACENT LANDS FOR THE PURPOSE OF ACCESSING SUCH INFRASTRUCTURE AND SERVICE FACILITIES AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENCY OF WATER, SEWER, GAS, AND/OR ELECTRIC INFRASTRUCTURE AND SERVICE FACILITIES. NO BUILDINGS, STRUCTURES, CONCRETE SLABS, OR WALLS WILL BE PLACED WITHIN EASEMENT AREAS WITHOUT AN ENCROACHMENT AGREEMENT WITH THE RESPECTIVE UTILITY.

2) ANY CPS ENERGY OR SAWS MONETARY LOSS RESULTING FROM MODIFICATIONS REQUIRED OF CPS ENERGY OR SAWS INFRASTRUCTURE, LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION.

3) THIS PLAT DOES NOT AMEND, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE TV EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THE CHANGES TO SUCH EASEMENTS ARE DESCRIBED HEREON.

4) CONCRETE DRIVEWAY APPROACHES ARE ALLOWED WITHIN THE FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY UNDERGROUND ELECTRIC AND GAS FACILITIES.

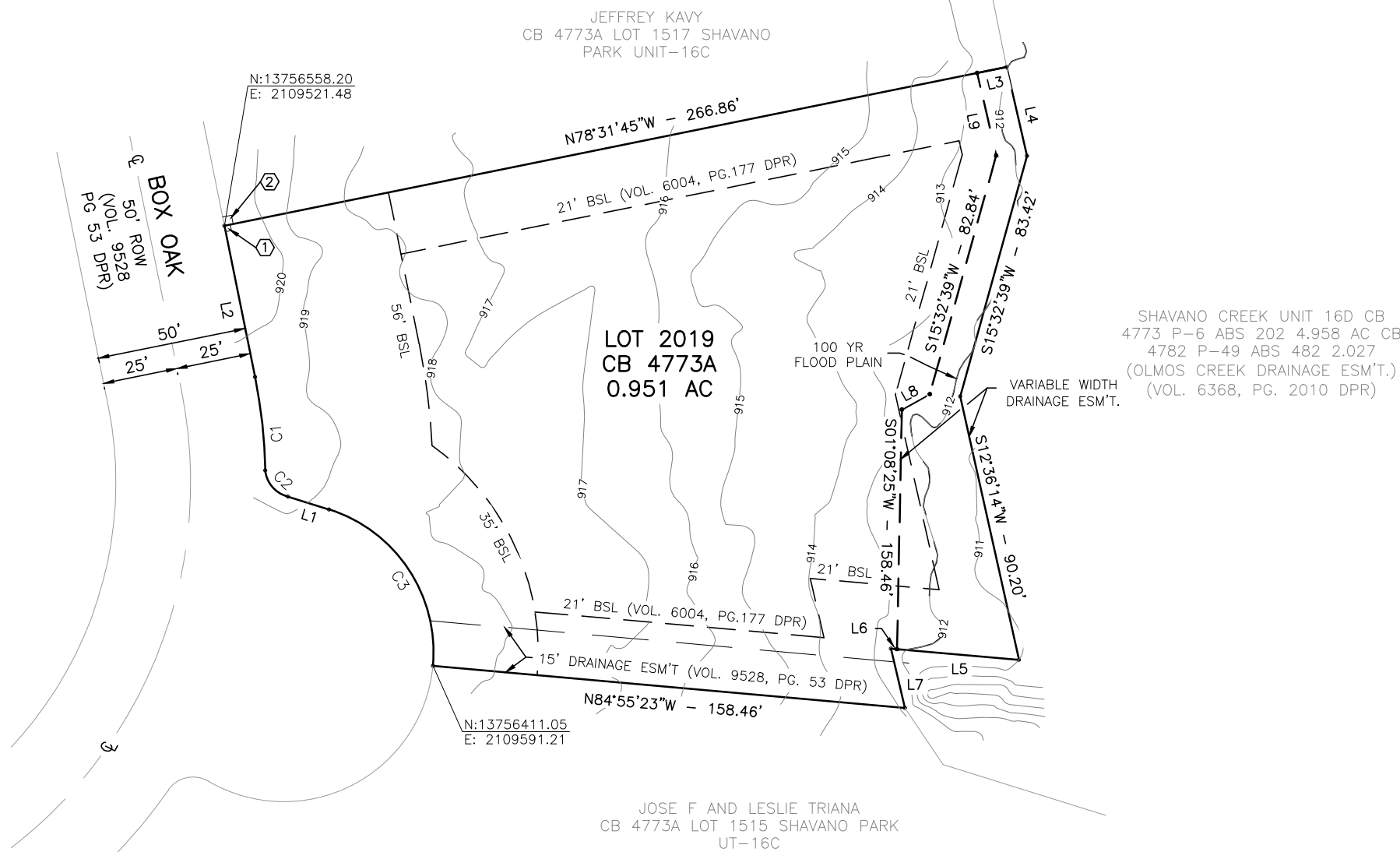
5) ROOF OVERHANGS ARE ALLOWED WITHIN FIVE (5) AND TEN (10) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) AND TEN (10) FOOT WIDE EASEMENTS.

SAWS WASTEWATER EDU

1) THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNIT (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE UNDER THE PLAT NUMBER AT THE SAN ANTONIO WATER SYSTEM.

DRAINAGE EASEMENT NOTE:

1) NO STRUCTURE, FENCES, WALLS, OR OTHER OBSTRUCTIONS THAT IMPEDE DRAINAGE SHALL BE PLACED WITHIN THE LIMITS OF THE DRAINAGE EASEMENTS SHOWN ON THIS PLAT. NO LANDSCAPING OR OTHER TYPE OF MODIFICATIONS WHICH ALTER THE CROSS-SECTIONS OF THE DRAINAGE EASEMENT, AS APPROVED, SHALL BE ALLOWED WITHOUT THE APPROVAL OF THE CITY ENGINEER. THE CITY OF SHAVANO PARK AND BEXAR COUNTY SHALL HAVE THE RIGHT TO INGRESS AND EGRESS OVER THE GRANTOR'S ADJACENT PROPERTY TO REMOVE ANY IMPEDING OBSTRUCTIONS PLACED WITHIN THE LIMITS OF SAID DRAINAGE EASEMENTS AND TO MAKE ANY MODIFICATIONS OR IMPROVEMENTS WITHIN SAID DRAINAGE EASEMENTS.



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	31.45'	177.87'	10.13'	N6°22'02"W	31.41'
C2	11.73'	10.00'	67.18'	S38°52'21"E	11.07'
C3	67.82'	50.00'	77.72'	N33°37'17"W	62.74'

Parcel Line Table		
Line #	Length	Direction
L1	15.00'	N72°28'15"W
L2	51.58'	N11°28'15"E
L3	10.00'	N78°31'45"E
L4	30.55'	S12°58'19"E
L5	40.95'	N84°58'59"W
L6	2.00'	N84°58'59"W
L7	20.36'	S13°11'17"E
L8	10.69'	S81°08'39"W
L9	28.27'	S12°58'19"E

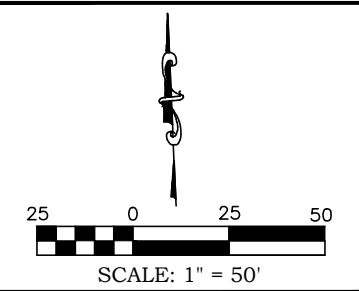
SUBDIVISION PLAT AND REPLAT ESTABLISHING SHAVANO PARK UNIT 16C, LOT 2019

BEING A TOTAL 0.951 ACRES OF LAND, ESTABLISHING LOT 2019, CB 4773A, OUT OF THE SHAVANO PARK, UNIT 16C SUBDIVISION PLAT AS RECORDED IN VOLUME 9528, PAGE 53, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.



BENDICION ENGINEERING, LLC

419 MARSHALL ST
SAN ANTONIO, TEXAS 78212
PHONE: 210-392-0036
TBPELS FIRM REGISTRATION
NO. F-10402



DATE OF PREPARATION:
FEB. 06, 2023

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC, EXCEPT AREAS IDENTIFIED AS PRIVATE OR PART OF AN ENCLAVE OR PLANNED UNIT DEVELOPMENT, FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

OWNER/DEVELOPER: ALEXANDER RODRIGUEZ III &
CHRISTINA STEINMETZ-RODRIGUEZ
206 BOX OAK
SHAVANO PARK, TEXAS 78230
(831) 818-5722

STATE OF TEXAS
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ALEXANDER RODRIGUEZ III & CHRISTINA STEINMETZ-RODRIGUEZ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE
THIS _____ DAY OF _____ A.D., 2023

NOTARY PUBLIC:
BEXAR COUNTY, TEXAS

THE CITY ENGINEER OF THE CITY OF SHAVANO PARK HEREBY CERTIFIES THAT SUBDIVISION PLAT CONFORMS TO ALL THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER

THIS PLAT OF SHAVANO PARK UNIT 16C, LOT 1516 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED: THIS THE _____ DAY OF _____ A.D. 2023

BY: _____
CHAIRMAN

BY: _____
CITY CLERK

THIS PLAT OF SHAVANO PARK UNIT 16C, LOT 1516 HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF SHAVANO PARK, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

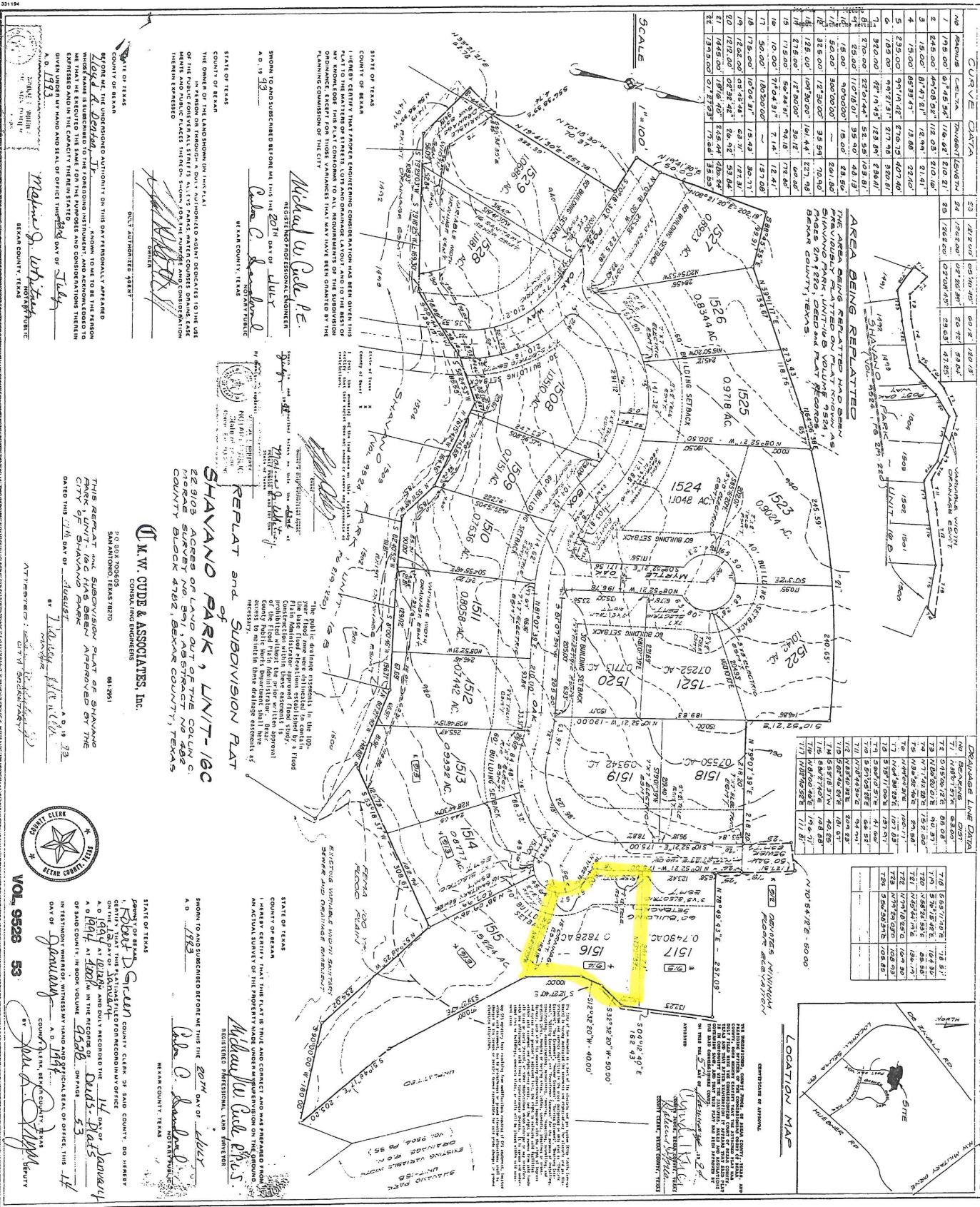
DATED: THIS THE _____ DAY OF _____ A.D. 2023

BY: _____
MAYOR

BY: _____
CITY CLERK

9528/53

File for Record in:
BEXAR COUNTY, TEXAS
RECORDED BY: GREEN/COUNTY CLERK
On Jan 12 1994
At 10:12am
Receipt #: 1556
Recording Fee: 4.00
Doc/Sheet: 4.00



STATE OF TEXAS
COUNTY OF BEXAR
I, Michael W. Cude, Jr., Engineer
do hereby certify that I am a duly licensed Professional Engineer in the State of Texas, and that I am the author of the above and foregoing plat, and that the same was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Texas, and that I am the author of the above and foregoing plat, and that the same was prepared by me or under my direct supervision.

STATE OF TEXAS
COUNTY OF BEXAR
I, Michael W. Cude, Jr., Engineer
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COUNTY OF BEXAR
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STATE OF TEXAS
COUNTY OF BEXAR
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27'40"E	148.88'
00'46"E	196.71'
40'52"E	111.81'



LOCATION MAP

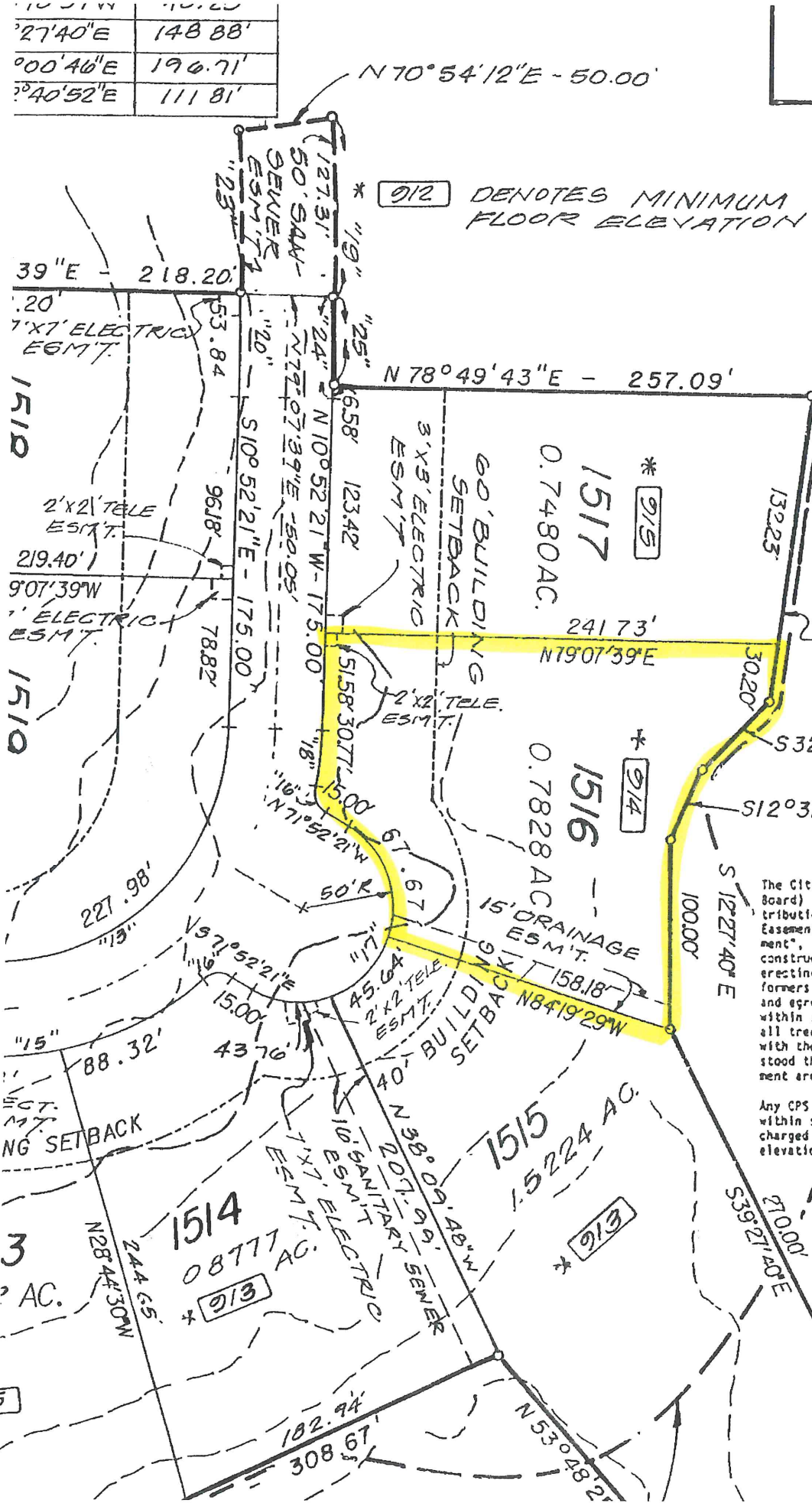
CERTIFICATE OF APPROVAL

THE UNDERSIGNED, COUNTY JUDGE, OF B. PRESIDING OFFICER OF THE COMMISSION COUNTY, DOES HEREBY CERTIFY THAT THE DULY FILED WITH THE COMMISSIONERS COURT AND THAT AFTER EXAMINATION IT IS IN CONFORMITY WITH THE STATUTES, GOVERNING SAME, AND THAT THIS PLAT IS THE SAID COMMISSIONERS COURT.

ON THIS THE 5th DAY OF Janu

ATTESTED

Cyril
COUNTY JUDGE
Rale
COUNTY CLERK



The City of San Antonio as a part of its electric and gas Board) is hereby dedicated the easements and rights-of-way for distribution and service facilities in the areas designated "Easement", "Gas Easement", "Anchor Easement", "Service Easement", "Utility Easement", and "Transformer Easement" for constructing, reconstructing, maintaining, removing, inspecting, reconstructing, hanging or burying wires, cables, conduit, formers, each with its necessary appurtenances; together with and egress over grantor's adjacent land, the right to rely within said easement and right-of-way areas, and the right to all trees or parts thereof, or other obstructions which stand with the efficiency of said lines or appurtenances thereof stood that no buildings, concrete slabs, or walls will be placed in said areas.

Any CPS monetary loss resulting from modifications required within said easement, due to gradechanges or ground elevation charged to the person or persons deemed responsible for elevation alteration.

UNPLATTED

CITY OF SHAVANO PARK

Preliminary Plat Submittal Checklist

This checklist is to be completed by the developer or his representative and submitted with the preliminary plat and accompanying data. If any areas are incomplete, the plat will not be accepted. Any items labeled N/A must be explained in writing. Shavano Park City Council has asked that all plats be submitted to the City with a brief description of the purpose of the plat or re-plat. Also requested is that an electronic version be sent to the City Secretary at citysecretary@shavanopark.org. This checklist does not supersede the City of Shavano Park Development Ordinances.

Name of Subdivision:	Amending Plat of Shavano Park Unit 16C - Lot 1516
Proposed Use of Property:	Residential
Property Description:	Lot 1516, CB 4773A
(Lot & block, address or location)	206 Box Oak
	Shavano Park, Texas 78230

Owner		Engineer	
Name:	Christina Steinmetz-Rodriguez	Name:	Bendicion Engineering, LLC
Address:	206 Box Oak	Address:	419 Marshall St.
	Shavano Park, Texas 78230		San Antonio, Texas 78212
Phone:	(831) 818-5722	Phone:	(210) 392-0036
Fax:	None	Fax:	None
Email:	tinastein@aol.com	Email:	sflores@bendicion-companies.com

Current Zoning:	A2	Total Acreage:	0.951 Ac.
Total Platting Fees:	\$400	Developable Acreage:	0.782 Ac.
(Coordinate with Staff)		Greenbelts & Drainage Acreage:	0.169 Ac.

S.A.W.S. Sewer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Septic System	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
S.A.W.S. Water	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Shavano Park Water	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

	Yes	No	N/A
1. This is an original plat of property	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. This is a replat of an existing plat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. If item 1 was answered "No," then:			
a. this is a vacate and replat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. this is a replat with out vacating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. this is an amending plat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. this is a minor plat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. If item 1 was answered "No," a copy of the original plat is included in the submittal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. The plat is of a Planned Unit Development District (PUD)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. If item 5 was answered "Yes" then include on plat PUD development standards that differ from the base zoning district development standards and include "PUD" in the subdivision name	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7.	Is a digital copy of plans, plat, forms, and/or letter included in the submittal?	<u>X</u>	<u> </u>	<u> </u>
The following items pertain to the proposed preliminary drawing:		Yes	No	N/A
8.	This subdivision is one phase of a larger development	<u> </u>	<u> </u>	<u>X</u>
9.	If item 5 was answered "Yes," a PUD plan is included in this submittal	<u> </u>	<u> </u>	<u>x</u>
10.	Some portion of this property is located over the Edwards Recharge Zone	<u>X</u>	<u> </u>	<u> </u>
11.	If Item 10 was answered "Yes," a Water Pollution Abatement Plan (WPAP) has been prepared for this site	<u> </u>	<u> </u>	<u>X</u>
12.	This site requires offsite drainage or utility improvements	<u> </u>	<u>X</u>	<u> </u>
13.	If item 12 was answered "Yes," 3 copies of the construction plans are included with cost estimate	<u> </u>	<u> </u>	<u>x</u>
14.	The plat is drawn on an 18"x 24" sheet (not a 24"x 36" sheet as incorrectly stated on City Code)	<u>X</u>	<u> </u>	<u> </u>
15.	15 Folded copies of the plat are included	<u>X</u>	<u> </u>	<u> </u>
16.	The plat contains the names, addresses, and Contact information of the owner and engineer	<u>X</u>	<u> </u>	<u> </u>
17.	The plat shows complete bearings and distances on all lot line and easements	<u>x</u>	<u> </u>	<u> </u>
18.	The plat shows the location of the subject property in relation to an original survey corner or public street intersection	<u>X</u>	<u> </u>	<u> </u>
19.	The plat illustrates and identifies all adjacent properties including recording information	<u>X</u>	<u> </u>	<u> </u>
20.	The plat contains the total acreage being platted and individual lot acreage	<u>X</u>	<u> </u>	<u> </u>
21.	The plat shows location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public right-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries	<u>X</u>	<u> </u>	<u> </u>
22.	The plat shows location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, and other sites within or contiguous with the subdivision	<u>X</u>	<u> </u>	<u> </u>
23.	The plat shows location, dimensions, description, and name of all proposed streets, alleys, parks, public areas reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision	<u>X</u>	<u> </u>	<u> </u>

The following items pertain to the proposed preliminary drawing:		Yes	No	N/A
24.	The plat shows the date of preparation, scale of plat and North arrow	<u>X</u>	<u> </u>	<u> </u>
25.	The plat shows the topographical information with contour lines on a basis of two (2) vertical feet in terrain with an average slope of five percent (5%)	<u>X</u>	<u> </u>	<u> </u>
26.	The plat shows a number or letter to identify each lot or site and each block. Said number shall be coordinated by the developer with the Clerk of Bexar County to prevent duplication	<u>X</u>	<u> </u>	<u> </u>
27.	The plat shows front building setback lines on all lots and sites. Side yard building setback lines at street intersection and crosswalk ways and rear building setback lines.	<u>X</u>	<u> </u>	<u> </u>
28.	The plat addresses the required landscape buffer in accordance with Table 6 of the Code of Ordinances	<u> </u>	<u> </u>	<u>X</u>
29.	The plat shows location map at a scale of not more than 4000 feet to an inch which shall show existing adjacent subdivisions and major streets	<u>X</u>	<u> </u>	<u> </u>
30.	The plat shows existing flood plain boundaries	<u> </u>	<u>X</u>	<u> </u>
31.	The proposed platted property is compliant with current zoning regulations	<u>X</u>	<u> </u>	<u> </u>

I certify that the above statements are true to the best of my knowledge and I further certify that I have read the City of Shavano Park Development Ordinances and this plat meets said ordinances except as notes.

Submitted by: Salvador Flores, P.E. Date: 2-6-23

Accepted by: [Signature] Date: 2/9/23

City Staff Reviewed

City Secretary: Trish Nichols Date: 2/13/23

Fire Marshal: David a. Dunn Date: 2/9/23

Public Works / Water Director: Blair Date: 2/9/23

February 22, 2023

City of Shavano Park
Attn: Curtis Leeth
900 Saddletree Ct
San Antonio, Texas 78231

On behalf of the:



Re: Amending Plat Review
Shavano Park U-16C, Lot 1516

Mr. Leeth,

KFW Engineers has completed its review of the referenced amending plat as submitted by Bendicion Engineering. KFW has the following comments.

Sheet 1 of 1 –

1. Remove or show entire name of road in the location map.
2. Reference latest deed in "Area Being Amended" section. Conflicting deed info.
3. Tract 2 (0.169 AC) is not currently platted, therefore an amending plat is not applicable. This would be a replat.
4. Please explain what line tag L3 is detailing.
5. Remove the "BLK" reference form adjacent lots 1515 & 1517.
6. Add certificate of city Engineer.
7. Show 100 year flood plain if applicable. If flood plain is touching platted area indicate a min. finished floor elevation. Add drainage easement to encompass 100 year flood plain within platted area.

Our review of the plat does not relieve or release the Engineer of Record or Surveyor of Record from complying with any and all the requirements of the local, state, and federal rules and regulations or guidelines impacting this project. If you require additional information, please contact our office.

Sincerely,

Andy Carruth, P.E.
Plan Reviewer for the City of Shavano Park

CITY COUNCIL STAFF SUMMARY

Meeting Date: March 27, 2023

Agenda item: 8.9

Prepared by: Bill Hill

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

Approval - Adopting Resolution R-2023-005 to amend the City of Shavano Park Employee Handbook – City Manager

X

Attachments for Reference:

- 1) 2023 Employee Handbook Track Changes
- 2) Resolution R-2023-005
- 3) 2023 Employee Handbook (Clean)

BACKGROUND / HISTORY: City staff performs an annual review of the handbook to ensure the handbook remains a living document responsive to employee informational needs, managerial needs and legal compliance. The current Employee Handbook was approved by Council on Feb 28, 2022.

DISCUSSION: Attachment 6.6a is a track changes document from the February 28, 2022 Handbook. Attachment 6.6c is a clean version with all accepted changes from the track changes. This update is not a significant revision of the handbook. Changes included revisions based on City Attorney review, updating the updated organizational chart and 2023 holiday schedule.

Highlights of changes with the track change document include:

<u>Pages</u>	<u>Section</u>	<u>Change</u>
Various		Wordsmithing and format changes
Various		Changed title to Assistant City Manager
6&7	2.6.2	Deleted section recommended by attorney; added social media harassment
9	2.9	No privacy for City facilities and equipment
11	3.3	Updated Insurance benefit eligibility for over 30 hours a week
17-18	3.10	Changed from a Tuition to a Education Reimbursement Program
22	4.6	Addressed Interns
27	5.1	Addressed Fire and Police shift schedules
29	5.3	Deleted sentence regarding Fire and Police compensation time
29&31	5.4	Acknowledged potential disaster declaration overtime allowance
33	5.8	Increased annual leave accrual maximum
41	5.12	Addressed notice of Military Leave
43	5.13	CM may place an employee on administrative leave
44	5.15	Allows new employees bereavement leave

47	5.22	Allows CM to grant Fire employees Mental Health Leave
54	6.4	Acknowledge by employee of certain pay deductions upon departure
73	7.7	Terminated employees may not file grievance (CM will have approved)

COURSES OF ACTION: Approve Resolution R-2023-005, provide further feedback or alternatively take no action.

FINANCIAL IMPACT: N/A

STAFF RECOMMENDATION: Approve Resolution R-2023-005 adopting revisions to the City of Shavano Park Employee Handbook



CITY OF SHAVANO PARK

EMPLOYEE HANDBOOK

Adopted by City Council

March 27, 2023

WELCOME TO THE CITY OF SHAVANO PARK

Welcome to the City of Shavano Park! We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with the City of Shavano Park. As you become familiar with the City's vision and mission statement, we hope that you will take advantage of the many opportunities offered to you in order to enhance your career and further the City of Shavano Park's goals.

BACKGROUND

City Profile: On the edge of the Texas Hill Country, the City of Shavano Park is located in the San Antonio Metropolitan Area in northwest Bexar County, approximately 12 miles north of downtown San Antonio. Shavano Park is surrounded by the City of San Antonio. Generally, the City's boundaries are Loop 1604 on the north, Huebner Road on the south, Lockhill Selma on the west and Salado Creek on the east. This City land area size is 3.3 square miles of land. The City is composed of roughly 3,527 residents and has approximately 181 commercial businesses.

City History: The original Town of Shavano was established around 1881 along the Olmos Creek and served as a stagecoach and rail stop between San Antonio and Boerne. The area now occupied by the City of Shavano Park was part of the Stowers Ranch. In 1947, Wallace Rogers and Sons purchased the land for residential development starting in 1948. The city of Shavano Park was incorporated on June 19, 1956 as a general law city. The City has grown considerably from 167 residents in 1956 to roughly 3,527 in the year 2020. Despite its growth the City retains its distinctive generous lots and rural atmosphere.

SPACE SAVED FOR RESOLUTION

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Appendix

Attachment A – Organizational Flowchart
Attachment B – Official Holidays
Attachment C – Developmental Counseling Form

EMPLOYMENT ACKNOWLEDGEMENT

The City of Shavano Park (the “City”) Employee Handbook describes important information about the City’s personnel policies and procedures, and I understand that I should consult my supervisor and / or my Department Head regarding any questions not answered in the Employee Handbook. I have entered into my employment relationship with the City voluntarily and acknowledge that there is not specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time.

With the exception of the City’s employment-at-will policy, all of the information, policies, and benefits described in the Employee Handbook are subject to change. I understand that revised information may supersede, modify, or eliminate existing policies. I agree that any conflicts or ambiguities in City policies and procedures will be decided by the City Manager.

Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document, nor is it a waiver by the City of the employment at-will status of my relationship with the City.

I have received the Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand that the policies in this Employee Handbook supersedes all prior written and / or oral City policies.

ACKNOWLEDGEMENT:

Signature

Print Name

Date



Section 1 – Introduction

1.1 PURPOSE

This Employee Handbook is designed to provide employees information on the policies of the City of Shavano Park. This handbook also serves to ensure a uniform application of City policies governing employees and replaces all previous employee handbooks or personnel manuals. Employees should read this document carefully to understand the responsibilities, rights and benefits of being an employee of the City of Shavano Park. Should any employee have questions as to the interpretation or understanding of any policy or practice, please make an appointment with your Department Director immediately. It is important that all employees have a full and complete understanding of the City of Shavano Park's personnel policies.

All Forms mentioned in *italics* in this handbook can be found on the City's servers in the shared drive at **S:\1 - Employee Handbook Forms & Policies** or by contacting the Director of Human Resources. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

1.2 VISION STATEMENT

Shavano Park strives to be the premier community in Bexar County, preserving and celebrating its natural setting and small-town traditions amid the surrounding area's urban growth.

1.3 MISSION STATEMENT

The City of Shavano Park provides exceptional leadership and delivers exemplary municipal services in a professional, cost-effective and efficient manner to citizens, business owners and visitors to facilitate economic growth and enable an exceptional quality of life and workplace consistent with our small-town values and character.

1.4 STAFF ESSENTIAL TASKS

- Provide, Efficiently Use, and Protect Fiscal Resources
- Provide and Maintain Infrastructure
- Maintain a Superior Water System
- Provide Police Protection
- Provide Fire / EMS Protection
- Conduct Municipal Planning
- Enforce Ordinances / Standards consistently
- Provide Outstanding Customer Service to citizens, business owners and visitors



1.5 CITY VALUES

City employees are expected to uphold the following values:

- Honesty
- Integrity
- Accountability
- Excellence
- Professionalism
- Innovation
- Inclusiveness
- A commitment to open, clear and transparent communications and Government
- Responsiveness and Customer Service

1.6 CODE OF ETHICS

Employees of the City of Shavano Park have the trust of citizens who depend on the highest level of service. This level of trust creates a special responsibility for the employees of the City of Shavano Park. Therefore, employees are expected to maintain a high level of ethical standards, to act with integrity in all public relationships and to always conduct themselves in a manner which maintains public confidence. This is accomplished by following the City of Shavano Park's Code of Ethics as presented below.

Employees of the City of Shavano Park shall strive to uphold the Constitution, laws and ordinances of the United States, State of Texas, and the City of Shavano Park, and shall strive to be:

- Honest and trustworthy in what they say and write and in all professional relationships;
- Dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;
- Fair and considerate in the treatment of fellow employees and citizens, addressing concerns and needs with equity, granting no special favors;
- Committed to accomplishing all tasks in a superior way, and abstaining from all job behaviors that may tarnish the image of the City of Shavano Park;
- Cognizant that public and political policy decisions are the responsibility of the City Council; and
- Dedicated to the best customer/citizen services to improve the quality of life in the City of Shavano Park.

This Code of Ethics requires dedication to uphold. Employees and citizens will always be better served by doing what is right rather than what is expedient. Violation of the Code of Ethics, or any law of the State of Texas or the United States in the performance of an employee's duties can lead to discipline up to and including dismissal.



1.7 CITY GOVERNANCE AND MUNICIPAL MANAGEMENT

City Governance: The City of Shavano Park is a Type “A” General Law City governed by a Mayor and City Council that by election has adopted the City Manager form of government. The Mayor presides at meetings of the City Council and is the Chief Civic Representative of the City. The City Council functions as the legislative branch of the City government, provides policy for the conduct of municipal affairs, enacts ordinances, exercises budgetary authority and maintains oversight of the City government.

City Manager: Per Article III, Section 2-63 of the City of Shavano Park Ordinances the City Manager shall be the administrative head of the municipal government under the direction and supervision of the City Council. The City Manager is the Chief Executive Officer of the City of Shavano Park and is responsible for the day to day management of the City. The City Manager shall carry out the policies set by the City Council and enforce the ordinances of the City and the laws of the State of Texas.

Director of Human Resources: The City Secretary is the Director of Human Resources and reports directly to the City Manager. City employees should contact the City Secretary when the Director of Human Resources is described in this manual. Employees with finance related questions regarding payroll and insurance may contact the Finance Director for information.

Department Directors: Department Directors report directly to the City Manager and are responsible for the enforcement of the provisions of this manual as it relates to the supervision and administration of personnel in their departments. Department Directors will, in addition to their other duties, assure the maintenance of high standards of ethical and moral conduct among their personnel to reflect favorably on the City at all times. Department Directors are likewise responsible for the protection of all information which is created for or primarily used by their respective department. This responsibility includes the protection of computerized information which is placed in the custody of individual employees including authorizing access to all departmental information.

1.8 ORGANIZATIONAL FLOWCHART

The organizational chart will be approved annually by City Council and be updated in this handbook subsequent to City Council approval. See Attachment A – “Organizational Chart.”



Section 2 – General Provisions

2.1 PURPOSE OF EMPLOYMENT

The primary objective and purpose of the existence of the Shavano Park municipal government is to provide the most efficient, economical and courteous services possible to our citizens and business partners. Employees have been chosen for their positions because their individual job is very important in the overall mission to provide optimal City services. The City of Shavano Park is assured each employee has the knowledge, skills and abilities needed to help the City reach its primary objective. The City seeks to welcome each employee as an important and productive member of the organization.

2.2 EMPLOYMENT AT WILL

Employment with the City is not for a fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or **the City have the right to terminate employment at any time, with or without notice, and with or without cause.** This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

2.3 MANAGEMENT AUTHORITY AND ADMINISTRATION

This handbook is approved by the City Council of the City Shavano Park; Amendments to the Employee Handbook must likewise be approved by the City Council. The Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or Ordinance.

No City of Shavano Park supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written that differs from this handbook.

2.3.1 Management Authority. The City Council may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. Policy administration rests with the City Manager and the City Manager reserves sole authority to administer City operations.



2.3.2 Departmental Policy and Procedural Requirements. City departments may develop policies and procedures consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals shall be reviewed and approved by the City Manager. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective until reviewed and approved by the City Manager.

2.3.3 Miscellaneous. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by Federal, State and/or Municipal law.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be resolved by the City Manager. The City Manager may delegate rights and powers granted to him or her under these policies and procedures to the others as deemed appropriate in the City Manager's sole discretion.

2.4 MEDIA SPOKESPERSON

The City Manager will be responsible for handling all media inquiries. City Manager may, at his/her discretion, designate an employee to handle a specific media inquiry. City Employees are required to refer all media inquiries to the City Manager. Failure to do so may result in discipline up to and including dismissal.

2.5 EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, religion, sex, national origin, citizenship, disability, genetics, veteran's status or other unlawful basis, is prohibited.

2.6 SEXUAL AND OTHER UNLAWFUL HARASSMENT

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful



of others and act professionally. City employees are also prohibited from harassing citizens, co-workers, volunteers, elected and appointed officials, vendors, and all other third parties.

2.6.1 Sexual Harassment. All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

2.6.2 Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal, written, or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, workplace bullying, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic.

Workplace bullying occurs when an individual, or a group of individuals, repeatedly behaves unreasonably towards a worker, or a group of workers, and the behavior creates a risk to health and safety. It includes both physical and psychological abuse.

This policy also prohibits while on duty or at work sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube



and Facebook. Online, including social media harassment will be treated the same as other types of harassment.

This policy applies to City employees interacting with other employees, elected and appointed officials, citizens, vendors, volunteers, and other visitors to the workplace.

2.6.3 Reporting and Handling Procedures. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to your Department Director, the City Secretary/Human Resource Director, Assistant City Manager or the City Manager.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by City policy must immediately advise the Department Director, City Secretary, Assistant City Manager or City Manager.

Under this policy, an employee may report to and/or contact the City Manager directly, without regard to the employee's normal chain of command. If an employee has a complaint related to the City Manager, the employee may report the issue to the City Secretary who will forward the complaint to the Mayor. If the City Secretary and City Manager are both involved in the complaint of harassment, the employee may make a written complaint to the Mayor.

Investigation. All reports of prohibited conduct will be investigated promptly and confidentially by the City Manager, or designee, as appropriate. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

In case of complaints against the City Manager, the City Council shall designate a third party to undertake the investigation.

Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action. Misconduct constituting harassment or retaliation will be dealt with appropriately and promptly. Discipline, up to and including termination will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.



Training. Employees of the City will receive harassment training upon hire with the City and on a regular basis in order to maintain a harassment-free workplace.

2.7 AMERICANS WITH DISABILITIES ACT

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written request to the City Secretary.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact their immediate Supervisor, City Secretary, the City Manager or designee.

2.8 MEDICAL RECORDS PRIVACY

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. Finance Department maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to justify an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records



The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the employee or destroyed.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor. When an employee provides information to the supervisor, the supervisor shall share the information only on an “as needed” basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers’ medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker’s privacy or breach of confidence.

2.9 SEARCH POLICY

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, city issued cell phones, pagers, text messages, whether secured, unsecured or secured by a lock or password provided by the employee.

All searches must be authorized and conducted under the direction of the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination. Employees understand they have no right to privacy for City facilities and equipment.

2.10 POLITICAL ACTIVITIES

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with State and Federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- Use the employee’s position or office to coerce political support from employees or citizens.
- Use the employee’s official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Use working hours or City property to solicit or receive any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.



- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. City of Shavano Park City Council, Boards and Commissions and certain Bexar County offices. Upon being elected or appointed to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

2.11 VALID DRIVER'S LICENSE REQUIREMENT

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, maintain a current valid Texas driver's license.

Driving records will be checked prior to employment and, at City discretion, periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.



Section 3 – Employee Compensation and Benefits

3.1. PAY PLAN

The City pays wages and salaries based upon the nature of the job performed and are competitive to payment plans for similar positions in the surrounding area. Annual base salaries are determined by the City Council. . .

3.2. ALLOWANCES AND CERTIFICATES

Allowances (such as phone or vehicle) are determined each year during the City's budget process. Allowances are available to those employees at the determination of the City Manager and Council during the budget process. Speak with your Department Director or Finance Director for details on City allowances.

Certain qualifications (such as those for Fire, Police and Water Utility professionals) are recognized as beneficial to the City and may be awarded with certificate pay. Certificate pay amounts are determined each year by City Council during the City's budget process. Speak with your Department Director or Finance Director for details regarding City certificate pay.

3.3. INSURANCE BENEFITS

All regular employees who work at least 30 hours per week (or 130 hours/month) and their dependents are eligible for enrollment in the City's insurance benefit plans upon employment; coverage begins on the first day of the month following the date of employment. This insurance is effective as long as the employee remains on the payroll for the required hours. The details of the City's insurance benefit plans are determined as a part of the City's annual budget process. Inquire with your Department Director or City Secretary for details on the City's current year insurance benefit plans.

3.4. GROUP HEALTH BENEFIT COVERAGE (COBRA)

COBRA is a Federal law that requires the City of Shavano Park to offer employees and their families the opportunity to extend temporarily their group coverage at group rates in instances where coverage under the employer's group health plan would otherwise terminate. *The employee is responsible for paying for the City's share of the premium in addition to current premium during a continuation of coverage under COBRA.*

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an



employee's hours are reduced so that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan with the Finance Director.

3.5. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Employee Assistance Program (EAP) provider is Deer Oaks EAP Services. They provide EAP Services for all employees and their dependents. The EAP benefit covers 6 confidential short-term counseling visits and is at no cost to employees and their families. The City has pre-paid for this benefit for all employees and their dependents.

The EAP benefit is not only free to all employees and their dependents, but it is also confidential. Deer Oaks EAP has considerable expertise and clinical knowledge possessed by its clinicians and numerous convenient locations.

The EAP can assist with many different types of problems. Among these are stress, depression, anxiety, workplace difficulties, substance abuse, marital problems, family or parenting conflicts, grief, violence and unhealthy lifestyles. The EAP can also provide additional assistance with, and tools & referrals for:

- Childcare and Eldercare Resources with Referrals
- Financial and legal issues
- Free Interactive online simple will
- Retiree Assistance
- Moving Resources/Checklist
- ID Recovery

Deer Oaks EAP is available when you need it, 24 hours a day, 365 days a year. Deer Oaks will also coordinate with City of Shavano Park's Health Plan for cases that require treatment under your medical benefit. For additional information or a referral to a provider located nearest you please call EAP toll-free at 1-866-327-2400. Online tools are available at: www.deeroakseap.com with login & password: shavanopark.

The City of Shavano Park is committed to the health and well-being of its employees and their family members and encourages the utilization of this important benefit.



3.6. RETIREMENT

3.6.1. Texas Municipal Retirement System. The City participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. All regular full-time employees are required to join TMRS. Employees completing five (5) years of employment will be vested in the TMRS. All regular employees working twenty (20) hours or more per week are required to participate in TMRS. Temporary employees, and part-time employees working less than one-thousand (1,000) hours per year, are not eligible to enroll in the retirement system.

Employees covered under TMRS are required to contribute 7% of the employee's pay to the member's account. The City of Shavano Park matches the employee contribution at a 2 to 1 rate. All amendments and additions to such system enacted by the City Council are continued in full force and effect. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from the City Secretary or TMRS.

3.6.2. Social Security. Your earnings from this job are not covered under Social Security. All employees must sign Form SSA-1945, *Statement Concerning Your Employment in a Job Not Covered by Social Security*, prior to employment. This form explains the potential effects of two provisions in the Social Security law for workers who also receive a pension based on their work in a job not covered by Social Security.

3.7. WORKERS' COMPENSATION

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents, injuries or job-related illnesses occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the City are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and / or injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

3.7.1. Accident and Injury Reporting Procedures



- 1) **If an employee is injured on the job or feels that the employee has an illness or injury caused by work, the employee must stop working and report the condition to the employee's Supervisor.** Failure to report such an injury or illness no later than twenty-four (24) hours after learning of the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend may disqualify the employee from receiving benefits.
- 2) The supervisor may refer the employee for medical treatment, if necessary, from either the Shavano Park Fire Department EMS (dial 9-1-1 in emergencies) and/or the approved doctor list, as provided by the Texas Department of Insurance at www.pswca.org/workers.html. Every injury, regardless of its severity, must be reported by the employee to their Supervisor.
- 3) The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred.
- 4) The supervisor must submit the *Employers First Report of Injury or Illness Form (DWC Form-1)* and any other related information to the Director of Human Resources no later than twenty-four (24) hours after learning of the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend.
- 5) If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise Director of Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers' compensation will be made by the Political Subdivision Workers' Compensation Alliance and not by the City.
- 6) For every doctor's office visit, the employee is required to obtain from his doctor a completed *Fit for Duty Form*, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. A *Fit for Duty Form* completed by a doctor must include duties required specific to each employee's job description. It is the employee's responsibility to ensure that a copy of the *Fit for Duty Form* is forwarded to their supervisor. Failure of an employee to report an on the job injury to their supervisor may result in disciplinary action, up to and including termination of employment.

3.7.2. Returning to Work. The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions.



The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

All modified duty assignments must be approved by the Director of Human Resources to ensure compliance with the City's policies, the physician's restrictions/release and with all applicable laws.

3.7.3. Reasonable Time Period. Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the City will hold open an employee's position, following an injury or illness that occurred while performing official job duties or conducting City business, for a reasonable time period if holding the position does not result in undue hardship on the City. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform. If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the City will be terminated.

3.8. TRAVEL COMPENSATION

The City will reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy. Before an employee travels for training a request (CM Directive 16-02) must be completed and approved by the employee's Department Director and the City Manager not later than two weeks before date of training session. All out of state travel must be approved by the City Manager. Department Directors shall ensure travel expenditures comply with procedures as outlined and review and approve all necessary documents concerning travel. Travel shall be defined as travel outside of a 60-mile radius to the City of Shavano Park or travel of more than 30 miles outside the city radius that exceeds more than three (3) days in duration.

Employees should use the most economical means available when using City funds.

Itemized receipts must be provided for the following expenses:

- Hotel & Lodging
- Event attendance costs
- Training course agenda / itinerary

Receipts must be an itemized copy from the vendor and not just the credit card slip/balance due. *Failure to submit itemized receipts will render those expenses non-reimbursable.*



3.8.1. Transportation. The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. After approval by the City Manager, air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid the IRS mileage reimbursement rate in effect at the time of travel. Compensated mileage will be determined by miles between City Hall and the travel destination rather than between the employees' home and the travel destination. The City does not compensate travel mileage for a trip under 50 total miles. Reimburse mileage will be based on the most direct route from City Hall to destination. Commuting mileage from hotel to destination will not be reimbursed. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager. The City will not reimburse an employee who uses their own airline miles or other travel benefits for work travel.

3.8.2. Pay for Travel. Non-exempt employees are paid their normal hourly pay rate for time spent traveling while conducting City business. If the travel occurs during the normal working hours of a non-exempt employee, even on nonworking days, the time is compensable. Travel time that occurs outside of regular working hours where the employee is a passenger and free to relax does not count as hours worked. However, if the non-exempt employee is required to drive or perform pre-approved work by their Director, then the time is compensable. Home-to-work travel is not compensable hours worked. Travel time as a passenger outside of regular working hours is not considered work time.

3.8.3. Lodging. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including detail for any service charges to be paid/reimbursed by the City. Lodging may be approved by the City Manager for period prior to event depending on the distance required for travel from the City.

3.8.4. Meal Allowance. Meals and incidental expenses will only be paid on a per diem basis and based on rates established by the U.S. General Services Administration for the current fiscal year (www.gsa.gov). If neither the city nor county is listed, the rate for meals and incidental expenses will be the standard CONUS destination rate.

3.8.5. Non-Allowable Expenses. Expenses or charges for the following will not be reimbursed and must be paid for by the employee:

- a. In-hotel pay television, movies or other entertainment
- b. Dry cleaning and laundry;
- c. Health club and spas;
- d. Expenses of a spouse;
- e. Alcoholic beverages;



- f. Personal long-distance telephone calls; and
- g. Other items of a personal nature.

3.8.6. Compliance. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

3.9. DEFERRED COMPENSATION

Participation in a 457 Deferred Compensation program is offered through the City's relationship with the International City/County Management Association (ICMA) Retirement Corporation.

The program provides regular employees the option to defer part of their salary for payment at a future date. The deferral allows the employee to enjoy a tax savings by reducing their taxable income and therefore their tax liability in the year of the deferral. Deferred income is taxable upon receipt of the benefits. All deductions must be made in accordance with a signed participation agreement. More information on this plan can be obtained from the Finance Director.

3.10. EDUCATION REIMBURSEMENT PROGRAM

As the budget permits, the City may reimburse a regular full-time employee for tuition, books and exam fees for pursuing a course of study or industry-recognized certification to improve his/her skills and knowledge in a discipline directly related to his/her position. An employee who is considering such a course of study should meet with the Finance Director for the availability of these benefits for the fiscal year. Department Directors shall determine if a course is directly related to an employee's position and forward a recommendation for reimbursement to the Finance Director. In order to qualify for reimbursement, an employee must present a copy of the receipt showing that the tuition or certification fee has been paid and a report card showing a final passing grade for the course or certification.

The City may reimburse up to \$150 per course not to exceed four courses per calendar year or \$600 a calendar year towards a trade school or industry-recognized certification to each full-time employee who provides the proper documentation. Employees cannot "bank" additional courses beyond the four courses per calendar year limit from one calendar year to another.

3.10.1. Requirements.

- a. Employee must be pursuing within their current work-related position excluding all prerequisite/basic courses, a college diploma at an accredited college or university or pursuing a GED; a trade school certification or other industry-recognized certification.
- b. Must pass the course with at least a "C" grade.
- c. Must be an active employee on City payroll at the time of reimbursement request.
- d. Reimbursement request must be submitted within 30 days of completion of courses.



- e. Eligible items for reimbursement include: Tuition, official college, trade school & university fees, and certification training and exam fees.

3.10.2. Procedure.

- a. After final grades are distributed—submit copy of grades and paid invoices and other pertinent documents to the Department Director. The Department Director will forward through the Finance Director, the packet with a recommendation to the City Manager for approval or disapproval,
- b. City Manager will review and approve all submissions delivered from Department Directors.



Section 4 – Staffing and Development

4.1. PERSONNEL RECORDS

The Human Resources Office will maintain all personnel records for active employees. Personnel records of inactive employees will be maintained in accordance with the City's Records Management Policy. Personnel Records for Public Safety employees will be kept in accordance with State and Federal law.

An employee's personnel records are available for inspection by the employee. The employee, the employee's immediate supervisor, the Department Director, the City Manager or their designee, the Mayor and City Council members are authorized to view an employee's personnel file.

Department Directors and other City employees are not permitted to release information regarding a former employee's employment with the City of Shavano Park. Public Information Requests on employee records should be forwarded to the City Secretary and will be handled in accordance with State law.

4.2. RECRUITMENT AND SELECTION

As an Equal Opportunity Employer, the City of Shavano Park will conduct its staffing activities in accordance with State and Federal laws and regulations. The City of Shavano Park will not unlawfully discriminate in either selection or advancement of any employee or prospective employee.

Job Vacancies. When a vacancy occurs within a department for any reason, or notice is given of a resignation, the Department Head will furnish Human Resources with the original letter of resignation and the necessary information to hire for the vacancy. Upon job vacancy, the Department Director will coordinate with City Secretary and City Manager to fill position. The City will normally try to fill openings by promotion from within, if qualified internal applicants are available. The position may be posted internally for five days before the position is posted externally. The City Secretary will post and advertise the position on the City's official website, as well as other media as deemed appropriate.

All City employees who meet a job's qualifications are encouraged to apply for the job posting. Individuals, and current employees, applying for a vacant position will be required to complete the official *City of Shavano Park Application for Employment Form*.

Department Directors are encouraged to advertise the vacancy at academic institutions, trade schools, in trade journals and other publications as well as other media which may generate



candidates for the vacancy. The City Secretary will assemble the applications/resumes from interested individuals and forward them to the Department Director for evaluation and interviews. The Department Director will forward to the City Secretary all applications including the top three candidates for final processing and background investigation. The Department Director will present recommendations to the City Manager for final determination of an employment offer to a candidate.

4.3. NEPOTISM

No person related up to the 2nd degree by marriage or 3rd degree by blood kinship to the City Manager, Mayor, or any member of the City Council, shall be appointed to or employed in any position in the City. No person related up to the 2nd degree by marriage or 3rd degree by blood kinship to any employee of the City of Shavano Park shall be employed in any position within the same department. Figure 4.3 lists blood kinship and marriage degrees of relationship.

Figure 4.3. Blood Kinship & Marriage Relationships prohibited by City.

Blood Kinship	1st Degree	Father & Mother, Son & Daughter
	2nd Degree	Grandfather & Grandmother, Brother, Sister, Grandson & Granddaughter
	3rd Degree	Aunt, Uncle, Niece, Nephew, Great Grandson & Great Grand daughter, Great Grandfather & Mother
Marriage	1st Degree	Spouse, Father-in-Law, Mother-in-Law, Daughter-in-Law, Son-in-Law
	2nd Degree	Spouse's Grandfather & Grandfather, Brother-in-Law, Sister-in-Law, Spouses' Grandson & Granddaughter, Brother / Sister's Spouse

In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

4.4. ORIENTATION



Individuals selected for employment with the City of Shavano Park must complete an orientation session. The City Secretary and Finance Director will provide information about employment with the City to include personnel policy information. Meetings will be scheduled with senior staff for additional operational overview.

4.5. ASSESSMENT PERIOD

Prior to being designated as a permanent regular employee, an employee shall go through an assessment period of ninety (90) days after first day of employment. Police and Fire Departments have specific probationary periods for employees assigned to their departments. Police and Fire department employees should refer to their department's policy for probationary periods and requirements. The assessment period provides a specific time frame for supervisors to monitor, evaluate and assist an employee in adjustment to service with the City of Shavano Park. The assessment period allows for identification and retention of employees who demonstrate the skills and meet the performance levels required of various positions.

The Department Director and subordinate supervisors are responsible for evaluating the job performance of the new employee using the *Performance Appraisal Form*. Upon commencement of employment, the supervisor and the new employee will review the position job description and the performance evaluation criteria to be used during the assessment period. During the assessment period, the supervisor and the new employee will periodically review work performance and outline satisfactory or unsatisfactory performance. Supervisor must note areas of improvement recommended for continued employment. The employee should be advised before the end of the assessment period whether or not he/she will be retained or terminated. If an employee is to be retained, a *Personnel Action Form* is sufficient notice of retention. If the employee is to be terminated, the *Personnel Action Form* effecting the termination must be accompanied by the appropriate documentation. Successful completion of the assessment period does not change the at-will status of the employee.

4.6. EMPLOYMENT STATUS (CLASSIFICATION)

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

- a. **Assessment Period.** A full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. This period lasts ninety (90) days. Police and Fire Departments have specific probationary periods for employees assigned to their departments. Police and Fire department employees should refer to their department's policy for probationary periods and requirements.



- b. **Regular full-time.** An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Fire and Police shift personnel who have different work cycles) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRs).
- c. **Regular part-time.** An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed 3 months of active service with the City. Regular part-time employees who work more than 20 hours per week accrue certain benefits on a pro rata basis and, who work at least 1000 hours in a year, are eligible to participate in Texas Municipal Retirement System.
- d. **Temporary.** An employee is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the City Secretary. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage) but are not eligible for the City's other employment benefits. Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRs.
- e. **Reserve Firefighters / Police.** An individual who is employed by the City for select shifts in the Fire and Police Departments. A Reserve Police Officer or Firefighter does not receive any compensation or earn any benefits for shifts worked. Reserve Police Officer or Firefighters do fall under the City's Workers' Compensation while on duty. Reserve Police Officers and Firefighter's shall consult their respective departments policies as each department mandates minimum and maximum requirements for their reserve components.
- f. **Interns.** Interns are not employed by the City in any capacity and not entitled to compensation. Interns may receive stipends as compensation for work performed under the internship.
- g. **Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are not paid, are not entitled to any benefits, but are covered by worker's compensation.

In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from Federal and State wage and hour laws. Employees are informed of



their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by City Secretary after a proper analysis of the position.

Employees may also be classified as Shift or Non-Shift employees. Non-Shift employees are nonexempt employees who work during normal City hours of operations (8 a.m. to 5 p.m. Monday through Friday). Shift employees are nonexempt employees who follow a work schedule that is outside of the typical 8 a.m. to 5 p.m. business day. Ask your supervisor to if you are unsure of your status as a shift or non-shift employee.

4.7. TRAINING AND DEVELOPMENT

To meet individual and organizational needs, the City will provide training and development opportunities to encourage performance, prepare employees for new or increased responsibilities, extend opportunity for growth and development, and promotion of the most qualified individuals. To request approval for training an employee must complete *Training Authorization Form* as required by 16-02-CM Directive.

4.8. OUTSIDE EMPLOYMENT

The acceptance of another job while in the employment of the City of Shavano Park is permissible as long as the following considerations are met:

- a. The full-time employee must notify their supervisor with the *Outside Employment Form* and receive written approval annually from the City Manager prior to the acceptance of other employment and whenever the nature of such employment changes. A copy of the written approval shall be kept in the employee's personnel file.
- b. Outside employment may not conflict with the best interest of the City.
- c. Outside employment must be terminated if it adversely affects the employee's attendance or performance of the employee's duties.
- d. An employee who refuses to discontinue outside employment is subject to release, based on prior warning by the supervisor.

4.9. ANNUAL PERFORMANCE REVIEW

All employees of the City of Shavano Park will be evaluated on an annual basis. The performance evaluation period will commence on March 1st of each calendar year and end on the last day of February of each calendar year. The process for employee evaluation is as follows:

- a. The evaluation period will be for the period beginning March 1st and ending on the last day of February.



- b. Supervisor and employee will meet in March of each year to review the *Performance Appraisal Form*. The form will outline evaluation criteria and job expectations established for the position occupied by the incumbent. Supervisor and employee will sign the *Performance Appraisal Form*.
- c. Department Directors will review and approve the *Performance Appraisal Form*.
- d. Final approval of the City Manager is required.
- e. During the evaluation period, supervisor and employee will periodically review work performance and outline areas of unsatisfactory and satisfactory performance.
- f. During the final month of the evaluation period the supervisor will complete the final performance evaluation for review by the Department Director. If the employee disagrees with the final evaluation, employee may discuss the evaluation with the Department Director.

All records maintained by the Human Resource Office in connection with the performance of individual employees shall be considered confidential. Access to performance records is limited to the employee, his/her immediate supervisors, and individuals authorized by the City Manager.

4.10. PROMOTION / DEMOTION / REASSIGNMENT / TRANSFERS

Dependent on the staffing plan and on available positions, promotions, demotions, reassignments and reclassifications will be made on the basis of skills, abilities and demonstrated performance of City employees.

4.10.1. Promotion. Promotion of all employees will be accomplished after careful consideration and thorough review of an employee's qualifications, performance appraisals, work history, and demonstrated abilities. A promotion shall take effect with as little undue disruption of departmental operation as possible. Promoted employees shall serve a ninety (90) day evaluation period effective the date of promotion. Police and Fire Departments have specific probationary periods for employees assigned to their departments. Police and Fire department employees should refer to their department's policy for probationary periods and requirements. Employees who fail to complete the evaluation period shall have their promotion revoked and returned to a position equal to the one held prior to the promotion where possible. All promoted employees shall receive all rights, privileges, benefits and responsibilities attendant to the position. Employees are not eligible for promotion during the evaluation period without special approval from the City Manager.

4.10.2. Demotion. Demotion of all employees may be accomplished at any time an employee fails to meet performance standards for his/her position. Before demotion, an employee must be informed of and understand the standards by which he/she is being judged. Before demotion, an



employee, if possible, may be counseled and given sufficient time to correct any existing deficiencies.

4.10.3. Reassignment. Voluntary reassignments may be requested by an employee. Lateral reassignments may be initiated by a Department Director when the best interest of the City is served by such action.

4.10.4. Transfers. To provide maximum opportunity for advancement to all employees and to promote optimum staffing, the City will encourage the transfer of employees between City departments. No acts of discrimination shall result from transfer requests. All employees are eligible to apply for transfers to currently vacant positions.

4.11. SEPARATIONS / EXIT PROCESS

A Department Director may recommend the termination of an employee for cause and must furnish the City Manager with an explanation for the recommendation of dismissal. The City Manager will make the final determination on the dismissal of an employee.

Resignations. An employee who chooses to resign must submit a resignation in writing to the Department Director at least ten (10) working days before the effective date of the resignation. An employee who gives less than ten (10) working days' notice may forfeit eligibility for rehire and unused annual leave. After approval by the Department Director, the resignation will be forwarded to the City Secretary with any other appropriate documentation.

Retirements. An employee who is eligible for and chooses to retire, should submit notice of their retirement to the Department Director as soon as possible. The Department Director shall direct the employee to meet with Human Resources in order to accomplish all required paperwork for retirement.

Exit Process. The exit process consists of the following steps:

- a. Inform your supervisor in writing of intent to separate employment with the City.
- b. Department Director/supervisor will ensure that all issued City property, to include all City identification badges and uniforms is returned.
- c. The Department Director will schedule for the employee a meeting with the City Secretary so the employee can receive information on benefits, etc.
- d. In cases where issued equipment is not returned – the City may recover cost through payroll deduction.



Exit Interview – regardless of the reason for the separation of employment with the City of Shavano Park, the employee is required to complete an exit interview. The exit interview will be conducted by the City Secretary. Separating employees will complete the *Exit Interview Form*. After the interview, the City Secretary will be required to complete a report that outlines the discussions held during the exit briefing.

The purpose of the exit interview is to finalize all compensation due to the employee, return city equipment, provide explanation of any continuing benefits (such as contact information for employee retirement, insurance and optional benefit coverages), to review time employed and give the employee the opportunity to provide feedback.



Section 5 – Time and Attendance

5.1. TIME AND ATTENDANCE

Normal working hours for most regular full-time employees, including non-shift employees in the Fire and Police Departments, are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of forty (40) hours per work week. Fire Department shift personnel work 48-hour shifts with shift hours from 7:30 a.m. to 7:30 a.m. the following 2nd day. Non-Exempt Fire and Police Department personnel will be assigned shift schedules dependent upon department needs as deemed by their respective Directors. Public Works / Water Department employees' normal working hours are 8:00 a.m. to 5:00 p.m. with additional on-call status periods for non-normal working hours as determined by the Department Director. Department Directors will periodically review schedules with the City Manager.

Employees shall not work in excess of forty (40) hours per work week without the prior approval of a Department Director or their designee. Department Directors have authority to slightly modify standard 8:00 a.m. to 5:00 p.m. work day times to accommodate employees or to fulfill departmental work goals.

For time recording purposes, Department Directors are required to log the actual hours worked by each employee within their department. This log will be the basis for processing payroll and compensation for employees. The Department Director or designee validates the number of hours worked by all employees for compensation to be received. Each Department Director or designee is responsible for ensuring that all hours worked and leave time taken are reported in the individual department's records and the employee's personnel file.

Employees are required to be at their place of work in accordance with departmental work schedules. Any employee who fails to report, is habitually tardy, leaves the work place without prior authorization or misuses leave may be subject to disciplinary action. All departments shall maintain attendance records and Department Directors are responsible to submit this documentation to the Finance Office during the payroll period. The Finance Office shall have the responsibility to account for leave accruals and leave utilized by City employees.

5.2. BREAKS

The City allows rest breaks as authorized by an employee's immediate supervisor or department policy during the course of each work day to prevent undue fatigue and comply with applicable laws.



Rest Breaks. Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two fifteen-minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods. Full-time employees (excluding most Police and Fire Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. Police and Fire Department employees shall refer to their respective department policy for meal break standards.

Break Time for New Mothers. Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

Supervisor Responsibility. Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted. The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled work day; or
- requesting compensatory time off or overtime pay for work performed during rest period time.

5.3. OFFICIAL HOLIDAYS

The Official Holidays will be approved annually by City Council and be updated in this handbook subsequent to City Council approval. See Attachment B – “Official Holidays”. If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday.



Ineligibility for Holiday Pay. Non-Police and Fire employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday unless a doctor's note is provided to Department Director.

Holiday Occurring During Vacation Leave. A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will receive holiday pay.

Fire and Police Holiday Compensation Time. Police Officers and Firefighters who are shift employees (ask your supervisor if you are not sure of your status) accrue 8 hours of holiday time for each City Holiday. This holiday time can be accrued to a maximum of 168 hours. Any holiday time accrued below the 168-hour cap can carry over into the next calendar year. Holiday compensation time should be used prior to using vacation leave in most situations. ~~Holiday compensation time, when used by a Fire or Police shift employee, counts towards hours worked for the purposes of overtime.~~ This holiday compensation occurs whether or not the employee was on duty for the holiday for any reason other than an unauthorized absence. If a Police or Fire employee is absent without authorization during a holiday, they do not receive the holiday time accrual.

5.4. OVERTIME AND COMPENSATORY TIME

5.4.1. Overtime. The City's policy is to keep overtime to a minimum. All overtime shall, except in emergencies, have approval by the Department Director or designee. Overtime compensation is paid to all non-exempt employees in accordance with Federal and State wage and hour requirements. Exempt employees are not paid overtime compensation, unless a disaster declaration has been declared.



Non-exempt. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of the Department Director. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all nonexempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

Official City Holidays falling during the normal work week, Monday-Friday, are counted as hours worked towards overtime pay for non-shift employees. No other forms of leave besides Jury Duty (page 35) is considered towards overtime pay.

Generally, except for Fire Department shift employees and Police Department employees engaged in law enforcement activities, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 8:00 a.m. on Monday and ends at 8:00 a.m. the following Monday.) An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc. Fire personnel are paid overtime based on a work cycle of 27 days and Police personnel are paid overtime based on a work cycle of 14 days under Section 207(k) of the FLSA.

5.4.2. Compensatory time. Compensatory time off (Comp time) may be awarded by the Department Director in lieu of overtime for employees who worked more than forty (40) hours in a work week and agree to accept compensatory time off in lieu of overtime pay. Compensatory time is awarded at a rate of one and one-half (1 ½) times the number of hours worked in excess of forty (40) hours. Compensatory time used during the week is taken at a 1:1 ratio. The City discourages the accumulation of compensatory time because of its potential burden to City finances. Compensatory time off may be awarded in all overtime situations for nonexempt employees except in the following situations: after hours call-backs; public emergency; or with the approval of the City Manager. Compensatory time is ideally suited for times when several hours are needed during the working day for personal business which is approved by the Department Director. Compensatory time is not available to exempt employees.

Employees may bank up to 60 hours maximum of accrued compensatory time.

Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and /or comp time. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current hourly rate.



Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee's time record.

Exempt employees. Executive, administrative, and professional employees, as defined in the FLSA, are exempt from the overtime provisions of FLSA and are expected to render necessary and reasonable overtime services without additional compensation. The salaries of these positions are established with this assumption in mind. Extra hours worked by executive, administrative and professional employees may be used as a factor in granting flexible leave hours. Each City job description designates whether persons hired in that classification are exempt from or covered by (non-exempt) the overtime provisions of the FLSA. NOTE: If an emergency declaration has been made, certain overtime services may be addressed within this declaration.

5.5. POLICE NIGHT SHIFT DIFFERENTIAL PAY

In addition to base pay, Police Officers shall be entitled to receive shift differential pay in an amount set out in the City Budget per pay period if they are regularly scheduled to work more 80 hours or more for that pay period between the hours of 6:00 p.m. and 6:00 a.m.

If an officer works a full pay period between 6:00 p.m. and 6:00am and is needed to assist with day shift coverage they will continue to receive shift differential for that pay period.

Alternatively, if an officer works a full pay period between a 6:00 a.m. and 6:00 p.m. and is needed to assist with night shift coverage they will likewise continue to receive shift differential for that pay period. There will be double payment of night shift differential pay for a full pay period to both the regular night shift officer using approved leave and the regular day shift officer covering for that pay period.

All shift differential hours and pay must be pre-approved by the Police Chief and will be accumulated, recorded and paid in compliance with the approved budget.

5.6. ON-CALL AND CALL-BACK COMPENSATION

The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.



Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be compensated for call-back time at a rate of one and one-half (1½) times their base rate if the call-back time results in hours worked in excess of 40 hours in a 7-day work period. Employees will be compensated only for actual hours worked during a call-back. Employees who have worked a less than forty (40) hours during the work week, will be compensated at their base rate of pay for the call-back time worked. Holiday leave and jury duty leave count towards the 40 hours worked for 1½ times call-back compensation.

Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

5.7. EMERGENCY SITUATIONS, ESSENTIAL PERSONNEL & DISASTER PAY

Normal Operations. Except for extraordinary circumstances, City offices *do not close*. All City employees, whether essential or non-essential, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify their Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or comp time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have accrued no vacation or compensatory time will not be paid for time missed.

Essential Personnel. See *City Policy # 21 – Disaster & Emergency Pay Policy for full policy*. Department Heads will designate essential personnel and submit the positions to the City Manager by June 1st of each year. Each designated employee shall be made aware through written communication that they have been designated as an essential employee. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status.

Emergency Declared & Return to Work. The City Manager may call any designated essential employees to return to work before, during or after an emergency or disaster. Essential employees



shall be made aware of the City Manager return to work requirement by telephone or in person. Undesignated essential employees do not receive overtime pay status as outlined below.

Disaster Pay. Full-time (both hourly & exempt) employees will receive overtime status pay at one and a half (1 ½) times their normal rate of pay for all hours worked during the declared emergency or disaster. Disaster Pay shall only be for time during the Declared State of Emergency per City Policy #21. There will not be the mandatory working of 40, 80 or 53 hours to reach disaster pay.

Non-essential personnel will be compensated for hours “Not Worked” during a declared emergency or disaster at their normal rate of pay for their normally scheduled work hours. This shall only be instituted for non-essential personnel if the City Manager deems the employee is unable to safely arrive at work or their office is closed.

Any employee who is prevented from attending work due to an emergency or disaster shall maintain daily telephone or personal contact with their department head or the department head’s designee. An employee who is not prevented from maintaining telephone or personal contact, and who fails to do so, may be subject to disciplinary actions and/or may be considered as having voluntarily resigned his or her position.

Essential personnel on Family Medical Leave shall not be required to return to work during an emergency or disaster. However, essential personnel on family medical leave who do not return to work shall not receive overtime pay for the hours “Not Worked” during an emergency or disaster.

5.8. ANNUAL LEAVE

The City of Shavano Park allows full-time employees to accrue and take leave for vacation, illness or other personal matters. This leave accrues immediately upon hire based on the scale below. Unused balances dependent on an employee’s pay category, may be carried over to the next calendar year up to a maximum of 200 hours for General Government Employees, 220 hours for Police employees and 260 hours for Fire employees. Annual leave is paid out at the time of the employee’s separation, up to the maximum authorized accumulation of hours, based on the employee’s pay category. Annual leave hours over the maximum authorized accumulated hours based on the employee’s pay category at the time of separation, will not be paid out and must be used or forfeited.

The City will not pay unused annual leave hours in cases where an employee fails to provide a two (2) week notice to the City that they are leaving employment or if the employee is dismissed for performance or disciplinary reasons. An employee shall not have more than their maximum authorized amount of annual leave in accordance with their pay category annual leave banked at the end of any calendar year. Under extraordinary circumstances, the City Manager may authorize a temporary extension in leave carryover to enable that employee to use banked leave that exceeds



then maximum leave (e.g. department manning shortfalls due to a pandemic or an unanticipated mission essential event).

All full-time regular employees shall accrue annual leave at their regular rate of pay as follows:

ALL FULL-TIME REGULAR EMPLOYEES		
Years of Service	Hours per Pay Period	Total Accumulated Hours per Year
0 months to less than 1 year	3.08	Varies based upon Hire Date
1 – 4 years (end of year)	3.08	80
5 – 9 years (end of year)	4.62	120
10 years and over	6.16	160

All 24-hour-shift employees (non-exempt) shall accrue annual leave at their regular rate as follows:

ALL 24-HOUR-SHIFT EMPLOYEES		
Years of Service	Hours per Pay Period	Total Accumulated Hours per Year
0 months to less than 1 year	4.31	Varies based upon Hire Date
1 – 4 years (end of year)	4.31	112
5 – 9 years (end of year)	6.46	168
10 years and over	8.62	224

An employee is allowed up to take up to two (2) calendar weeks of annual leave (including holidays) as a block without approval of the City Manager's Office. Any continuous block of leave over two (2) weeks must be authorized by the City Manager's Office. Official holidays which occur during an employee's vacation leave will not be charged to the employee's annual leave.

Leave processing will be done in compliance with the following established procedures:

1. Leave must be requested by using the City's *Leave Request Form*. Forms are available from the Department Director and the Director of Human Resources.
2. Department Directors may approve/disapprove the annual leave request. If the request is disapproved, the Department Director must specify why on the request form.
3. If a conflict arises in request for vacation time, Department Director will determine a resolution based upon mission requirements.
4. After approval by a Department Director, a copy of the leave form will be forwarded to the Finance Office with the bi-weekly time sheet.



City employees whose vacation leave is excess of 80 hours for regular full-time (or 144 hours for non-exempt employees assigned to a 24-hour shift schedule), can opt to donate a portion of their vacation leave to the Sick Leave Pool established by the City under *City Policy No. 12*. For questions on how to contribute or withdrawal from the Sick Leave Pool contact the City Secretary / Human Resources Director.

5.9. REMOTE WORK

Remote work is defined as performing duty responsibilities from a location other than the employee's normal place of duty (generally expected to be at their residence). The City of Shavano Park as a general policy does not permit employees to work remote. The job responsibilities of our employees require interaction with other employees and a high degree of customer service and remote work is not conducive to our support responsibilities.

In the event of an emergency, such as a natural/weather disaster or pandemic, the City of Shavano Park may allow or require employees with "administrative type duties" to work remote to ensure business continuity on a temporary basis. Operational Police Officers, Firemen, and Public Works employees are not authorized to work remote.

The City Manager or his designee, will develop requirements and acquire resources that must be met in order to effectively work remote. Preparations should be made by employees and managers well in advance to allow remote work in emergency circumstances. This includes appropriate office supplies and equipment needs, such as hardware, software, phone and data lines. The IT department is available to review these equipment needs with employees and to provide support to employees in advance of emergency telework situations.

Upon declaration of a local disaster or public health emergency, the City Manager may determine remote work to be an option for dealing with the crisis on a temporary basis. If so determined, the City Manager will inform the staff and may direct immediate actions to ensure the continuity of operations and the safety of personnel.

The employee will establish an appropriate work environment within the approved worksite (e.g., his or her home) for work purposes. City of Shavano Park will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space, and for any telephone or internet service expense incurred. City of Shavano Park will determine the supplies and equipment needs for each employee on a case-by-case basis. Equipment supplied by the City of Shavano Park is to be used for business purposes only and will always remain property of the City of Shavano Park.

Employees will be expected work normal work hours while adhering to the City of Shavano Park employee guidelines and City of Shavano Park Policies Governing Use of Computer Hardware, Software, City Networks and social media.



Consistent with the expectations of information security for employees working at the office, remote work employees will be expected to ensure the protection of proprietary City and customer information accessible from their home office.

Employees should not assume any specified period of time for emergency remote work arrangements, and City of Shavano Park may require employees to return to regular, in-office work at any time or on a periodic basis.

5.10. SICK LEAVE

Sick leave is not mandated or required by law. The City provides sick leave to prevent a loss of income because of a non-job-related illness or injury for the employee or to care for another person in their household (including maternity and paternity care) to the extent of the total number of hours the employee has accumulated. Intent is not to use sick leave as vacation time. Sick leave for doctor's appointments should include only time related to the appointment. Employees should attempt to schedule doctor's appointments to minimize absence from work. Pay for each hour of sick leave utilized will be calculated at the employee's straight time hourly rate.

An employee scheduled for overtime work and is absent due to illness or injury shall not be entitled to sick pay for that scheduled overtime period. Sick leave will not count towards overtime hours worked; an employee must physically work for the work period. Sick leave will not count toward the physical hours worked requirement.

Sick leave shall be accrued by a full-time employee on the basis of four (4) hours of sick leave per pay period for a total of thirteen (13) days per year. Sick leave accrual is capped at 720 hours for non-shift employees. Firefighters shall accrue 5.6 hours sick leave per pay period. The sick leave accrual cap for shift employees in the Fire and Police Departments is capped at 1008 hours.

Sick leave used during the assessment period requires medical documentation by an attending health care provider. Sick leave resulting in an employee missing work may also require a doctor's note at the Department Director's discretion.

Any employee utilizing sick leave for more than two consecutive days of work, or if sick leave coincides with other time off, before or after the sick day/days used, a doctor's note will be provided regarding the absence to their respective Department Director.

If an employee's accrued sick leave has been exhausted, annual leave will be used as sick leave upon request of the employee. An employee also has the option of withdrawing leave from the Sick Leave Pool established by *City Policy No. 12*. For questions on how to contribute to or withdraw from the Sick Leave Pool contact the Director of Human Resources.



When absence due to illness exceeds the amount of total paid leave earned and authorized, the pay of an employee shall be discontinued until the employee returns to work. (The employee will be placed on unpaid leave after the paid leave runs out.)

Sick leave cannot be advanced. Employees who become ill during annual leave may request the annual leave be temporarily terminated and time charged to sick leave, provided a doctor's statement of illness is submitted to the Department Director upon returning.

Sick leave does not vest. Any sick leave balances remaining at the time of an employee's separation will be forfeited and not paid.

5.11. FAMILY AND MEDICAL LEAVE

The City shall provide authorized leave for family and medical reasons to eligible employees in accordance with the provision of the "Family Medical Leave Act" (FMLA) of 1993 and any subsequent amendments.

Eligibility. In order to be eligible for leave under the FMLA, an employee must:

- Have been employed for at least 12 months at any time by the City of Shavano Park prior to the commencement of the leave (12 months need not be consecutive);
- Have worked for the City at least 1,250 hours during the 12-month period immediately prior to the commencement of the leave; and,
- Have a qualifying condition, as defined in below.
- Temporary employees are **not** eligible for family leave.

Qualifying Condition.

- Birth or placement for adoption or foster care of a child (only within 12 months of the birth or placement);
- The employee's own serious health condition that makes the employee unable to perform the functions of his/her job; or
- A serious health condition of a spouse, child (including step-child), or parent; or any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty; or
- To care for a covered service member with a serious injury or illness if the employee is the spouse, child, or parent or next of kin of the service member.

Definition of Family Members.



- “*Child*” is a biological, adopted, foster, legal ward, child of a person standing in the place of a parent, or a step-son or -daughter who is under 18 years old or who is over 18 years old and incapable of self-care because of a mental and/or physical disability.
- “*Parent*” is the biological, legal adoptive or stepparent of an employee or an individual who had day-to-day responsibilities to care for and financially supported the employee when he/she was a child. The term does not include parents-in-law.
- “*Spouse*” is a husband or wife as defined by State law, including a common law marriage. Common law spouses must provide the City with an affidavit from each spouse testifying to the marriage relationship.

Serious Health Condition. A serious health condition is an illness, injury, impairment or physical or mental condition that requires either inpatient care or continuing treatment by a health care provider as further described in the FMLA regulations.

Limitations/Restrictions. Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the department head. However, leave for serious health conditions – either of an eligible family member of the employee or the employee himself or herself – may be taken intermittently or on a reduced schedule if medically necessary, provided that the other conditions of these policies are met.

Calculation of 12-Month Period. The 12-month period during which an employee may use a maximum of 12 workweeks of this type of leave is measured forward from the date on which the employee’s first Family and Medical Leave Act (FMLA) leave begins.

Maximum Duration. The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. An employee will be required to use accrued sick, vacation, and/or other leave on the books at the time that the family leave commences, the employee must exhaust those leave balances before being eligible for unpaid family leave. Duration for eligible employees under military care giver leave is 26 work weeks.

Once the employee's leave balances have been exhausted, the city will then provide enough unpaid family leave to total 12 weeks.

Benefits while on FMLA Leave. During approved FMLA leave the City will continue to pay the City’s portion of the employee’s health insurance premium regardless of whether the family leave is paid or unpaid. The employee must continue to make any normal contributions to the cost of



dependent coverage. Employees are to coordinate with the Human Resource Department for timely payment.

Annual leave, sick leave, and retirement benefits will not accrue during an employee's *unpaid* FMLA leave status. The employee will not receive bereavement leave pay, holiday pay, or jury leave pay during *unpaid* FMLA leave status.

Part-Time/Variable Hour Employees. If an employee works a part-time schedule, the amount of leave to which the employee is entitled is determined on a pro rata or proportional basis, provided that the other requirements for eligibility are met.

Notice. When an eligible FMLA circumstance occurs for an employee, the employee must contact The Human Resources Department and complete a *Request for Family Medical Leave*, with the leave request specifying the first date of absence or expected absence. The HR Department once informed will provide the employee with a "Notice of Eligibility and Rights and Responsibilities" form to direct the employee of any additional requirements. In the case of leave for the birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave is expected to begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date on which the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable, based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the city's operations.

City Designation of FMLA

The notice requirement discussed above generated by an employee does not deny the City's ability to notify an employee of their potential eligibility of FMLA and requirements. As such if an employee requests use of accrued leave, and a condition of FMLA exists, then the City may designate the leave as family leave and will notify the employee of additional action needed.

Department supervisors are responsible for notifying the HR Department immediately when an employee is away from work for a family and medical leave qualifying event.

Certification of Condition. An employee requesting a paid or unpaid family leave of absence for extended illness or temporary disability will be expected to provide the supplied "Certification of Health Care Provider for Employee's Serious Health Condition", or "Certification of Health Care Provider for Family Members' Serious Health Condition" and any additional documentation required. The City may request re-certification during an employee's approved FMLA leave, as appropriate for the particular leave situation. An employee is responsible for communicating with the City regarding his/her leave and provide medical status reports or information on re-certification if necessary.



Second, Third Opinions. If the City has reason to doubt the validity of a medical certification provided by an employee's health care provider, the City may require the employee to obtain a second opinion at the City's expense from a health care provider chosen by the City. If the first and second opinions differ, a third opinion from a health care provider chosen jointly by the City and the employee may be requested at the City's expense. The third opinion is final and binding.

Request for Leave without Pay Immediately Following Family and Medical Leave. If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies, any extension granted will be under the terms set out in the section 5.17 and 5.18 of the Employee Handbook. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

Documentation. All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files, and is accessible to a limited number of persons, and only on a "need-to-know" basis.

Contact with City. During approved FMLA leave, the City may require an employee to periodically report to the HR Department about the employee's status and intent to return to work.

Return to Work/Assurances. After completion of an approved family leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees" as defined below.

Key Employee Exemption. A "key employee" is a salaried employee (exempt from the minimum wage and overtime requirements of the Federal Labor Standards Act as an executive, administrative or professional employee) who is among the highest paid 10 percent of all the City of Shavano Park's employees. The determination whether an employee is among the highest paid

10 percent of the City's employees is determined from the time the employee first gives notice of the need for leave. Where restoration of a key employee to his/her position at the end of his/her leave will cause substantial and grievous economic injury to the City's operations, the City may refuse to reinstate a key employee. The employee will be notified in writing of his/her status when they request leave under FMLA.

Employee Status After Leave. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment



terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The City Manager also has the option to extend the employee's designated FMLA leave as necessary. Furthermore, this policy will be administered consistently with the City's obligations under FMLA and ADAAA, including considering an extended leave as a reasonable accommodation, without an undue hardship to City, as determined by the City Manager.

5.12. MILITARY LEAVE

The City complies with all State and Federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees with the City are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City as far in advance as is reasonable, or at least 30 days prior to departure for uniformed service when feasible to do so. To be eligible for paid military leave, employees must complete and submit a *Request for Leave/Absence Form* along with the official documents setting forth the purpose of the leave and, if known, its duration.

Request for Leave/Absence Form must be turned into the Department Director and the City Secretary as far in advance of the leave as possible.

5.12.1. Paid and Unpaid Leave for Training and Duty. Employees will be paid for military absences of up to a maximum of 15 work days per calendar year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.



Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

5.12.2. Benefits. The City will continue to provide employees on paid military leave with most City benefits.

Medical and Dental. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.



5.12.3. Returning from Leave. A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall reemploy a returning veteran according to the provisions of USERRA.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- a) For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period
- b) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- c) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

5.13. ADMINISTRATIVE LEAVE

Department Directors may grant administrative leave with pay and actual expenses to attend professional conferences, conventions or short schools in the interest of the City as approved by the City Manager. Employees on such leave must comply with the City's Travel Policy found in Section 6. Administrative leave will count towards an employee's physical hours worked for the week.

The City Manager may also place an employee on administrative leave with pay in conjunction with a duty related incident or a disciplinary related process. Department Directors may also place an employee on administrative leave with pay in conjunction with a duty related incident or a disciplinary related process, in accordance to individual departmental policy.



5.14. JURY DUTY

Employees will be excused from work for required court duty as a juror or witness and be paid at the employee's full base rate (up to a maximum of 2 weeks of jury duty per year). Jury duty will not be charged against an employee's personal or sick leave time. Jury duty leave will count towards overtime.

In order to qualify for jury duty leave, you must report for work on any day, or part of a day (that falls in the regularly scheduled work week) when the court excuses you. Check with your supervisor by telephone when in doubt whether you should return for the balance of your shift.

The employee must provide a copy of the court summons to their supervisor promptly so scheduled arrangements can be made. You should keep your supervisor regularly informed of when you expect to return to work.

When your jury duty is complete, provide your supervisor a copy of the statement from the bailiff regarding the number of hours or days you served. All compensation received by the employee from the Court for jury duty service must be remitted to the City.

5.15. BEREAVEMENT LEAVE

All full-time employees may be granted bereavement leave for a period not to exceed three (3) working days per occurrence. Any additional time off is unpaid or the employee may use accrued vacation time. For the purpose of authorizing bereavement leave "family" is defined as current spouse, child, parent, brother, sister, grandparent, grandchild, by blood or marriage; or anyone living in the same household as the employee.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees who wish to attend funerals for other than those defined in this policy must use vacation, compensatory time, or unpaid leave.

5.16. VOTING LEAVE

Employees are encouraged to exercise their right to vote in elections. Employees will be permitted a reasonable time to vote during the working hours by their Department Director. Employees must



report back to their supervisor after voting. Employees shall take advantage of early voting opportunities, especially when City Hall is an early voting location.



5.17. DISCRETIONARY LEAVE

The City Manager may approve discretionary leave for exempt employees who may perform official duties outside the normal work schedule. Discretionary leave may not be provided on an hour-for-hour basis. No more than thirty (30) hours of discretionary leave may be accumulated and this leave must be used within forty-five (45) days of approval.

5.18. UNPAID LEAVE

The granting of unpaid leave is subject to the approval of the Department Director and/or the City Manager. A written request must be submitted for unpaid leave consideration. If unpaid leave is awarded and exceeds two (2) weeks in any month, service credit for all employment privileges will cease until the employee returns from leave. Employees on unpaid leave for a period exceeding fifteen (15) consecutive work days will be responsible for the cost of their total monthly premium of the group insurance. Unpaid leave will only be awarded if an employee has exhausted all other forms of leave.

If an employee fails to return to work on the date specified in the request for unpaid leave, the employee will be considered to have resigned effective the specified return date. An employee on unpaid leave cannot accrue or use sick or annual leave and will not be paid for holidays which may fall during the leave.

5.19. LEAVE OF ABSENCE

Regular full-time employees may be granted a leave of absence for illness, disability, educational purposes, military duty, or for any legitimate purpose. Employees must justify to the Department Director why they are requesting a leave of absence. Leaves of thirty (30) work days or less may be approved by the Department Director. Leaves of more than thirty (30) work days must be approved by the Department Director and the City Manager. Extensions may be granted by the City Manager.

5.20. ABSENCE WITHOUT AUTHORIZATION

Employees who are absent without receiving approval will be considered absent without authorization. Employees who are absent without authorization are subject to disciplinary action up to and including termination.

Unauthorized absence from work for a period of 2 consecutive work days will be considered by the City Manager as a resignation.



5.21. PREGNANCY AND PARENTAL LEAVE

An employee shall be entitled to non-compensated parental leave. Each pregnant employee shall be treated the same as other similarly situated employees regarding requests for sick leave and for accommodations related to performing the essential functions of the job. At least 10 working days advance written notice of cessation of work shall be required, except in emergencies or in response to doctor's orders. Pregnant employees and employees with illnesses or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as employees with other types of illnesses or disabilities. Available vacation, sick leave, or disability benefits may be used for the time during which the employee is medically unable to work. The employee may be entitled to resume work following the end of her pregnancy when she is able to perform her job duties and has obtained a physician's release to return to duty.

5.22. PEACE OFFICER / FIRE MENTAL HEALTH LEAVE

Regular full-time employees of the Police Department may be afforded Mental Health Leave under the Texas Government Code, for traumatic event as authorized by their Department Director. Police Officers may be granted up to three (3) working days of mental health leave, per traumatic event. Mental health leave cannot be taken intermittently and does not accrue. A request for one extension up to three (3) additional days of mental health leave, may be granted by the City Manager upon written request and with the recommendation of the employee's mental health provider. All requests for mental health leave will remain confidential. Police Department employees shall refer to their departments Mental Health Leave policy for more detailed information on mental health leave.

Regular full-time employees of the Fire Department may be afforded Mental Health Leave, for traumatic event as authorized by the City Manager.

5.23. PAID QUARANTINE LEAVE

All full-time firefighters, emergency medical technicians and police officers employed by or appointed to the City and who are ordered to be quarantined or isolated due to a possible or known exposure to a communicable disease while on duty, is entitled to receive paid quarantine leave for the duration of the leave in accordance with the Texas Government Code. The city shall not reduce an employee's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken.



Section 6 – Employee Policies

6.1. CITY PROPERTY / EQUIPMENT USE POLICY

The City provides employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times appropriate to its use.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. Before an employee separates from the City the employee must return all City property to their supervisor. Failure to do so is considered theft of public property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business.

Take Home Vehicles. A City vehicle may be assigned to a position or employee when the employee is required to report directly to an incident or scene and/or it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Manager or Department Director. *No alcoholic beverages are allowed in City vehicles.* No passengers may be transported in take-home vehicles except as required by official duties.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and



automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy. All drivers must maintain current vehicle registration.
- At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a city vehicle or a personal vehicle while conducting city business.
- Employees involved in an accident while operating a city vehicle, or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department director, and/or city manager. Accident reports, along with any law enforcement report, must be filed by the employee with the department director and the City Secretary.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicles use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.



Personal Property. All employees shall be solely responsible for their personal property at all times

6.2. EMPLOYEE SAFETY / ACCIDENT REPORTING POLICY

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each employee is required to obey safety rules and to exercise caution in all work activities. From time-to-time employees will be updated and review safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management.

The following safety rules apply at all times, and some specific job descriptions and/or departments may contain additional operational safety guidelines. Each employee must be familiar with such rules and comply with them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- **Material Safety Data Sheets (MSDS Sheets)** - You will be shown the location of the City's Material Safety Data Sheets by your Department Director. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- **Fire** - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Verify the location and call 9-1-1. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.



- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

Accident Reporting. All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to employee supervisor or the City Secretary. Supervisor must complete the *Employer's First Report of Injury or Illness Form (DWC-1)* to report the incident. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who are involved in a motor vehicle accident while on-duty and while in operation of a city owned vehicle, may be required to submit to drug/alcohol testing, as soon as practical, immediately following the accident at an approved medical facility. Examples of approved medical facilities for drug alcohol testing include Texas Medical Clinics, Prestige Emergency Room Urgent Care Clinic, or any local area hospital.

Employees who violate these safety standards, or departmental safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate disciplinary action, up to and including termination of employment.

6.3. RETURN TO WORK / MODIFIED DUTY POLICY

The City of Shavano Park has a Return-To-Work / Modified Duty program applicable to all fulltime employees. After medical treatment, if the employee is unable to return to work the next day, the employee should request a written statement of any restrictions he/she may have in performing their tasks and an expected return-to-work date from the physician. The employee is required to provide this information to his or her Department Director/Supervisor as soon as possible.

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's



employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond seven (7) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Human Resources to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, or vacation benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation but may still be entitled to unpaid leave under the City's policies.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through Human Resources. Human Resources will work with the employee's department in making its decision whether modified duty work will be offered.

Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through Human Resources. Refer to section 3.7.2 for guidance on returning to full duties.



6.4. DRESS, APPEARANCE AND UNIFORM POLICY

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the work place year-round, in accordance with this policy. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

The following are inappropriate:

- bare shoulders or tank tops;
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- wrinkled, ripped and tattered clothing;
- visible tattoos are allowed except on the hand, face, neck areas of the body. Hand tattoos of a wedding band tattoo on the left ring finger which symbolizes marriage are allowed as long as it can be covered by a traditional wedding band ring. Visible tattoos deemed derogatory, indecent, extremist, sexist, racist, gang-affiliated or vulgar are not allowed. The acceptability of an employee's particular visible tattoo is the discretion of the Department Director and the City Manager. The Department Director or City Manager may require that an employee's tattoo be covered during City work hours to ensure the professional presentation of staff to the residents of the City of Shavano Park.
- nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry.
- visible brandings

Hair. Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times.

Uniforms. The City supplies Fire, Police, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained by their department supervisor. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior written authorization.



Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City related events.

When an employee leaves City employment, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check. In executing this handbook, you specifically authorize the City to deduct from your final paycheck the cost of lost or damaged City property and unreturned uniforms, which will be deducted from your final paycheck.

Enforcement. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, and/or the City Secretary.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

6.5. SMOKE-FREE WORKPLACE POLICY

Smoking is prohibited **at any time** in City facilities, in City vehicles, while using City equipment, and as otherwise directed by your supervisor.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarettes, pipe or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. This includes e-cigarettes or other devices that deliver nicotine, cannabis or cannabis-derived products.

6.6. DRUG AND ALCOHOL USE POLICY

The City desires to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or



equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police and Fire Department Employees. Certain City Police and Fire Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department and Fire operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals



in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Arrests and Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions or deferred adjudication (including those entered into on a plea of no contest), for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 blood alcohol level or higher) may be disciplined, up to and including termination.

Rehabilitation/Treatment.

1. The City desires to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment. Employees should contact either their Department Director or the Director of Human Resources when requesting support and assistance.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and



prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
 - Initial negative test for drugs and/or alcohol before returning to work;
 - A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

TESTING

Types of Tests. Testing may include one or more of the following: urinalysis, hair follicle testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedure.

Testing of Applicants. All applicants who are applying for a safety or security sensitive position to whom a conditional offer of employment has been made will be required to submit to testing for



alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, may render the applicant ineligible for consideration of employment or future employment with the City. Illegal drugs include drugs that are legal in other states but are illegal in Texas.

Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
2. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
6. A positive test result is a violation of the City’s Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City’s Drug and Alcohol Use Policy is ineligible for future employment with the City.

Testing Procedures.

1. All testing must normally be authorized in advance by both the employee’s Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor’s documentation of the articulable factors which led the supervisor to suspect



that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process.
3. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
4. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
5. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the City Secretary; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

6.7. WEAPONS CONTROL AND VIOLENCE PREVENTION POLICY

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

Prohibited Conduct. This policy prohibits violence of any sort, including verbal and physical abuse, threats, stalking, harassment, horseplay, and any unwelcome physical touching (sexual or otherwise). This misconduct towards any fellow employee, whether the misconduct occurs on duty or off-duty, is prohibited. The City has a zero-tolerance policy for this type of misconduct.

Weapons Banned. Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, and knives with blades exceeding 5 ½ inches. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property, including employee vehicles parked on City property. If authorized by the City Manager, employees may have a legal weapon only on the City parking lot if it is locked in the employee's vehicle.



Additional policies for off-duty firearm carry by Police Officers will be established by the Police Department.

Duty to Warn. Each City employee must immediately notify his/her supervisor, Department Director, the City Secretary and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the City Secretary.

Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the City Secretary and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the City Secretary of any protective or restraining order issued against them.

Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the City Secretary and/or the Police Department.

Policy Violations. Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

6.8. IT POLICIES

As more City activities move to computers and online, the security of your files becomes critical to the overall security of the City. Just like City Hall is locked down every night and every employee is familiar with the automated security system, is it important that all City employees familiarize themselves with their computer and the City's IT security policies. Shavano Park has three IT policies to guide your digital activities at the city: **Computer Use Policy, Internet Use**



Policy, and Email Use Policy. Remember when on City Email there is no expectation of privacy and the data becomes the City's Data. Use of City computers to access the internet or electronic mail (i.e., "email") is a privilege not a right. The City provides computers and internet/email access for the express purpose of conducting City business and performing municipal tasks.

Appropriate Use: Employees are encouraged to use appropriately the City internet, network and email to further the goals and objectives of the City of Shavano Park. The types of activities include: (1) Communicating with fellow employees, business partners of the City, customers and clients within the context of an individual's assigned responsibilities; (2) Acquiring or sharing information necessary for an individual's assigned responsibilities; and (3) Participating in educational or professional development activities.

EMPLOYEES SHOULD KNOW THAT ALL CITY BUSINESS RELATED E-MAILS ARE SUBJECT TO THE TEXAS PUBLIC INFORMATION ACT WHETHER OR NOT THE EMAIL IS ON A PUBLIC OR PRIVATE EMAIL SERVICE, PHONE, COMPUTER,

Cybersecurity Awareness Training: All employees who are issued a domain account are required to annually complete Cybersecurity Awareness Training provided by the City. Evidence of completion of this training must be reported to the Assistant City Manager by May 1st of each year. Failure to complete the training may result in temporary suspension of an employee's computer, internet and email access until training is complete. This annual training is required by Chapter 2054 of the Texas Government Code. Employees on military leave, family medical leave or sick leave during the training period (typically the month of April of each year) shall not be required to complete the training until returning back to work.

Failure to Comply: Violations of these policies will be treated as allegations of wrongdoing at the City of Shavano Park. Allegations of misconduct will be adjudicated according to established policy and procedures. Sanctions for inappropriate use of the computer may include, but are not limited to, one or more of the following:

1. Temporary or permanent revocation of access to some or all computing and networking resources and facilities;
2. Disciplinary action up to and including termination according to applicable City policies;
3. Reimbursement of costs incurred by inappropriate or unauthorized use; and/or
4. Legal action according to applicable laws and contractual agreements.

Reporting Misuse: Any allegations of misuse should be promptly reported to the Assistant City Manager.



Disclaimer: The City assumes no liability for any direct or indirect damages arising from an employee's connection to the internet, a city computer or use of email. Users are solely responsible for any material that they access and disseminate through the internet or City intranet. You are all encouraged to use your computer, internet and email access responsibly.

Monitoring and Filtering: The City monitors all computer and internet activity occurring on City equipment or accounts. When an employee utilizes a City-issued computer and/or the resources of the City network there is no expectation of employee privacy. The City has the right to view and inspect all City computers, including information accessed, downloaded, viewed, sent or received over the internet or by email. The City employs filtering to limit access to sites on the internet and this filter is updated from time to time. An employee has no reasonable expectation that access to an IP-address or app for personal purposes is protected or otherwise ensured. Use of City computers and internet or email accounts constitutes consent by the City officer or employee for City inspection of those computers and internet or email accounts, and data transmitted thereon. If the City discovers activities which do not comply with applicable law or City policy, logs retrieved may be used to document the wrongful content in accordance with due process.

COMPUTER USE POLICY

The goal of this policy is to ensure that the information you place on the computer stays secure and safe. This policy also ensures that you do not harm City equipment by installing malicious software or otherwise leaving the network's security compromised. Abuse or misuse of a City computer is the same as abuse or misuse of any other City property and may be punished accordingly.

Computer Security Policies: All City network computers are centrally controlled and governed by network security policies. These network policies are automatically applied to City computers and may change from time to time. If you have questions about these network policies contact the Assistant City Manager.

Prohibited Use: Computer use must comply with all Federal and Texas laws, all City policies and contracts. This includes, but is not limited to, the following:

1. No one shall use any City computer or network facility without proper authorization from their Departmental Supervisor. No one shall assist in, encourage, or conceal from Management any unauthorized use, or attempt at unauthorized use, of any of the City's computers or network facilities.
2. No one shall connect any computer, laptop or tablet to the City's network unless it meets technical and security standards established by the Assistant City Manager.
3. No City employee shall purchase for City use any computer, laptop, tablet or other IT-related device without first approval by the Assistant City Manager



4. No one, without specific authorization, shall read, alter, or delete any other person's computer files. Remember, all files saved on a City computer or server become property of the City.
5. No one shall knowingly endanger the security of any City computer or network facility. This includes, but is not limited to, downloading or installing malicious software, disabling computer antivirus software, willfully ignoring antivirus software or otherwise subverting the City's network security controls.
6. No one without proper authorization from the Assistant City Manager shall modify or reconfigure the security settings of any City computer or server.
7. Employees shall not utilize the City's computer or network processing power for bitcoin mining or any other complex computer computations whose purpose is the personal monetary gain or award.
8. Employees shall not delete log files on City computers or servers.
9. Employees shall not use their computers or City funded accounts to harass or otherwise interfere with a City employee. This prohibition includes but is not limited to harassment stemming from an employee's race, ethnicity, color, gender, age, or marital status.
10. Employees shall not send threatening messages to any other person or institution.
11. Employees shall not store personal information (i.e., that information not directly related to City business) on City computers or within their City email accounts. Officers and employees shall regularly remove any personal data (i.e., that which is not prepared for or by the City for conducting City business) from City computers and internet / email accounts
12. Employees shall not operate a private business, do work for another employer, or conduct political campaigns on City computers or using City email accounts. This prohibition does not apply to the preparation and generation of election notices and related documents required by law.
13. Employees are prohibited from installing or accessing TikTok, CapCut, Hypic or any other ByteDance owned or operated application on any City computer or mobile device. Special access arrangements can be made to allow access for investigative purposes in coordination with the Assistant City Manager.

INTERNET USE POLICY

The goals of this policy are to outline the appropriate and inappropriate use of the City of Shavano Park's internet access. Use of these services is subject to the following conditions. Should you have any questions regarding this Internet Use Policy, please contact the Assistant City Manager.

Inappropriate Use: Individual internet use must not interfere with others productive use of internet resources. Internet use must comply with all Federal and Texas laws, and all City policies and contracts. This includes, but is not limited to, the following:

1. The internet may not be used for any illegal or unlawful purposes, including, but not limited to, copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, illegal gambling, soliciting for illegal pyramid schemes, and computer tampering (e.g. spreading computer viruses).



2. The Internet may not be used in any way that violates City policies, rules or mission of the City, misrepresents the City or violates any City policy.
3. City computers are to be used primarily for conducting City business. Incidental and infrequent personal use of City computers and City internet/email access is allowable provided that it does not hinder or interfere with conducting City business. Personal use of the internet is allowed within reason to conduct and facilitate typical daily personal interactions, information access and brief, appropriate diversions during break periods. The City allows limited personal use for communication with family friends, independent learning, and public service. The City prohibits use for mass unsolicited mailings, access by non-employees to City of Shavano Park resources or network facilities, uploading and downloading of files for personal use, access to pornographic sites, gaming, competitive commercial activity unless pre-approved, and the dissemination of chain letters.
4. Individuals may not establish City computers as participants in any peer-to-peer network.
5. Individuals may not view, copy, alter, or destroy data, software documentation, or data communications belonging to the City or another individual without authorized permission.

Security: Account and password information is not be shared with non-City employees for any reason. Employees must be deliberate and careful when sharing account or password information with another employee for the purposes of practical collaboration or troubleshooting. Once this information is shared though, employees are encouraged to change their passwords. Attempting to obtain another user's account password without their permission is strictly prohibited. A user must contact the Assistant to the City Manager to obtain a password reset if they have reason to believe that any unauthorized person has learned their password. Users must take all necessary precautions to prevent unauthorized access to City network.

E-MAIL USE POLICY

E-Mail is an important business communications tool at the City of Shavano Park. However, use of the City electronic mail systems and services are a privilege, not a right, and therefore must be used with respect and in accordance with the goals of the City. The objective of this policy is to outline appropriate and inappropriate use of the City's e-mail systems and services in order to minimize disruptions to services and activities, as well as comply with applicable policies and laws. This policy applies to all e-mail systems and services owned by the City, all e-mail account users/holders at the City and all City e-mail records. When corresponding about City business via email, all City personnel must include the City's standardized email stationery and signature within the emailed message. If an employee receives a city email at a private email address, the employee should immediately forward the email to his or her email address for storage.

Account Activation/Termination: E-mail access at the City is controlled through individual accounts and passwords. It is the responsibility of the employee to protect the confidentiality of his or her account and password information. E-mail access will be terminated when the employee



terminates their association with the City. The City is under no obligation to store or forward the contents of an individual's e-mail inbox/outbox after the term of employment has ceased.

General Expectations of End Users: The City often delivers official communications via e-mail. As a result, employees of the City with email accounts are expected to check their e-mail in a consistent and timely manner so that they are aware of important City announcements and updates, as well as for fulfilling business and role-oriented tasks. E-mail users are responsible for mailbox management, including organization and cleaning. E-mail is archived for at server level per City *Policy #7 Records Retention*. The Assistant City Manager can be contacted to help set up organization and retention of email. E-mail users are expected to remember that e-mail sent from the City's e-mail accounts reflects on the City. Please comply with normal standards of professional and personal courtesy and conduct.

Employees are to use extreme caution when communicating confidential or sensitive information via email. Keep in mind that all email messages sent outside the City become the property of the receiver. **A good rule is to not communicate anything that you wouldn't feel comfortable being made public.** Demonstrate particular care when using the "Reply" and "Reply All" command during email correspondence to ensure the resulting message is not delivered to unintended recipients.

Security: Opening email attachments or links from unknown email addresses is highly discouraged, as attachments and links are the primary source of malicious software and hackers. Suspicious emails should be treated with utmost caution. Employees suspicious of an email or otherwise unsure of its contents should contact the Assistant City Manager for assistance.

Inappropriate Use: E-mail use at the City will comply with all applicable laws, all City policies and contracts. The following activities are deemed inappropriate uses of the City's email systems and services and are prohibited:

1. Use of email for illegal or unlawful purposes.
2. Use of email in any way that violates the City's policies, rules, or administrative orders.
3. Viewing, copying, altering, or deletion of email accounts or files belonging to the City or another employee without authorized permission of that employee or a supervisor.
4. Attempting to obtain another employee's email account password without their consent.
5. Personal use of City email.
6. Employees shall not use a city issued email address to sign up or register for a personal accounts.

6.9. SOCIAL MEDIA POLICY



An employee's use of personal social media accounts, both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that the employee's online communications positively reflect the City as the employer.

Personal use of the Internet carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including those posted from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the Internet, regardless if done during or after work hours.

"Social media" includes: wikis, tweets and twittering, Facebook, Myspace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Computer Use, Internet Use and Email Use policies. Violations of the City's Social Networking Policy may lead to disciplinary action, up to and including termination.

Employee Guidelines

Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate State law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.

- a. Employees must abide by all Federal and State laws and policies of the City with regard to information sent through the Internet.
- b. If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- c. Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.



- d. Respect coworkers and the City. Do not put anything on your blog or post any information and/or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- e. Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.

Section 7 – Disciplinary Procedures and Appeals

7.1. CONDUCT-EXPECTED BEHAVIORS

The establishment of standards of discipline and conduct is under the jurisdiction of the City Manager with the responsibility for observance of the standards by all employees delegated to management and supervisory personnel.

It is the duty of each employee to maintain cooperation, efficiency and economy in their work for the City. Department Directors and supervisors shall plan, organize and direct the work of their subordinates to achieve departmental objectives. All employees are expected to perform satisfactorily the job duties for which they have been employed, to maintain appropriate personal conduct on the job, to render courteous and efficient service to the public, to be mindful of safety practices, and to exercise the utmost care in the use of City property.

7.2. ADVERSE ACTIONS

The City may deny or reject any application, appointment or promotion, and/or otherwise discipline any employee, at any time that the City Manager determines that such action will fail to promote the efficiency of the City's services.

Specific Factors: Factors that may be used in making a determination as to any applicant or employee as a basis for adverse action include but are not limited to the following. This list is not exhaustive. The City Manager may determine that other actions of the employee that are not listed warrant an adverse action. Please reference other sections of this handbook for other activities considered an adverse action.

7.2.1. Dishonesty

- a. Lying or giving false testimony;
- b. False statements, incomplete statements, deception, or fraud in applications, examinations or representations made for appointment or promotion;



- c. Failure to disclose to the City Council, City Manager or other appropriate supervisory personnel any matter which the employee knows, or reasonably should know, is relevant to his/her own employment, the employment by the City of any other person, or which otherwise substantially affects the efficiency and/or integrity of City functions;
- d. Doing personal work or performing other personal tasks or errands while on duty for the City, or otherwise failing to devote full time, energy and best efforts to City employment;
- e. Stealing or taking employer property or other employees' property without proper authorization;
- f. Misuse of employer or other employees' funds or property;
- g. Cheating, forging or willfully falsifying reports, records, or documents, misuse of leave of absence;
- h. Providing keys, combinations and/or passwords to unauthorized persons; or
- i. Any other action detrimental to the employer or fellow employees.

7.2.2. Disturbance

- a. Fighting;
- b. Using profane, abusive or threatening language;
- c. Horseplay;
- d. Causing injury to fellow employees through deliberate action or gross negligence; e. Spreading false reports;
- f. Maliciously gossiping and/or spreading rumors; or
- g. Otherwise disrupting harmonious relationships between employees.

7.2.3. Unauthorized / Misuse of City Equipment

- a. Using, possessing, taking or providing any City equipment, credentials, or services for other than official City business without proper authority;
- b. Reckless driving and/or misuse of City equipment;
- c. Not taking precaution or proper care when using City equipment.
- d. Deliberate damage or destruction of City equipment or property;
- e. Altering, removing or destroying City records;
- f. Advocacy of or participating in unlawful trespass or seizure of City property;
- g. Unauthorized removal, use or appropriation of property belonging to the City or to another City employee; or
- h. Unauthorized loaning of keys, or permitting duplication thereof, to any City property or equipment, or otherwise permitting other person(s) to make unauthorized use, removal or appropriation of City property or equipment.



7.2.4. Misconduct

- a. Any criminal offense or other misconduct which could have an adverse effect on the employer or on the confidence of the public in the integrity of the City government, or on the relationship of the employee and other employees.
- b. Conduct subversive to the proper order, discipline and morale of City employees; conduct unbecoming; unexcused failure to obey City work rules, policies or procedures;
- c. Failure to follow departmental and City organization chain of command;
- d. Engaging in any job-related misconduct not otherwise described herein when an employee knows, or reasonably should know, that such conduct has caused or reasonably can be expected
- e. to cause, a significant impairment in the efficiency of the City in general or of such employee in particular.

7.2.5. Courtesy

- a. Failure to maintain an objectively reasonable level of courtesy with supervisors, elected and appointed officials, volunteers and coworkers; or
- b. Failure to treat members of the public with courtesy and respect at all times while on duty.

7.2.6. Abuse of Drug or Alcohol

- a. Reporting to work or being “on-call” in unfit condition, being under the influence of intoxicants or under the influence of controlled substance or dangerous drugs, including marijuana, narcotics, or intoxicating drugs of any kind; or
- b. Drinking intoxicants or taking into the body of an unlawful controlled substance or dangerous drug, including marijuana during working hours, or possessing intoxicants or unlawfully possessing controlled substances, including marijuana, narcotics, or dangerous drugs, on City property or in City vehicles.

7.2.7. Statutory or Job Qualification

- a. Failure to meet or maintain any statutory or job qualification which would make the individual fit for the job; or
- b. Failure to meet and maintain requirements of the individual’s job description.
- c. Incompetence stemming from an inability or unwillingness to perform assigned work satisfactorily.

7.2.8. Unsatisfactory Attendance

- a. Unauthorized absence and/or tardiness; or
- b. An absence of two (2) days or more without notification to the City Manager shall constitute a voluntary abandonment of employment.



7.2.9. Indifference toward Work

- a. Failure to remain at work, inefficiency, carelessness, loafing while on duty, wasting work time, unauthorized absence from the work area while on duty, or sleeping on the job;
- b. Careless, unsafe or otherwise improper use of personal property or equipment while on duty, or of City property or equipment at any time;
- c. Performing personal business during working hours, abuse of eating and/or rest period, sleeping or being inattentive during working hours, interfering with work of others, mistreatment of the public or other employees;
- d. Use of personal cell phone while on duty operating City machinery or vehicle unless for City business or for family emergencies; or
- e. Failure consistently to meet objectively reasonable standards of performance.

7.2.10. Insubordination

- a. Insubordination is defined as willful failure or refusal to perform assigned work or fully comply with instructions, directions, or orders as requested by the immediate supervisor or Department Director.
- b. If the employee believes the instruction, direction, or order is improper, the employee should obey the order or instruction or direction and report the incident to their Department Director or the City Secretary.
- c. If an employee believes an instruction, direction or order would cause injury to self or others they may refuse the order and must immediately report the incident to their Department Director or the City Secretary.

7.2.11. Violation of Safety Rules

- a. Smoking in prohibited areas;
- b. Improper removal of safety guards, fire extinguishers or other equipment designed to protect employees; or
- c. Failure to use safety equipment or to follow safety rules or failure to report an on-the job injury, vehicle accident, or unsafe condition.

7.2.12. Weapons

The control of, or possession by, any employee of a handgun or other weapon and/or ammunition is strictly prohibited in a City vehicle or in any City buildings. This subsection shall not be applicable to certified licensed peace officers.

7.3. ARRESTS, CONFINEMENTS AND INDICTMENTS

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement,



indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

Employees must immediately notify their Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead no contest to any class “C” misdemeanor or above. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations.

In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will be made by the City Manager.

If the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal, an employee on administrative leave may be reinstated to the position held before being placed on administrative leave. If an employee was placed on administrative leave without pay, upon reinstatement they will receive back all pay missed while on administrative leave.

7.4. INDIVIDUAL DEPARTMENT RULES AND POLICIES

With the approval of the City Manager, departments may have written personnel policies and procedures which are separate from or in addition to the policies and procedures listed in this manual. Departmental personnel policies and procedures are to be followed; however, no departmental personnel policy or procedure shall be inconsistent with the Employee Handbook. Should a conflict arise, the Employee Handbook will supersede the conflicting departmental policy or procedure.

7.5. DISCIPLINARY PROCEDURES, PROBATION AND DISMISSAL

The following disciplinary procedures are merely suggestions. In every case where disciplinary action is needed, the action taken will be tailored to fit the specific offense or violation for which it is intended. The specific situation and the performance record of the individual involved will always be taken into consideration. Nothing in the suggested procedures are intended to imply the procedures must be followed in any particular order. The City reserves the right to dismiss an employee at any time. Every disciplinary action taken will be recorded to provide documentation that rules are enforced equitably and in accordance with stated policy.

Memorandum for Record (MFR): Generally used to document a verbal counseling or coaching session with an employee. Supervisors shall keep a record of the MFR for potential future disciplinary processes.



Letter of Counseling: Best suited for minor infractions where the situation demonstrates a need for discipline, but does not warrant a reprimand. Supervisors shall keep a record of letters of counseling that shall be kept in the employee's personnel file.

Verbal Reprimand: Best suited to minor rule infraction or incident of substandard performance. A supervisor will explain exactly what the employee did wrong and why it is important the incident not be repeated. Supervisors shall keep a record of the verbal reprimand that shall be kept in the employee's personnel file.

Written Reprimand: A written reprimand is a formal disciplinary action in which an employee's inappropriate actions are detailed in writing which will serve to caution the employee that similar conduct will result in further disciplinary action. Supervisor shall detail the event in a report that shall be signed by the employee, the supervisor, and the City Manager. Space will also be provided for written comments from the employee. A copy of the written reprimand shall be kept in the employee's personnel file.

Disciplinary Probation: A Department Director may authorize, with the approval of the City Manager, the placement of an employee on disciplinary probation as a disciplinary measure for a serious violation of department and City policies and procedures. The assessment period allows time for the employee to show improvement on the problem(s) specified at the time of the probation. The probation will be initiated by a written document signed by both the supervisor and the employee which:

- a. Identifies the problem(s);
- b. Indicates the necessary improvement;
- c. Specifies the length of the assessment period; and
- d. Informs the employee of further disciplinary action which could result from failure to show satisfactory improvement within the specified assessment period.

Any employee who is on disciplinary probation is not eligible for merit increases, transfer, or promotion.

Suspension: A Department Director may direct the placement of an employee on suspension as a disciplinary measure for a serious violation of department and/or City policies and procedures. Employees are afforded all rights available to them and may grieve a suspension issued by a Department Director. Generally, a suspension will be considered un-paid; however, Department Directors may consider the use of accumulated leave for the suspension period in lieu of serving an un-paid suspension. Employees electing to grieve a suspension must follow the guidance set forth in section 7.7 below.



Dismissal: A Department Director may dismiss an employee, with the approval of the City Manager, at any time.

7.6. PERFORMANCE COUNSELING

Any employee who exhibits substandard work performance will be given the opportunity to improve the performance level. Department Directors and supervisors may attempt to counsel substandard performers using the following guidelines or those set out in section 7.5. above:

Initial Counseling: For the first indication of substandard work performance, the supervisor should advise the employee of his/her unsatisfactory performance and recommend specific areas of improvement. A written record may be retained within the employee's department.

Written Documentation: For a second indication of substandard performance, the supervisor will state in writing:

- a. The specific deficiencies observed in the employee's performance;
- b. The necessary improvements;
- c. The period of time in which improvement must occur; and
- d. Further action which may result if the employee fails to show satisfactory improvement.

A Developmental Counseling Form (see Attachment C) shall be signed by both the employee and the supervisor and a copy shall be maintained within the department and the original forwarded to the City Manager. If the employee refuses to sign, the supervisor must have a witness sign to show a copy was given to the employee.

7.7. GRIEVANCE-FILING PROCEDURES

An employee ~~or former employee~~ who has a complaint about a disciplinary action taken against him/her which results in lost compensation ~~or termination~~ has the right to file a grievance in accordance with the procedures outlined below. No employee will be discriminated against, harassed, intimidated, nor suffer reprisal as a result of filing a grievance or participating in the investigation of a grievance by providing information, testimony, or arising in an investigation in any way.

Employees should present their own case. The Department Director (or immediate supervisor if appropriate) shall advise and aid the employee in a fair and objective manner. The employee may use legal counsel if he/she desires. However, the employee shall advise the Department Director in advance and in writing that he/she chooses to do so.

- a. Within ten (10) business days of becoming aggrieved, the employee ~~or former employee~~ shall submit his grievance to the City Manager in writing. The employee ~~or former employee~~ shall include all pertinent facts, details, restitution sought, and possible solutions.



- b. The City Manager shall determine whether the grievance falls within the scope of an allowable grievance and if so shall set a date for a formal hearing on the matter if it is determined that grievance is appropriate.
- c. The hearing shall be held within ten (10) days of the written filing to the City Manager, if possible, unless the employee requests additional time.
- d. The hearing shall consist of:
 - 1. Two Department Directors from a department outside of the grievant's origination.
 - 2. One person in the employ of the City appointed by the employee
 - 3. The City shall be represented by the City Attorney
- e. Each side will be given equal opportunity to present their case. Presentations shall be limited to relevant facts that are generally capable of being substantiated. Hearsay¹ will not be allowed or considered. The panel shall make a written recommendation to the City Manager who then shall rule on the grievance.
- f. The hearing panel may recommend any action including, but not limited to, an increase or decrease in disciplinary action given to an employee following the hearing.
- g. The City Manager may take any action including but not limited to an increase or decrease in disciplinary action given to an employee following the recommendation from the hearing panel.
- h. The judgment of the City Manager shall be final and shall be given in writing within ten (10) business days of the close of the hearing.
- i. A summary of the proceeding along with each decision shall be placed in the personnel file of the individual. The City Secretary will maintain the complete file of the proceedings in a file designated for such purposes.

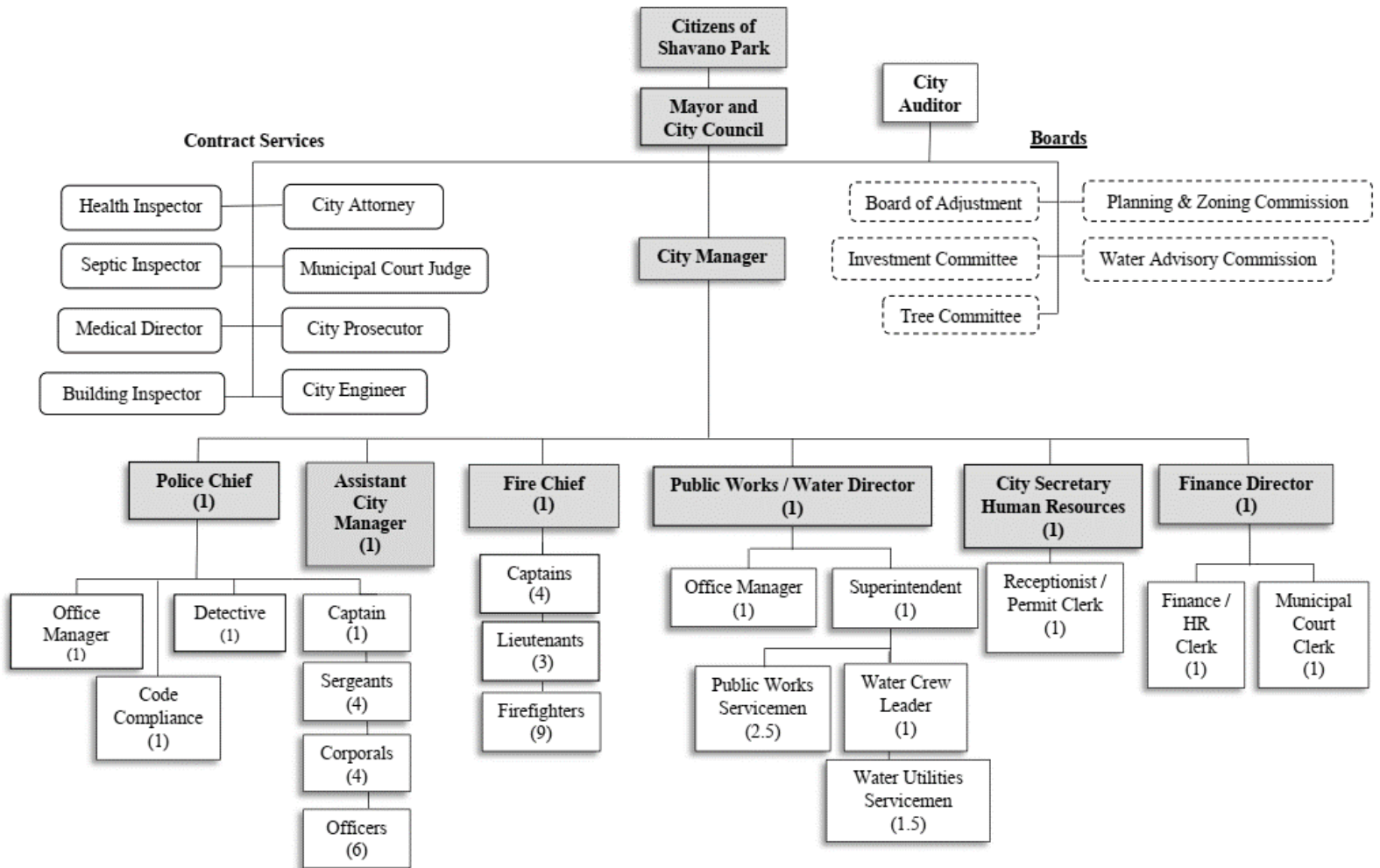
7.8. COMPLAINTS AGAINST CITY OFFICERS

All complaints against City Officers shall be filed in compliance with Chapter 2, Article V, Section 2-66 of the City of Shavano Park City Ordinances. Inquire with the City Secretary if you need assistance finding the ordinance.

¹ **Hearsay** is defined as a statement made outside the hearing introduced to prove the truth of the matter asserted therein.



ATTACHMENT A
ORGANIZATIONAL FLOWCHART
Approved by Council on September 12, 2022





ATTACHMENT B **OFFICIAL HOLIDAYS**

Approved by Council on November 28, 2022.

Official Holidays – The following legal holidays will be observed as official holidays of the City of Shavano Park. If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will normally be observed on the following Monday.

2023 HOLIDAYS	DATE	DATE OBSERVED
NEW YEAR'S DAY	SUNDAY, JANUARY 1 ST	MONDAY, JANUARY 2 ND
MARTIN LUTHER KING JR. DAY	3 RD MONDAY IN JANUARY	MONDAY JANUARY 16 TH
PRESIDENT'S DAY	3 RD MONDAY IN FEBRUARY	MONDAY, FEBRUARY 20 TH
GOOD FRIDAY	FRIDAY BEFORE EASTER	FRIDAY, APRIL 7 TH
BATTLE OF FLOWERS	FRIDAY OF FIESTA WEEK	FRIDAY, APRIL 28 TH
MEMORIAL DAY	LAST MONDAY IN MAY	MONDAY, MAY 29 TH
INDEPENDENCE DAY	JULY 4 TH	TUESDAY, JULY 4 TH
LABOR DAY	1 ST MONDAY IN SEPTEMBER	MONDAY, SEPTEMBER 4 TH
VETERAN'S DAY	SATURDAY, NOVEMBER 11 TH	FRIDAY, NOVEMBER 10 TH
THANKSGIVING DAY	4 TH THURSDAY IN NOVEMBER	THURSDAY, NOVEMBER 23 RD
DAY AFTER THANKSGIVING	4 TH FRIDAY IN NOVEMBER	FRIDAY, NOVEMBER 24 TH
CHRISTMAS EVE	SUNDAY, DECEMBER 24 TH	MONDAY, DECEMBER 25 TH
CHRISTMAS DAY	MONDAY, DECEMBER 25 TH	TUESDAY, DECEMBER 26 TH

* State law entitles firefighters to a paid day off from work on September 11th (Patriot's Day) with the option of using a personal paid vacation day or switching a paid holiday. The firefighter is entitled the holiday only if their supervisor does not require them to work that day to maintain minimum staffing necessary for public safety.



ATTACHMENT C

DEVELOPMENTAL COUNSELING FORM					
The proponent is the City Manager					
DATA REQUIRED BY THE PRIVACY ACT OF 1974					
AUTHORITY:	Code of Ordinances, City of Shavano Park				
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.				
ROUTINE USES:	The COSP Routine Uses set forth in the personnel manual apply to this system.				
DISCLOSURE:	Disclosure is voluntary.				
PART 1 - ADMINISTRATIVE DATA					
Name (Last, First, MI)		Position		Date of Counseling	
Department			Name and Title of Counselor		
PART II - BACKGROUND INFORMATION					
Purpose of Counseling: <i>(Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)</i>					
PART III - SUMMARY OF COUNSELING					
Complete this section during or immediately subsequent to counseling.					
Key Points of Discussion:					
OTHER INSTRUCTIONS					
This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation, or upon retirement.					



Shavano Park Employee Handbook

Plan of Action *(Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The action specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment.)*

Session Closing: *(The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)*

Individual counseled: ☐ I agree ☐ disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____

Date: _____

Leader Responsibilities: *(Leader's responsibilities in implementing the plan of action.)*

Signature of Counselor: _____

Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: *(Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled provides useful information for follow-up counseling.)*

Counselor: _____ Individual Counseled: _____ Date _____ of _____ Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

RESOLUTION NO. R-2023-005

A RESOLUTION AMENDING THE CITY OF SHAVANO PARK EMPLOYEE HANDBOOK

WHEREAS, The City of Shavano Park has the authority to adopt personnel rules and regulations concerning personnel matters, including but not limited to: probationary periods, vacation and sick leave regulations, compensation, health insurance, professional conduct, performance evaluations, work schedules, and other personnel matters; and

WHEREAS, the City Council of the City of Shavano Park has determined that it is desirable and in the public interest to adopt an amended employee handbook to address employment and personnel matters to apply to City employees.

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

The City of Shavano Park hereby amends the City of Shavano Park Employee Handbook, a copy of which is attached hereto Exhibit A and incorporated by reference herein.

PASSED AND APPROVED on by the City Council of the City of Shavano Park this the 27th day of March 2023.

BOB WERNER, MAYOR

Attest:

Trish Nichols, City Secretary



CITY OF SHAVANO PARK

EMPLOYEE HANDBOOK

Adopted by City Council

March 27, 2023

WELCOME TO THE CITY OF SHAVANO PARK

Welcome to the City of Shavano Park! We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with the City of Shavano Park. As you become familiar with the City's vision and mission statement, we hope that you will take advantage of the many opportunities offered to you in order to enhance your career and further the City of Shavano Park's goals.

BACKGROUND

City Profile: On the edge of the Texas Hill Country, the City of Shavano Park is located in the San Antonio Metropolitan Area in northwest Bexar County, approximately 12 miles north of downtown San Antonio. Shavano Park is surrounded by the City of San Antonio. Generally, the City's boundaries are Loop 1604 on the north, Huebner Road on the south, Lockhill Selma on the west and Salado Creek on the east. This City land area size is 3.3 square miles of land. The City is composed of roughly 3,527 residents and has approximately 181 commercial businesses.

City History: The original Town of Shavano was established around 1881 along the Olmos Creek and served as a stagecoach and rail stop between San Antonio and Boerne. The area now occupied by the City of Shavano Park was part of the Stowers Ranch. In 1947, Wallace Rogers and Sons purchased the land for residential development starting in 1948. The city of Shavano Park was incorporated on June 19, 1956 as a general law city. The City has grown considerably from 167 residents in 1956 to roughly 3,527 in the year 2020. Despite its growth the City retains its distinctive generous lots and rural atmosphere.

SPACE SAVED FOR RESOLUTION

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Appendix

Attachment A – Organizational Flowchart
Attachment B – Official Holidays
Attachment C – Developmental Counseling Form

EMPLOYMENT ACKNOWLEDGEMENT

The City of Shavano Park (the “City”) Employee Handbook describes important information about the City’s personnel policies and procedures, and I understand that I should consult my supervisor and / or my Department Head regarding any questions not answered in the Employee Handbook. I have entered into my employment relationship with the City voluntarily and acknowledge that there is not specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time.

With the exception of the City’s employment-at-will policy, all of the information, policies, and benefits described in the Employee Handbook are subject to change. I understand that revised information may supersede, modify, or eliminate existing policies. I agree that any conflicts or ambiguities in City policies and procedures will be decided by the City Manager.

Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document, nor is it a waiver by the City of the employment at-will status of my relationship with the City.

I have received the Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand that the policies in this Employee Handbook supersedes all prior written and / or oral City policies.

ACKNOWLEDGEMENT:

Signature

Print Name

Date



Section 1 – Introduction

1.1 PURPOSE

This Employee Handbook is designed to provide employees information on the policies of the City of Shavano Park. This handbook also serves to ensure a uniform application of City policies governing employees and replaces all previous employee handbooks or personnel manuals. Employees should read this document carefully to understand the responsibilities, rights and benefits of being an employee of the City of Shavano Park. Should any employee have questions as to the interpretation or understanding of any policy or practice, please make an appointment with your Department Director immediately. It is important that all employees have a full and complete understanding of the City of Shavano Park's personnel policies.

All Forms mentioned in *italics* in this handbook can be found on the City's servers in the shared drive at **S:\1 - Employee Handbook Forms & Policies** or by contacting the Director of Human Resources. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

1.2 VISION STATEMENT

Shavano Park strives to be the premier community in Bexar County, preserving and celebrating its natural setting and small-town traditions amid the surrounding area's urban growth.

1.3 MISSION STATEMENT

The City of Shavano Park provides exceptional leadership and delivers exemplary municipal services in a professional, cost-effective and efficient manner to citizens, business owners and visitors to facilitate economic growth and enable an exceptional quality of life and workplace consistent with our small-town values and character.

1.4 STAFF ESSENTIAL TASKS

- Provide, Efficiently Use, and Protect Fiscal Resources
- Provide and Maintain Infrastructure
- Maintain a Superior Water System
- Provide Police Protection
- Provide Fire / EMS Protection
- Conduct Municipal Planning
- Enforce Ordinances / Standards consistently
- Provide Outstanding Customer Service to citizens, business owners and visitors



1.5 CITY VALUES

City employees are expected to uphold the following values:

- Honesty
- Integrity
- Accountability
- Excellence
- Professionalism
- Innovation
- Inclusiveness
- A commitment to open, clear and transparent communications and Government
- Responsiveness and Customer Service

1.6 CODE OF ETHICS

Employees of the City of Shavano Park have the trust of citizens who depend on the highest level of service. This level of trust creates a special responsibility for the employees of the City of Shavano Park. Therefore, employees are expected to maintain a high level of ethical standards, to act with integrity in all public relationships and to always conduct themselves in a manner which maintains public confidence. This is accomplished by following the City of Shavano Park's Code of Ethics as presented below.

Employees of the City of Shavano Park shall strive to uphold the Constitution, laws and ordinances of the United States, State of Texas, and the City of Shavano Park, and shall strive to be:

- Honest and trustworthy in what they say and write and in all professional relationships;
- Dedicated to providing quality services by being cooperative and constructive, and by making the best and most efficient use of available resources;
- Fair and considerate in the treatment of fellow employees and citizens, addressing concerns and needs with equity, granting no special favors;
- Committed to accomplishing all tasks in a superior way, and abstaining from all job behaviors that may tarnish the image of the City of Shavano Park;
- Cognizant that public and political policy decisions are the responsibility of the City Council; and
- Dedicated to the best customer/citizen services to improve the quality of life in the City of Shavano Park.

This Code of Ethics requires dedication to uphold. Employees and citizens will always be better served by doing what is right rather than what is expedient. Violation of the Code of Ethics, or any law of the State of Texas or the United States in the performance of an employee's duties can lead to discipline up to and including dismissal.



1.7 CITY GOVERNANCE AND MUNICIPAL MANAGEMENT

City Governance: The City of Shavano Park is a Type “A” General Law City governed by a Mayor and City Council that by election has adopted the City Manager form of government. The Mayor presides at meetings of the City Council and is the Chief Civic Representative of the City. The City Council functions as the legislative branch of the City government, provides policy for the conduct of municipal affairs, enacts ordinances, exercises budgetary authority and maintains oversight of the City government.

City Manager: Per Article III, Section 2-63 of the City of Shavano Park Ordinances the City Manager shall be the administrative head of the municipal government under the direction and supervision of the City Council. The City Manager is the Chief Executive Officer of the City of Shavano Park and is responsible for the day to day management of the City. The City Manager shall carry out the policies set by the City Council and enforce the ordinances of the City and the laws of the State of Texas.

Director of Human Resources: The City Secretary is the Director of Human Resources and reports directly to the City Manager. City employees should contact the City Secretary when the Director of Human Resources is described in this manual. Employees with finance related questions regarding payroll and insurance may contact the Finance Director for information.

Department Directors: Department Directors report directly to the City Manager and are responsible for the enforcement of the provisions of this manual as it relates to the supervision and administration of personnel in their departments. Department Directors will, in addition to their other duties, assure the maintenance of high standards of ethical and moral conduct among their personnel to reflect favorably on the City at all times. Department Directors are likewise responsible for the protection of all information which is created for or primarily used by their respective department. This responsibility includes the protection of computerized information which is placed in the custody of individual employees including authorizing access to all departmental information.

1.8 ORGANIZATIONAL FLOWCHART

The organizational chart will be approved annually by City Council and be updated in this handbook subsequent to City Council approval. See Attachment A – “Organizational Chart.”



Section 2 – General Provisions

2.1 PURPOSE OF EMPLOYMENT

The primary objective and purpose of the existence of the Shavano Park municipal government is to provide the most efficient, economical and courteous services possible to our citizens and business partners. Employees have been chosen for their positions because their individual job is very important in the overall mission to provide optimal City services. The City of Shavano Park is assured each employee has the knowledge, skills and abilities needed to help the City reach its primary objective. The City seeks to welcome each employee as an important and productive member of the organization.

2.2 EMPLOYMENT AT WILL

Employment with the City is not for a fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or **the City have the right to terminate employment at any time, with or without notice, and with or without cause.** This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

2.3 MANAGEMENT AUTHORITY AND ADMINISTRATION

This handbook is approved by the City Council of the City Shavano Park; Amendments to the Employee Handbook must likewise be approved by the City Council. The Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or Ordinance.

No City of Shavano Park supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written that differs from this handbook.

2.3.1 Management Authority. The City Council may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. Policy administration rests with the City Manager and the City Manager reserves sole authority to administer City operations.



2.3.2 Departmental Policy and Procedural Requirements. City departments may develop policies and procedures consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals shall be reviewed and approved by the City Manager. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective until reviewed and approved by the City Manager.

2.3.3 Miscellaneous. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by Federal, State and/or Municipal law.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be resolved by the City Manager. The City Manager may delegate rights and powers granted to him or her under these policies and procedures to the others as deemed appropriate in the City Manager's sole discretion.

2.4 MEDIA SPOKESPERSON

The City Manager will be responsible for handling all media inquiries. City Manager may, at his/her discretion, designate an employee to handle a specific media inquiry. City Employees are required to refer all media inquiries to the City Manager. Failure to do so may result in discipline up to and including dismissal.

2.5 EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, religion, sex, national origin, citizenship, disability, genetics, veteran's status or other unlawful basis, is prohibited.

2.6 SEXUAL AND OTHER UNLAWFUL HARASSMENT

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful



of others and act professionally. City employees are also prohibited from harassing citizens, co-workers, volunteers, elected and appointed officials, vendors, and all other third parties.

2.6.1 Sexual Harassment. All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

2.6.2 Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal, written, or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, workplace bullying, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic.

Workplace bullying occurs when an individual, or a group of individuals, repeatedly behaves unreasonably towards a worker, or a group of workers, and the behavior creates a risk to health and safety. It includes both physical and psychological abuse.

This policy also prohibits while on duty or at work sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube



and Facebook. Online, including social media harassment will be treated the same as other types of harassment.

This policy applies to City employees interacting with other employees, elected and appointed officials, citizens, vendors, volunteers, and other visitors to the workplace.

2.6.3 Reporting and Handling Procedures. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to your Department Director, the City Secretary/Human Resource Director, Assistant City Manager or the City Manager.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by City policy must immediately advise the Department Director, City Secretary, Assistant City Manager or City Manager.

Under this policy, an employee may report to and/or contact the City Manager directly, without regard to the employee's normal chain of command. If an employee has a complaint related to the City Manager, the employee may report the issue to the City Secretary who will forward the complaint to the Mayor. If the City Secretary and City Manager are both involved in the complaint of harassment, the employee may make a written complaint to the Mayor.

Investigation. All reports of prohibited conduct will be investigated promptly and confidentially by the City Manager, or designee, as appropriate. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

In case of complaints against the City Manager, the City Council shall designate a third party to undertake the investigation.

Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action. Misconduct constituting harassment or retaliation will be dealt with appropriately and promptly. Discipline, up to and including termination will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.



Training. Employees of the City will receive harassment training upon hire with the City and on a regular basis in order to maintain a harassment-free workplace.

2.7 AMERICANS WITH DISABILITIES ACT

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written request to the City Secretary.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact their immediate Supervisor, City Secretary, the City Manager or designee.

2.8 MEDICAL RECORDS PRIVACY

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. Finance Department maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to justify an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records



The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the employee or destroyed.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor. When an employee provides information to the supervisor, the supervisor shall share the information only on an “as needed” basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers’ medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker’s privacy or breach of confidence.

2.9 SEARCH POLICY

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, city issued cell phones, pagers, text messages, whether secured, unsecured or secured by a lock or password provided by the employee.

All searches must be authorized and conducted under the direction of the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination. Employees understand they have no right to privacy for City facilities and equipment.

2.10 POLITICAL ACTIVITIES

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with State and Federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- Use the employee’s position or office to coerce political support from employees or citizens.
- Use the employee’s official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Use working hours or City property to solicit or receive any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.



- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. City of Shavano Park City Council, Boards and Commissions and certain Bexar County offices. Upon being elected or appointed to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

2.11 VALID DRIVER'S LICENSE REQUIREMENT

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, maintain a current valid Texas driver's license.

Driving records will be checked prior to employment and, at City discretion, periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.



Section 3 – Employee Compensation and Benefits

3.1. PAY PLAN

The City pays wages and salaries based upon the nature of the job performed and are competitive to payment plans for similar positions in the surrounding area. Annual base salaries are determined by the City Council.

3.2. ALLOWANCES AND CERTIFICATES

Allowances (such as phone or vehicle) are determined each year during the City's budget process. Allowances are available to those employees at the determination of the City Manager and Council during the budget process. Speak with your Department Director or Finance Director for details on City allowances.

Certain qualifications (such as those for Fire, Police and Water Utility professionals) are recognized as beneficial to the City and may be awarded with certificate pay. Certificate pay amounts are determined each year by City Council during the City's budget process. Speak with your Department Director or Finance Director for details regarding City certificate pay.

3.3. INSURANCE BENEFITS

All regular employees who work at least 30 hours per week (or 130 hours/month) and their dependents are eligible for enrollment in the City's insurance benefit plans upon employment; coverage begins on the first day of the month following the date of employment. This insurance is effective as long as the employee remains on the payroll for the required hours. The details of the City's insurance benefit plans are determined as a part of the City's annual budget process. Inquire with your Department Director or City Secretary for details on the City's current year insurance benefit plans.

3.4. GROUP HEALTH BENEFIT COVERAGE (COBRA)

COBRA is a Federal law that requires the City of Shavano Park to offer employees and their families the opportunity to extend temporarily their group coverage at group rates in instances where coverage under the employer's group health plan would otherwise terminate. *The employee is responsible for paying for the City's share of the premium in addition to current premium during a continuation of coverage under COBRA.*

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an



employee's hours are reduced so that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan with the Finance Director.

3.5. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Employee Assistance Program (EAP) provider is Deer Oaks EAP Services. They provide EAP Services for all employees and their dependents. The EAP benefit covers 6 confidential short-term counseling visits and is at no cost to employees and their families. The City has pre-paid for this benefit for all employees and their dependents.

The EAP benefit is not only free to all employees and their dependents, but it is also confidential. Deer Oaks EAP has considerable expertise and clinical knowledge possessed by its clinicians and numerous convenient locations.

The EAP can assist with many different types of problems. Among these are stress, depression, anxiety, workplace difficulties, substance abuse, marital problems, family or parenting conflicts, grief, violence and unhealthy lifestyles. The EAP can also provide additional assistance with, and tools & referrals for:

- Childcare and Eldercare Resources with Referrals
- Financial and legal issues
- Free Interactive online simple will
- Retiree Assistance
- Moving Resources/Checklist
- ID Recovery

Deer Oaks EAP is available when you need it, 24 hours a day, 365 days a year. Deer Oaks will also coordinate with City of Shavano Park's Health Plan for cases that require treatment under your medical benefit. For additional information or a referral to a provider located nearest you please call EAP toll-free at 1-866-327-2400. Online tools are available at: www.deeroakseap.com with login & password: shavanopark.

The City of Shavano Park is committed to the health and well-being of its employees and their family members and encourages the utilization of this important benefit.



3.6. RETIREMENT

3.6.1. Texas Municipal Retirement System. The City participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. All regular full-time employees are required to join TMRS. Employees completing five (5) years of employment will be vested in the TMRS. All regular employees working twenty (20) hours or more per week are required to participate in TMRS. Temporary employees, and part-time employees working less than one-thousand (1,000) hours per year, are not eligible to enroll in the retirement system.

Employees covered under TMRS are required to contribute 7% of the employee's pay to the member's account. The City of Shavano Park matches the employee contribution at a 2 to 1 rate. All amendments and additions to such system enacted by the City Council are continued in full force and effect. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from the City Secretary or TMRS.

3.6.2. Social Security. Your earnings from this job are not covered under Social Security. All employees must sign Form SSA-1945, *Statement Concerning Your Employment in a Job Not Covered by Social Security*, prior to employment. This form explains the potential effects of two provisions in the Social Security law for workers who also receive a pension based on their work in a job not covered by Social Security.

3.7. WORKERS' COMPENSATION

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents, injuries or job-related illnesses occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the City are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and / or injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

3.7.1. Accident and Injury Reporting Procedures



- 1) **If an employee is injured on the job or feels that the employee has an illness or injury caused by work, the employee must stop working and report the condition to the employee's Supervisor.** Failure to report such an injury or illness no later than twenty-four (24) hours after learning of the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend may disqualify the employee from receiving benefits.
- 2) The supervisor may refer the employee for medical treatment, if necessary, from either the Shavano Park Fire Department EMS (dial 9-1-1 in emergencies) and/or the approved doctor list, as provided by the Texas Department of Insurance at www.pswca.org/workers.html. Every injury, regardless of its severity, must be reported by the employee to their Supervisor.
- 3) The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred.
- 4) The supervisor must submit the *Employers First Report of Injury or Illness Form (DWC Form-1)* and any other related information to the Director of Human Resources no later than twenty-four (24) hours after learning of the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend.
- 5) If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise Director of Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers' compensation will be made by the Political Subdivision Workers' Compensation Alliance and not by the City.
- 6) For every doctor's office visit, the employee is required to obtain from his doctor a completed *Fit for Duty Form*, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. A *Fit for Duty Form* completed by a doctor must include duties required specific to each employee's job description. It is the employee's responsibility to ensure that a copy of the *Fit for Duty Form* is forwarded to their supervisor. Failure of an employee to report an on the job injury to their supervisor may result in disciplinary action, up to and including termination of employment.

3.7.2. Returning to Work. The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions.



The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

All modified duty assignments must be approved by the Director of Human Resources to ensure compliance with the City's policies, the physician's restrictions/release and with all applicable laws.

3.7.3. Reasonable Time Period. Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the City will hold open an employee's position, following an injury or illness that occurred while performing official job duties or conducting City business, for a reasonable time period if holding the position does not result in undue hardship on the City. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform. If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the City will be terminated.

3.8. TRAVEL COMPENSATION

The City will reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy. Before an employee travels for training a request (CM Directive 16-02) must be completed and approved by the employee's Department Director and the City Manager not later than two weeks before date of training session. All out of state travel must be approved by the City Manager. Department Directors shall ensure travel expenditures comply with procedures as outlined and review and approve all necessary documents concerning travel. Travel shall be defined as travel outside of a 60-mile radius to the City of Shavano Park or travel of more than 30 miles outside the city radius that exceeds more than three (3) days in duration.

Employees should use the most economical means available when using City funds.

Itemized receipts must be provided for the following expenses:

- Hotel & Lodging
- Event attendance costs
- Training course agenda / itinerary

Receipts must be an itemized copy from the vendor and not just the credit card slip/balance due. *Failure to submit itemized receipts will render those expenses non-reimbursable.*



3.8.1. Transportation. The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. After approval by the City Manager, air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid the IRS mileage reimbursement rate in effect at the time of travel. Compensated mileage will be determined by miles between City Hall and the travel destination rather than between the employees' home and the travel destination. The City does not compensate travel mileage for a trip under 50 total miles. Reimburse mileage will be based on the most direct route from City Hall to destination. Commuting mileage from hotel to destination will not be reimbursed. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager. The City will not reimburse an employee who uses their own airline miles or other travel benefits for work travel.

3.8.2. Pay for Travel. Non-exempt employees are paid their normal hourly pay rate for time spent traveling while conducting City business. If the travel occurs during the normal working hours of a non-exempt employee, even on nonworking days, the time is compensable. Travel time that occurs outside of regular working hours where the employee is a passenger and free to relax does not count as hours worked. However, if the non-exempt employee is required to drive or perform pre-approved work by their Director, then the time is compensable. Home-to-work travel is not compensable hours worked. Travel time as a passenger outside of regular working hours is not considered work time.

3.8.3. Lodging. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including detail for any service charges to be paid/reimbursed by the City. Lodging may be approved by the City Manager for period prior to event depending on the distance required for travel from the City.

3.8.4. Meal Allowance. Meals and incidental expenses will only be paid on a per diem basis and based on rates established by the U.S. General Services Administration for the current fiscal year (www.gsa.gov). If neither the city nor county is listed, the rate for meals and incidental expenses will be the standard CONUS destination rate.

3.8.5. Non-Allowable Expenses. Expenses or charges for the following will not be reimbursed and must be paid for by the employee:

- a. In-hotel pay television, movies or other entertainment
- b. Dry cleaning and laundry;
- c. Health club and spas;
- d. Expenses of a spouse;
- e. Alcoholic beverages;



- f. Personal long-distance telephone calls; and
- g. Other items of a personal nature.

3.8.6. Compliance. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

3.9. DEFERRED COMPENSATION

Participation in a 457 Deferred Compensation program is offered through the City's relationship with the International City/County Management Association (ICMA) Retirement Corporation.

The program provides regular employees the option to defer part of their salary for payment at a future date. The deferral allows the employee to enjoy a tax savings by reducing their taxable income and therefore their tax liability in the year of the deferral. Deferred income is taxable upon receipt of the benefits. All deductions must be made in accordance with a signed participation agreement. More information on this plan can be obtained from the Finance Director.

3.10. EDUCATION REIMBURSEMENT PROGRAM

As the budget permits, the City may reimburse a regular full-time employee for tuition, books and exam fees for pursuing a course of study or industry-recognized certification to improve his/her skills and knowledge in a discipline directly related to his/her position. An employee who is considering such a course of study should meet with the Finance Director for the availability of these benefits for the fiscal year. Department Directors shall determine if a course is directly related to an employee's position and forward a recommendation for reimbursement to the Finance Director. In order to qualify for reimbursement, an employee must present a copy of the receipt showing that the tuition or certification fee has been paid and a report card showing a final passing grade for the course or certification.

The City may reimburse up to \$150 per course not to exceed four courses per calendar year or \$600 a calendar year towards a trade school or industry-recognized certification to each full-time employee who provides the proper documentation. Employees cannot "bank" additional courses beyond the four courses per calendar year limit from one calendar year to another.

3.10.1. Requirements.

- a. Employee must be pursuing within their current work-related position excluding all prerequisite/basic courses, a college diploma at an accredited college or university or pursuing a GED; a trade school certification or other industry-recognized certification.
- b. Must pass the course with at least a "C" grade.
- c. Must be an active employee on City payroll at the time of reimbursement request.
- d. Reimbursement request must be submitted within 30 days of completion of courses.



- e. Eligible items for reimbursement include: Tuition, official college, trade school & university fees, and certification training and exam fees.

3.10.2. Procedure.

- a. After final grades are distributed—submit copy of grades and paid invoices and other pertinent documents to the Department Director. The Department Director will forward through the Finance Director, the packet with a recommendation to the City Manager for approval or disapproval,
- b. City Manager will review and approve all submissions delivered from Department Directors.



Section 4 – Staffing and Development

4.1. PERSONNEL RECORDS

The Human Resources Office will maintain all personnel records for active employees. Personnel records of inactive employees will be maintained in accordance with the City's Records Management Policy. Personnel Records for Public Safety employees will be kept in accordance with State and Federal law.

An employee's personnel records are available for inspection by the employee. The employee, the employee's immediate supervisor, the Department Director, the City Manager or their designee, the Mayor and City Council members are authorized to view an employee's personnel file.

Department Directors and other City employees are not permitted to release information regarding a former employee's employment with the City of Shavano Park. Public Information Requests on employee records should be forwarded to the City Secretary and will be handled in accordance with State law.

4.2. RECRUITMENT AND SELECTION

As an Equal Opportunity Employer, the City of Shavano Park will conduct its staffing activities in accordance with State and Federal laws and regulations. The City of Shavano Park will not unlawfully discriminate in either selection or advancement of any employee or prospective employee.

Job Vacancies. When a vacancy occurs within a department for any reason, or notice is given of a resignation, the Department Head will furnish Human Resources with the original letter of resignation and the necessary information to hire for the vacancy. Upon job vacancy, the Department Director will coordinate with City Secretary and City Manager to fill position. The City will normally try to fill openings by promotion from within, if qualified internal applicants are available. The position may be posted internally for five days before the position is posted externally. The City Secretary will post and advertise the position on the City's official website, as well as other media as deemed appropriate.

All City employees who meet a job's qualifications are encouraged to apply for the job posting. Individuals, and current employees, applying for a vacant position will be required to complete the official *City of Shavano Park Application for Employment Form*.

Department Directors are encouraged to advertise the vacancy at academic institutions, trade schools, in trade journals and other publications as well as other media which may generate



candidates for the vacancy. The City Secretary will assemble the applications/resumes from interested individuals and forward them to the Department Director for evaluation and interviews. The Department Director will forward to the City Secretary all applications including the top three candidates for final processing and background investigation. The Department Director will present recommendations to the City Manager for final determination of an employment offer to a candidate.

4.3. NEPOTISM

No person related up to the 2nd degree by marriage or 3rd degree by blood kinship to the City Manager, Mayor, or any member of the City Council, shall be appointed to or employed in any position in the City. No person related up to the 2nd degree by marriage or 3rd degree by blood kinship to any employee of the City of Shavano Park shall be employed in any position within the same department. Figure 4.3 lists blood kinship and marriage degrees of relationship.

Figure 4.3. Blood Kinship & Marriage Relationships prohibited by City.

Blood Kinship	1st Degree	Father & Mother, Son & Daughter
	2nd Degree	Grandfather & Grandmother, Brother, Sister, Grandson & Granddaughter
	3rd Degree	Aunt, Uncle, Niece, Nephew, Great Grandson & Great Grand daughter, Great Grandfather & Mother
Marriage	1st Degree	Spouse, Father-in-Law, Mother-in-Law, Daughter-in-Law, Son-in-Law
	2nd Degree	Spouse's Grandfather & Grandfather, Brother-in-Law, Sister-in-Law, Spouses' Grandson & Granddaughter, Brother / Sister's Spouse

In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.



4.4. ORIENTATION

Individuals selected for employment with the City of Shavano Park must complete an orientation session. The City Secretary and Finance Director will provide information about employment with the City to include personnel policy information. Meetings will be scheduled with senior staff for additional operational overview.

4.5. ASSESSMENT PERIOD

Prior to being designated as a permanent regular employee, an employee shall go through an assessment period of ninety (90) days after first day of employment. Police and Fire Departments have specific probationary periods for employees assigned to their departments. Police and Fire department employees should refer to their department's policy for probationary periods and requirements. The assessment period provides a specific time frame for supervisors to monitor, evaluate and assist an employee in adjustment to service with the City of Shavano Park. The assessment period allows for identification and retention of employees who demonstrate the skills and meet the performance levels required of various positions.

The Department Director and subordinate supervisors are responsible for evaluating the job performance of the new employee using the *Performance Appraisal Form*. Upon commencement of employment, the supervisor and the new employee will review the position job description and the performance evaluation criteria to be used during the assessment period. During the assessment period, the supervisor and the new employee will periodically review work performance and outline satisfactory or unsatisfactory performance. Supervisor must note areas of improvement recommended for continued employment. The employee should be advised before the end of the assessment period whether or not he/she will be retained or terminated. If an employee is to be retained, a *Personnel Action Form* is sufficient notice of retention. If the employee is to be terminated, the *Personnel Action Form* effecting the termination must be accompanied by the appropriate documentation. Successful completion of the assessment period does not change the at-will status of the employee.

4.6. EMPLOYMENT STATUS (CLASSIFICATION)

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

- a. **Assessment Period.** A full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. This period lasts ninety (90) days. Police and Fire Departments have specific probationary periods for employees assigned to their departments. Police and Fire department employees should refer to their department's policy for probationary periods and requirements.



- b. **Regular full-time.** An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Fire and Police shift personnel who have different work cycles) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).
- c. **Regular part-time.** An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed 3 months of active service with the City. Regular part-time employees who work more than 20 hours per week accrue certain benefits on a pro rata basis and, who work at least 1000 hours in a year, are eligible to participate in Texas Municipal Retirement System.
- d. **Temporary.** An employee is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the City Secretary. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage) but are not eligible for the City's other employment benefits. Temporary employees who are placed with the City but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits are provided. Such employees are not eligible for benefits from the City and are not eligible for participation in TMRS.
- e. **Reserve Firefighters / Police.** An individual who is employed by the City for select shifts in the Fire and Police Departments. A Reserve Police Officer or Firefighter does not receive any compensation or earn any benefits for shifts worked. Reserve Police Officer or Firefighters do fall under the City's Workers' Compensation while on duty. Reserve Police Officers and Firefighter's shall consult their respective departments policies as each department mandates minimum and maximum requirements for their reserve components.
- f. **Interns.** Interns are not employed by the City in any capacity and not entitled to compensation. Interns may receive stipends as compensation for work performed under the internship.
- g. **Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are not paid, are not entitled to any benefits, but are covered by worker's compensation.



In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from Federal and State wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by City Secretary after a proper analysis of the position.

Employees may also be classified as Shift or Non-Shift employees. Non-Shift employees are nonexempt employees who work during normal City hours of operations (8 a.m. to 5 p.m. Monday through Friday). Shift employees are nonexempt employees who follow a work schedule that is outside of the typical 8 a.m. to 5 p.m. business day. Ask your supervisor to if you are unsure of your status as a shift or non-shift employee.

4.7. TRAINING AND DEVELOPMENT

To meet individual and organizational needs, the City will provide training and development opportunities to encourage performance, prepare employees for new or increased responsibilities, extend opportunity for growth and development, and promotion of the most qualified individuals. To request approval for training an employee must complete *Training Authorization Form* as required by 16-02-CM Directive.

4.8. OUTSIDE EMPLOYMENT

The acceptance of another job while in the employment of the City of Shavano Park is permissible as long as the following considerations are met:

- a. The full-time employee must notify their supervisor with the *Outside Employment Form* and receive written approval annually from the City Manager prior to the acceptance of other employment and whenever the nature of such employment changes. A copy of the written approval shall be kept in the employee's personnel file.
- b. Outside employment may not conflict with the best interest of the City.
- c. Outside employment must be terminated if it adversely affects the employee's attendance or performance of the employee's duties.
- d. An employee who refuses to discontinue outside employment is subject to release, based on prior warning by the supervisor.

4.9. ANNUAL PERFORMANCE REVIEW

All employees of the City of Shavano Park will be evaluated on an annual basis. The performance evaluation period will commence on March 1st of each calendar year and end on the last day of February of each calendar year. The process for employee evaluation is as follows:



- a. The evaluation period will be for the period beginning March 1st and ending on the last day of February.
- b. Supervisor and employee will meet in March of each year to review the *Performance Appraisal Form*. The form will outline evaluation criteria and job expectations established for the position occupied by the incumbent. Supervisor and employee will sign the *Performance Appraisal Form*.
- c. Department Directors will review and approve the *Performance Appraisal Form*.
- d. Final approval of the City Manager is required.
- e. During the evaluation period, supervisor and employee will periodically review work performance and outline areas of unsatisfactory and satisfactory performance.
- f. During the final month of the evaluation period the supervisor will complete the final performance evaluation for review by the Department Director. If the employee disagrees with the final evaluation, employee may discuss the evaluation with the Department Director.

All records maintained by the Human Resource Office in connection with the performance of individual employees shall be considered confidential. Access to performance records is limited to the employee, his/her immediate supervisors, and individuals authorized by the City Manager.

4.10. PROMOTION / DEMOTION / REASSIGNMENT / TRANSFERS

Dependent on the staffing plan and on available positions, promotions, demotions, reassignments and reclassifications will be made on the basis of skills, abilities and demonstrated performance of City employees.

4.10.1. Promotion. Promotion of all employees will be accomplished after careful consideration and thorough review of an employee's qualifications, performance appraisals, work history, and demonstrated abilities. A promotion shall take effect with as little undue disruption of departmental operation as possible. Promoted employees shall serve a ninety (90) day evaluation period effective the date of promotion. Police and Fire Departments have specific probationary periods for employees assigned to their departments. Police and Fire department employees should refer to their department's policy for probationary periods and requirements. Employees who fail to complete the evaluation period shall have their promotion revoked and returned to a position equal to the one held prior to the promotion where possible. All promoted employees shall receive all rights, privileges, benefits and responsibilities attendant to the position. Employees are not eligible for promotion during the evaluation period without special approval from the City Manager.



4.10.2. Demotion. Demotion of all employees may be accomplished at any time an employee fails to meet performance standards for his/her position. Before demotion, an employee must be informed of and understand the standards by which he/she is being judged. Before demotion, an employee, if possible, may be counseled and given sufficient time to correct any existing deficiencies.

4.10.3. Reassignment. Voluntary reassignments may be requested by an employee. Lateral reassignments may be initiated by a Department Director when the best interest of the City is served by such action.

4.10.4. Transfers. To provide maximum opportunity for advancement to all employees and to promote optimum staffing, the City will encourage the transfer of employees between City departments. No acts of discrimination shall result from transfer requests. All employees are eligible to apply for transfers to currently vacant positions.

4.11. SEPARATIONS / EXIT PROCESS

A Department Director may recommend the termination of an employee for cause and must furnish the City Manager with an explanation for the recommendation of dismissal. The City Manager will make the final determination on the dismissal of an employee.

Resignations. An employee who chooses to resign must submit a resignation in writing to the Department Director at least ten (10) working days before the effective date of the resignation. An employee who gives less than ten (10) working days' notice may forfeit eligibility for rehire and unused annual leave. After approval by the Department Director, the resignation will be forwarded to the City Secretary with any other appropriate documentation.

Retirements. An employee who is eligible for and chooses to retire, should submit notice of their retirement to the Department Director as soon as possible. The Department Director shall direct the employee to meet with Human Resources in order to accomplish all required paperwork for retirement.

Exit Process. The exit process consists of the following steps:

- a. Inform your supervisor in writing of intent to separate employment with the City.
- b. Department Director/supervisor will ensure that all issued City property, to include all City identification badges and uniforms is returned.
- c. The Department Director will schedule for the employee a meeting with the City Secretary so the employee can receive information on benefits, etc.



- d. In cases where issued equipment is not returned – the City may recover cost through payroll deduction.

Exit Interview – regardless of the reason for the separation of employment with the City of Shavano Park, the employee is required to complete an exit interview. The exit interview will be conducted by the City Secretary. Separating employees will complete the *Exit Interview Form*. After the interview, the City Secretary will be required to complete a report that outlines the discussions held during the exit briefing.

The purpose of the exit interview is to finalize all compensation due to the employee, return city equipment, provide explanation of any continuing benefits (such as contact information for employee retirement, insurance and optional benefit coverages), to review time employed and give the employee the opportunity to provide feedback.



Section 5 – Time and Attendance

5.1. TIME AND ATTENDANCE

Normal working hours for most regular full-time employees, including non-shift employees in the Fire and Police Departments, are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of forty (40) hours per work week. Fire Department shift personnel work 48-hour shifts with shift hours from 7:30 a.m. to 7:30 a.m. the following 2nd day. Non-Exempt Fire and Police Department personnel will be assigned shift schedules dependent upon department needs as deemed by their respective Directors. Public Works / Water Department employees' normal working hours are 8:00 a.m. to 5:00 p.m. with additional on-call status periods for non-normal working hours as determined by the Department Director. Department Directors will periodically review schedules with the City Manager.

Employees shall not work in excess of forty (40) hours per work week without the prior approval of a Department Director or their designee. Department Directors have authority to slightly modify standard 8:00 a.m. to 5:00 p.m. work day times to accommodate employees or to fulfill departmental work goals.

For time recording purposes, Department Directors are required to log the actual hours worked by each employee within their department. This log will be the basis for processing payroll and compensation for employees. The Department Director or designee validates the number of hours worked by all employees for compensation to be received. Each Department Director or designee is responsible for ensuring that all hours worked and leave time taken are reported in the individual department's records and the employee's personnel file.

Employees are required to be at their place of work in accordance with departmental work schedules. Any employee who fails to report, is habitually tardy, leaves the work place without prior authorization or misuses leave may be subject to disciplinary action. All departments shall maintain attendance records and Department Directors are responsible to submit this documentation to the Finance Office during the payroll period. The Finance Office shall have the responsibility to account for leave accruals and leave utilized by City employees.

5.2. BREAKS

The City allows rest breaks as authorized by an employee's immediate supervisor or department policy during the course of each work day to prevent undue fatigue and comply with applicable laws.



Rest Breaks. Full-time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two fifteen-minute, paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods. Full-time employees (excluding most Police and Fire Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period. Police and Fire Department employees shall refer to their respective department policy for meal break standards.

Break Time for New Mothers. Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

Supervisor Responsibility. Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted. The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled work day; or
- requesting compensatory time off or overtime pay for work performed during rest period time.

5.3. OFFICIAL HOLIDAYS

The Official Holidays will be approved annually by City Council and be updated in this handbook subsequent to City Council approval. See Attachment B – “Official Holidays”. If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday.



Ineligibility for Holiday Pay. Non-Police and Fire employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday unless a doctor's note is provided to Department Director.

Holiday Occurring During Vacation Leave. A holiday that falls within an employee's vacation period will be counted as holiday in lieu of a day of vacation.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will receive holiday pay.

Fire and Police Holiday Compensation Time. Police Officers and Firefighters who are shift employees (ask your supervisor if you are not sure of your status) accrue 8 hours of holiday time for each City Holiday. This holiday time can be accrued to a maximum of 168 hours. Any holiday time accrued below the 168-hour cap can carry over into the next calendar year. Holiday compensation time should be used prior to using vacation leave in most situations. This holiday compensation occurs whether or not the employee was on duty for the holiday for any reason other than an unauthorized absence. If a Police or Fire employee is absent without authorization during a holiday, they do not receive the holiday time accrual.

5.4. OVERTIME AND COMPENSATORY TIME

5.4.1. Overtime. The City's policy is to keep overtime to a minimum. All overtime shall, except in emergencies, have approval by the Department Director or designee. Overtime compensation is paid to all non-exempt employees in accordance with Federal and State wage and hour requirements. Exempt employees are not paid overtime compensation, unless a disaster declaration has been declared.

Non-exempt. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of the Department Director. When possible, advance notification of mandatory overtime assignments



will be provided. Overtime assignments will be distributed as equitably as practical to all nonexempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

Official City Holidays falling during the normal work week, Monday-Friday, are counted as hours worked towards overtime pay for non-shift employees. No other forms of leave besides Jury Duty (page 35) is considered towards overtime pay.

Generally, except for Fire Department shift employees and Police Department employees engaged in law enforcement activities, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 8:00 a.m. on Monday and ends at 8:00 a.m. the following Monday.) An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc. Fire personnel are paid overtime based on a work cycle of 27 days and Police personnel are paid overtime based on a work cycle of 14 days under Section 207(k) of the FLSA.

5.4.2. Compensatory time. Compensatory time off (Comp time) may be awarded by the Department Director in lieu of overtime for employees who worked more than forty (40) hours in a work week and agree to accept compensatory time off in lieu of overtime pay. Compensatory time is awarded at a rate of one and one-half (1 ½) times the number of hours worked in excess of forty (40) hours. Compensatory time used during the week is taken at a 1:1 ratio. The City discourages the accumulation of compensatory time because of its potential burden to City finances. Compensatory time off may be awarded in all overtime situations for nonexempt employees except in the following situations: after hours call-backs; public emergency; or with the approval of the City Manager. Compensatory time is ideally suited for times when several hours are needed during the working day for personal business which is approved by the Department Director. Compensatory time is not available to exempt employees.

Employees may bank up to 60 hours maximum of accrued compensatory time.

Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and /or comp time. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current hourly rate.



Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle that the overtime was worked and must be accurately reflected on the affected employee's time record.

Exempt employees. Executive, administrative, and professional employees, as defined in the FLSA, are exempt from the overtime provisions of FLSA and are expected to render necessary and reasonable overtime services without additional compensation. The salaries of these positions are established with this assumption in mind. Extra hours worked by executive, administrative and professional employees may be used as a factor in granting flexible leave hours. Each City job description designates whether persons hired in that classification are exempt from or covered by (non-exempt) the overtime provisions of the FLSA. NOTE: If an emergency declaration has been made, certain overtime services may be addressed within this declaration.

5.5. POLICE NIGHT SHIFT DIFFERENTIAL PAY

In addition to base pay, Police Officers shall be entitled to receive shift differential pay in an amount set out in the City Budget per pay period if they are regularly scheduled to work more 80 hours or more for that pay period between the hours of 6:00 p.m. and 6:00 a.m.

If an officer works a full pay period between 6:00 p.m. and 6:00am and is needed to assist with day shift coverage they will continue to receive shift differential for that pay period.

Alternatively, if an officer works a full pay period between a 6:00 a.m. and 6:00 p.m. and is needed to assist with night shift coverage they will likewise continue to receive shift differential for that pay period. There will be double payment of night shift differential pay for a full pay period to both the regular night shift officer using approved leave and the regular day shift officer covering for that pay period.

All shift differential hours and pay must be pre-approved by the Police Chief and will be accumulated, recorded and paid in compliance with the approved budget.

5.6. ON-CALL AND CALL-BACK COMPENSATION

The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.



Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be compensated for call-back time at a rate of one and one-half (1½) times their base rate if the call-back time results in hours worked in excess of 40 hours in a 7-day work period. Employees will be compensated only for actual hours worked during a call-back. Employees who have worked a less than forty (40) hours during the work week, will be compensated at their base rate of pay for the call-back time worked. Holiday leave and jury duty leave count towards the 40 hours worked for 1½ times call-back compensation.

Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

5.7. EMERGENCY SITUATIONS, ESSENTIAL PERSONNEL & DISASTER PAY

Normal Operations. Except for extraordinary circumstances, City offices *do not close*. All City employees, whether essential or non-essential, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify their Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or comp time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have accrued no vacation or compensatory time will not be paid for time missed.

Essential Personnel. See *City Policy # 21 – Disaster & Emergency Pay Policy for full policy*. Department Heads will designate essential personnel and submit the positions to the City Manager by June 1st of each year. Each designated employee shall be made aware through written communication that they have been designated as an essential employee. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status.

Emergency Declared & Return to Work. The City Manager may call any designated essential employees to return to work before, during or after an emergency or disaster. Essential employees



shall be made aware of the City Manager return to work requirement by telephone or in person. Undesignated essential employees do not receive overtime pay status as outlined below.

Disaster Pay. Full-time (both hourly & exempt) employees will receive overtime status pay at one and a half (1 ½) times their normal rate of pay for all hours worked during the declared emergency or disaster. Disaster Pay shall only be for time during the Declared State of Emergency per City Policy #21. There will not be the mandatory working of 40, 80 or 53 hours to reach disaster pay.

Non-essential personnel will be compensated for hours “Not Worked” during a declared emergency or disaster at their normal rate of pay for their normally scheduled work hours. This shall only be instituted for non-essential personnel if the City Manager deems the employee is unable to safely arrive at work or their office is closed.

Any employee who is prevented from attending work due to an emergency or disaster shall maintain daily telephone or personal contact with their department head or the department head’s designee. An employee who is not prevented from maintaining telephone or personal contact, and who fails to do so, may be subject to disciplinary actions and/or may be considered as having voluntarily resigned his or her position.

Essential personnel on Family Medical Leave shall not be required to return to work during an emergency or disaster. However, essential personnel on family medical leave who do not return to work shall not receive overtime pay for the hours “Not Worked” during an emergency or disaster.

5.8. ANNUAL LEAVE

The City of Shavano Park allows full-time employees to accrue and take leave for vacation, illness or other personal matters. This leave accrues immediately upon hire based on the scale below. Unused balances dependent on an employee’s pay category, may be carried over to the next calendar year up to a maximum of 200 hours for General Government Employees, 220 hours for Police employees and 260 hours for Fire employees. Annual leave is paid out at the time of the employee’s separation, up to the maximum authorized accumulation of hours, based on the employee’s pay category. Annual leave hours over the maximum authorized accumulated hours based on the employee’s pay category at the time of separation, will not be paid out and must be used or forfeited.

The City will not pay unused annual leave hours in cases where an employee fails to provide a two (2) week notice to the City that they are leaving employment or if the employee is dismissed for performance or disciplinary reasons. An employee shall not have more than their maximum authorized amount of annual leave in accordance with their pay category annual leave banked at the end of any calendar year. Under extraordinary circumstances, the City Manager may authorize a temporary extension in leave carryover to enable that employee to use banked leave that exceeds



then maximum leave (e.g. department manning shortfalls due to a pandemic or an unanticipated mission essential event).

All full-time regular employees shall accrue annual leave at their regular rate of pay as follows:

ALL FULL-TIME REGULAR EMPLOYEES		
Years of Service	Hours per Pay Period	Total Accumulated Hours per Year
0 months to less than 1 year	3.08	Varies based upon Hire Date
1 – 4 years (end of year)	3.08	80
5 – 9 years (end of year)	4.62	120
10 years and over	6.16	160

All 24-hour-shift employees (non-exempt) shall accrue annual leave at their regular rate as follows:

ALL 24-HOUR-SHIFT EMPLOYEES		
Years of Service	Hours per Pay Period	Total Accumulated Hours per Year
0 months to less than 1 year	4.31	Varies based upon Hire Date
1 – 4 years (end of year)	4.31	112
5 – 9 years (end of year)	6.46	168
10 years and over	8.62	224

An employee is allowed up to take up to two (2) calendar weeks of annual leave (including holidays) as a block without approval of the City Manager's Office. Any continuous block of leave over two (2) weeks must be authorized by the City Manager's Office. Official holidays which occur during an employee's vacation leave will not be charged to the employee's annual leave.

Leave processing will be done in compliance with the following established procedures:

1. Leave must be requested by using the City's *Leave Request Form*. Forms are available from the Department Director and the Director of Human Resources.
2. Department Directors may approve/disapprove the annual leave request. If the request is disapproved, the Department Director must specify why on the request form.
3. If a conflict arises in request for vacation time, Department Director will determine a resolution based upon mission requirements.
4. After approval by a Department Director, a copy of the leave form will be forwarded to the Finance Office with the bi-weekly time sheet.



City employees whose vacation leave is excess of 80 hours for regular full-time (or 144 hours for non-exempt employees assigned to a 24-hour shift schedule), can opt to donate a portion of their vacation leave to the Sick Leave Pool established by the City under *City Policy No. 12*. For questions on how to contribute or withdrawal from the Sick Leave Pool contact the City Secretary / Human Resources Director.

5.9. REMOTE WORK

Remote work is defined as performing duty responsibilities from a location other than the employee's normal place of duty (generally expected to be at their residence). The City of Shavano Park as a general policy does not permit employees to work remote. The job responsibilities of our employees require interaction with other employees and a high degree of customer service and remote work is not conducive to our support responsibilities.

In the event of an emergency, such as a natural/weather disaster or pandemic, the City of Shavano Park may allow or require employees with "administrative type duties" to work remote to ensure business continuity on a temporary basis. Operational Police Officers, Firemen, and Public Works employees are not authorized to work remote.

The City Manager or his designee, will develop requirements and acquire resources that must be met in order to effectively work remote. Preparations should be made by employees and managers well in advance to allow remote work in emergency circumstances. This includes appropriate office supplies and equipment needs, such as hardware, software, phone and data lines. The IT department is available to review these equipment needs with employees and to provide support to employees in advance of emergency telework situations.

Upon declaration of a local disaster or public health emergency, the City Manager may determine remote work to be an option for dealing with the crisis on a temporary basis. If so determined, the City Manager will inform the staff and may direct immediate actions to ensure the continuity of operations and the safety of personnel.

The employee will establish an appropriate work environment within the approved worksite (e.g., his or her home) for work purposes. City of Shavano Park will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space, and for any telephone or internet service expense incurred. City of Shavano Park will determine the supplies and equipment needs for each employee on a case-by-case basis. Equipment supplied by the City of Shavano Park is to be used for business purposes only and will always remain property of the City of Shavano Park.

Employees will be expected work normal work hours while adhering to the City of Shavano Park employee guidelines and City of Shavano Park Policies Governing Use of Computer Hardware, Software, City Networks and social media.



Consistent with the expectations of information security for employees working at the office, remote work employees will be expected to ensure the protection of proprietary City and customer information accessible from their home office.

Employees should not assume any specified period of time for emergency remote work arrangements, and City of Shavano Park may require employees to return to regular, in-office work at any time or on a periodic basis.

5.10. SICK LEAVE

Sick leave is not mandated or required by law. The City provides sick leave to prevent a loss of income because of a non-job-related illness or injury for the employee or to care for another person in their household (including maternity and paternity care) to the extent of the total number of hours the employee has accumulated. Intent is not to use sick leave as vacation time. Sick leave for doctor's appointments should include only time related to the appointment. Employees should attempt to schedule doctor's appointments to minimize absence from work. Pay for each hour of sick leave utilized will be calculated at the employee's straight time hourly rate.

An employee scheduled for overtime work and is absent due to illness or injury shall not be entitled to sick pay for that scheduled overtime period. Sick leave will not count towards overtime hours worked; an employee must physically work for the work period. Sick leave will not count toward the physical hours worked requirement.

Sick leave shall be accrued by a full-time employee on the basis of four (4) hours of sick leave per pay period for a total of thirteen (13) days per year. Sick leave accrual is capped at 720 hours for non-shift employees. Firefighters shall accrue 5.6 hours sick leave per pay period. The sick leave accrual cap for shift employees in the Fire and Police Departments is capped at 1008 hours.

Sick leave used during the assessment period requires medical documentation by an attending health care provider. Sick leave resulting in an employee missing work may also require a doctor's note at the Department Director's discretion.

Any employee utilizing sick leave for more than two consecutive days of work, or if sick leave coincides with other time off, before or after the sick day/days used, a doctor's note will be provided regarding the absence to their respective Department Director.

If an employee's accrued sick leave has been exhausted, annual leave will be used as sick leave upon request of the employee. An employee also has the option of withdrawing leave from the Sick Leave Pool established by *City Policy No. 12*. For questions on how to contribute to or withdraw from the Sick Leave Pool contact the Director of Human Resources.



When absence due to illness exceeds the amount of total paid leave earned and authorized, the pay of an employee shall be discontinued until the employee returns to work. (The employee will be placed on unpaid leave after the paid leave runs out.)

Sick leave cannot be advanced. Employees who become ill during annual leave may request the annual leave be temporarily terminated and time charged to sick leave, provided a doctor's statement of illness is submitted to the Department Director upon returning.

Sick leave does not vest. Any sick leave balances remaining at the time of an employee's separation will be forfeited and not paid.

5.11. FAMILY AND MEDICAL LEAVE

The City shall provide authorized leave for family and medical reasons to eligible employees in accordance with the provision of the "Family Medical Leave Act" (FMLA) of 1993 and any subsequent amendments.

Eligibility. In order to be eligible for leave under the FMLA, an employee must:

- Have been employed for at least 12 months at any time by the City of Shavano Park prior to the commencement of the leave (12 months need not be consecutive);
- Have worked for the City at least 1,250 hours during the 12-month period immediately prior to the commencement of the leave; and,
- Have a qualifying condition, as defined in below.
- Temporary employees are **not** eligible for family leave.

Qualifying Condition.

- Birth or placement for adoption or foster care of a child (only within 12 months of the birth or placement);
- The employee's own serious health condition that makes the employee unable to perform the functions of his/her job; or
- A serious health condition of a spouse, child (including step-child), or parent; or any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty; or
- To care for a covered service member with a serious injury or illness if the employee is the spouse, child, or parent or next of kin of the service member.



Definition of Family Members.

- *“Child”* is a biological, adopted, foster, legal ward, child of a person standing in the place of a parent, or a step-son or -daughter who is under 18 years old or who is over 18 years old and incapable of self-care because of a mental and/or physical disability.
- *“Parent”* is the biological, legal adoptive or stepparent of an employee or an individual who had day-to-day responsibilities to care for and financially supported the employee when he/she was a child. The term does not include parents-in-law.
- *“Spouse”* is a husband or wife as defined by State law, including a common law marriage. Common law spouses must provide the City with an affidavit from each spouse testifying to the marriage relationship.

Serious Health Condition. A serious health condition is an illness, injury, impairment or physical or mental condition that requires either inpatient care or continuing treatment by a health care provider as further described in the FMLA regulations.

Limitations/Restrictions. Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the department head. However, leave for serious health conditions – either of an eligible family member of the employee or the employee himself or herself – may be taken intermittently or on a reduced schedule if medically necessary, provided that the other conditions of these policies are met.

Calculation of 12-Month Period. The 12-month period during which an employee may use a maximum of 12 workweeks of this type of leave is measured forward from the date on which the employee’s first Family and Medical Leave Act (FMLA) leave begins.

Maximum Duration. The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. An employee will be required to use accrued sick, vacation, and/or other leave on the books at the time that the family leave commences, the employee must exhaust those leave balances before being eligible for unpaid family leave. Duration for eligible employees under military care giver leave is 26 work weeks.

Once the employee's leave balances have been exhausted, the city will then provide enough unpaid family leave to total 12 weeks.

Benefits while on FMLA Leave. During approved FMLA leave the City will continue to pay the City’s portion of the employee’s health insurance premium regardless of whether the family leave



is paid or unpaid. The employee must continue to make any normal contributions to the cost of dependent coverage. Employees are to coordinate with the Human Resource Department for timely payment.

Annual leave, sick leave, and retirement benefits will not accrue during an employee's *unpaid* FMLA leave status. The employee will not receive bereavement leave pay, holiday pay, or jury leave pay during *unpaid* FMLA leave status.

Part-Time/Variable Hour Employees. If an employee works a part-time schedule, the amount of leave to which the employee is entitled is determined on a pro rata or proportional basis, provided that the other requirements for eligibility are met.

Notice. When an eligible FMLA circumstance occurs for an employee, the employee must contact The Human Resources Department and complete a *Request for Family Medical Leave*, with the leave request specifying the first date of absence or expected absence. The HR Department once informed will provide the employee with a "Notice of Eligibility and Rights and Responsibilities" form to direct the employee of any additional requirements. In the case of leave for the birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave is expected to begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date on which the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable, based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the city's operations.

City Designation of FMLA

The notice requirement discussed above generated by an employee does not deny the City's ability to notify an employee of their potential eligibility of FMLA and requirements. As such if an employee requests use of accrued leave, and a condition of FMLA exists, then the City may designate the leave as family leave and will notify the employee of additional action needed.

Department supervisors are responsible for notifying the HR Department immediately when an employee is away from work for a family and medical leave qualifying event.

Certification of Condition. An employee requesting a paid or unpaid family leave of absence for extended illness or temporary disability will be expected to provide the supplied "Certification of Health Care Provider for Employee's Serious Health Condition", or "Certification of Health Care Provider for Family Members' Serious Health Condition" and any additional documentation required. The City may request re-certification during an employee's approved FMLA leave, as appropriate for the particular leave situation. An employee is responsible for communicating with



the City regarding his/her leave and provide medical status reports or information on re-certification if necessary.

Second, Third Opinions. If the City has reason to doubt the validity of a medical certification provided by an employee's health care provider, the City may require the employee to obtain a second opinion at the City's expense from a health care provider chosen by the City. If the first and second opinions differ, a third opinion from a health care provider chosen jointly by the City and the employee may be requested at the City's expense. The third opinion is final and binding.

Request for Leave without Pay Immediately Following Family and Medical Leave. If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies, any extension granted will be under the terms set out in the section 5.17 and 5.18 of the Employee Handbook. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

Documentation. All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files, and is accessible to a limited number of persons, and only on a "need-to-know" basis.

Contact with City. During approved FMLA leave, the City may require an employee to periodically report to the HR Department about the employee's status and intent to return to work.

Return to Work/Assurances. After completion of an approved family leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees" as defined below.

Key Employee Exemption. A "key employee" is a salaried employee (exempt from the minimum wage and overtime requirements of the Federal Labor Standards Act as an executive, administrative or professional employee) who is among the highest paid 10 percent of all the City of Shavano Park's employees. The determination whether an employee is among the highest paid

10 percent of the City's employees is determined from the time the employee first gives notice of the need for leave. Where restoration of a key employee to his/her position at the end of his/her leave will cause substantial and grievous economic injury to the City's operations, the City may refuse to reinstate a key employee. The employee will be notified in writing of his/her status when they request leave under FMLA.



Employee Status After Leave. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one that is virtually identical in terms of pay, benefits and working conditions. The City Manager also has the option to extend the employee's designated FMLA leave as necessary. Furthermore, this policy will be administered consistently with the City's obligations under FMLA and ADAAA, including considering an extended leave as a reasonable accommodation, without an undue hardship to City, as determined by the City Manager.

5.12. MILITARY LEAVE

The City complies with all State and Federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees with the City are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City as far in advance as is reasonable, or at least 30 days prior to departure for uniformed service when feasible to do so. To be eligible for paid military leave, employees must complete and submit a *Request for Leave/Absence Form* along with the official documents setting forth the purpose of the leave and, if known, its duration.

Request for Leave/Absence Form must be turned into the Department Director and the City Secretary as far in advance of the leave as possible.

5.12.1. Paid and Unpaid Leave for Training and Duty. Employees will be paid for military absences of up to a maximum of 15 work days per calendar year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.



Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

5.12.2. Benefits. The City will continue to provide employees on paid military leave with most City benefits.

Medical and Dental. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive



monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

5.12.3. Returning from Leave. A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall reemploy a returning veteran according to the provisions of USERRA.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- a) For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period
- b) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- c) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

5.13. ADMINISTRATIVE LEAVE

Department Directors may grant administrative leave with pay and actual expenses to attend professional conferences, conventions or short schools in the interest of the City as approved by the City Manager. Employees on such leave must comply with the City's Travel Policy found in Section 6. Administrative leave will count towards an employee's physical hours worked for the week.

The City Manager may also place an employee on administrative leave with pay in conjunction with a duty related incident or a disciplinary related process. Department Directors may also place



an employee on administrative leave with pay in conjunction with a duty related incident or a disciplinary related process, in accordance to individual departmental policy.

5.14. JURY DUTY

Employees will be excused from work for required court duty as a juror or witness and be paid at the employee's full base rate (up to a maximum of 2 weeks of jury duty per year). Jury duty will not be charged against an employee's personal or sick leave time. Jury duty leave will count towards overtime.

In order to qualify for jury duty leave, you must report for work on any day, or part of a day (that falls in the regularly scheduled work week) when the court excuses you. Check with your supervisor by telephone when in doubt whether you should return for the balance of your shift.

The employee must provide a copy of the court summons to their supervisor promptly so scheduled arrangements can be made. You should keep your supervisor regularly informed of when you expect to return to work.

When your jury duty is complete, provide your supervisor a copy of the statement from the bailiff regarding the number of hours or days you served. All compensation received by the employee from the Court for jury duty service must be remitted to the City.

5.15. BEREAVEMENT LEAVE

All full-time employees may be granted bereavement leave for a period not to exceed three (3) working days per occurrence. Any additional time off is unpaid or the employee may use accrued vacation time. For the purpose of authorizing bereavement leave "family" is defined as current spouse, child, parent, brother, sister, grandparent, grandchild, by blood or marriage; or anyone living in the same household as the employee.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees who wish to attend funerals for other than those defined in this policy must use vacation, compensatory time, or unpaid leave.



5.16. VOTING LEAVE

Employees are encouraged to exercise their right to vote in elections. Employees will be permitted a reasonable time to vote during the working hours by their Department Director. Employees must report back to their supervisor after voting. Employees shall take advantage of early voting opportunities, especially when City Hall is an early voting location.

5.17. DISCRETIONARY LEAVE

The City Manager may approve discretionary leave for exempt employees who may perform official duties outside the normal work schedule. Discretionary leave may not be provided on an hour-for-hour basis. No more than thirty (30) hours of discretionary leave may be accumulated and this leave must be used within forty-five (45) days of approval.

5.18. UNPAID LEAVE

The granting of unpaid leave is subject to the approval of the Department Director and/or the City Manager. A written request must be submitted for unpaid leave consideration. If unpaid leave is awarded and exceeds two (2) weeks in any month, service credit for all employment privileges will cease until the employee returns from leave. Employees on unpaid leave for a period exceeding fifteen (15) consecutive work days will be responsible for the cost of their total monthly premium of the group insurance. Unpaid leave will only be awarded if an employee has exhausted all other forms of leave.

If an employee fails to return to work on the date specified in the request for unpaid leave, the employee will be considered to have resigned effective the specified return date. An employee on unpaid leave cannot accrue or use sick or annual leave and will not be paid for holidays which may fall during the leave.

5.19. LEAVE OF ABSENCE

Regular full-time employees may be granted a leave of absence for illness, disability, educational purposes, military duty, or for any legitimate purpose. Employees must justify to the Department Director why they are requesting a leave of absence. Leaves of thirty (30) work days or less may be approved by the Department Director. Leaves of more than thirty (30) work days must be approved by the Department Director and the City Manager. Extensions may be granted by the City Manager.



5.20. ABSENCE WITHOUT AUTHORIZATION

Employees who are absent without receiving approval will be considered absent without authorization. Employees who are absent without authorization are subject to disciplinary action up to and including termination.

Unauthorized absence from work for a period of 2 consecutive work days will be considered by the City Manager as a resignation.

5.21. PREGNANCY AND PARENTAL LEAVE

An employee shall be entitled to non-compensated parental leave. Each pregnant employee shall be treated the same as other similarly situated employees regarding requests for sick leave and for accommodations related to performing the essential functions of the job. At least 10 working days advance written notice of cessation of work shall be required, except in emergencies or in response to doctor's orders. Pregnant employees and employees with illnesses or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as employees with other types of illnesses or disabilities. Available vacation, sick leave, or disability benefits may be used for the time during which the employee is medically unable to work. The employee may be entitled to resume work following the end of her pregnancy when she is able to perform her job duties and has obtained a physician's release to return to duty.

5.22. PEACE OFFICER / FIRE MENTAL HEALTH LEAVE

Regular full-time employees of the Police Department may be afforded Mental Health Leave under the Texas Government Code, for traumatic event as authorized by their Department Director. Police Officers may be granted up to three (3) working days of mental health leave, per traumatic event. Mental health leave cannot be taken intermittently and does not accrue. A request for one extension up to three (3) additional days of mental health leave, may be granted by the City Manager upon written request and with the recommendation of the employee's mental health provider. All requests for mental health leave will remain confidential. Police Department employees shall refer to their departments Mental Health Leave policy for more detailed information on mental health leave.

Regular full-time employees of the Fire Department may be afforded Mental Health Leave, for traumatic event as authorized by the City Manager.



5.23. PAID QUARANTINE LEAVE

All full-time firefighters, emergency medical technicians and police officers employed by or appointed to the City and who are ordered to be quarantined or isolated due to a possible or known exposure to a communicable disease while on duty, is entitled to receive paid quarantine leave for the duration of the leave in accordance with the Texas Government Code. The city shall not reduce an employee's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken.



Section 6 – Employee Policies

6.1. CITY PROPERTY / EQUIPMENT USE POLICY

The City provides employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times appropriate to its use.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. Before an employee separates from the City the employee must return all City property to their supervisor. Failure to do so is considered theft of public property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business.

Take Home Vehicles. A City vehicle may be assigned to a position or employee when the employee is required to report directly to an incident or scene and/or it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Manager or Department Director. *No alcoholic beverages are allowed in City vehicles.* No passengers may be transported in take-home vehicles except as required by official duties.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and



automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the Department Director.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy. All drivers must maintain current vehicle registration.
- At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a city vehicle or a personal vehicle while conducting city business.
- Employees involved in an accident while operating a city vehicle, or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department director, and/or city manager. Accident reports, along with any law enforcement report, must be filed by the employee with the department director and the City Secretary.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicles use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.



Personal Property. All employees shall be solely responsible for their personal property at all times

6.2. EMPLOYEE SAFETY / ACCIDENT REPORTING POLICY

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each employee is required to obey safety rules and to exercise caution in all work activities. From time-to-time employees will be updated and review safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management.

The following safety rules apply at all times, and some specific job descriptions and/or departments may contain additional operational safety guidelines. Each employee must be familiar with such rules and comply with them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- **Material Safety Data Sheets (MSDS Sheets)** - You will be shown the location of the City's Material Safety Data Sheets by your Department Director. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- **Fire** - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Verify the location and call 9-1-1. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.



- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

Accident Reporting. All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to employee supervisor or the City Secretary. Supervisor must complete the *Employer's First Report of Injury or Illness Form (DWC-1)* to report the incident. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who are involved in a motor vehicle accident while on-duty and while in operation of a city owned vehicle, may be required to submit to drug/alcohol testing, as soon as practical, immediately following the accident at an approved medical facility. Examples of approved medical facilities for drug alcohol testing include Texas Medical Clinics, Prestige Emergency Room Urgent Care Clinic, or any local area hospital.

Employees who violate these safety standards, or departmental safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate disciplinary action, up to and including termination of employment.

6.3. RETURN TO WORK / MODIFIED DUTY POLICY

The City of Shavano Park has a Return-To-Work / Modified Duty program applicable to all fulltime employees. After medical treatment, if the employee is unable to return to work the next day, the employee should request a written statement of any restrictions he/she may have in performing their tasks and an expected return-to-work date from the physician. The employee is required to provide this information to his or her Department Director/Supervisor as soon as possible.

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's



employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond seven (7) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Human Resources to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, or vacation benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation but may still be entitled to unpaid leave under the City's policies.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through Human Resources. Human Resources will work with the employee's department in making its decision whether modified duty work will be offered.

Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through Human Resources. Refer to section 3.7.2 for guidance on returning to full duties.



6.4. DRESS, APPEARANCE AND UNIFORM POLICY

Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. The City allows business casual dress in the work place year-round, in accordance with this policy. Department Directors are strongly encouraged to allow their employees to participate in business casual dress, as practical. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police and Fire Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

The following are inappropriate:

- bare shoulders or tank tops;
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- wrinkled, ripped and tattered clothing;
- visible tattoos are allowed except on the hand, face, neck areas of the body. Hand tattoos of a wedding band tattoo on the left ring finger which symbolizes marriage are allowed as long as it can be covered by a traditional wedding band ring. Visible tattoos deemed derogatory, indecent, extremist, sexist, racist, gang-affiliated or vulgar are not allowed. The acceptability of an employee's particular visible tattoo is the discretion of the Department Director and the City Manager. The Department Director or City Manager may require that an employee's tattoo be covered during City work hours to ensure the professional presentation of staff to the residents of the City of Shavano Park.
- nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry.
- visible brandings

Hair. Hair styles and hair colors must be appropriate to the employee's position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times.

Uniforms. The City supplies Fire, Police, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained by their department supervisor. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director's prior written authorization.



Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City related events.

When an employee leaves City employment, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check. In executing this handbook, you specifically authorize the City to deduct from your final paycheck the cost of lost or damaged City property and unreturned uniforms, which will be deducted from your final paycheck.

Enforcement. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, and/or the City Secretary.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

6.5. SMOKE-FREE WORKPLACE POLICY

Smoking is prohibited **at any time** in City facilities, in City vehicles, while using City equipment, and as otherwise directed by your supervisor.

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarettes, pipe or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. This includes e-cigarettes or other devices that deliver nicotine, cannabis or cannabis-derived products.

6.6. DRUG AND ALCOHOL USE POLICY

The City desires to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or



equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police and Fire Department Employees. Certain City Police and Fire Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department and Fire operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals



in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Arrests and Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions or deferred adjudication (including those entered into on a plea of no contest), for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 blood alcohol level or higher) may be disciplined, up to and including termination.

Rehabilitation/Treatment.

1. The City desires to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment. Employees should contact either their Department Director or the Director of Human Resources when requesting support and assistance.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and



prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
 - Initial negative test for drugs and/or alcohol before returning to work;
 - A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

TESTING

Types of Tests. Testing may include one or more of the following: urinalysis, hair follicle testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedure.

Testing of Applicants. All applicants who are applying for a safety or security sensitive position to whom a conditional offer of employment has been made will be required to submit to testing for



alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, may render the applicant ineligible for consideration of employment or future employment with the City. Illegal drugs include drugs that are legal in other states but are illegal in Texas.

Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
2. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
6. A positive test result is a violation of the City’s Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City’s Drug and Alcohol Use Policy is ineligible for future employment with the City.

Testing Procedures.

1. All testing must normally be authorized in advance by both the employee’s Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor’s documentation of the articulable factors which led the supervisor to suspect



that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process.
3. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
4. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
5. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the City Secretary; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

6.7. WEAPONS CONTROL AND VIOLENCE PREVENTION POLICY

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

Prohibited Conduct. This policy prohibits violence of any sort, including verbal and physical abuse, threats, stalking, harassment, horseplay, and any unwelcome physical touching (sexual or otherwise). This misconduct towards any fellow employee, whether the misconduct occurs on duty or off-duty, is prohibited. The City has a zero-tolerance policy for this type of misconduct.

Weapons Banned. Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon on City property. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, and knives with blades exceeding 5 ½ inches. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons on City property, including employee vehicles parked on City property. If authorized by the City Manager, employees may have a legal weapon only on the City parking lot if it is locked in the employee's vehicle.



Additional policies for off-duty firearm carry by Police Officers will be established by the Police Department.

Duty to Warn. Each City employee must immediately notify his/her supervisor, Department Director, the City Secretary and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the City Secretary.

Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the City Secretary and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the City Secretary of any protective or restraining order issued against them.

Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the City Secretary and/or the Police Department.

Policy Violations. Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

6.8. IT POLICIES

As more City activities move to computers and online, the security of your files becomes critical to the overall security of the City. Just like City Hall is locked down every night and every employee is familiar with the automated security system, is it important that all City employees familiarize themselves with their computer and the City's IT security policies. Shavano Park has three IT policies to guide your digital activities at the city: **Computer Use Policy, Internet Use**



Policy, and Email Use Policy. Remember when on City Email there is no expectation of privacy and the data becomes the City's Data. Use of City computers to access the internet or electronic mail (i.e., "email") is a privilege not a right. The City provides computers and internet/email access for the express purpose of conducting City business and performing municipal tasks.

Appropriate Use: Employees are encouraged to use appropriately the City internet, network and email to further the goals and objectives of the City of Shavano Park. The types of activities include: (1) Communicating with fellow employees, business partners of the City, customers and clients within the context of an individual's assigned responsibilities; (2) Acquiring or sharing information necessary for an individual's assigned responsibilities; and (3) Participating in educational or professional development activities.

EMPLOYEES SHOULD KNOW THAT ALL CITY BUSINESS RELATED E-MAILS ARE SUBJECT TO THE TEXAS PUBLIC INFORMATION ACT WHETHER OR NOT THE EMAIL IS ON A PUBLIC OR PRIVATE EMAIL SERVICE, PHONE, COMPUTER,

Cybersecurity Awareness Training: All employees who are issued a domain account are required to annually complete Cybersecurity Awareness Training provided by the City. Evidence of completion of this training must be reported to the Assistant City Manager by May 1st of each year. Failure to complete the training may result in temporary suspension of an employee's computer, internet and email access until training is complete. This annual training is required by Chapter 2054 of the Texas Government Code. Employees on military leave, family medical leave or sick leave during the training period (typically the month of April of each year) shall not be required to complete the training until returning back to work.

Failure to Comply: Violations of these policies will be treated as allegations of wrongdoing at the City of Shavano Park. Allegations of misconduct will be adjudicated according to established policy and procedures. Sanctions for inappropriate use of the computer may include, but are not limited to, one or more of the following:

1. Temporary or permanent revocation of access to some or all computing and networking resources and facilities;
2. Disciplinary action up to and including termination according to applicable City policies;
3. Reimbursement of costs incurred by inappropriate or unauthorized use; and/or
4. Legal action according to applicable laws and contractual agreements.

Reporting Misuse: Any allegations of misuse should be promptly reported to the Assistant City Manager.



Disclaimer: The City assumes no liability for any direct or indirect damages arising from an employee's connection to the internet, a city computer or use of email. Users are solely responsible for any material that they access and disseminate through the internet or City intranet. You are all encouraged to use your computer, internet and email access responsibly.

Monitoring and Filtering: The City monitors all computer and internet activity occurring on City equipment or accounts. When an employee utilizes a City-issued computer and/or the resources of the City network there is no expectation of employee privacy. The City has the right to view and inspect all City computers, including information accessed, downloaded, viewed, sent or received over the internet or by email. The City employs filtering to limit access to sites on the internet and this filter is updated from time to time. An employee has no reasonable expectation that access to an IP-address or app for personal purposes is protected or otherwise ensured. Use of City computers and internet or email accounts constitutes consent by the City officer or employee for City inspection of those computers and internet or email accounts, and data transmitted thereon. If the City discovers activities which do not comply with applicable law or City policy, logs retrieved may be used to document the wrongful content in accordance with due process.

COMPUTER USE POLICY

The goal of this policy is to ensure that the information you place on the computer stays secure and safe. This policy also ensures that you do not harm City equipment by installing malicious software or otherwise leaving the network's security compromised. Abuse or misuse of a City computer is the same as abuse or misuse of any other City property and may be punished accordingly.

Computer Security Policies: All City network computers are centrally controlled and governed by network security policies. These network policies are automatically applied to City computers and may change from time to time. If you have questions about these network policies contact the Assistant City Manager.

Prohibited Use: Computer use must comply with all Federal and Texas laws, all City policies and contracts. This includes, but is not limited to, the following:

1. No one shall use any City computer or network facility without proper authorization from their Departmental Supervisor. No one shall assist in, encourage, or conceal from Management any unauthorized use, or attempt at unauthorized use, of any of the City's computers or network facilities.
2. No one shall connect any computer, laptop or tablet to the City's network unless it meets technical and security standards established by the Assistant City Manager.
3. No City employee shall purchase for City use any computer, laptop, tablet or other IT-related device without first approval by the Assistant City Manager



4. No one, without specific authorization, shall read, alter, or delete any other person's computer files. Remember, all files saved on a City computer or server become property of the City.
5. No one shall knowingly endanger the security of any City computer or network facility. This includes, but is not limited to, downloading or installing malicious software, disabling computer antivirus software, willfully ignoring antivirus software or otherwise subverting the City's network security controls.
6. No one without proper authorization from the Assistant City Manager shall modify or reconfigure the security settings of any City computer or server.
7. Employees shall not utilize the City's computer or network processing power for bitcoin mining or any other complex computer computations whose purpose is the personal monetary gain or award.
8. Employees shall not delete log files on City computers or servers.
9. Employees shall not use their computers or City funded accounts to harass or otherwise interfere with a City employee. This prohibition includes but is not limited to harassment stemming from an employee's race, ethnicity, color, gender, age, or marital status.
10. Employees shall not send threatening messages to any other person or institution.
11. Employees shall not store personal information (i.e., that information not directly related to City business) on City computers or within their City email accounts. Officers and employees shall regularly remove any personal data (i.e., that which is not prepared for or by the City for conducting City business) from City computers and internet / email accounts
12. Employees shall not operate a private business, do work for another employer, or conduct political campaigns on City computers or using City email accounts. This prohibition does not apply to the preparation and generation of election notices and related documents required by law.
13. Employees are prohibited from installing or accessing TikTok, CapCut, Hypic or any other ByteDance owned or operated application on any City computer or mobile device. Special access arrangements can be made to allow access for investigative purposes in coordination with the Assistant City Manager.

INTERNET USE POLICY

The goals of this policy are to outline the appropriate and inappropriate use of the City of Shavano Park's internet access. Use of these services is subject to the following conditions. Should you have any questions regarding this Internet Use Policy, please contact the Assistant City Manager.

Inappropriate Use: Individual internet use must not interfere with others productive use of internet resources. Internet use must comply with all Federal and Texas laws, and all City policies and contracts. This includes, but is not limited to, the following:

1. The internet may not be used for any illegal or unlawful purposes, including, but not limited to, copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, illegal gambling, soliciting for illegal pyramid schemes, and computer tampering (e.g. spreading computer viruses).



2. The Internet may not be used in any way that violates City policies, rules or mission of the City, misrepresents the City or violates any City policy.
3. City computers are to be used primarily for conducting City business. Incidental and infrequent personal use of City computers and City internet/email access is allowable provided that it does not hinder or interfere with conducting City business. Personal use of the internet is allowed within reason to conduct and facilitate typical daily personal interactions, information access and brief, appropriate diversions during break periods. The City allows limited personal use for communication with family friends, independent learning, and public service. The City prohibits use for mass unsolicited mailings, access by non-employees to City of Shavano Park resources or network facilities, uploading and downloading of files for personal use, access to pornographic sites, gaming, competitive commercial activity unless pre-approved, and the dissemination of chain letters.
4. Individuals may not establish City computers as participants in any peer-to-peer network.
5. Individuals may not view, copy, alter, or destroy data, software documentation, or data communications belonging to the City or another individual without authorized permission.

Security: Account and password information is not be shared with non-City employees for any reason. Employees must be deliberate and careful when sharing account or password information with another employee for the purposes of practical collaboration or troubleshooting. Once this information is shared though, employees are encouraged to change their passwords. Attempting to obtain another user's account password without their permission is strictly prohibited. A user must contact the Assistant to the City Manager to obtain a password reset if they have reason to believe that any unauthorized person has learned their password. Users must take all necessary precautions to prevent unauthorized access to City network.

E-MAIL USE POLICY

E-Mail is an important business communications tool at the City of Shavano Park. However, use of the City electronic mail systems and services are a privilege, not a right, and therefore must be used with respect and in accordance with the goals of the City. The objective of this policy is to outline appropriate and inappropriate use of the City's e-mail systems and services in order to minimize disruptions to services and activities, as well as comply with applicable policies and laws. This policy applies to all e-mail systems and services owned by the City, all e-mail account users/holders at the City and all City e-mail records. When corresponding about City business via email, all City personnel must include the City's standardized email stationery and signature within the emailed message. If an employee receives a city email at a private email address, the employee should immediately forward the email to his or her email address for storage.

Account Activation/Termination: E-mail access at the City is controlled through individual accounts and passwords. It is the responsibility of the employee to protect the confidentiality of his or her account and password information. E-mail access will be terminated when the employee



terminates their association with the City. The City is under no obligation to store or forward the contents of an individual's e-mail inbox/outbox after the term of employment has ceased.

General Expectations of End Users: The City often delivers official communications via e-mail. As a result, employees of the City with email accounts are expected to check their e-mail in a consistent and timely manner so that they are aware of important City announcements and updates, as well as for fulfilling business and role-oriented tasks. E-mail users are responsible for mailbox management, including organization and cleaning. E-mail is archived for at server level per City *Policy #7 Records Retention*. The Assistant City Manager can be contacted to help set up organization and retention of email. E-mail users are expected to remember that e-mail sent from the City's e-mail accounts reflects on the City. Please comply with normal standards of professional and personal courtesy and conduct.

Employees are to use extreme caution when communicating confidential or sensitive information via email. Keep in mind that all email messages sent outside the City become the property of the receiver. **A good rule is to not communicate anything that you wouldn't feel comfortable being made public.** Demonstrate particular care when using the "Reply" and "Reply All" command during email correspondence to ensure the resulting message is not delivered to unintended recipients.

Security: Opening email attachments or links from unknown email addresses is highly discouraged, as attachments and links are the primary source of malicious software and hackers. Suspicious emails should be treated with utmost caution. Employees suspicious of an email or otherwise unsure of its contents should contact the Assistant City Manager for assistance.

Inappropriate Use: E-mail use at the City will comply with all applicable laws, all City policies and contracts. The following activities are deemed inappropriate uses of the City's email systems and services and are prohibited:

1. Use of email for illegal or unlawful purposes.
2. Use of email in any way that violates the City's policies, rules, or administrative orders.
3. Viewing, copying, altering, or deletion of email accounts or files belonging to the City or another employee without authorized permission of that employee or a supervisor.
4. Attempting to obtain another employee's email account password without their consent.
5. Personal use of City email.
6. Employees shall not use a city issued email address to sign up or register for a personal accounts.



6.9. SOCIAL MEDIA POLICY

An employee's use of personal social media accounts, both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that the employee's online communications positively reflect the City as the employer.

Personal use of the Internet carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including those posted from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the Internet, regardless if done during or after work hours.

"Social media" includes: wikis, tweets and twittering, Facebook, Myspace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Computer Use, Internet Use and Email Use policies. Violations of the City's Social Networking Policy may lead to disciplinary action, up to and including termination.

Employee Guidelines

Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate State law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.

- a. Employees must abide by all Federal and State laws and policies of the City with regard to information sent through the Internet.
- b. If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.



- c. Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
- d. Respect coworkers and the City. Do not put anything on your blog or post any information and/or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- e. Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.



Section 7 – Disciplinary Procedures and Appeals

7.1. CONDUCT-EXPECTED BEHAVIORS

The establishment of standards of discipline and conduct is under the jurisdiction of the City Manager with the responsibility for observance of the standards by all employees delegated to management and supervisory personnel.

It is the duty of each employee to maintain cooperation, efficiency and economy in their work for the City. Department Directors and supervisors shall plan, organize and direct the work of their subordinates to achieve departmental objectives. All employees are expected to perform satisfactorily the job duties for which they have been employed, to maintain appropriate personal conduct on the job, to render courteous and efficient service to the public, to be mindful of safety practices, and to exercise the utmost care in the use of City property.

7.2. ADVERSE ACTIONS

The City may deny or reject any application, appointment or promotion, and/or otherwise discipline any employee, at any time that the City Manager determines that such action will fail to promote the efficiency of the City's services.

Specific Factors: Factors that may be used in making a determination as to any applicant or employee as a basis for adverse action include but are not limited to the following. This list is not exhaustive. The City Manager may determine that other actions of the employee that are not listed warrant an adverse action. Please reference other sections of this handbook for other activities considered an adverse action.

7.2.1. Dishonesty

- a. Lying or giving false testimony;
- b. False statements, incomplete statements, deception, or fraud in applications, examinations or representations made for appointment or promotion;
- c. Failure to disclose to the City Council, City Manager or other appropriate supervisory personnel any matter which the employee knows, or reasonably should know, is relevant to his/her own employment, the employment by the City of any other person, or which otherwise substantially affects the efficiency and/or integrity of City functions;
- d. Doing personal work or performing other personal tasks or errands while on duty for the City, or otherwise failing to devote full time, energy and best efforts to City employment;
- e. Stealing or taking employer property or other employees' property without proper authorization;
- f. Misuse of employer or other employees' funds or property;



- g. Cheating, forging or willfully falsifying reports, records, or documents, misuse of leave of absence;
- h. Providing keys, combinations and/or passwords to unauthorized persons; or
- i. Any other action detrimental to the employer or fellow employees.

7.2.2. Disturbance

- a. Fighting;
- b. Using profane, abusive or threatening language;
- c. Horseplay;
- d. Causing injury to fellow employees through deliberate action or gross negligence; e. Spreading false reports;
- f. Maliciously gossiping and/or spreading rumors; or
- g. Otherwise disrupting harmonious relationships between employees.

7.2.3. Unauthorized / Misuse of City Equipment

- a. Using, possessing, taking or providing any City equipment, credentials, or services for other than official City business without proper authority;
- b. Reckless driving and/or misuse of City equipment;
- c. Not taking precaution or proper care when using City equipment.
- d. Deliberate damage or destruction of City equipment or property;
- e. Altering, removing or destroying City records;
- f. Advocacy of or participating in unlawful trespass or seizure of City property;
- g. Unauthorized removal, use or appropriation of property belonging to the City or to another City employee; or
- h. Unauthorized loaning of keys, or permitting duplication thereof, to any City property or equipment, or otherwise permitting other person(s) to make unauthorized use, removal or appropriation of City property or equipment.

7.2.4. Misconduct

- a. Any criminal offense or other misconduct which could have an adverse effect on the employer or on the confidence of the public in the integrity of the City government, or on the relationship of the employee and other employees.
- b. Conduct subversive to the proper order, discipline and morale of City employees; conduct unbecoming; unexcused failure to obey City work rules, policies or procedures;
- c. Failure to follow departmental and City organization chain of command;
 - d. Engaging in any job-related misconduct not otherwise described herein when an employee knows, or reasonably should know, that such conduct has caused or reasonably can be expected
- e. to cause, a significant impairment in the efficiency of the City in general or of such employee in particular.



7.2.5. Courtesy

- a. Failure to maintain an objectively reasonable level of courtesy with supervisors, elected and appointed officials, volunteers and coworkers; or
- b. Failure to treat members of the public with courtesy and respect at all times while on duty.

7.2.6. Abuse of Drug or Alcohol

- a. Reporting to work or being “on-call” in unfit condition, being under the influence of intoxicants or under the influence of controlled substance or dangerous drugs, including marijuana, narcotics, or intoxicating drugs of any kind; or
- b. Drinking intoxicants or taking into the body of an unlawful controlled substance or dangerous drug, including marijuana during working hours, or possessing intoxicants or unlawfully possessing controlled substances, including marijuana, narcotics, or dangerous drugs, on City property or in City vehicles.

7.2.7. Statutory or Job Qualification

- a. Failure to meet or maintain any statutory or job qualification which would make the individual fit for the job; or
- b. Failure to meet and maintain requirements of the individual’s job description.
- c. Incompetence stemming from an inability or unwillingness to perform assigned work satisfactorily.

7.2.8. Unsatisfactory Attendance

- a. Unauthorized absence and/or tardiness; or
- b. An absence of two (2) days or more without notification to the City Manager shall constitute a voluntary abandonment of employment.

7.2.9. Indifference toward Work

- a. Failure to remain at work, inefficiency, carelessness, loafing while on duty, wasting work time, unauthorized absence from the work area while on duty, or sleeping on the job;
- b. Careless, unsafe or otherwise improper use of personal property or equipment while on duty, or of City property or equipment at any time;
- c. Performing personal business during working hours, abuse of eating and/or rest period, sleeping or being inattentive during working hours, interfering with work of others, mistreatment of the public or other employees;
- d. Use of personal cell phone while on duty operating City machinery or vehicle unless for City business or for family emergencies; or
- e. Failure consistently to meet objectively reasonable standards of performance.



7.2.10. Insubordination

- a. Insubordination is defined as willful failure or refusal to perform assigned work or fully comply with instructions, directions, or orders as requested by the immediate supervisor or Department Director.
- b. If the employee believes the instruction, direction, or order is improper, the employee should obey the order or instruction or direction and report the incident to their Department Director or the City Secretary.
- c. If an employee believes an instruction, direction or order would cause injury to self or others they may refuse the order and must immediately report the incident to their Department Director or the City Secretary.

7.2.11. Violation of Safety Rules

- a. Smoking in prohibited areas;
- b. Improper removal of safety guards, fire extinguishers or other equipment designed to protect employees; or
- c. Failure to use safety equipment or to follow safety rules or failure to report an on-the job injury, vehicle accident, or unsafe condition.

7.2.12. Weapons

The control of, or possession by, any employee of a handgun or other weapon and/or ammunition is strictly prohibited in a City vehicle or in any City buildings. This subsection shall not be applicable to certified licensed peace officers.

7.3. ARRESTS, CONFINEMENTS AND INDICTMENTS

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

Employees must immediately notify their Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead no contest to any class "C" misdemeanor or above. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations.

In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will be made by the City Manager.



If the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal, an employee on administrative leave may be reinstated to the position held before being placed on administrative leave. If an employee was placed on administrative leave without pay, upon reinstatement they will receive back all pay missed while on administrative leave.

7.4. INDIVIDUAL DEPARTMENT RULES AND POLICIES

With the approval of the City Manager, departments may have written personnel policies and procedures which are separate from or in addition to the policies and procedures listed in this manual. Departmental personnel policies and procedures are to be followed; however, no departmental personnel policy or procedure shall be inconsistent with the Employee Handbook. Should a conflict arise, the Employee Handbook will supersede the conflicting departmental policy or procedure.

7.5. DISCIPLINARY PROCEDURES, PROBATION AND DISMISSAL

The following disciplinary procedures are merely suggestions. In every case where disciplinary action is needed, the action taken will be tailored to fit the specific offense or violation for which it is intended. The specific situation and the performance record of the individual involved will always be taken into consideration. Nothing in the suggested procedures are intended to imply the procedures must be followed in any particular order. The City reserves the right to dismiss an employee at any time. Every disciplinary action taken will be recorded to provide documentation that rules are enforced equitably and in accordance with stated policy.

Memorandum for Record (MFR): Generally used to document a verbal counseling or coaching session with an employee. Supervisors shall keep a record of the MFR for potential future disciplinary processes.

Letter of Counseling: Best suited for minor infractions where the situation demonstrates a need for discipline, but does not warrant a reprimand. Supervisors shall keep a record of letters of counseling that shall be kept in the employee's personnel file.

Verbal Reprimand: Best suited to minor rule infraction or incident of substandard performance. A supervisor will explain exactly what the employee did wrong and why it is important the incident not be repeated. Supervisors shall keep a record of the verbal reprimand that shall be kept in the employee's personnel file.

Written Reprimand: A written reprimand is a formal disciplinary action in which an employee's inappropriate actions are detailed in writing which will serve to caution the employee that similar conduct will result in further disciplinary action. Supervisor shall detail the event in a report that shall be signed by the employee, the supervisor, and the City Manager. Space will also be provided



for written comments from the employee. A copy of the written reprimand shall be kept in the employee's personnel file.

Disciplinary Probation: A Department Director may authorize, with the approval of the City Manager, the placement of an employee on disciplinary probation as a disciplinary measure for a serious violation of department and City policies and procedures. The assessment period allows time for the employee to show improvement on the problem(s) specified at the time of the probation. The probation will be initiated by a written document signed by both the supervisor and the employee which:

- a. Identifies the problem(s);
- b. Indicates the necessary improvement;
- c. Specifies the length of the assessment period; and
- d. Informs the employee of further disciplinary action which could result from failure to show satisfactory improvement within the specified assessment period.

Any employee who is on disciplinary probation is not eligible for merit increases, transfer, or promotion.

Suspension: A Department Director may direct the placement of an employee on suspension as a disciplinary measure for a serious violation of department and/or City policies and procedures. Employees are afforded all rights available to them and may grieve a suspension issued by a Department Director. Generally, a suspension will be considered un-paid; however, Department Directors may consider the use of accumulated leave for the suspension period in lieu of serving an un-paid suspension. Employees electing to grieve a suspension must follow the guidance set forth in section 7.7 below.

Dismissal: A Department Director may dismiss an employee, with the approval of the City Manager, at any time.

7.6. PERFORMANCE COUNSELING

Any employee who exhibits substandard work performance will be given the opportunity to improve the performance level. Department Directors and supervisors may attempt to counsel substandard performers using the following guidelines or those set out in section 7.5. above:

Initial Counseling: For the first indication of substandard work performance, the supervisor should advise the employee of his/her unsatisfactory performance and recommend specific areas of improvement. A written record may be retained within the employee's department.

Written Documentation: For a second indication of substandard performance, the supervisor will state in writing:



- a. The specific deficiencies observed in the employee's performance;
- b. The necessary improvements;
- c. The period of time in which improvement must occur; and
- d. Further action which may result if the employee fails to show satisfactory improvement.

A Developmental Counseling Form (see Attachment C) shall be signed by both the employee and the supervisor and a copy shall be maintained within the department and the original forwarded to the City Manager. If the employee refuses to sign, the supervisor must have a witness sign to show a copy was given to the employee.

7.7. GRIEVANCE-FILING PROCEDURES

An employee ~~or former employee~~ who has a complaint about a disciplinary action taken against him/her which results in lost compensation ~~or termination~~ has the right to file a grievance in accordance with the procedures outlined below. No employee will be discriminated against, harassed, intimidated, nor suffer reprisal as a result of filing a grievance or participating in the investigation of a grievance by providing information, testimony, or arising in an investigation in any way.

Employees should present their own case. The Department Director (or immediate supervisor if appropriate) shall advise and aid the employee in a fair and objective manner. The employee may use legal counsel if he/she desires. However, the employee shall advise the Department Director in advance and in writing that he/she chooses to do so.

- a. Within ten (10) business days of becoming aggrieved, the employee ~~or former employee~~ shall submit his grievance to the City Manager in writing. The employee ~~or former employee~~ shall include all pertinent facts, details, restitution sought, and possible solutions.
- b. The City Manager shall determine whether the grievance falls within the scope of an allowable grievance and if so shall set a date for a formal hearing on the matter if it is determined that grievance is appropriate.
- c. The hearing shall be held within ten (10) days of the written filing to the City Manager, if possible, unless the employee requests additional time.
- d. The hearing shall consist of:
 1. Two Department Directors from a department outside of the grievant's origination.
 2. One person in the employ of the City appointed by the employee
 3. The City shall be represented by the City Attorney



- e. Each side will be given equal opportunity to present their case. Presentations shall be limited to relevant facts that are generally capable of being substantiated. Hearsay¹ will not be allowed or considered. The panel shall make a written recommendation to the City Manager who then shall rule on the grievance.
- f. The hearing panel may recommend any action including, but not limited to, an increase or decrease in disciplinary action given to an employee following the hearing.
- g. The City Manager may take any action including but not limited to an increase or decrease in disciplinary action given to an employee following the recommendation from the hearing panel.
- h. The judgment of the City Manager shall be final and shall be given in writing within ten (10) business days of the close of the hearing.
- i. A summary of the proceeding along with each decision shall be placed in the personnel file of the individual. The City Secretary will maintain the complete file of the proceedings in a file designated for such purposes.

7.8. COMPLAINTS AGAINST CITY OFFICERS

All complaints against City Officers shall be filed in compliance with Chapter 2, Article V, Section 2-66 of the City of Shavano Park City Ordinances. Inquire with the City Secretary if you need assistance finding the ordinance.

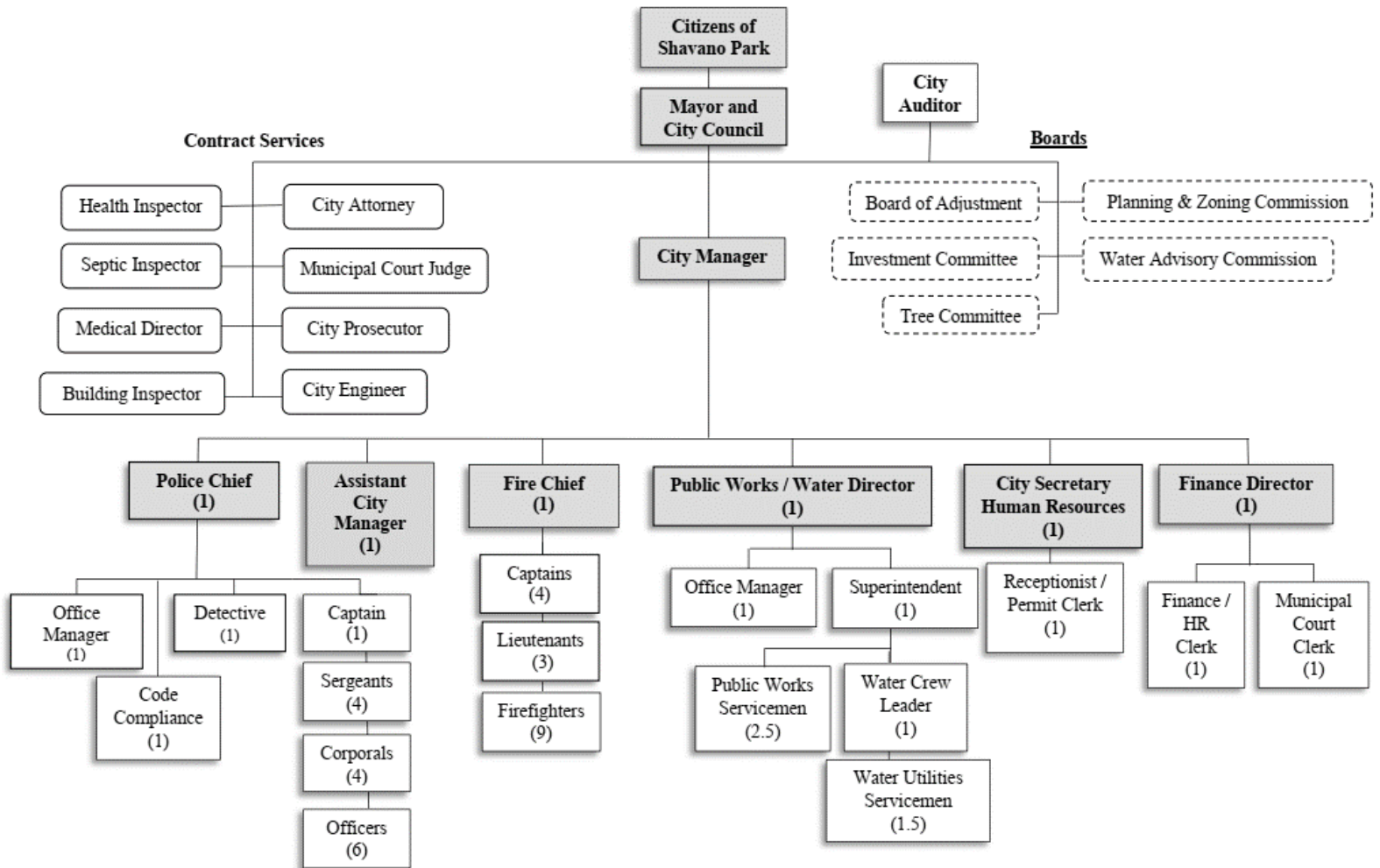
¹ **Hearsay** is defined as a statement made outside the hearing introduced to prove the truth of the matter asserted therein.



ATTACHMENT A

ORGANIZATIONAL FLOWCHART

Approved by Council on September 12, 2022





ATTACHMENT B

OFFICIAL HOLIDAYS

Approved by Council on November 28, 2022.

Official Holidays – The following legal holidays will be observed as official holidays of the City of Shavano Park. If a holiday falls on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will normally be observed on the following Monday.

2023 HOLIDAYS	DATE	DATE OBSERVED
NEW YEAR'S DAY	SUNDAY, JANUARY 1 ST	MONDAY, JANUARY 2 ND
MARTIN LUTHER KING JR. DAY	3 RD MONDAY IN JANUARY	MONDAY JANUARY 16 TH
PRESIDENT'S DAY	3 RD MONDAY IN FEBRUARY	MONDAY, FEBRUARY 20 TH
GOOD FRIDAY	FRIDAY BEFORE EASTER	FRIDAY, APRIL 7 TH
BATTLE OF FLOWERS	FRIDAY OF FIESTA WEEK	FRIDAY, APRIL 28 TH
MEMORIAL DAY	LAST MONDAY IN MAY	MONDAY, MAY 29 TH
INDEPENDENCE DAY	JULY 4 TH	TUESDAY, JULY 4 TH
LABOR DAY	1 ST MONDAY IN SEPTEMBER	MONDAY, SEPTEMBER 4 TH
VETERAN'S DAY	SATURDAY, NOVEMBER 11 TH	FRIDAY, NOVEMBER 10 TH
THANKSGIVING DAY	4 TH THURSDAY IN NOVEMBER	THURSDAY, NOVEMBER 23 RD
DAY AFTER THANKSGIVING	4 TH FRIDAY IN NOVEMBER	FRIDAY, NOVEMBER 24 TH
CHRISTMAS EVE	SUNDAY, DECEMBER 24 TH	MONDAY, DECEMBER 25 TH
CHRISTMAS DAY	MONDAY, DECEMBER 25 TH	TUESDAY, DECEMBER 26 TH

* State law entitles firefighters to a paid day off from work on September 11th (Patriot's Day) with the option of using a personal paid vacation day or switching a paid holiday. The firefighter is entitled the holiday only if their supervisor does not require them to work that day to maintain minimum staffing necessary for public safety.



ATTACHMENT C

DEVELOPMENTAL COUNSELING FORM					
The proponent is the City Manager					
DATA REQUIRED BY THE PRIVACY ACT OF 1974					
AUTHORITY:	Code of Ordinances, City of Shavano Park				
PRINCIPAL PURPOSE:	To assist leaders in conducting and recording counseling data pertaining to subordinates.				
ROUTINE USES:	The COSP Routine Uses set forth in the personnel manual apply to this system.				
DISCLOSURE:	Disclosure is voluntary.				
PART 1 - ADMINISTRATIVE DATA					
Name (Last, First, MI)		Position		Date of Counseling	
Department			Name and Title of Counselor		
PART II - BACKGROUND INFORMATION					
Purpose of Counseling: <i>(Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)</i>					
PART III - SUMMARY OF COUNSELING					
Complete this section during or immediately subsequent to counseling.					
Key Points of Discussion:					
OTHER INSTRUCTIONS					
This form will be destroyed upon: reassignment (other than rehabilitative transfers), separation, or upon retirement.					



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Plan of Action *(Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The action specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment.)*

Session Closing: *(The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)*

Individual counseled: ☐ I agree ☐ disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____

Date: _____

Leader Responsibilities: *(Leader's responsibilities in implementing the plan of action.)*

Signature of Counselor: _____

Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: *(Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled provides useful information for follow-up counseling.)*

Counselor: _____ Individual Counseled: _____ Date _____ of _____ Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.