

PUBLIC NOTICE
AGENDA
LOCKHART CITY COUNCIL
February 15, 2022
CLARK LIBRARY ANNEX-COUNCIL CHAMBERS
217 SOUTH MAIN STREET, 3RD FLOOR
LOCKHART, TEXAS

6:30 P.M. WORK SESSION (No Action)

Work session will be held to receive briefings and to initially discuss all items contained on the Agenda posted for 7:30 p.m. Generally, this work session is to simplify issues as it relates to the agenda items. No vote will be taken on any issues discussed or reviewed during the work session.

DISCUSSION ONLY

- A. Discuss City Council minutes for the February 1, 2022 meeting. 4-10
- B. Discuss authorizing the City Manager to sign a one-year agreement with Community Action, Inc. for the Low Income Household Water Assistance Program (LIHWAP). 11-18
- C. Discuss Resolution 2022-09 adopting the City of Lockhart Comprehensive Financial Policy. 19-49
- D. Discuss Resolution 2022-10 approving the City of Lockhart's participation in the Endo/Par and Teva settlements related to the statewide global opioid settlement. 50-59
- E. Discuss agreement with Techline for Project #19 A through H as part of the City of Lockhart's five-year System Study and Capital Plan as prepared by the Lower Colorado River Authority (LCRA). 60-72
- F. Discuss application ZC-22-06 by Curtis Thigpen of Paravel Capital for a **Zoning Change** from *RMD Residential Medium Density District* to *RHD Residential High Density District* for 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located in the 1900 block of North Cesar Chavez Parkway - Northbound (SH 130). *Proposed to be TABLED to the March 15 City Council meeting due to not yet having a final recommendation from the Planning and Zoning Commission.* 73-83
- G. Discuss schedule of City Council meetings in 2022. 84-86
- H. Discuss Ordinance 2022-11 amending Section 2-209 of the Lockhart Code of Ordinances to specify the qualifications and rules for appointing members of City Boards and Commissions. 87-91
- I. Discuss reappointment of Hotel Occupancy Tax (HOT) Advisory Board Members for a two-year term beginning February 15, 2022 through February 15, 2024. 92
- J. Discussion regarding matters related to COVID-19. 93-112

7:30 P.M. REGULAR MEETING

1. CALL TO ORDER

Mayor Lew White

2. INVOCATION, PLEDGE OF ALLEGIANCE

Invocation. Pledge of Allegiance to the United States and Texas flags.

3. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the City Council on issues that are or are not on the agenda. No discussion can be carried out on the citizen/visitor comment about items not on the agenda. Comments are limited to three minutes per speaker.

4. PUBLIC HEARING/COUNCIL ACTION

- A. Hold a public hearing and consider Ordinance 2022-10 continuing the Juvenile Curfew contained in Chapter 36 of the City of Lockhart Code of Ordinances, complying with Section 370.009, Texas Local Government Code.

113-122

5. CONSENT AGENDA

- A. Approve City Council minutes for the February 1, 2022 meeting.
- B. Authorize the City Manager to sign a one-year agreement with Community Action, Inc. for the Low Income Household Water Assistance Program (LIHWAP).
- C. Approve Resolution 2022-09 adopting the City of Lockhart Comprehensive Financial Policy.
- D. Discuss, consider, and adopt Resolution 2022-10 approving the City of Lockhart's participation in the Endo/Par and Teva settlements related to the statewide global opioid settlement.
- E. Approve agreement with Techline for Project #19 A through H as part of the City of Lockhart's five-year System Study and Capital Plan as prepared by the Lower Colorado River Authority (LCRA).

123-129

130-137

138-168

169-178

179-191

6. DISCUSSION/ACTION ITEMS

- A. Discussion and/or action on application ZC-22-06 by Curtis Thigpen of Paravel Capital for a **Zoning Change** from *RMD Residential Medium Density District* to *RHD Residential High Density District* for 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located in the 1900 block of North Cesar Chavez Parkway - Northbound (SH 130). *Proposed to be TABLED to the March 15 City Council meeting due to not yet having a final recommendation from the Planning and Zoning Commission.*

192-202

- B. Discussion and/or action to consider schedule of City Council meetings in 2022. 203-205
- C. Discussion and/or action to consider Ordinance 2022-11 amending Section 2-209 of the Lockhart Code of Ordinances to specify the qualifications and rules for appointing members of City Boards and Commissions. 206-210
- D. Discussion and/or action to consider reappointment of Hotel Occupancy Tax (HOT) Advisory Board Members for a two-year term beginning February 15, 2022 through February 15, 2024. 211
- E. Discussion regarding matters related to COVID-19. 212-231

7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE ACTION

- Police Officer entrance exam will be held on February 26, 2022.
- Police Sergeant promotional exam will be held March 7, 2022.
- Police Lieutenant promotional exam will be held March 23, 2022.
- Fire Fighter entrance exam will be held March 5, 2022.
- Council Goals Retreat is scheduled for Saturday, April 9 from 8:00 a.m. – 12noon.
- Update regarding the Downtown Revitalization 2nd Open House.
- Library updates.

8. COUNCIL AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST

9. ADJOURNMENT

City Council shall have the right at anytime to seek legal advice in Executive Session from its Attorney on any agenda item, whether posted for Executive Session or not.

Posted on the bulletin board in the Municipal Building, 308 West San Antonio Street, Lockhart, Texas, on the 11th day of February, 2022 at 3:30 p.m.

**REGULAR MEETING
LOCKHART CITY COUNCIL**

FEBRUARY 1, 2022

6:30 P.M.

CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR LOCKHART, TEXAS

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White
Councilmember Derrick David Bryant
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Sean Kelley, Public Works Director
Kevin Waller, Assistant City Planner

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Dan Gibson, City Planner
Tina Ramsey, Victim Assistance Coordinator

Citizens/Visitors Addressing the Council: Representatives of Hays-Caldwell Women's Center; Syd Falk of Bickerstaff, Heath, Delgado & Acosta; and Citizens: Roy Watson and Matthew Johnson.

Work Session 6:30 p.m.

Mayor White announced that Mayor Pro-Tem Sanchez would be late arriving at the meeting. He opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. PRESENTATION OF A PROCLAMATION DECLARING FEBRUARY AS DATING VIOLENCE AWARENESS MONTH.

Ms. Ramsey encouraged teens and young adults to be aware of Dating Violence and to speak up if an individual is a victim or a witness of Dating Violence.

Yvette Mireles of Hays-Caldwell Women's Center also encouraged teens and young adults to report dating violence.

B. RECEIVE INITIAL ASSESSMENT REGARDING WHETHER REDISTRICTING IS REQUIRED CONSIDERING THE NEW 2020 CENSUS DATA; AND, IF SO, CONSIDER ADOPTION OF CRITERIA TO APPLY TO DEVELOPMENT OF NEW DISTRICTING PLANS, AND GUIDELINES FOR PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS. *The City Council may go into executive session pursuant to Texas Government Code section 551.071 to receive advice from legal counsel regarding the City's redistricting obligations.*

Syd Falk of Bickerstaff, Heath, Delgado & Acosta provided information and there was discussion regarding the following topics involving the Redistricting process because of the new 2020 Census data:

Mayor Pro-Tem Sanchez arrived at the meeting.

- One Person – One Vote: U.S. Constitution states that single-member districts must have approximately equal populations. Rule of thumb provides for a total deviation less than 10 percent.

- Available Census data: Census block level includes total population, voting age population, race, and Hispanic origin.
- Section 2 of the Voting Rights Act. No discrimination on basis of race or language minority status and generally avoid cracking or packing. Cracking or fracturing is dividing minority voters to fragment their voting power. Packing is concentrating minority voters when dividing them would permit the group to elect their candidates of choice in more than one district. Other practices can also violate Section 2.
- 14th Amendment (*Shaw v. Reno*). Limits race-based decision making, including redistricting. Was race the predominant consideration in drawing a redistricting plan? If so, is the plan a narrowly tailored means of addressing a compelling government interest?
 - Usually, race may not be the predominant factor to the subordination of traditional districting principles.
 - But is it ok to be aware of race and to consider race to satisfy Section 2 and Section 5.
 - To narrowly tailor, use race no more than necessary.
 - Bizarrely shaped district not unconstitutional per se yet bizarre shape may be evidence that race predominated.
- Section 5 of the Voting Rights Act. Preclearance no longer required (*Shelby County v. Holder-2013*). Section 5 standard is retrogression.
- The 2020 Census data reflects a population of 14,371 for the City of Lockhart. The ideal size of each single-member district should be 3,593 of voter age population. City of Lockhart's overall deviation for single-member districts is 16.34 percent.

Mr. Falk stated that since the overall deviation for single-member districts is higher than 10 percent, the City of Lockhart should proceed with drawing sessions to determine single-member districts that will abide by the three basic legal principles that govern the redistricting process: (1) the "one person-one vote" (equal population) principle; (2) the non-discrimination standard of Section 2 of the Voting Rights Act; and (3) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting.

The Redistricting timeline is as follows:

- February 8, 2022 – First Drawing Workshop
- February 22, 2022 – Second Drawing Workshop (special meeting)
- March 8, 2022 – Third Drawing Workshop (if needed - special meeting)
- March 15, 2022 – Public hearing regarding redistricting
- March 29, 2022 – Fourth Drawing Workshop (if needed – special meeting)
- April 5, 2022 – Adoption of the new Redistricting plan.

C. RECEIVE THE FINAL REPORT BY THE WAYFINDING COMMITTEE.

Roy Watson, of the Wayfinding Committee gave the final report that reflected several options for signage at the entrances to Lockhart as well as wayfinding signs throughout the community. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:35 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:50 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Sanchez gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

Mayor White requested citizens to address the Council. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-05 BY MATTHEW JOHNSON AND MILL SCALE ON BEHALF OF KEITH SCHMIDT, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-06 FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT AND CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT, ON LOT 1-A, BLOCK 1, BARCLAY ADDITION, CONSISTING OF 1.363 ACRES LOCATED 711 NORTH COLORADO STREET (US 183).

Mayor White opened the public hearing at 7:53 p.m.

Mr. Gibson stated that a barbecue cooker/smoker business proposes to construct a building on the subject property where they will manufacture and sell their products. Because it includes retail sales, it is allowed in the CMB and CHB zoning districts, but because of the manufacturing aspect, it would be more appropriate in the higher intensity CHB district. The property is partially zoned CMB and partially zoned CHB, so the purpose of the change is to simply make the zoning classification consistent for the entire lot by moving the current boundary between the adjacent CMB and CHB districts to the south property line of the subject lot. The proposed CHB zoning classification is consistent with the *General-Heavy Commercial* future land use that is designated along the entire west side of Colorado Street in the vicinity of the subject lot. At the Planning and Zoning Commission public hearing, two citizens spoke in support of the proposed zoning change, and one resident of the adjacent neighborhood spoke in opposition. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Matthew Johnson, Prairie Lea, of Mill Scale Metalworks provided information about the metal cooking products that they build. He stated that they would like to establish their business in Lockhart and believes that their business will help promote Lockhart as the Barbecue Capital of Texas. He requested approval of the zoning change.

Mayor White requested citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 8:05 p.m.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-06, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-07 FOR A ZONING TEXT AMENDMENT REVISING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS", SUBSECTION (G)(2) "ADDITIONAL PARKING REQUIREMENTS WITHIN RESIDENTIAL DISTRICTS", TO REQUIRE COVERED PARKING FOR DETACHED SINGLE-FAMILY DWELLINGS AND PROVIDE REASONABLE STANDARDS FOR SUCH PARKING; AND, REVISING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, APPENDIX I "SPECIFIC REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT TYPES", TO MODIFY THE HEADING OF THE MINIMUM OFF-STREET PARKING COLUMN TO ALLOW GARAGES TO COUNT TOWARD THE MINIMUM PARKING REQUIREMENT.

Mayor White opened the public hearing at 8:05 p.m.

Mr. Gibson stated that after building permits were submitted by Lennar Homes for houses that did not have either a garage or a carport for construction in the remaining sections of Summerside Subdivision, where all homes in the existing sections have garages, staff prepared the draft ordinance for City Council discussion at the January 4th meeting. The Council directed staff to proceed with the process for zoning text amendments, which includes publishing a notice for public hearings to be held by both the Planning and Zoning Commission and the City Council. The proposed ordinance amends Section 64-197, Subsection (g)(2) "Additional Parking Requirements Within Residential Districts" by revising paragraph (a), where the only existing text is the word "Reserved", to add a provision requiring covered parking for detached single-family dwellings (SF-1 and SF-3 residential development types). It also adds standards for the location and appearance of covered parking that will, in effect, prohibit what is commonly known as "snout houses" (where the garage protrudes closer to the front property line than the remainder of the front of the house). In addition, the proposed ordinance also amends Appendix I "Specific Requirements for Residential Development Types" to modify the heading of the *Minimum Off-Street Parking Spaces per Dwelling Unit* column of the table to be consistent with current practice, which is to allow covered parking to be counted as required off-street parking. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens in favor of or against the zoning text amendment to address the Council. There were none. He closed the public hearing at 8:20 p.m.

Councilmember McGregor made a motion to approve Ordinance 2022-07, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER CITY COUNCIL MINUTES FOR THE JANUARY 4, 2022 AND JANUARY 18, 2022 MEETINGS.

Mayor White requested corrections to the minutes.

Mayor Pro-Tem Sanchez made a correction to indicate in the minutes that she attended the January 18, 2022 meeting virtually.

Councilmember Westmoreland made a motion to approve the January 4, 2022 minutes. Councilmember Mendoza seconded. The motion passed by a vote of 6-0-1, with Mayor Pro-Tem Sanchez abstaining.

Mayor Pro-Tem Sanchez made a motion to approve the January 18, 2022 minutes. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER INTERLOCAL AGREEMENT WITH THE INTERLOCAL PURCHASING SYSTEM(TIPS) PROGRAM FOR COOPERATIVE PURCHASING SERVICES AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT, IF APPROVED.

Mr. Kelley stated that the city filed a claim with the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) for damage to the roof at 901 Bois D' Arc Street after an inspection by a local roofer revealed that the roof had suffered hail damage. The replacement of the roof is estimated at \$46,295.60. After discussing the issue with TML's claims adjuster, they suggest that the City uses their preferred cooperative purchasing program to complete the repairs. There is no cost to the city to become a member.

The TIPS program offers the following services:

- TIPS works with vetted contractors.
- Coordinate the competitive bidding process.
- Check all bids and materials to ensure completeness.
- Maintain files for Due Diligence Documentation.
- TIPS collects fees from vendors to support the cost of their operations.

Councilmember Michelson made a motion to approve the Interlocal Agreement with the Interlocal Purchasing System (TIPS) Program for cooperative purchasing services, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-A. RECEIVE INITIAL ASSESSMENT REGARDING WHETHER REDISTRICTING IS REQUIRED CONSIDERING THE NEW 2020 CENSUS DATA; AND, IF SO, CONSIDER ADOPTION OF CRITERIA TO APPLY TO DEVELOPMENT OF NEW DISTRICTING PLANS, AND GUIDELINES FOR PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS. THE CITY COUNCIL MAY GO INTO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 TO RECEIVE ADVICE FROM LEGAL COUNSEL REGARDING THE CITY'S REDISTRICTING OBLIGATIONS.

Mayor announced that the Initial Assessment was presented during the work session.

Mayor Pro-Tem Sanchez made a motion to approve Resolutions 2022-07 and 2022-08, as presented (Criteria to apply to development of new districting plans and guidelines for public participation in the redistricting process). Councilmember Bryant seconded. The motion passed by a vote of 7-0.

ITEM 6-B. RECEIVE AND CONSIDER ACCEPTANCE OF THE FINAL REPORT BY THE WAYFINDING COMMITTEE.

Mayor White stated that the report was received during the work session. There was discussion regarding funds allocated in the city budget for the wayfinding project.

Councilmember Michelson made a motion to accept the final report by the Wayfinding Committee. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-08 AMENDING CHAPTER 2, SECTION 2-210(B) TO SPECIFY THE NUMBER OF DAYS FOR NOMINATING AND APPOINTING MEMBERS OF CITY BOARD AND COMMISSIONS FROM 90 DAYS TO 45 DAYS.

Mayor White stated that the issue was discussed during the last meeting. The proposed Ordinance is a result of the Council's consensus.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-08, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING QUALIFICATIONS FOR AN INDIVIDUAL TO SERVE ON A CITY OF LOCKHART BOARD OR COMMISSION.

Ms. Constancio stated that the City Council previously discussed establishing City board/commission qualifications for appointed members. After conducting a comparison of several other cities (Elgin, Waco, San Marcos, Richardson), it was determined that several qualifications are common in most cities. There was discussion regarding a list of Lockhart City Council qualifications as outlined in the City Charter and the list of the State of Texas eligible voter qualifications. If the Council opts to establish qualifications for an individual to serve on a board, staff will return with an ordinance to amend Section 2-209, Rules for Appointment of the Code of Ordinances. The city currently does not have general qualifications to serve on a board/commission, yet some boards have specific qualifications, such as the Airport Advisory Board and Historical Preservation Commission.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to return with an Ordinance amending Chapter 2, Section 2-209 of the Code of Ordinances to include the following qualifications for an individual to serve on a City of Lockhart board or commission:

Residency

- Qualifications must be met by all members of City Boards/Commissions. In addition to any special qualification for service on a particular board, a member must:
 - Be a resident of the State of Texas for at least one year and a resident of the City of Lockhart for at least twelve (12) months preceding their appointment.
 - Registered voters.
- A member who was required to be a resident of the city when appointed and who moves primary residence outside of the city limits vacates the position on the date the residence is moved unless a board's composition allows for a Caldwell County member.

Attendance

- Any member who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of a board/commission during any twelve-month period, shall forfeit his/her position and the vacancy occurring shall be filled by the Council.
- Have not been removed from another City board/commission because of failure to attend meetings within the last three years.

Other

- Be 21 years of age or older.
- No member shall remain in his/her position after being elected to City Council, except the Lockhart Economic Development Corporation.
- Members must maintain the qualifications while serving on a board/commission.
- Members appointed serve without compensation.

ITEM 6-E. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

ITEM 7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE ACTION.

- Centerpoint Meadows and Summerside Subdivisions update.
- Parks Board update.
- Sales tax collections.
- Library updates.

ITEM 8. COUNCIL AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST.

Councilmember Mendoza stated that Calvary Chapel is opening a warming center during the upcoming inclement weather for individuals that need a warm place to stay.

Mayor Pro-Tem Sanchez expressed condolences to the families of Domingo Zapata, Sr., Edith Barth, Florinda Munoz, Maria Martinez, and Zeth Garcia for their loss. She encouraged everyone to stay safe.

Councilmember McGregor encouraged everyone to stay warm and safe.

Councilmember Bryant thanked the organizations that are planning Black History Month events.

Councilmember Michelson encouraged everyone to be safe, stay warm and shop local.

Mayor White also encouraged everyone to stay safe during the upcoming inclement weather.

ITEM 9. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded.
The motion passed by a vote of 7-0. The meeting was adjourned at 9:10 p.m.

PASSED and APPROVED this the 15th day of February 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC
City Secretary

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss authorizing the City Manager to sign a one-year agreement with Community Action, Inc. for the Low Income Household Water Assistance Program (LIHWAP).

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION:

Beginning January 1, 2022, Community Action of Central Texas administered a new program to provide emergency assistance to low-income households, particularly those with the lowest incomes that pay a high proportion of household income for water, storm water, drinking water, wastewater/sewer, and groundwater services collectively named "water services".

Individuals will be able to apply for assistance and be screened for eligibility, similar to the Comprehensive Energy Assistance Program (CEAP), which provides assistance for electric utility services. This new program will assist in water utility services, including wastewater/sewer charges.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends the approval of the agreement.

LIST OF SUPPORTING DOCUMENTS: LIHWAP Program from Community Action



Community Action, Inc. of Central Texas

— DEVELOPING OPPORTUNITIES —

215 S. Reimer Avenue, Suite 130 – P.O. Box 748 San Marcos, TX 78667-0748

(512) 392-1161 – FAX (512) 396-4255

www.communityaction.com

January 12, 2022

Mr. Steven Lewis, City Manager
City of Lockhart Water Utilities
P. O. Box 239
Lockhart, TX 78644

**RE: Low Income Household Water Assistance Program (LIHWAP)
“Water Provider Agreement”**

Dear Mr. Lewis:

Community Action Inc. of Central Texas (CAI) administers the **Low Income Household Water Assistance Program (LIHWAP)** as funded by the Texas Department of Housing and Community Affairs to assist eligible individuals in Hays, Caldwell, and Blanco counties with their water, storm water, drinking water, wastewater/sewer, and groundwater services collectively named (Water Services).

The LIHWAP program will be administered beginning in January 2022. Individuals will apply for assistance through our offices and will be screened for eligibility. After eligibility has been determined, CAI will notify your company in writing with the allotted amount of assistance to be provided. A payment will then be sent by CAI to your company as determined with the client.

In order for CAI to process payments for your company, we need a **Water Provider Agreement** on file. Enclosed is a copy of the Water Provider Agreement with two signature pages. Please sign one and return it to our office by mail or fax by January 28, 2022.

We appreciate your cooperation and look forward to working with you to assist families in our communities. Please call me at (512) 392-1161 ext. 328 if you have any questions or need additional information.

Sincerely,

Carole Belver
Executive Director

Our mission is to develop opportunities for people and communities to realize their potential by providing resources and comprehensive services to empower Central Texans of all ages to become self-sufficient.

**LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)
"WATER PROVIDER AGREEMENT"**

PURPOSE. The purpose of the Low Income Household Water Assistance Program (LIHWAP) grant is to provide emergency assistance to low-income households, particularly those with the lowest incomes that pay a high proportion of household income for water, storm water, drinking water, wastewater/sewer, and groundwater services collectively named (Water Services).

The Water Services Provider (Water Provider or Vendor), agrees to the terms of the LIHWAP grant and to accept payment from LIHWAP agencies only for eligible LIHWAP clients to whom Water Provider continues to provide Water Services. The Water Assistance Provider (Agency), agrees to make payments only for eligible LIHWAP clients.

PARTIES. This Water Provider Agreement is by and between:

Community Action, Inc. of Central Texas

Water Assistance Provider (Agency)

City of Lockhart Water Utilities

Water Services Provider (Water Provider)

The Agency and Water Provider are each a Party to the Water Provider Agreement and collectively known as the Parties.

Water Provider and Agency agree to assist eligible LIHWAP clients in the following Texas counties:

Blanco County

Caldwell County

Hays County

WATER SERVICES. Water Services provided and billed by Water Provider:

- ☒ Water Fees
- ☐ Stormwater Fees
- ☒ Wastewater
- ☒ Sewer Fees
- ☐ Groundwater Fees
- ☒ Other: Refuse

TERM. This Water Provider Agreement shall be effective from the 1 day of January, in the year 2022, for a period not to exceed one year from the effective date, although the Parties can agree in writing to extensions for up to one additional year. Either Party may terminate this Water Provider Agreement by written notice. Such written notice of termination shall not affect any obligation by either Party incurred prior to the receipt of such notice.

NOTICE. Notice shall be sent via certified mail to the addresses below with return receipt requested.

City of Lockhart Water Utilities

(Water Provider Name)

P. O. Box 239, Lockhart, TX 78644

(Water Provider Mailing Address)

(Water Provider Certificate of Convenience and Necessity # (CCN))

Community Action, Inc. of Central Texas

(Agency Name)

P O Box 748, San Marcos TX 78667-0748

(Agency Mailing Address)

AGENCY REPRESENTATIONS. The Agency named above represents and warrants to Water Provider that it is an entity under contract with the Texas Department of Housing and Community Affairs (TDHCA) and as such is authorized and has received funding from the TDHCA to provide bill payment assistance service for eligible LIHWAP clients. In addition, the Agency further represents and warrants to Water Provider that it has determined eligible LIHWAP clients to be eligible under the LIHWAP guidelines. The funds will be used to cover and/or reduce arrearages, rates and fees associated with reconnection, or prevention of disconnection of service, and to pay either partially or in full an eligible LIHWAP client's current due water bill, known as "Eligible Costs" related to Water Services.

WATER PROVIDER'S REPRESENTATIONS. The Water Provider named above represents and warrants that it will apply any payments received from Agency to the eligible LIHWAP client's account related to Eligible Costs.

Both parties acknowledge that this Water Provider Agreement and the services provided by the Water Provider are governed by and subject to the federal and state laws and regulations in accordance with the LIHWAP.

AMENDMENTS. Any and all amendments to this Water Provider Agreement shall be in writing, approved by TDHCA, and agreed upon by both Parties.

WATER PROVIDER'S RESPONSIBILITIES. Water Provider will, with reference to an eligible LIHWAP client:

- Provide the Agency with at least one designated contact person who shall be available to respond by telephone and email to all reasonable inquiries regarding eligible LIHWAP clients and client accounts including but not limited to bills, payments, and services.
- Provide water services to each eligible and approved household for which payment is provided under LIHWAP.
- Extend the potential LIHWAP application for water services for up to ten calendar days while the Agency determines whether the potential LIHWAP applicant is eligible pursuant to the LIHWAP.
- Upon accepting payment from Agency for the eligible LIHWAP client, continue or restore water services to eligible LIHWAP client with no increases in charges, service charges or other charges or fees affecting the total cost of the bill, except as allowed by the stated tariff cost registered with the Public Utility Commission "PUC".
- In the event the Agency requires the eligible LIHWAP client to pay a portion of the bill prior to having a pledge made on their account on or before the disconnect date, as stated in the client's Disconnect Notice as required by PUC regulations, nothing in this agreement requires the Water Provider to delay a disconnect if the eligible LIHWAP client has not paid their required portion.
- Invoice the eligible LIHWAP client in accordance with Water Provider's normal billing practices.
- Upon verbal or written request from Agency, provide at no cost to the Agency the eligible LIHWAP client's billing and usage history for previous twelve months, or available history plus monthly estimates if less than twelve

months of billing history and usage is available. Water Provider will transmit such billing history via electronic mail or facsimile as soon as possible, but no later than forty-eight hours following the request.

- Work with Agency and eligible LIHWAP client to explore the feasibility of offering flexible payment arrangements that may include, without limitation, waiving security deposits, reconnect fees, application fees, and all other fees whenever possible.
- Not discriminate against eligible LIHWAP client in price or services, including the availability of deferred payment plans, level or average payment plans, discount, budget, advance payment or other credit plans.
- Not refuse to provide water service or otherwise discriminate in the marketing and provision of water service to any eligible LIHWAP client because of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, level of income, disability, financial status, location of client in an economically distressed geographic area, or qualification for low-income or water-efficiency services.
- Allow Agency forty-five days from the date of pledge for assistance payment to forward payment to the Water Provider. Water Provider agrees not to consider the portion of the eligible LIHWAP client's account to be paid by the Agency delinquent if said payment is received within the above mentioned forty-five day period, and Water Provider is provided with a verbal or signed pledge from the Agency within forty-five days of identifying an eligible LIHWAP client.
- Not interrupt service if eligible LIHWAP client is eligible under PUC regulations, or other state agency regulations (as applicable), and enters into an agreement with the Water Provider concerning how the eligible LIHWAP client will pay the balance owed Water Provider and the eligible LIHWAP client is meeting the obligation under such agreement.
- If the Agency has paid for an initial deposit or similar refundable instrument, upon the termination of service to the eligible LIHWAP client, the Water Provider shall return funds including interest (after any balance owed) to the Agency in accordance with PUC regulations or 10 Texas Administrative Code §6.312(f) (as applicable).
- Not apply LIHWAP payments to account balances that have previously been written off or paid with other funds.
- Not apply LIHWAP payments to commercial accounts. LIHWAP payments must only be applied to residential accounts.
- Clearly enter, on LIHWAP household bills, the amount of LIHWAP payment(s) received in a manner which identifies the payment as received from LIHWAP or at least the amount paid by LIHWAP shown as credited.
- Continually maintain accurate records of LIHWAP credit balances and annually reconcile accounts. After one year, credit balances must be refunded to the Agency, in compliance with LIHWAP Water Provider Refund Policies.
- Not exchange the household's credit authorization for cash or give any cash equivalent for excess credit.
- Cooperate with any Federal, State, or local investigation, audit, or program review. Understand that failure to cooperate with any Federal, State, or local investigation, audit, or program review may result in the immediate disqualification from participation in the LIHWAP.
- Water Provider's application materials should include language that authorizes the Water Provider to release the applicant's information as described below to the Agency, Texas Department of Housing and Community

Affairs, Texas State Auditor's Office, Office of the Attorney General of Texas, U.S. Department of Health and Human Services, the U.S. Department of Health and Human Services Internal Auditor, or the designee of any of these governmental agencies.

- Data related to a eligible LIHWAP client's Water Services and payments must be provided within a timeframe specified by the Agency at no cost and must be provided in the format requested by the Agency. The data must be provided to the Agency for the purposes of verification, research, evaluation, analysis, and reporting. The eligible LIHWAP client's signed LIHWAP application will authorize the Water Provider to release this information to the Agency.

AGENCY RESPONSIBILITIES. The Agency will:

- Accept written referrals for LIHWAP benefits by the Water Provider, and evaluate whether the referral is eligible as an eligible LIHWAP client.
- Obtain written permission for Agency to request and have access to eligible LIHWAP client information, including confidential or personal account information, credit and payment history, from eligible LIHWAP client's seeking Agency assistance. Social Security numbers are not required for the LIHWAP program and may not be disclosed to Agency.
- Provide to Water Provider, at Water Provider's request, eligible LIHWAP client's written permission for Agency's access to eligible LIHWAP client's information as stated above.
- Review invoice(s) submitted by the Water Provider. The Agency may request additional documentation and/or clarification of charges as needed. No payment will be made without all required documentation/clarification of charges.
- Not provide payments on behalf of an eligible LIHWAP client to Water Provider without having adequate funds to pay such payments.
- Provide payment to the Water Provider after receipt of proper invoices, and any additional required documentation or clarification, for services rendered pursuant to this Water Provider Agreement, upon full compliance by the Water Provider with the terms herein within 45 days.
- Determine if a client is LIHWAP eligible within ten calendar days of contacting Water Provider.
- Provide Water Provider a list of names, telephone numbers and e-mail addresses of Agency staff designated to make payments on behalf of the Agency and eligible LIHWAP clients, if requested from Water Provider.
- Comply with all relevant state and federal laws and regulations in its implementation of the LIHWAP. Follow all supplemental terms and conditions as set forth by the U.S. Department of Health and Human Services. The Agency shall provide notice of any changes or amendments to policies or guidelines for the LIHWAP.

CONFIDENTIALITY. The terms of any confidential transaction under this Water Provider Agreement or any other information exchanged by the Agency and Water Provider relating to any transaction shall not be disclosed to any person not employed or retained by the Agency or Water Provider, their affiliates, or brokers, except to the extent disclosure is 1) required by law; 2) necessary to disclose to the other Party in connection with a dispute between the Parties; 3) otherwise permitted by written consent of the other Party; 4) required by guarantors to be disclosed; 5) information which must be disclosed to a third Party to transmit water; 6) to meet reliability council, regulatory, administrative, judicial, governmental, or regulated commodity exchange requirements where necessary; or 7) information which was or is hereafter in the public domain (except by breach of this Water Provider Agreement).

Authorized Water Provider Signature

Date

Typed Name of Authorized Signature

Title

()

Water Provider Telephone Number

Water Provider Email Address

C Belver

1/14/2022

Authorized Agency Signature

Date

Carole Belver

Executive Director

Typed Name of Authorized Signature

Title

(512) 392-1161 X 328

Agency Telephone Number

cbelver@communityaction.com

Agency Email Address

Authorized Water Provider Signature

Date

Typed Name of Authorized Signature

Title

()

Water Provider Telephone Number

Water Provider Email Address

C Belver

1/14/2022

Authorized Agency Signature

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(512) · 392-1161 X 328

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Agency Email Address

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss Resolution 2022-09 adopting the City of Lockhart Comprehensive Financial Policy.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION:

The Government Finance Officers Association (GFOA) recommends that municipal governments adopt formal, written financial policies to help guide government to strategic, long-term financial management.

Institutionizing formal financial policies are considered good management practices that will outlive their creators and promote stability and continuity. They clarify strategic intent for financial management and define a shared understanding of how the organization will develop practices and manage its resources to provide the best value to the community. They define boundaries within which staff can innovate in order to realize the organization's strategic intent and limit which actions staff may take.

Prior to presentation to the City Council, this policy was reviewed by city staff, the City Manager, the City of Lockhart's Financial Advisor and the auditing firm BrooksWatson.

This new comprehensive policy will establish guidelines for the City of Lockhart's fiscal planning and budgeting; expenditure control; revenues and collections; local, state, and federal grants; cost of services and user fees; impact fees; capital asset accounting and replacement; cash, debt and risk management, and financial reporting. This financial policy will also include the fund balance policy that the City Council adopts each year during budget.

This financial policy will become a permanent section of the City of Lockhart's budget document that will be presented to the Council annually for approval, and serves as a guideline for city staff.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff respectfully requests adoption of Resolution 2022-09 adopting the City of Lockhart Financial Policy.

LIST OF SUPPORTING DOCUMENTS: Resolution 2022-09, (Exhibit A) City of Lockhart Financial Policy

RESOLUTION NO. 2022-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ADOPTING THE CITY OF LOCKHART FINANCIAL POLICY ACCORDING TO GUIDELINES FROM GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA).

WHEREAS, the City of Lockhart, Texas is committed to financial management through integrity, prudent stewardship, planning, accountability, full disclosure and communication; and

WHEREAS, the broad purpose of the City of Lockhart Financial Policy is to carefully account for public funds, to manage its finances wisely, and to plan for the adequate funding of services desired by the public, including the provision and maintenance of public infrastructure systems; and

WHEREAS, to ensure that it is capable of adequately funding and providing those government services desired by the community; and

WHEREAS, using the guidelines from the Governmental Finance Officers Association, the City has established guidelines for the City's overall fiscal planning and management that is intent to foster and support the continued financial strength and stability of the City of Lockhart.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lockhart, Texas, that:

The City Council of the City of Lockhart, Texas hereby adopts the City of Lockhart Financial Policy (Exhibit A).

PASSED AND APPROVED on this 15th day of February 2022.

CITY OF LOCKHART, TEXAS

By: _____
Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Monte Akers
City Attorney



**CITY OF LOCKHART,
TEXAS**

FINANCIAL POLICY

Adopted 02/15/2022

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Adoption Resolution

Introduction

The city has an important responsibility to its citizens to carefully account for public funds, to manage its finances wisely, and to plan for the adequate funding of services desired by the public, including the provision and maintenance of public infrastructure systems. In these times of major changes in federal and state policies toward local government the city needs to ensure that it is capable of adequately funding and providing those government services desired by the community. Ultimately, the city's reputation and success will depend on the public's awareness and acceptability of the management and delivery of these services.

These principles are to establish guidelines for the city's overall fiscal planning and management. They are intended to foster and support the continued financial strength and stability of the City of Lockhart. These principles are broad, timeless statements of the financial position the city seeks to attain:

- To deliver quality services in an affordable, efficient, and cost-effective manner while providing full value for each citizen's tax dollar.
- To maintain an adequate financial base to sustain a sufficient level of municipal services, thereby preserving the quality of life in the City of Lockhart.
- To have the ability to withstand local and regional economic fluctuations; to adjust to changes in the service requirements of our community; and to respond to changes in Federal and State priorities and funding as they affect the city's citizens.
- To maintain a high bond credit rating to ensure the city's access to the bond markets and to provide assurance to the city's taxpayers that the city government is well managed and financially sound.

By following these principles, the City can enhance their financial health as well as its image and credibility. To achieve these goals as the City of Lockhart continues to grow and develop, it is important to regularly engage in the process of financial planning including reaffirming and updating these financial principles. Policy changes will be needed as the city continues to grow and become more diverse and complex in the services it provides to its citizens.

Policy 1

Fiscal Planning and Budgeting

Fiscal planning refers to the process of identifying resources and allocating those resources among numerous and complex competing purposes. The primary vehicle for this planning is the preparation, monitoring and analysis of the city's budget. It is increasingly important to incorporate a long-term perspective and to monitor the performance of the programs competing to receive funding.

- 1.01 The City Manager shall submit to the City Council a proposed annual budget, based on Council's established goals, and shall execute the budget as finally adopted, pursuant to Article 9, Section 9.10 of the City of Lockhart Charter. The city will budget revenues and expenditures on the basis of a fiscal year which begins October 1 and ends on the following September 30. The City Council shall adopt the budget for the following fiscal year no later the beginning of each fiscal year, or as soon thereafter as practical.
- 1.02 The city will prepare a budget in accordance with Government Finance Officers Association policies and best practices. The proposed budget will contain the following:
 - a) Revenue estimates by major category, by fund;
 - b) Expenditure estimates by program levels and major expenditure category, by fund;
 - c) Debt service, by issue, detailing principal and interest amounts;
 - d) Proposed personnel staffing levels;
 - e) A schedule of capital projects;
 - f) Any additional information, data, or analysis requested of management by the City Council.
- 1.03 The city maintains its financial records in accordance with accounting principles generally accepted in the United States of America known as GAAP. The City's budget is prepared on a modified accrual basis in accordance with GAAP.
- 1.04 The operating budget will be based on the principle that current operating expenditures, including debt service, will be funded with current revenues. Funds will pay the indirect cost charges for services provided by another fund. The budget will not use one-time (non-recurring) sources to fund continuing (recurring) uses, postpone expenditures, or use external borrowing for operational requirements. The budget will incorporate the best available estimates of revenues and expenditures.
- 1.05 A system will be used to facilitate position control. The number of full-time and regular part-time employees on the payroll shall not exceed the total number of positions authorized by the City Council.
- 1.06 Performance management will be utilized in the budget process to insure alignment with Council goals and organization strategic efforts. The City will make the best effort to use performance data when available.

- 1.07 Ideas for improving the efficiency and effectiveness of the city's programs and the productivity of its employees will be considered during the budget process.
- 1.08 Unspent appropriations for significant capital programs and major projects will be considered for reappropriation in the subsequent fiscal year. Such carryover of appropriation shall be included in the proposed budget.
- 1.10 The city shall establish appropriate management controls to monitor expenditure budgets to ensure they do not exceed authorizations. For all operating budgets, this control shall be exercised at the department/fund level. For capital budgets, this control shall be at the administrative level (City Manager).
- 1.11 A quarterly report on the status of the General Fund, Enterprise Funds, and HOT Fund budgets and trends will be prepared and presented to the City Council within 45 days of the end of each quarter.
- 1.14 If operating revenues do not match operating expenses during the course of a fiscal year, the city will take steps to reduce expenditures, increase revenues or, if a deficit is caused by an emergency, consider using the Unassigned Fund Balances. The City Manager may institute a cessation during the fiscal year on hirings, promotions, transfers, capital equipment purchases, and capital projects. Such action will not be taken arbitrarily or without knowledge of the City Council.
- 1.15 A policy will be maintained that provides for levels of approval by the City Manager and/or Council. The policy will address the transfer of expenditure authority between funds, transfer of expenditure authority over base amounts, transfer of expenditure authority to and from personnel, contractual, commodities or capital outlay accounts, transfer of expenditure authority between capital projects, and transfer of expenditure authority to or from debt service accounts.

Policy 2

Fund Balance

Fund balance is an important indicator of the city's financial position. Maintaining reserves is considered a prudent management practice. Adequate fund balances are maintained to allow the city to continue providing services to the community in case of unexpected emergencies or requirements and/or economic downturns.

- 2.01 In an effort to ensure the continuance of sound financial management of public resources, the City of Lockhart's Unassigned Fund Balances will be maintained to provide the city with sufficient working capital and a comfortable margin of safety to address emergencies, sudden loss of revenue or operating needs, and unexpected downturns without borrowing.

This policy establishes the amounts the city will strive to maintain in its General, Electric, Water, Wastewater, and Solid Waste Fund balances, the conditions under which fund balances may be spent, and the method by which fund balances will be restored. These amounts are expressed as goals, recognizing that fund balance levels can fluctuate from year to year in the normal course of operations for any local government.

- 2.02 It is the intent of the city to limit use of Unassigned Fund balances to address unanticipated, non-recurring needs or known and planned future obligations. Fund balances shall not normally be applied to recurring annual operating expenditures. Unassigned balances may, however, be used to allow time for the city to restructure its operations in a deliberate manner, but such use will only take place in the context of long-term financial planning.

- 2.03 The Council shall establish and maintain fund balances as follows:

1. General Fund: no less than 25% of budgeted operating expenditures and outgoing transfers, and
2. Enterprise Funds: (Electric, Water, Wastewater and Solid Waste) no less than 4 months (120 days) of budgeted expenditures.

- 2.04 Replenishing Deficiencies - When fund balance falls below the 25% level, the City will replenish shortages/deficiencies within the same year. According to GFOA guidelines, 17% is considered a minimal level of fund balance, but the City considers a balance of less than 22% to be a cause for concern, barring unusual or deliberate circumstances.

- 2.05 Surplus fund balance - Should unassigned fund balance of the general fund ever exceed the maximum 25% level, the City will consider such fund balance surpluses for one-time expenditures that are nonrecurring in nature, and which will not require additional future expense outlays for maintenance, additional staffing or other recurring expenditures.

- 2.06 In the event Reserves exceed the minimum balance requirements, at the end of each fiscal year, any excess Reserves may be used in the following ways:
- (1) To fund accrued liabilities, including but not limited to debt service, pension, and other post-employment benefits.
 - (2) Increase fund balances to fund future capital projects.
 - (3) One-time expenditures that are nonrecurring in nature or which will not require additional future expense outlays for maintenance, additional staffing, or other recurring expenditures that cannot be funded through current revenues.
 - (4) Technology improvements to enhance productivity or customer service.
- 2.07 The Chief Financial Officer is authorized to classify available fund balance for specific purposes in accordance with Governmental Accounting Standards Board Statement #54. It is the policy of the city that expenditures for which more than one category of fund balance could be used, that the order of use is: Restricted Fund Balance, Committed Fund Balance, Assigned Fund Balance, and Unassigned Fund Balance.

Policy 3

Expenditure Control

Management must ensure compliance with the legally adopted budget. In addition, purchases and expenditures must comply with legal requirements and policies and procedures set forth by the city.

- 3.01 Expenditures will be controlled by an annual appropriated budget at the department/fund level. The City Council shall establish appropriations through the budget process. The Council may transfer these appropriations as necessary through the budget amendment process. Written procedures will be maintained for administrative approval and processing of certain budget transfers within funds.
- 3.02 Department heads are responsible for monitoring expenditures to prevent exceeding their total departmental appropriation budget. It is the responsibility of these department heads to immediately notify the city's Finance Department and the City Manager of any circumstances that could result in a departmental appropriation being exceeded.
- 3.03 The city will maintain a purchasing system that provides needed commodities and services in a timely manner to avoid interruptions in the delivery of services. All purchases shall be made in accordance with the city's purchasing policies, guidelines and procedures and applicable state and federal laws. The city will endeavor to obtain supplies, equipment and services that provide the best value.
- 3.04 The city will endeavor to make all payments within the established terms.

Policy 4

Revenues and Collections

In order to provide funding for service delivery, the city must have reliable revenue sources. These revenues must be assessed and collected equitably, timely, and efficiently.

- 4.01 The city's goal is a diversified revenue base.
- 4.02 The city will strive to maintain a diversified and stable revenue base to shelter it from economic changes or short-term fluctuations by doing the following:
 - a) Periodically conducting a cost of service study to determine if all allowable fees are being properly calculated and set at an appropriate level.
 - b) Establishing new charges and fees as appropriate and as permitted by law.
 - c) Pursuing legislative change, when necessary, to permit changes or establishment of user charges and fees.
 - d) Aggressively collecting all revenues, late penalties and related interest.

Policy 5

Grants

Many grants require Council's appropriation of funds, either for the original grant or to continue programs after the grant funding has expired. Council should review these grant opportunities prior to determining whether application should be made for these grant funds.

- The city shall apply for only those grants that are consistent with the objectives and high priority needs previously identified by Council. The potential for incurring ongoing costs, to include the assumption of support for grant-funded positions from local revenues, will be considered prior to applying for a grant.
- The city shall attempt to recover all allowable costs – both direct and indirect – associated with the administration and implementation of programs funded through grants. The city may waive or reduce indirect costs if doing so will significantly increase the effectiveness of the grant.
- All grant submittals shall be reviewed for their cash match requirements, their potential impact on the operating budget, and the extent to which they meet the city's policy objectives. When the potential for expenditures exceeds budgeted expenditures, departments will seek Council approval prior to submission of the grant application. Should time constraints under the grant make this impossible, the department shall obtain written approval to submit the grant application from the City Manager and then, at the earliest feasible time, seek formal Council approval. Council will be informed of any financial obligations that will be incurred by the city. If there is a cash match requirement, the source of funding shall be identified prior to application.
- The city shall terminate grant-funded programs and associated positions when the grant has expired, and funds are no longer available unless alternate funding is identified.

Purpose

To establish and maintain a policy and internal controls that provide reasonable assurance that Federal awards are being managed in compliance with all Federal regulations and with the terms and conditions of the award. The City of Lockhart will follow the Uniform Guidance, the Local Agency Guidelines distributed by the State of Texas Department of Transportation funding, and other specific grant requirements or guidance documents published by the Federal Granting Agency such as the United States Department of Housing and Urban Development (HUD) and the Federal Aviation Administration (FAA) as applicable.

Organizations affected

All departments/divisions receiving awards.

References

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – Title 2 Code of Federal Regulations (2 CFR 200); State and Local guidelines will also apply based on awarding organization.

Title 2 of the Code of Federal Regulations (2 CFR 200). Developed by the Office of Management and Budget (OMB), this guidance established uniform administrative requirements, cost principles, and audit requirements for federal awards. The requirements aim to reduce the risk of fraud, waste, and abuse of federal funds and places a heavy emphasis on written policies and procedures. The focus of these policies and procedures should be to ensure that those in the organization who carry out the objectives of the award understand:

- The federal statutes, regulations, and terms and conditions of the award.
- How to evaluate and properly monitor compliance.
- The steps to take if non-compliance is identified.

For further information, refer to:

<https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-part200.pdf>

Specific state and local regulations may also apply. These regulations can vary based upon the unique conditions and circumstances of each grant award. City staff should take due care in determining the specific state and local applicable regulations that apply to their respective project and to appropriately document, understand, and comply with the conditions and restrictions within these regulations.

Policy

5.01 General: This policy describes the procedure for the administrative responsibility of awards received as grants. The City, through designated staff and City Officials, solicits and accepts awards from a variety of organizations for funding City programs and projects. Awards frequently require close coordination between different City departments and adherence to strict guidelines and requirements. This policy outlines the procedures and departmental roles and responsibilities to centrally coordinate and track citywide efforts in grant management and administration.

- a) The department that is requesting and/or administering the grant award shall be responsible for maintaining accurate and current information and complying with the general and specific guidelines and requirements of the grant award. This will include:
 - Being knowledgeable of grant award requirements.
 - Ensuring the City complies with said requirements.
 - Providing accurate information to the Finance Department in the preparation of reports and requests for reimbursement of eligible costs.
 - Maintaining the proper written and electronic documentation and financial records consistent with said requirements.

- b) In the event more than one department is involved in requesting or administering a grant award, the department involved will agree upon a designated lead department. The lead department will have overall responsibilities for administering the grant award consistent with this policy.
- 5.02 Internal Controls: The City of Lockhart will maintain effective internal control over the Federal award providing reasonable assurance that the City is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.
- a) The City will take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
 - b) The City will take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive.
- 5.03 Certification: To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include certification, signed by an official who is authorized to legally bind the non-Federal entity, which reads as follows: “By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims or otherwise.”
- 5.04 Advance Payments and Reimbursements: Payment methods must minimize the time elapsing between transfer of funds from the United States Treasury or pass-through entity and the disbursement by the City of Lockhart whether the payment is made by electronic transfer, or issuance or redemption of checks, warrants, or payment by other means.
- a) Advanced payments must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash needs of the City to carry out the purpose of the approved program or project. Any advanced payments must be consolidated to cover anticipated cash needs.
 - b) The City shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs.
- 5.05 Allowability of Costs: Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:
- a) Be necessary and reasonable for the performance of the Federal award.

- b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- c) Be consistent with policies and procedures that apply uniformly to both Federally financed and other activities of the City.
- d) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- e) Be determined in accordance with generally accepted accounting principles (GAAP).
- f) Not be included as costs or used to meet cost sharing or matching requirements of any other Federally financed program in either the current or prior period.
- g) Be adequately documented.

5.06 Procurement: When procuring goods and services under a Federal award, the City will follow 2 CFR §200.318 General Procurement Standards through §200.326 Contract Provisions or City of Lockhart purchasing procedures, whichever is more restrictive.

- a) Contracts for more than the simplified acquisition threshold currently set at \$150,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.
- b) Contracts and sub-grants of amounts in excess of \$150,000 requires that the City will comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act.
- c) The City will monitor procurements to avoid duplicative purchases. The City will continue to enter into inter-entity agreements to realize cost savings for shared goods and services when possible.
- d) The City will verify and document that vendors are not suspended or debarred from doing business with the Federal government.

5.07 Single Audit Act: The City, as a recipient of Federal funds, shall adhere to the Federal regulations outlined in 2 CFR §200.501 as well as all Federal and State statutes and regulations.

5.08 Closure: A project agreement end date will be established in accordance with 2 CFR §200.309. Any cost incurred after the project agreement end date are not eligible for

Federal reimbursement.

- 5.09 Code of Conduct: The purpose of the Code of Conduct is to ensure the efficient, fair, and professional administration of Federal grant funds in compliance with 2 CFR §200.112, 2 CFR §200.318 and other applicable Federal and State standards, regulations, and laws.

Procedures

The purpose of these procedures is to ensure inter-departmental coordination in the identification of grant opportunities, to ensure consistency in the management of grants the City receives, and oversight in management and compliance with the guidelines and restrictions as required by the grantor.

5.10 Grant Application

- a) Request to Apply – Prior to submitting an application for an award, the department pursuing the grant award shall obtain the required approval signatures.
- b) Legal review – If necessary, the responsible department will review the grant and grant application with the City Attorney to identify any potential legal issues that the City should be aware of.
- c) Submittal of award application – Once approval or direction is received to pursue the award, the department charged with the responsibility for implementing the award will prepare the necessary application paperwork and, if necessary, seek approval of the City Council.

5.11 Grant Award, Obligation and Management

- a) Award review and acceptance - Once the award is received, the responsible department will accept the award only if the grantor's terms and conditions can be satisfactorily met by the City. Administrative and legislative acceptance of an award will be subject to the following limitations:
 - Department directors may approve awards up to and including \$10,000.00 (if within their budget, if not City Manager approval is required).
 - City Manager is required for awards between \$10,001.00 up to and including \$50,000.00.
 - City Council approval is required for awards for \$50,001.00 and up.
- b) Reporting – The responsible department will serve as the single point of contact with the grantor and will be responsible for the preparation and submittal of reports to the grantor and for complying with the guidelines and requirements of the award. The responsible department will maintain a detailed project folder that will contain,

at a minimum, all official correspondence concerning the award including City memoranda; resolutions or ordinances; award letter; grantor guidelines and restrictions; written communications between the City and the grantor including copies of emails and any other documents necessary for the effective management of the award.

- The Finance department will be the responsible department in preparing the financial information for reimbursements and any reports that are necessary for reimbursement.
- c) Matches – City budget identified - Some awards prescribe a matching requirement in which the City must provide a financial match to qualify for an award. In the event of a required match, the responsible department will work with the Finance department to ensure sufficient budget is identified, and if necessary, to request a budget amendment.
- d) Award Compliance – Issues - Periodically, compliance issues associated with award guidelines and conditions may occur. The department charged with administering the award will be responsible for keeping the City Manager and the Finance Department informed of any award compliance issues and resolution undertaken to address the issue. Resolution will be documented in the City's grant award files.

Policy 6
Cost of Service and User Fees

User fees and charges are payments for voluntarily purchased, publicly provided services that benefit specific individuals. The city relies on user fees and charges to supplement other revenue sources in order to provide public services.

Indirect cost charges will be assessed to reflect the full cost of identified services.

- 6.01 The city may establish user fees and charges for certain services provided to users receiving a specific benefit.
- 6.02 On a regular basis, the city will conduct a cost of service study to identify the full cost of providing a service for which fees are charged. The calculation of full cost will include all reasonable and justifiable direct and indirect cost components.
- 6.03 User fees shall be reviewed on a regular basis to calculate their full cost recovery levels, to compare them to the current fee structure, and to recommend adjustments where necessary. Competing policy objectives may result in reduced user fees and charges that recover only a portion of service costs.

Policy 7

Development Impact Fees

The Council's policy is that to the extent reasonable, growth should pay for itself. As such, the Council has adopted a schedule of development impact fees. Development impact fees are one-time charges assessed against new customers to recover their proportional share of capital costs incurred to provide service capacity for new customers. Appropriate development fees are an important component in the overall strategy for financing capital improvements.

- 7.01 The city's objectives for development impact fees shall include the following:
- a) Support the reasonable cost of growth.
 - b) Consider the impact of growth on existing residents.
 - c) Develop cost justified development fees.
 - d) Address infrastructure requirements.
 - e) Promote economic development.
 - f) Provide financial capacity.
- 7.02 In general, development impact fees must be based on a rational analysis. This analysis will include:
- a) a reasonable assessment of the impacts of growth on the city's capital needs as identified in an infrastructure improvement plan;
 - b) a determination that the amount of the fee does not exceed the reasonable cost to provide capacity to accommodate growth;
 - c) a separate accounting of funds collected; and
 - d) an identification of potential liabilities or offsets to recognize other financial commitments resulting from development.
- 7.03 The city will monitor the use of impact fee credits and reimbursements and will track, and report liabilities associated with these credits on an annual basis.
- 7.04 Development impact fees may be assessed for a public purpose such as:
- a) Road
 - b) Water
 - c) Wastewater
- 7.05 The city shall conduct a review of its development impact fees on a semi-annual basis to the Impact Fee Advisory Committee.

Policy 8

Capital Asset Accounting and Replacement

An effective capital asset accounting system is important in managing the city's capital asset investment.

- 9.01 The city will account for and maintain a schedule of individual capital assets. For financial reporting purposes, capital assets recorded in the capital asset accounting system will meet the following criteria:
- a) Have estimated useful lives in excess of one year.
 - b) Have values greater than or equal to \$100,000 for building, utility facilities and other infrastructure systems; or greater than or equal to \$25,000 for all other assets, and
 - c) Are capable of being identified, tracked, and accounted for.
- All items not meeting the above criteria will be recorded as operating expenditures.
- 9.02 The city will provide replacement funding for certain fleet vehicles, certain computer equipment, and other assets as deemed necessary. Replacement funds or reserves will be determined as part of the annual budget process.
- 9.03 City departments shall maintain proper procedures and effective internal controls to track and safeguard capital assets, conduct periodic inventory of assets, and maintain assets in working condition.

Policy 9
Cash Management and Investment

Cash management includes the activities undertaken to ensure maximum cash availability and reasonable investment yield on a government's idle cash, and the cash collection function.

- 10.01 The city shall maintain and comply with a written Investment Policy that has been approved by the City Council. The Chief Financial Officer, as Chief Investment Officer, or his designee shall invest all funds of the city according to the approved Investment Policy.
- 10.02 The city will collect, deposit, and disburse all funds on a schedule that insures optimum cash availability for investment.
- 10.03 In order to obtain higher yields from its overall portfolio, the city will consolidate cash balances from various funds for investment purposes and will allocate investment earnings to each participating fund.
- 10.04 Bond funds will be segregated from all other funds for arbitrage and accounting purposes.
- 10.05 The city will project the cash needs of the city to optimize the efficiency of the city's investment and cash management program.
- 10.06 The city will conduct its treasury activities with financial institution(s) based upon written contracts.
- 10.07 Ownership of the city's investment securities will be protected through third party custodial safekeeping.
- 10.08 All city bank accounts shall be reconciled and reviewed monthly.
- 10.09 Investment performance will be measured using standard indices specified in the city's written investment policy. The Chief Financial Officer shall provide the City Council with a quarterly investment report.

Policy 10

Debt Management

The city utilizes long term debt to finance capital projects with long useful lives. Financing capital projects with debt provides for an “intergenerational equity”, as the actual users of the capital asset pay for its cost over time, rather than one group of users paying in advance for the costs of the asset.

The purpose of this debt management policy is to provide for the preservation and eventual enhancement of the city’s bond ratings, the maintenance of adequate debt service reserves, compliance with debt instrument covenants and provisions, compliance with Internal Revenue Service Regulations, and required disclosures to investors, underwriters, and rating agencies. These policy guidelines will also be used when evaluating the purpose, necessity and condition under which debt will be issued. These policies are meant to supplement the legal framework of public debt laws provided by the Texas Local Government Code, City Charter, federal tax laws and the city’s current bond resolutions and covenants.

- 11.01 All projects funded with city general obligation bonds will only be undertaken with voter approval as required through a city bond election.
- 11.02 The overall debt management policy of the city will ensure that financial resources of the city are adequate in any general economic situation to not preclude the city’s ability to pay its debt when due.
- 11.03 The city will not use long-term debt to fund current operations or smaller projects that can be financed from current revenues or resources; unless smaller projects could benefit from debt funding if they are being combined with a larger project (for one bond sale), or if the city’s reserves are yielding a higher return, or if the city is trying to increase the I&S rate due to revenue caps forcing a lower M&O. The city will first attempt to utilize "pay as you go" capital financing and/or the use of operating funds or impact fees where applicable.
- 11.04 The issuance of utility revenue debt by the city will be subject to the most careful review and will be issued only in a prudent and fiscally responsible manner.
- 11.05 The city shall attempt to combine debt issuances in order to minimize issuance costs.
- 11.06 Whenever the city finds it necessary to issue property tax-supported bonds, the following policy will be adhered to:
 - a) Tax supported bonds are bonds for which funds used to make annual debt service expenditures are derived from ad valorem (property) tax revenue of the city.
 - b) The target for the maturity of general obligation bonds will typically be between twenty and thirty years. The target for the “average weighted maturities” for general obligation bonds of the city will be twelve and one half (12 ½) years.

- c) Generally, the city will structure general obligation bond issues to create level debt service payments over the life of the issue.
- d) Debt supported by the city's General Fund will not exceed 10% of the annual General Fund revenues.
- e) Reserve funds, when required, will be provided to adequately meet debt service requirements in subsequent years.
- f) Interest earnings on bond fund balances will only be used to pay debt service on the bonds unless otherwise committed for other uses or purposes of the project.
- g) The term of any bond will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.

11.07 Revenue bonds are defined as a bond on which the debt service is payable from the revenue generated from the operation of the project being financed or a category of facilities, from other non-tax sources of the city, or from other designated taxes such as highway user's revenues, excise tax, or special fees or taxes. For any bonds or lease-purchase obligations in which the debt service is paid from revenue generated by the project and/or partially paid from non-property tax sources, that debt service is deemed to be revenue bonds and are excluded from the calculation of the annual debt service limitation. Whenever the city finds it necessary to issue revenue bonds, the following guidelines will be adhered to:

- a) Revenue bonds of the city will be analyzed carefully by the Finance Department for fiscal soundness. Prior to the issuance of utility supported revenue bonds, the Finance Department will ensure the generation of sufficient revenues to meet debt service requirements, compliance with existing bond covenants and to protect the bondholders.
- b) Revenue bonds should typically be structured to provide level annual debt service over the life of the issue; unless there is a compelling reason to defer early repayment to allow for a project to be built and revenues generated.
- c) Debt Service Reserve Funds should be provided when required by rating agencies, bond insurers or existing bond covenants.
- d) Interest earnings on the reserve fund balances will be used to pay debt service on the bonds unless otherwise committed for other uses or purposes of the project.
- e) The term of any revenue bond or lease obligation issue will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.
- f) The target for the term of revenue bonds will typically be between twenty and thirty years. The target for the "average weighted maturities" for revenue bonds of the city will be twelve and one half (12 ½) years.

11.10 Refunding bonds will be measured against a standard of the net present value debt service savings exceeding 5% of the debt service amount of the bonds being refunded, or if savings exceed \$750,000, or for the purposes of modifying restrictive covenants or to modify the existing debt structure to the benefit of the city.

- 11.11 The investment of bond proceeds shall at all times be in compliance with the city's Investment Policy, all U.S. IRS arbitrage rebate requirements, and meet all requirements of bond covenants.
- 11.12 The city will maintain regular contact with rating agencies through telephonic conferences, meetings, or visits on and off-site. The city will secure ratings publicly on bonds issued when economically feasible.
- 11.13 The city's Finance Department shall maintain a debt profile for all bonds issued and update the profile on an annual basis. The debt profile shall include specific information regarding the size and type of debt issued, projects financed by the bonds, debt service schedules and other pertinent information related to each specific bond issue.

Policy 11

Utility Enterprise Funds

Government utility enterprises generate revenue to recover the cost of providing electric, water, wastewater, and solid waste services. User charges are established to recover the cost of providing these services.

- 12.01 Separate funds will be established and maintained to properly account for each utility operation. Utility funds will not be used to subsidize the operations of other non-utility funds. Interfund charges will be assessed for the administrative support of the enterprise activity.
- 12.02 The city will establish rates and fees at levels that recover the total direct and indirect costs, including operations, capital outlay, unrestricted cash reserve requirements, debt service and debt coverage requirements for electric, water, wastewater, and solid waste services.
- 12.03 All existing electric, water, wastewater, and sewer rates and charges will be reviewed periodically to recommend necessary rate adjustments.
- 12.04 The City of Lockhart's Enterprise Operating Fund working capital will be maintained to provide the city with a comfortable margin of safety to address emergencies and unexpected declines in revenue without borrowing. The cash reserve balance (working capital) goal for the electric, water, wastewater, and solid waste enterprise operating funds will be at least thirty-three percent (33%) or four (4) months of the actual operating expenditures for the fiscal year.
- 12.05 Funds in excess of the reserves described in the paragraphs above may be considered to supplement "pay as you go" capital outlay and one-time operating expenditures or may be used to prepay existing city debt. These funds may not be used to establish or support costs that are recurring in nature.

Policy 12

Risk Management

Risk management has become increasingly important in guarding against economic loss and in ensuring public safety in a time of increasing public liability and litigation. Risk management is involved in the identification, evaluation, and treatment of the city's risk.

- 15.01 The city shall make diligent efforts to prevent or mitigate the loss of city assets and to reduce the city's exposure to liability through training, safety, risk financing and the transfer of risk when cost effective.
- 15.02 When cost effective, the city shall manage its exposure to risk through self-insurance or through the purchase of traditional third-party insurance in the following areas: general liability, automobile liability, public officials' errors and omissions, police and fire professional liability, and property loss.
- 15.03 When cost effective, the city will further control its exposure to risk through the use of "hold harmless" agreements in city contracts and by requiring contractors to carry liability insurance, including errors and omissions coverage for architectural, engineering, and other applicable professional firms.
- 15.04 Insurance reserves shall be maintained at a level which, together with any purchased insurance, will adequately indemnify the city's assets and its elected officials, officers and directors against loss. A regular study will be conducted for potential liability areas and shall be used as a basis for determining self-insurance reserves based on historical loss data. The city will strive to fully fund actual and estimated liabilities including reserves for incurred-but-not-reported (IBNR) claims.
- 15.05 The city will identify and disclose material contingent liabilities in the city's Annual Comprehensive Financial Report (ACFR).
- 15.06 Cost allocations to various funds will be based on an analysis of contributing factors.

Policy 13

Accounting, Auditing and Financial Reporting

Accounting, auditing, and financial reporting form the informational infrastructure for public finance. Internal and external financial reports provide important information to the city's legislative body, management, citizens, investors, and creditors.

- 16.01 The city will comply with accounting principles generally accepted in the United States (GAAP), as well as Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS) in its accounting and financial reporting, as contained in the following publications:
- a) Codification of Governmental Accounting and Financial Reporting Standards, issued by the Governmental Accounting Standard Board (GASB) as well as earlier standard setting boards.
 - b) Pronouncements of the Financial Accounting Standards Board, (FASB) issued prior to December 1, 1989.
 - c) Governmental Accounting, Auditing, and Financial Reporting (GAAFR), issued by the Government Finance Officers Association (GFOA) of the United States and Canada.
 - d) Audits of State and Local Governmental Units, an industry audit guide published by the American Institute of Certified Public Accounts (AICPA) and any applicable Statements of Position (SOPs) and Statements of Auditing Standards (SASs) issued by the AICPA.
 - e) Government Auditing Standards (also know as the Yellow Book), issued by the Controller General of the United States.
 - f) Circular A-133, issued by the U.S. Office of Management and Budget (OMB).
- 16.02 Monthly financial reports will be made available to all departments summarizing financial activity and comparing actual revenues and expenditures with budgeted amounts.
- 16.03 A system of internal accounting controls and procedures will be maintained to provide reasonable assurance of the safeguarding of assets, the proper recording of financial transactions of the city, and compliance with applicable laws and regulations.
- 16.04 In accordance with State law and City Charter requirements, a comprehensive financial audit, including an audit of federal grants according to the Single Audit Act and the OMB Circular A-133, will be performed annually by an independent public accounting firm, with the objective of expressing an opinion on the city's financial statements. The city will prepare its financial statements in accordance with applicable standards and will account for its operations in a manner consistent with the goal of obtaining an unqualified opinion from its auditors.

- 16.05 The city will prepare an Annual Comprehensive Financial Report (ACFR) in accordance with the principles and guidelines established by the Government Finance Officers Association “Certificate of Achievement for Excellence in Financial Reporting” program. Staff will endeavor to provide the ACFR, the Single Audit, and the Management Letter to the City Council for a March Council meeting each year for the preceding fiscal year or as required by the City Charter. Staff will endeavor to provide the ACFR to the Government Finance Officers Association by March 31 of each year for review in the Certificate program.
- 16.06 All departments will provide notice of all significant events and financial and related matters to the Chief Financial Officer for the city’s annual disclosures, as required by the SEC Rule 15c2-12, for the municipal markets, financial statements, and bond representations. A listing of significant events is included in Appendix A to this document. The Chief Financial Officer will notify all Nationally Recognized Municipal Securities Information Repositories of these significant events.
- 16.07 The city’s Annual Comprehensive Financial Report (ACFR) will include the bond related on-going disclosure requirements and will fully disclose all significant events and financial and related issues. The city will provide the ACFR to the bond rating agencies, municipal bond insurers, national bond disclosure repositories and other interested parties.

Policy 14
Policy Review

By their nature policies must change and evolve over time. As with any other policies, these financial policies should be subject to periodic review and revision.

17.01 The City Council will periodically review and affirm the financial policies contained in this document.

Appendix A

Reporting of Significant Events (Continuing Disclosure Requirements)

If knowledge of the occurrence of a listed event would be material to the city, the city shall promptly file a “Notice of Material Event” with the Municipal Securities Rulemaking Board and with each depository. The following events are defined as significant events with respect to municipal securities.

- 1) Principal and interest payment delinquencies;
- 2) Non-payment related defaults, if material;
- 3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- 4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- 5) Substitution of credit or liquidity providers or their failure to perform;
- 6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determination of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determination with respect to the tax status of the security, or other material events affecting the tax-exempt status of the securities;
- 7) Modifications to rights of holders (i.e. owners), if material;
- 8) Bond calls (which are other than mandatory or scheduled redemptions, not otherwise contingent upon the occurrence of an event are optional or unscheduled) and tender offers;
- 9) Defeasances;
- 10) Release, substitution, or sale of property securing repayment of the securities (including property leased, mortgaged or pledged as such security), if material;
- 11) Bond rating changes;
- 12) Bankruptcy, insolvency, receivership or similar event;
- 13) Merger, consolidation, acquisition, or the sale of all or substantially all of the assets, other than in the ordinary course of business, if material;
- 14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss Resolution 2022-10 approving the City of Lockhart's participation in the Endo/Par and Teva settlements related to the statewide global opioid settlement.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Steven Lewis, Monte Akers

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION:

The State of Texas along with other states have reached a settlement with manufacturers of opioids that have contributed to the nationwide opioid crisis. Pursuant to the settlement agreement, individual municipalities and counties had to consider and adopt resolutions supporting the settlement before the municipality or county could receive any funds from the State of Texas via the settlement. The deadline for that approval was January 26, 2022. On October 19, 2021, the City of Lockhart approved a resolution 2021-17 adopting the Texas Term Sheet and approving the settlement participation forms. Since then, the State of Texas has reached a proposed settlement with Endo/Par and Teva, another company alleged to have contributed to the opioid crisis. The Texas Attorney General's Office is urging all municipalities and counties in the State to approve of this new settlement which will add funds to the overall pool of money available to municipalities and counties that have previously adopted the Texas Term Sheet. As part of this new settlement, the municipality must agree not to sue Endo/Par, Teva or drop any pending lawsuits of which Lockhart is not currently pursuing.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: October 2021 - Adoption of Resolution 2021-17

COMMITTEE/BOARD/COMMISSION ACTION: N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

STAFF RECOMMENDATION/REQUESTED MOTION: Approve Resolution 2022-10 supporting the Endo/Par and Teva settlements and reaffirming our findings in Resolution 2021-17 previously approved.

LIST OF SUPPORTING DOCUMENTS: Resolution 2022-10, Exhibit A, Exhibit B

RESOLUTION OF THE CITY OF LOCKHART, TEXAS

RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORMS, FOR SETTLEMENT WITH ENDO/PAR AND TEVA AND ANY FUTURE RELEASE FORMS AS PART OF THE GLOBAL OPIOID SETTLEMENT LED BY THE TEXAS ATTORNEY GENERAL; AUTHORIZING SUBMISSION OF SETTLEMENT PARTICIPATION FORMS AND PROVIDING AN EFFECTIVE DATE.

BE IT REMEMBERED, at a regular meeting of the City Council of the City of Lockhart, Texas (the “City”), held on the 15th day of February, 2022, on motion made by Councilmember _____, and seconded by Councilmember _____, the following Resolution was adopted:

WHEREAS, the City of Lockhart obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (“Defendant”, or collectively, “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct, and misconduct have resulted in significant financial costs to the City of Lockhart; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the “Texas Term Sheet”) approving the allocation of any and all opioid settlement funds within the State of Texas (“Global Opioid Settlement”); and

WHEREAS, on October 19, 2021, the City of Lockhart adopted Resolution No. 2021-17, adopting the Texas Term Sheet and approving the Mayor to execute those “Settlement Participation Forms” for settlements with Johnson and Johnson and opioid distributors provided by the Texas Attorney General’s office; and

WHEREAS, the City Council now intends to execute those certain “Texas Subdivision and Special District Election and Release Form[s]”, attached hereto as **Exhibit A** and **Exhibit B**, adding entities Endo/Par and Teva as Defendants in the Global Opioid Settlement pursuant to the Texas Term Sheet, and releasing such entities from claims outside of the Global Opioid Settlement; and

WHEREAS, the City intends to authorize the Mayor to execute any further similar forms for the Global Opioid Settlement, with funds distributed according to the Texas Term Sheet.

NOW, THEREFORE, BE IT RESOLVED that we, the City Council of the City of Lockhart:

1. Re-affirm the findings and resolutions made in Resolution 2021-17, approving the Texas Term Sheet; and
2. Hereby authorize the Mayor to execute and submit, the Texas Subdivision and Special District Election and Release Forms, attached hereto as **Exhibit A** and **Exhibit B**, and each incorporated herein, for settlements with Endo/Par and Teva, as part of the Global Opioid Settlement conducted by the Texas Attorney General’s office, and pursuant to the previously approved Texas Term Sheet; and
3. Hereby authorize the Mayor to execute and submit any future related Global Opioid Settlement release forms for further Defendants, and subject to the Texas Term Sheet.

PASSED AND APPROVED on this the 15th day of February, 2022.

City of Lockhart

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC, City Secretary

Exhibit “A”
Endo/Par Texas Subdivision and Special District Election and Release Form

(see next page)

Exhibit “B”
Teva Texas Subdivision and Special District Election and Release Form

(see next page)

Exhibit A

TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORM

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Endo/Par under the terms and conditions set forth in the Endo/Par Texas State-Wide Opioid Settlement Agreement between Endo/Par, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: _____

Texas Subdivision Name: _____

By: _____

[NAME]

[TITLE]

[ADDRESS]

[TELEPHONE]

[EMAIL ADDRESS]

Exhibit B

TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORM

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: _____

Texas Subdivision Name: _____

By: _____

[NAME]

[TITLE]

[ADDRESS]

[TELEPHONE]

[EMAIL ADDRESS]

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss agreement with Techline for Project #19 A through H as part of the City of Lockhart's five-year System Study and Capital Plan as prepared by the Lower Colorado River Authority (LCRA).

ORIGINATING DEPARTMENT AND CONTACT: Electric - Bobby Leos

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Techline Construction is LCRA's preferred contractor for projects because they are experienced with high voltage line repairs. Techline has conducted the majority of Lower Colorado River Authority (LCRA) projects of the City of Lockhart since 1995.

Project #19 A-H is part of the LCRA's five-year System Study that will replace an OCR (Oil Circuit Recloser) at each designated location with a Vacuum Switch. This project would have Techline replace one pole at each project location with an OCR and replace it with a vacuum switch. The vacuum switches are safer due to the fact that they will no longer be oil-filled, giving them less of a chance of exploding. Labor for Project #19 A-H is an estimated total of \$76,300.00 not to exceed \$80,300.00.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$80,300.00

Account Number: 500-5745-911

Funds Available: \$80,300.00

Account Name: Construction/Project Improvement

FISCAL NOTE (if applicable): LCRA Project #19 was approved in the FYE2022 Annual Operating Budget.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Electric Superintendent recommends approval.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Agreement, Exhibits A, B & C

ELECTRICAL DISTRIBUTION CONSTRUCTION AGREEMENT

This **ELECTRICAL DISTRIBUTION CONSTRUCTION AGREEMENT** (“**Agreement**”) is entered into by and between the City of Lockhart, Texas (“**Owner**”) and Techline Construction, LLC (“**Contractor**”) and is effective as of the date of the signature of the last party to sign below (the “**Effective Date**”).

1. Contract Documents. This Agreement includes the following Contract Documents which shall be construed in the order of precedence in which they are listed:

1. This Agreement;
2. Exhibit A – LCRA Construction Drawings for Project 19A through 19H Recloser Project;
3. Exhibit B – Contract No. 5405 Distribution Construction Services between the Lower Colorado River Authority and Techline Construction, LLC, dated October 1, 2018; and
4. Exhibit C – Proposal by Techline Construction, LLC to the City of Lockhart dated January 20, 2022, containing the estimate for the total cost of labor and equipment to complete Project 19A through 19H Recloser Change-Out.

Exhibits A, B, and C which are attached hereto and incorporated herein, are made a part of this Agreement for all purposes. Contractor agrees to provide Owner with the services included in Exhibits pursuant to the terms and conditions of this Agreement, including all exhibits thereto.

2. Scope. Contractor shall furnish all labor, construction equipment, transportation, subcontracting, and other required services, other than engineering services, to complete the work described in the Contract Documents, specifications, and Construction Drawings (the “**Work**”). Contractor agrees to perform the Work under the same terms and conditions and pricing contained in the Contract Documents. All orders and payments for the Work will be issued directly from Owner to Contractor, and Contractor will provide the services and associated invoices directly to Owner. Contractor shall not provide any additional items or services or bill for expenses incurred for Owner not specified by this Agreement unless Owner requests and approves in writing the additional costs for such services. Owner shall not be liable for any additional expenses of Contractor not specified by this Agreement unless Owner first approves such expenses in writing.

3. Compensation. Owner agrees to pay the Contractor in accordance with the prices listed in the proposal attached to the Contract Documents, estimated to be \$76,300.00 and not to exceed \$80,300.00, and in any change orders executed by the parties.

4. Term. The term of this Agreement shall be for one year beginning on the Effective Date and ending one calendar year thereafter. Owner shall be able to renew this agreement for two one-year renewal options by written agreement of the parties.

5. Independent Contractor. This Agreement shall not be construed to create a partnership, joint venture, nor other agency relationship between the parties, who are independent of one

another. The relationship of the Contractor to Owner is and shall continue to be that of an independent contractor, and no liability or benefits such as workers' compensation, pension rights or liabilities, insurance rights or liabilities, arising out of or related to an employer/employee relationship, shall arise, or accrue to either party or either party's agent, subcontractor or employee, as a result of this Agreement or its performance. No relationship, other than that of independent contractor, shall be implied between the parties or between either party and the other party's agent, employee, or subcontractor, and the Contractor hereby agrees to hold Owner harmless from any such claims by it or its associates, and any cost or expense related thereto.

6. LCRA. LCRA is not a party to, and will in no way be responsible to either Owner or Contractor for, such orders, including without limitation any payments, performance, costs, expenses, losses or damages arising from such transactions between Contractor and Owner. Owner and Contractor releases LCRA from any liability associated with Owner's transactions under the Agreement.

7. Notices. Notices required pursuant to the provisions of this Agreement shall be conclusively determined to have been delivered when (1) hand-delivered to the other party, its agents, employees, servants or representatives, (2) delivered by facsimile with electronic confirmation of the transmission, or (3) received by the other party by United States Mail, registered, return receipt requested, addressed as follows:

City of Lockhart
Attn: City Manager
308 W. San Antonio St.
Lockhart, TX 78644

Techline
Attn: President
9609 Beck Circle
Austin, TX 78758

8. Default. In the event of a failure by Contractor to satisfactorily perform the services specified herein and/or a default by Contractor in abiding by the other terms and conditions of this Agreement, Owner may terminate the Agreement on written notice to Contractor and Contractor shall be liable for all damages, costs, and expenses (including attorney fees) incurred by Owner related to this default.

9. Alternative Dispute Resolution. The dispute resolution process provided for in Chapter 154 of the Texas Civil Practice and Remedies Code may be used, by Owner and Contractor to attempt to resolve any claim for breach of contract made by Contractor, to the extent it is applicable to the Agreement and not preempted by other law. Except as otherwise provided by law, nothing herein is a waiver by Owner of the right to seek redress in a court of law.

10. Assignment. The parties recognize that this contract is based upon the skill and expertise of the parties and therefore agree that the contract and the obligations thereunder may not be assigned

or delegated without the written consent of the other party, except as expressly allowed by this contract.

11. Compliance with Law. Contractor shall certify that he/she or it is in compliance with all applicable state and federal laws, including non-discrimination laws as it relates to the terms and conditions of the agreement.

12. Non-Appropriations. To the extent this contract constitutes public debt in connection with Article 11, Sec. 5 of the Texas Constitution, Contractor understands that Owner is a governmental entity, and should the Owner fail to provide funding for any period during the term of this contract, Owner shall be excused for all liability for payment. Owner is required to give Contractor written notice within thirty (30) days after learning that the funds will not be available. Upon receiving written notice from Owner, this contract will automatically terminate.

13. Governing Law/Venue/Statute of Limitations. The validity of this Agreement and the interpretation of its terms and the applicable statute of limitations for any cause of action brought by or against Owner pursuant to the Agreement shall be governed by the laws of the State of Texas. Jurisdiction for any legal proceedings incident to this agreement shall lie in Caldwell County, Texas or a United States District Court within the county.

14. Force Majeure. In the event of Force Majeure, Owner may terminate this agreement by written notice following such casualty and Owner shall not be responsible for any damages sustained by Contractor. Force Majeure shall mean fire, earthquake, flood, tornado, act of God, strikes or other labor disturbances, riots or civil commotion, litigation, terrorism, war or other acts of any foreign nation, power of government or government agency or authority, or any other cause like or unlike any cause above-mentioned which is beyond the control or authority of Owner.

15. Confidentiality. Subject to the Texas Public Information Act and any similar legal requirements, neither Party shall disclose any confidential information obtained from the other Party without such Party's prior written approval.

16. INDEMNIFICATION. CONTRACTOR SHALL INDEMNIFY, HOLD HARMLESS, AND DEFEND THE OWNER, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, DEMANDS, PROCEEDINGS, COSTS, AND LIABILITIES OF EVERY KIND, INCLUDING WITHOUT LIMITATION ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEYS' FEES, FOR INJURY TO OR DEATH OF ANY PERSON OR FOR DAMAGE TO ANY PROPERTY ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS OF CONTRACTOR OR ANY AGENT, EMPLOYEE, SUBCONTRACTOR, OR SUPPLIER OF CONTRACTOR IN THE EXECUTION OR PERFORMANCE OF THIS CONTRACT. SUCH INDEMNITY SHALL APPLY REGARDLESS OF WHETHER THE CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS OR LIABILITY ARISE IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE OWNER, ANY OTHER PARTY INDEMNIFIED HEREUNDER, THE CONTRACTOR, OR ANY THIRD PARTY.

17. Insurance. For the entire term of the Agreement (“Term”), Contractor shall maintain at his/her sole cost, at all times while performing work hereunder, the insurance and bond coverage set forth below with companies satisfactory to the Owner with full policy limits applying, but not less than stated. A certificate of insurance evidencing the required insurance and specifically citing the indemnification provision set forth in the Agreement shall be delivered to the Owner prior to the start of work.

- (1) Worker’s Compensation Insurance as required by laws and regulations applicable to and covering employees of Contract engaged in the performance of the work under this agreement with a limit of not less than \$1,000,000.00;
- (2) Employers Liability Insurance protecting contractor against common law liability, in the absence of statutory liability, for employee bodily injury arising out of the master-servant relationship with a limit of not less than \$1,000,000.00.
- (3) Comprehensive General Liability Insurance including products/completed operation with limits of liability of not less than: Bodily Injury \$1,000,000.00 per each person, \$1,000,000.00 per each occurrence/\$2,000,000.00 aggregate; Property Damage \$1,000,000.00 per each occurrence;
- (4) Excess Liability Insurance Comprehensive General Liability, Comprehensive Automobile Liability and coverages afforded by the policies above, with the minimum limits of \$2,000,000.00 excess of specified limits;

All policies must contain a waiver of subrogation against Owner. Comprehensive General Liability and Commercial Automobile Liability policies must name Owner as Additional Insured. Contractor shall pay all insurance deductibles and deductibles must not exceed \$10,000 unless approved in advance by Owner. Contractor shall provide Owner Certificates of Insurance evidencing these insurance requirements prior to the start of work.

18. Audit; Independent Audits; Right to Audit; Retention; Supporting Documents. The Contractor agrees and authorizes Owner and/or the Owner’s Auditor (collectively, “Auditor”) to conduct audits or investigations in connection with this Agreement. Contractor agrees to cooperate with Auditors conducting such audits or Investigations and to provide all information and documents reasonably requested.

19. Limitations. The Parties are aware that there are constitutional and statutory limitations on the authority of Owner to enter into certain terms and conditions of the Agreement, including, but not limited to, those terms and conditions relating to liens on Owner’s property; disclaimers and limitations of warranties; disclaimers and limitations of liability for damages; waivers, disclaimers and limitations of legal rights, remedies, requirements and processes; limitations of periods to bring legal action; granting control of litigation or settlement to another party; liability for acts or omissions of third parties; payment of attorneys’ fees; dispute resolution; indemnities; and confidentiality (collectively, the “Limitations”), and terms and conditions related to the Limitations will not be binding on Owner except to the extent authorized by the laws and Constitution of the State of Texas.

20. Sovereign Immunity. Except as otherwise provided by Texas law, neither the execution of the Agreement by Owner nor any other conduct, action or inaction of any Owner representative relating to the Agreement is a waiver of sovereign immunity by Owner.

21. Representations by Contractor. Contractor represents and warrants that it will obtain and maintain in effect, and pay the cost of all licenses, permits or certifications that may be necessary for Contractor's performance of this Agreement other than approval to cross state or interstate highways and railroads, which shall be the responsibility of Owner. If Contractor is a business entity, Contractor warrants, represents, covenants, and agrees that it is duly organized, validly existing and in good standing under the laws of the state of its incorporation; and is duly authorized and in good standing to conduct business in the State of Texas, that it has all necessary power and has received all necessary approvals to execute and deliver the Agreement and is authorized to execute this Agreement according to its terms on behalf of Contractor.

22. Eligibility to Receive Payment. Contractor certifies that, as a matter of State law, it is not ineligible to receive the Agreement and payments pursuant to the Agreement and acknowledges that the Agreement may be terminated, and payment withheld if this representation is inaccurate.

23. Risk of Loss. All work performed by Contractor pursuant to the Agreement will be at Contractor's exclusive risk until final and complete acceptance of the work by Owner. In the case of any loss or damage to the work prior to Owner's acceptance, such loss or damage will be Contractor's responsibility.

24. Legal Construction/Severability. In the event that any one or more of the provisions contained in this contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision, and this contract shall be construed as if such invalid, illegal or unenforceable provisions had never been contained in it. To this end, the provisions of this contract are declared to be severable. The Parties may mutually agree to renegotiate the contract to cure such illegality/invalidity or unconstitutionality if such may be reasonably accomplished.

25. Non-Waiver. No covenant or condition of this Agreement may be waived except by written consent of the waiving party. Forbearance or indulgence by one party in any regard whatsoever shall not constitute a waiver of the covenant or condition to be performed by the other party.

26. Entire Agreement. The Contract Documents constitutes the entire agreement and supersedes all prior or contemporaneous agreements, whether written or oral, between the parties. Verbal representations not contained herein shall not be binding on the parties unless acknowledged by them in writing.

27. Authority. The person signing below on behalf of Owner and Contractor warrants that he/she has the authority to execute this contract according to its terms.

28. Amendment. This Agreement may be changed, amended, modified, extended or assigned only by mutual consent of the parties provided that consent shall be in writing and executed by the parties hereto prior to the time such change shall take effect.

29. Binding Agreement. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, City and Contractor, by and through their duly authorized officers and Representatives, have executed this Agreement as of the date first above written.

CITY OF LOCKHART

By: _____

Lew White, Mayor

Date: _____

Attest:

By: _____

Connie Constancio, TRMC, City Secretary

Date: _____

TECHLINE CONSTRUCTION, LLC

By: _____

Don Lawyer, President

Date: _____

~~EXHIBIT A~~

Construction Drawings for

Project 19A through 19H
Recloser Projects.

EXHIBIT B

Contract No. 5405 Distribution Construction

Services between Lower Colorado River

Authority and Techline Construction, LLC

Dated: October 1, 2018

EXHIBIT C

Proposal by Techline Construction, LLC to the

City of Lockhart

Dated: _____

01-20-2022

Techline Construction estimates the total cost of labor and equipment to complete the project or projects to be known as Project 19A through 19H Recloser

Change Out

for the City of

Lockhart

will be

\$76,300.00

not to exceed

\$80,300.00

Any added or unusual work

will be done by Techline Construction for extra compensation.

Contractor has thoroughly examined the jobsite, the Construction drawings and other specifications applicable laws and regulations, and all other matters affecting the work to be performed, and has

delivered its offer to the City of Lockhart in the form of the Proposal by Techline Construction, LLC to the City of Lockhart dated 01-

20-2022 ("the Proposal"). The Proposal is attached to this Agreement as Exhibit C and incorporated into it for all purposes.

Contractor shall furnish all labor, construction equipment, transportation, subcontracting, and other required services to complete the work described in the Contract Documents, Specifications, and Construction Drawings and Contract Documents.

Contractor agrees to perform the work and Owner agrees to pay the Contractor in accordance with the prices listed in the Proposal and in any change orders executed by the parties.

SIGNATURE PAGE TO ELECTRICAL DISTRIBUTION
CONSTRUCTION AGREEMENT BETWEEN

AS OWNER, AND TECHLINE CONSTRUCTION, LLC AS
CONTRACTOR.

EXECUTED EFFECTIVE as of the date of the last to
sign below.

CONTRACTOR

Techline: Construction, LLC

By:

Don Lawver

OWNER

City of _____

By: _____

Name:

Don Lawver

Name: _____

Title:

President

Title: _____

Date:

1-21-22

Date: _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss application ZC-22-06 by Curtis Thigpen of Paravel Capital for a **Zoning Change** from *RMD Residential Medium Density District* to *RHD Residential High Density District* for 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located in the 1900 block of North Cesar Chavez Parkway - Northbound (SH 130). *Proposed to be TABLED to the March 15 City Council meeting due to not yet having a final recommendation from the Planning and Zoning Commission.*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: The subject property is part of a 50.77-acre tract that was rezoned from AO to RMD in October 2021 for the stated purpose of developing a duplex subdivision. However, the applicant for this zoning change proposes a multifamily development, which is allowed only in the RHD district. The proposed development is the upper portion of the attached concept plan labeled "*Medium Density Residential Development*", which also includes a proposed duplex subdivision in the lower portion. The proposed RHD zoning classification is **not** consistent with the *Medium Density Residential* future land use designation shown on the land use plan map. As explained in great detail in the attached staff report, there is currently a total lack of sanitary sewer service in the Silent Valley Road area, while we continue to receive applications for zoning changes and specific use permits that will potentially increase residential densities in that area above those anticipated by the comprehensive plan. The land use plan map was the basis for the sizing of proposed wastewater lines included in the wastewater impact fee CIP. The 12-inch line proposed to serve the area will not be large enough for the increased densities being requested, and an increase to a larger size would require not only an extension from Tank Street, but also replacement and upgrading of an existing 12-inch line all the way to Larremore Street. The city engineer has been asked to determine how many living-unit equivalents can be handled by the planned 12-inch extension, as well as by a larger line up to 18 inches in diameter that would include the necessary upgrading to Larremore Street. The study will also include estimates of design and construction costs so that the developers of land north of Silent Valley Road will know approximately what their share of the expense will be to serve their developments. The city engineer has indicated that this may take roughly two weeks. So far, there has been no public opposition to this zoning change.

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

Funds Available:

Account Name:

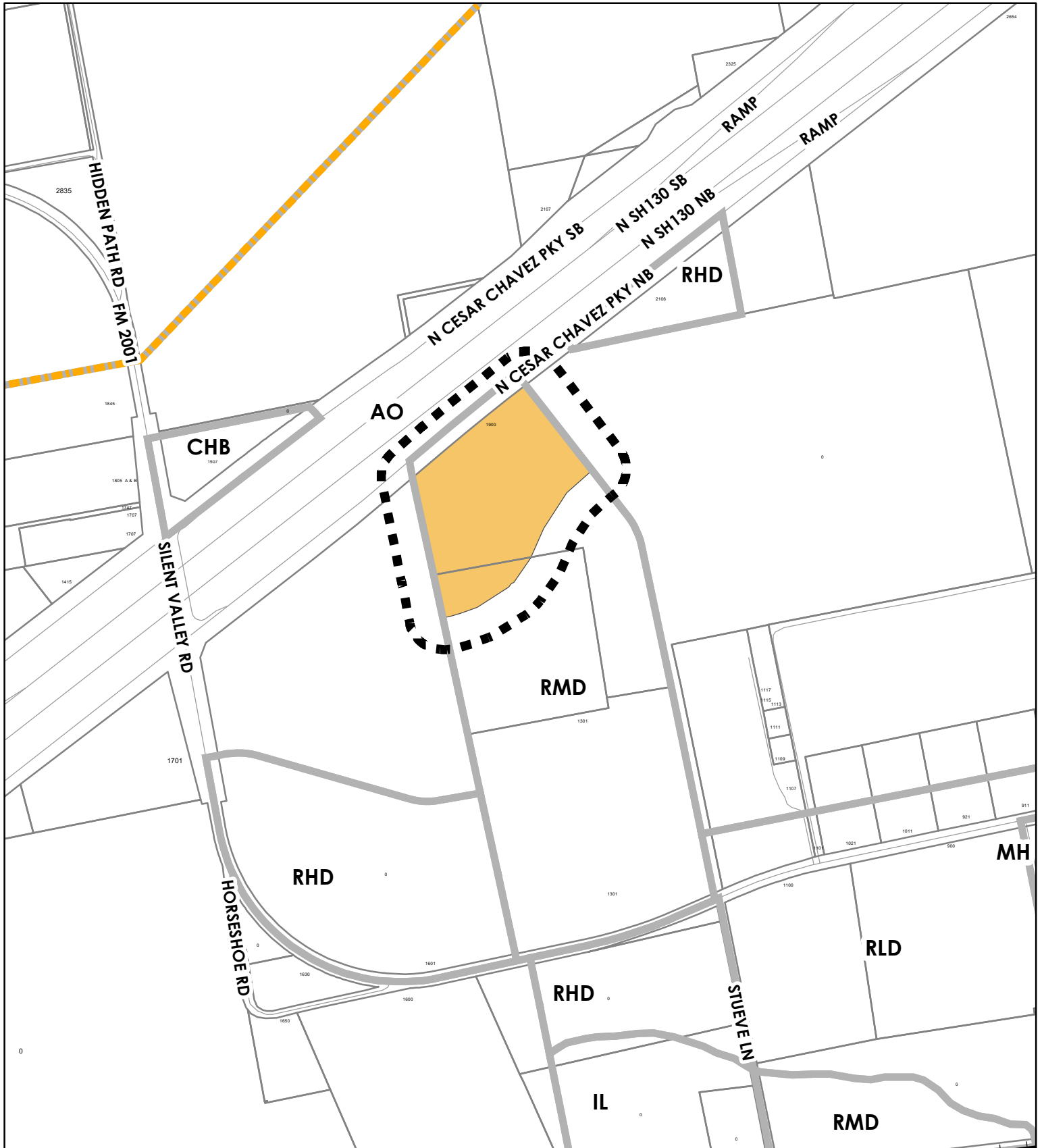
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: None.

COMMITTEE/BOARD/COMMISSION ACTION: At their February 9th meeting, the Planning and Zoning Commission voted unanimously to TABLE further consideration of Zoning Change ZC-22-06 until the Commission's March 9th meeting for the reasons stated in the staff report.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff believes that this zoning change request is premature until we have a better idea of the City's sanitary sewer capacity to serve land use densities that are higher than the future land use designations indicated on the City's land use plan map in the Silent Valley Road area. The suggested motion is to TABLE further consideration of Zoning Change ZC-22-06 from RMD to RHD on 19.906 acres in the 1900 block of North Cesar Chavez Parkway - Northbound until the March 15 Council meeting because Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LIST OF SUPPORTING DOCUMENTS: ZC2206 case map, ZC2206 zoning, ZC2206 future landuse, ZC2206 aerial, zc2206 staff report, sup2203 & zc2206 concept plan, zc2206 application



ZC-22-06

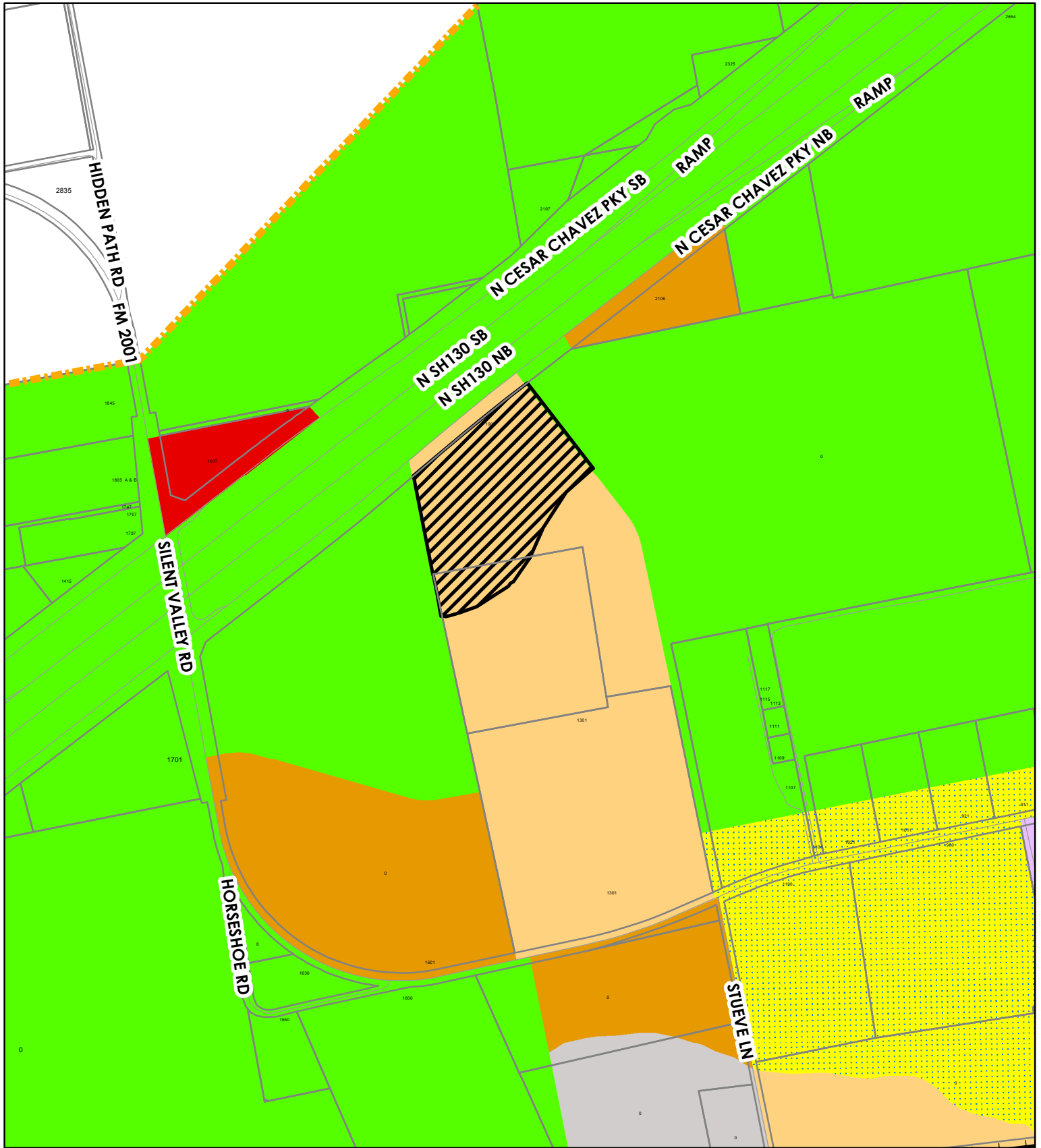
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS
- 200 FT BUFFER



ZC-22-06

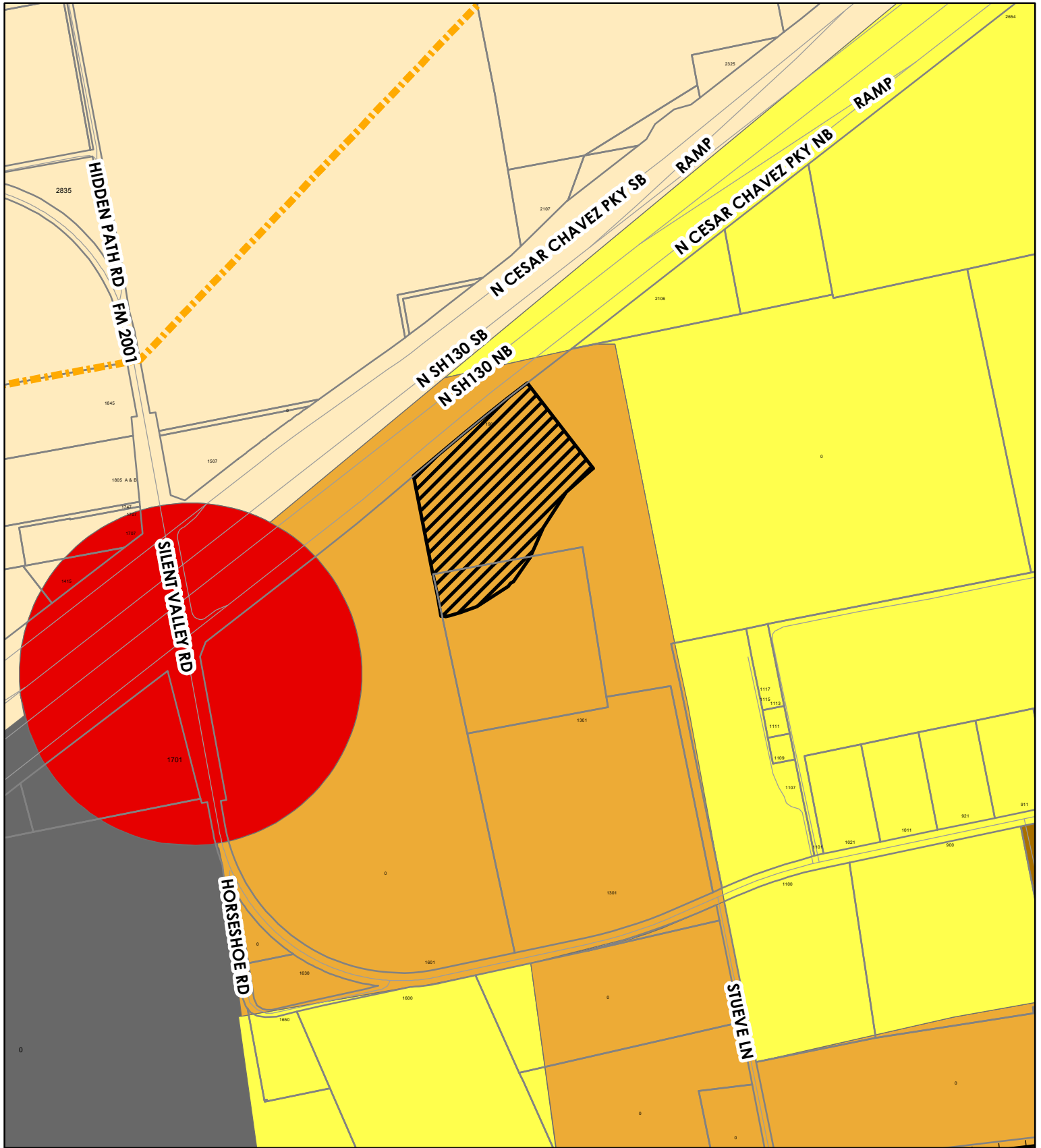
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

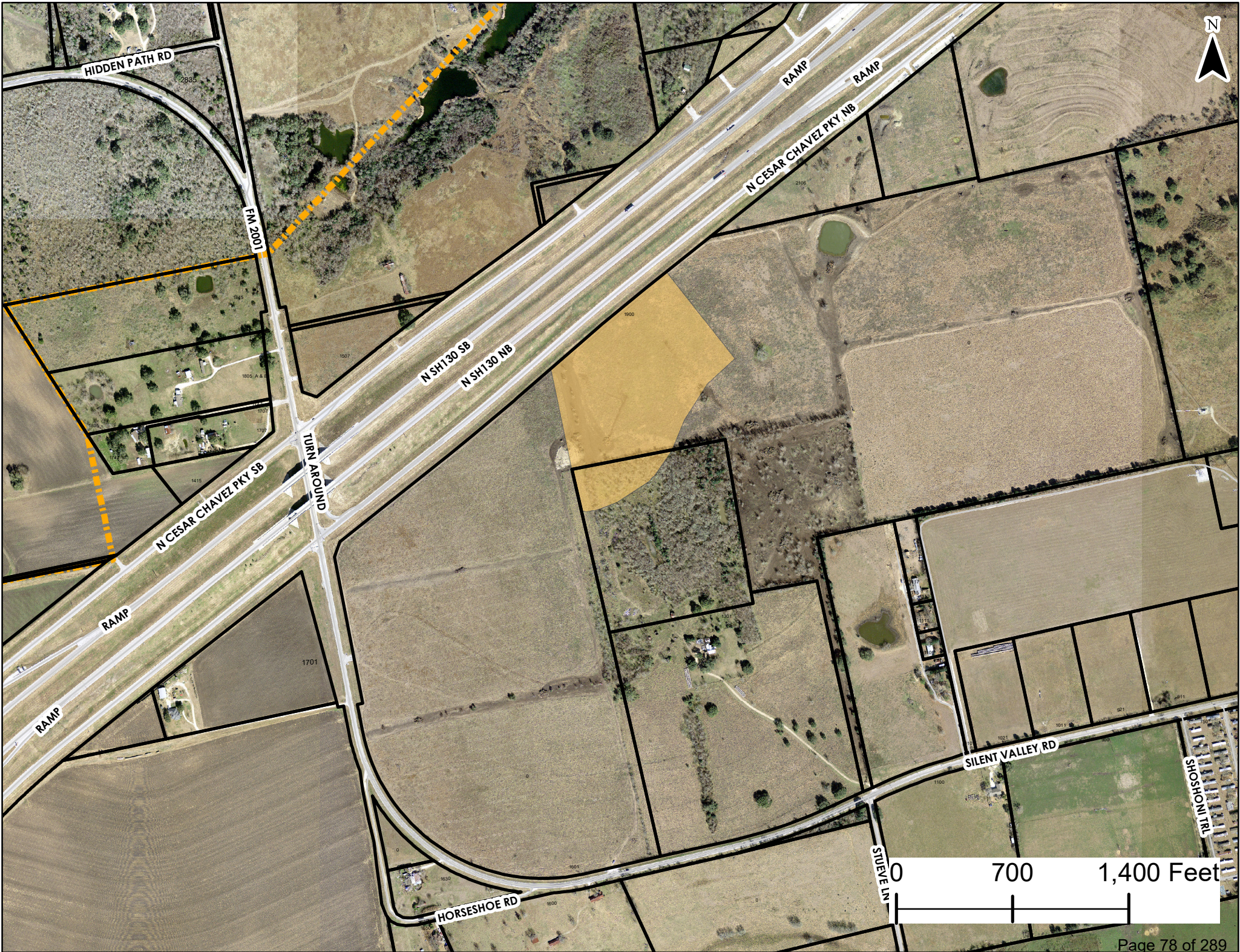
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- INDUSTRY
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-22-06

REPORT DATE: February 4, 2022 [Updated 2-10-22]

PLANNING AND ZONING COMMISSION HEARING DATE: February 9, 2022

CITY COUNCIL HEARING DATE: February 15, 2022

REQUESTED CHANGE: RMD to RHD

STAFF RECOMMENDATION: **Table to March 9 Commission meeting and March 15 City Council meeting.**

PLANNING AND ZONING COMMISSION RECOMMENDATION: **Table to March 9 Commission meeting.**

BACKGROUND DATA

APPLICANT: Paravel Capital

OWNER: Curtis Thigpen

SITE LOCATION: 1900 North Cesar Chavez Parkway (SH 130). [Final address to be assigned later.]

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 19.906 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Medium Density Residential*

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The subject property is part of a 50.77-acre tract that was rezoned from AO to RMD in October 2021 for the stated purpose of developing a duplex subdivision. However, the applicant for this zoning change proposes a multifamily development, which is allowed only in the RHD district. The proposed development is the upper portion of the attached concept plan labeled "*Medium Density Residential Development*", which also includes a proposed duplex subdivision in the lower portion.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	SH 130	AO	<i>Agricultural/Rural Development (north side of SH 130)</i>
East	Vacant land	AO	<i>Medium Density Residential, Low Density Residential</i>
South	Vacant land	RMD	<i>Residential Medium Density</i>
West	Vacant land	AO	<i>Medium Density Residential, General-Heavy Commercial</i>

TRANSITION OF ZONING DISTRICTS: The subject property does not abut any other RHD zoning, although there are two parcels nearby to the northeast and southwest that were recently rezoned from AO to RHD. RHD is one step up in land use intensity from the RMD classification, which abuts the south boundary of this property. Higher density land uses are sometimes used as a buffer or transition from lower density uses to a major highway.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be available from the Stueve Lane extension as well as another new east-west collector street that will follow the southern boundary of the subject property. The main issue with regard to infrastructure, though, is the total lack of sanitary sewer service to the entire area north of Silent Valley Road. The impact fee CIP includes a future 12-inch sewer main that would serve the area but, at the rate that zoning changes and specific use permits are being requested to increase the density, there is a concern that a larger line may be needed. This will require not only the previously discussed new extension from Tank Street along the railroad track to Stueve Lane, and along Stueve Lane to Silent Valley Road, but also upgrading the existing 12-inch line at Tank Street to a larger one all the way to Larremore Street, where it could connect to an existing 18-inch wastewater line for the remaining short distance to the treatment plant. We have asked the city engineer to determine how many living-unit equivalents can be handled by the planned 12-inch extension, as well as by a larger line up to 18 inches in diameter that would include the necessary upgrading all the way to Larremore Street. The study will include estimates of design and construction costs so that the developers of land north of Silent Valley Road will know approximately what their share of the expense will be for their proposed developments. The city engineer has indicated that this may take roughly two weeks.

POTENTIAL NEIGHBORHOOD IMPACT: The surrounding area is currently vacant, but there have been a couple of recent zoning changes to RHD for apartments, and there are other developments on the horizon that would add both commercial development and residential subdivisions. The same applicant who submitted this request also applied for a specific use permit (SUP) to allow the DF-2 residential development type on the remaining 30.864 acres of the original 50-77-acre tract, adjacent to the south of the subject property. The DF-2 development type allows duplexes on smaller lots, thereby resulting in a higher density. The Planning and Zoning Commission voted to table the SUP until their March 9th meeting, when the results of the city engineer's analysis will be known. If approved, both the SUP and this zoning change will further increase the potential for higher density development in the area.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD zoning classification is **not** consistent with the *Medium Density Residential* future land use designation of the land use plan map.

ALTERNATIVE CLASSIFICATIONS: The existing RMD zoning is already consistent with the Medium Density Residential designation shown on the land use plan map, so there is no better classification.

RESPONSE TO NOTIFICATION: None as of the date of this report. The properties within the 200-foot public hearing notification area are currently vacant and are either owned by the applicant or are owned by others who are also proposing new developments.

STAFF RECOMMENDATION: Staff believes that this request is premature. Until we have a better idea of the City's sanitary sewer capacity to serve land use densities that are higher than the future land use designations indicated on the City's land use plan map, we cannot support any more SUP or Zoning applications that are contrary to the land use plan. There have already been a couple of recent zoning changes to RHD in the area that will accommodate higher densities, but we feel that a "moratorium" is now necessary for any further increases until the wastewater capacity situation is resolved. The future land use designation of the subject property is Medium Density Residential, and the requested RHD zoning would allow up to 12 units per acre by-right, which is well into the high density range. However, the applicant has indicated that they plan on developing at a higher density, which requires approval of an SUP for the MF-2 development type which would allow up to 24 units per acre. The Planning and Zoning Commission voted to table this zoning change until their March 9th meeting, and Section 211.007 of the Texas Local Government Code states that the governing body (City Council) may not hold a public hearing nor take action on a zoning change until it receives the **final** report of the zoning commission (Planning and Zoning Commission), so staff recommends that the Council table this item until the March 15th Council meeting, which is the week after the March 9th Commission meeting.

Medium Density Residential Development
Lockhart, TX

Land Use Summary

MF Total Acreage (~18.0 Acres)

- MF Building Coverage (~3.8 Acres)
- MF Open Space (~7.0 Acres)
- Parking/Drive (~7.2 Acres)
- 60' Collector ROW (~1.9 Acres)

DF-2 Total Acreage (~31 Acres)

- DF-2 Lots (~17.9 Acres)
50'x105' (Typ.) - 119 Lots / 238 Units
- DF-2 Open Space (~3.5 Acres)
- 50' Residential ROW (~5.7 Acres)
- 25' Alley ROW (~3.9 Acres)



COMM

60' Collector ROW

50' Residential ROW (Typ.)

25' Alley ROW (Typ.)

SF

Stueve Ln ROW Extension

MF



ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Paravel Capital
DAY-TIME TELEPHONE (512) 934-8923
E-MAIL cthigpen@paravelcap.com

ADDRESS 1509 Old W 38th St. Ste., 3
Austin, TX 78731

OWNER NAME Curtis Thigpen
DAY-TIME TELEPHONE (512) 934-8923
E-MAIL cthigpen@paravelcap.com

ADDRESS _____

PROPERTY

1900 N Cesar Chavez Pky NB

ADDRESS OR GENERAL LOCATION Between 1301 Silent Valley Rd. & Toll Road 130, Lockhart, TX 78644

LEGAL DESCRIPTION (IF PLATTED) See metes & bounds description

SIZE 19.906 ACRE(S) LAND USE PLAN DESIGNATION Residential Medium Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agriculture

PROPOSED NEW USE, IF ANY Residential High Density (MF-2)

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Residential Medium Density RMD

TO PROPOSED ZONING CLASSIFICATION Residential High Density (MF-2) RHD

REASON FOR REQUEST To allow for the development of two and three story apartments of up to 24 DU/AC

in order to provide a wider variety of housing options at multiple price points for all residents in the area.

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

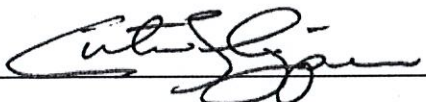
NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 548.12 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE 

DATE 1/19/2022

OFFICE USE ONLY

ACCEPTED BY 

RECEIPT NUMBER 01132778

DATE SUBMITTED 1-19-22

CASE NUMBER ZC - 22 - 06

DATE NOTICES MAILED 01-24-22

DATE NOTICE PUBLISHED 1-27-2022

PLANNING AND ZONING COMMISSION MEETING DATE 2-9-22

PLANNING AND ZONING COMMISSION RECOMMENDATION Table to 3-9-22 meeting.

CITY COUNCIL MEETING DATE 2-15-2022

DECISION _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss schedule of City Council meetings in 2022.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Connie Constancio

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION:

Annually reviewing council meeting date(s) for conflicts is important to provide Development Services an accurate Council meeting schedule when publishing public notice information about public hearings, such as zoning change applications.

Attached is a calendar that reflects the possible meeting conflict(s) in 2022 as listed below:

Tuesday, October 4 – National Night Out

The 2022 TML Annual Conference will be held on October 5-7 in San Antonio.

Election Day (November 8, 2022) is the 2nd Tuesday in November which is not a Council meeting date. Canvassing the November 8 General Election can be conducted November 11-22 (3-14 days after the election). The Lockhart City Council will be able to canvass the November 8 election during the regular meeting on November 15, 2022.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: 2022 Council meeting calendar

X = Holidays
 O = Council meetings
 □ = Special Council meetings
 (Redistricting)

2022

= Oct 5-7, 2022
 TML Annual Conf
 in San Antonio
 E = Nov 8, 2022
 General Election

⊗ = National Night Out (Oct 4)

[Canvass Nov 11-22]

January

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February

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March

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April

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April 9 = Goals
 Retreat

May

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August

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September

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TML Annual Conf =
 Oct 5-7 = San Antonio

October

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30	31					

Oct 4 = National
 Night Out

Nov 8 = Election
 Day

November

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Nov 11-22
 [Canvass = 3-14 days after Election]
 Nov 15 = Canvass City Election

December

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City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss Ordinance 2022-11 amending Section 2-209 of the Lockhart Code of Ordinances to specify the qualifications and rules for appointing members of City Boards and Commissions.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Connie Constancio

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: During the February 1 meeting, the Council directed staff to present an Ordinance amendment to Section 2-209 of the Code of Ordinances establishing qualifications for board/commission members.

Monte Akers, City Attorney, combined the current qualification items with the new qualifications in the attached Ordinance to create unity.

The Ordinance adds the following board member qualifications as selected by the Council:

- Qualifications must be met by all members of City Boards/Commissions. In addition to any special qualification for service on a particular board, a member must:
 - Be a resident of the State of Texas for at least one year and a resident of the City of Lockhart for at least twelve (12) months preceding their appointment.
 - Registered voters.
- A member who was required to be a resident of the city when appointed and who moves primary residence outside of the city limits vacates the position on the date the residence is moved, unless a board's composition allows for a Caldwell County member.
- Any member who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of a board/commission during any twelve-month period, shall forfeit his/her position and the vacancy occurring shall be filled by the Council.
- Have not been removed from another City board/commission because of failure to attend meetings within the last three years.
- Be 21 years of age or older.
- No member shall remain in his/her position after being elected to City Council, except the Lockhart Economic Development Corporation.
- Members must maintain the qualifications while serving on a board/commission.
- Members appointed serve without compensation.

PROJECT SCHEDULE (if applicable): N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: Ordinance 2022-11, Current Section 2-209

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SEC. 2-209 OF THE LOCKHART CODE OF ORDINANCES TO SPECIFY THE QUALIFICATIONS AND RULES FOR APPOINTING MEMBERS OF CITY BOARDS AND COMMISSIONS, PROVIDING CLAUSES FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE

WHEREAS, Sec. 2-209 of the City of Lockhart Code of Ordinances contains rules for appointment of persons to city boards and commission; and

WHEREAS, the City Council desires to amend Sec. 2-209 to establish or clarify the qualifications and rules for such appointees;

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

SECTION 1: The foregoing recitals are adopted and incorporated herein for all purposes.

SECTION 2: Sec. 2-209 of the City of Lockhart Code of Ordinances is hereby amended to replace the current language with the following:

Sec. 2-209. - Rules for qualifications and appointment.

The city council hereby sets the following rules:

(a) Except as may be established by existing city ordinances or resolutions, the process for selecting members shall be open to all Lockhart citizens, who must apply for appointment, to include those applying for reappointment. Reappointment shall not be deemed automatic.

(b) Council shall seek to appoint the most qualified or best persons available, while also respecting the need for diverse community opinions.

(c) The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

1. Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.
2. The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the construction board of appeals.
3. Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.
4. Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

5. No member of a board or commission, except the Lockhart Economic Development Corporation, may remain in his or her position after being elected to City Council.

6. A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.

7. Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.

8. Members must maintain their qualifications while serving on a board or commission

(d) No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

(e) No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.

(f) Members appointed serve without compensation.

SECTION 3: Any provision of the Code of Ordinances of the City of Lockhart or its personnel policies in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. It is the intention of the City Council that the components of this Ordinance are severable, and if any provision is declared invalid by a court of competent jurisdiction, such invalidity shall not affect any remaining components of this Ordinance.

PASSED AND ADOPTED as effective on this the 15th day of February 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney

CURRENT ORDINANCE

Sec. 2-209. - Rules for appointment.

The city council hereby sets the following rules:

- (1) Except as may be established by existing city ordinances/resolutions the process for selecting members shall be open to all Lockhart citizens, who must apply for appointment, to include those applying for reappointment. Reappointment shall not be deemed automatic.
- (2) Council shall seek to appoint the most qualified or best persons available, while also respecting the need for diverse community opinions.
- (3) No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- (4) No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- (5) Subject to other qualifications as specifically required for membership on the below boards and commissions, the city council shall have the right (but not the duty) to appoint up to two members who are not Lockhart citizens but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the construction board of appeals.

(Ord. No. 97-09, § 4, 5-20-97; Ord. No. 02-41, § 1, 11-5-02; Ord. No. 2012-17, § I, 9-4-12)

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss reappointment of Hotel Occupancy Tax (HOT) Advisory Board Members for a two-year term beginning February 15, 2022 through February 15, 2024.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: According to Ordinance 2019-29, the City of Lockhart's Hotel Occupancy Tax (HOT) Advisory Board has been established consisting of a five-member board that shall serve a term of two years. The board shall consist of the following: a lodging facility representative, the City Manager or his/her designee, a former member of the City Council, and two citizens nominated by the Mayor. This board must be confirmed by the City Council.

For the calendar years of 2020 and 2021, the following HOT Advisory Board members represented the City of Lockhart: Alfredo Munoz, Ray Sanders, Archana Gandhi, Roxanne Rix, Steve Lewis and alternates, Janet Grigar and Sally Daniels. During 2021, Roxanne Rix resigned and Janet Grigar (alternate) replaced Ms. Rix. All acting members have agreed to serve an additional two-year term with the exception that Ms. Grigar would prefer to remain an alternate.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval.

LIST OF SUPPORTING DOCUMENTS:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discussion regarding matters related to COVID-19.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Steven Lewis, Monte Akers

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: On May 18, 2021, Governor Abbot issued GA-36 that prohibited governmental entities from mandating face coverings or restricting activities in response to the COVID-19 disaster. As a result, the Lockhart City Council rescinded the Mayor's Declaration to require face coverings and encouraged citizens to continue to follow the CDC guidelines in regard to COVID-19.

Also, as a result of the Governor opening Texas on March 2, 2021 (GA-34), community events are back on schedule such as the Chisholm Trail Roundup, Fireworks show, and City venues such as the city splash pad are open to the public. Face coverings are not required during the events or at city facilities.

An update of COVID-19 orders and Council actions is attached.

Open Meetings Act Suspensions Terminate effective September 1, 2021

In March 2020, Governor Abbott's office granted the Attorney General's request to suspend certain open meetings statutes. The temporary suspension allows for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings, thereby allowing governmental bodies and/or board commissions to hold a meeting virtually without a quorum being present at the meeting location.

On June 30, 2021, the Governor's office approved a request by the Attorney General to lift the open meetings suspensions effective at 12:01 a.m. on September 1, 2021. All Texas governmental bodies subject to the OMA must thereafter conduct their meetings in full compliance with the OMA as written in state law.

The following are provisions in the OMA suspension that will no longer be allowed effective September 1, 2021:

- 1) Video conferencing capability will change in that a member of the governing body or board can meet virtually but there must be a quorum physically present at the meeting location.
- 2) Telephone conference meetings will not be allowed to continue and are only allowed in an emergency.

On **August 29, 2021**, Governor Abbott issued a Declaration renewing the declaration of disaster stating that COVID-19 poses an imminent threat of disaster for all counties in Texas.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

On October 11, 2021, Governor Abbott issued GA-40 prohibiting vaccine mandates, subject to legislative action.

This item is returned to Council for consideration, if necessary.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None.

LIST OF SUPPORTING DOCUMENTS: Update of COVID-19 orders and Council actions, GA-39, GA-38, Governor Abbott proclamation renewing the Declaration of Disaster, GA 40

HISTORY OF COVID-19 ORDERS/COUNCIL ACTIONS

On **September 1, 2020**, the City Council adopted Resolution 2020-20 renewing and adopting a requirement that commercial establishments in the City post a notice that facial coverings are a requirement of employees and persons entering such establishments. The requirement that such notice be posted shall remain in effect until terminated or amended by the City Council.

On **October 7, 2020**, Governor Greg Abbott issued Executive Order GA-32 to allow certain bars and similar establishments to operate at 50% capacity with permission from the County Judge. GA-32 increased the occupancy levels for all business establishments other than bars to 75%. GA-32 also provides that outdoor gatherings in excess of 10 people is prohibited unless the Mayor of the City in which the gathering is held, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with GA-32.

Mayor's statement on reduced business capacity in Caldwell County. At 12:01 a.m. on Wednesday, January 13, 2021 the provisions of Governor Greg Abbott's Executive Order GA-32 that suspend elective surgeries, close bars and reduce business capacity to 50 percent went into effect in Lockhart and Caldwell County. This was occurring because under GA-32, these specific provisions took effect when a Trauma Service Area had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total capacity exceeded 15 percent. This was the case in Trauma Service Area O, which included Caldwell County.

COVID Relief Fund update. On January 19, 2021, the Council voted to offer a six-month forbearance to businesses that received a COVID-19 Recovery Loan in 2020. Council re-opened the COVID Relief Grants to small businesses for \$5,000 per business that qualifies. Restaurants and bars that were affected by the Governor's order earned higher points on the application process.

During the February 23, 2021 meeting, Chief Jenkins provided an update of COVID compliance for local businesses.

On **March 2, 2021**, Governor Abbot issued GA-34 that was effective March 10, 2021. It provides that the State no longer requires face covering and it does not allow local jurisdictions to require face coverings. GA-34 supercedes all orders issued by local officials that conflict with regard to services or local orders and provides that businesses and other establishments may require customers and employees to wear face coverings. The consensus of the Council was to leave the Mayor's Declaration in effect and to encourage citizens to continue to wear face coverings and to maintain a six foot distance.

On **May 13, 2021**, the CDC announced that fully vaccinated individuals no longer need to mask up or social distance indoors and outdoors, including crowds. Attached is information from the CDC about how to stay safe around individuals that are or are not fully vaccinated.

On **June 15, 2021**, the consensus of the Council was to continue virtual attendance at meetings.

On **June 30, 2021**, the Governor's office approved a request by the Attorney General to lift the temporary Open Meetings Act suspensions, effective at 12:01 a.m. on September 1, 2021. The change in virtual meetings is that a member of the governing body or board member may attend a meeting virtually but there must be a quorum physically present at the meeting location.

On **July 29, 2021**, Governor Abbott issued Executive Order 38, that combined several existing COVID-19 executive orders to promote statewide uniformity and certainty in the state's COVID-19 response. Governor Abbott stated that "The new Executive Order emphasizes that the path forward relies on personal responsibility rather than government mandates".

On **August 13, 2021**, TML provided the following information regarding actions taken by governmental entities and the Attorney General in regards to face coverings:

- **Mask Mandate Update:** Tuesday afternoon, two state district court judges in Dallas and Bexar counties granted local authorities in those jurisdictions temporary restraining orders blocking Governor Abbott's ban on mask mandates. In response to the rulings, the City of San Antonio issued a requirement for face coverings inside city facilities, and the Dallas County Judge issued an emergency order on Wednesday related to face coverings. Temporary restraining orders are by definition temporary and require further court proceedings to become permanent. TML will continue to monitor these developments. In related news, Houston's Mayor Sylvester Turner is requiring masks in city facilities when physical distancing is not doable.

Additionally, a number of large school districts ("ISDs") across the state, including Dallas ISD, Houston ISD, Austin ISD, Fort Worth ISD, and San Antonio ISD, are requiring masks on school property.

- **Attorney General Issues Two COVID-related opinions:** On August 11, the Attorney General released two opinions related to mask mandates and vaccines.
 1. In Opinion KP-0379, the Attorney General was asked whether COVID-19 vaccines could be required as a condition to enter a government building. Citing the Governor's Executive Order No. 38 as well as the recently passed S.B. 968, the Attorney General opined that government entities may not require COVID-19 vaccines as a condition to enter a government facility.
 2. In Opinion No. KP-0380, the Attorney General was asked to opine on the effect of the Governor's executive orders on federal requirements related to face coverings on public transit. The AG ultimately opined that he is unconvinced that CDC and TSA rules as well as federal law preempt the Governor's orders prohibiting mask mandates.

Please remember that Attorney General opinion are just that: opinions. They are legal guidance but do not carry the force of law or court order.

- **Counties Across Texas Seeing Rise in COVID-19 Threat Levels:** Over the last few weeks, we have reported on the rise in COVID-19 threat levels in counties and cities across the state. That rise continues, with Travis, Harris, Dallas, and Williamson counties, among others, back at the highest threat levels as the Delta variant spreads across the state and ICU bed availability drops.

On **August 29, 2021**, Governor Abbott issued a proclamation renewing the declaration stating that COVID-19 poses an imminent threat of disease for all counties in Texas.

On **August 25, 2021**, Governor Abbott issued GA-39 (attached), prohibiting governmental entities from compelling an individual to receive a COVID-19 vaccine regardless of full FDA approval, among other things.

The Governor also issued the following call to the Special Session of the Legislature:

Legislation regarding whether any State or Local Governmental entities in Texas can mandate that an individual receive a COVID-19 vaccine and, if so, what exemption should apply to such mandate.

On **October 11, 2021**, Governor Abbott issued GA-40 relating to prohibiting all entities of compelling receipt of a COVID-19 vaccine until the issue has been considered through legislation.



GOVERNOR GREG ABBOTT

August 25, 2021

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

AUG 25 2021

Secretary of State

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-39 relating to prohibiting vaccine mandates and vaccine passports subject to legislative action.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
August 25, 2021

EXECUTIVE ORDER GA 39

*Relating to prohibiting vaccine mandates and vaccine passports
subject to legislative action.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, I have issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health; and

WHEREAS, COVID-19 vaccines are strongly encouraged for those eligible to receive one, but have always been voluntary for Texans; and

WHEREAS, I issued Executive Orders GA-35 and GA-38, addressing COVID-19 vaccines administered under an "emergency use authorization" by prohibiting vaccine mandates from governmental entities and by prohibiting "vaccine passports" from governmental entities and certain others; and

WHEREAS, subsequently, on August 23, 2021, while the legislature was already convened in a special session, the U.S. Food and Drug Administration (FDA) approved one of the COVID-19 vaccines for certain age groups, such that this vaccine is no longer administered under an emergency use authorization for those age groups; and

WHEREAS, while this COVID-19 vaccine is now FDA-approved for certain age groups, others are not yet approved and still are administered under an emergency use authorization; and

WHEREAS, through Chapter 161 of the Texas Health and Safety Code, as well as other laws including Chapters 38 and 51 of the Texas Education Code, the legislature has established its primary role over immunizations, and all immunization laws and regulations in Texas stem from the laws established by the legislature; and

WHEREAS, in other contexts where the legislature has imposed immunization requirements, it has also taken care to provide exemptions that allow people to opt out of being forced to take a vaccine; and

WHEREAS, given the legislature's primacy and the need to avoid a patchwork of regulations with respect to vaccinations, it is appropriate to maintain the status quo of

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SECRETARY OF STATE
2pm O'CLOCK

AUG 25 2021

prohibiting vaccine mandates through executive order while allowing the legislature to consider this issue while in session; and

WHEREAS, in this instance, given the legislature's prior actions, maintaining the status quo of prohibiting vaccine mandates and ensuring uniformity pending the legislature's consideration means extending the voluntariness of COVID-19 vaccinations to all COVID-19 vaccinations, regardless of regulatory status; and

WHEREAS, I am also adding this issue to the agenda for the Second Called Session of the legislature that is currently convened so that the legislature has the opportunity to consider this issue through legislation; and

WHEREAS, I will rescind this executive order upon the effective date of such legislation;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. No governmental entity can compel any individual to receive a COVID-19 vaccine. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine.
2. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
3. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine. No consumer may be denied entry to a facility financed in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine.
4. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
5. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:43 P.M. O'CLOCK

AUG 25 2021

other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.

This executive order supersedes only paragraph No. 2 of Executive Order GA-38, and does not supersede or otherwise affect the remaining paragraphs of Executive Order GA-38. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 25th
day of August, 2021.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Joe A. Esparza".
JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

AUG 25 2021



GOVERNOR GREG ABBOTT

July 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-38 relating to the continued response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 29, 2021

EXECUTIVE ORDER GA 38

Relating to the continued response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, from March 2020 through May 2021, I issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing and other mitigation strategies; and

WHEREAS, combining into one executive order the requirements of several existing COVID-19 executive orders will further promote statewide uniformity and certainty; and

WHEREAS, as the COVID-19 pandemic continues, Texans are strongly encouraged as a matter of personal responsibility to consistently follow good hygiene, social-distancing, and other mitigation practices; and

WHEREAS, receiving a COVID-19 vaccine under an emergency use authorization is always voluntary in Texas and will never be mandated by the government, but it is strongly encouraged for those eligible to receive one; and

WHEREAS, state and local officials should continue to use every reasonable means to make the COVID-19 vaccine available for any eligible person who chooses to receive one; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;" and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15pm O'CLOCK

JUL 29 2021

and from a disaster area and the movement of persons and the occupancy of premises in the area;" and

WHEREAS, under Section 418.173, the legislature authorized as "an offense," punishable by a fine up to \$1,000, any "failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;"

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. To ensure the continued availability of timely information about COVID-19 testing and hospital bed capacity that is crucial to efforts to cope with the COVID-19 disaster, the following requirements apply:
 - a. All hospitals licensed under Chapter 241 of the Texas Health and Safety Code, and all Texas state-run hospitals, except for psychiatric hospitals, shall submit to the Texas Department of State Health Services (DSHS) daily reports of hospital bed capacity, in the manner prescribed by DSHS. DSHS shall promptly share this information with the Centers for Disease Control and Prevention (CDC).
 - b. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to DSHS, as well as to the local health department, daily reports of all test results, both positive and negative. DSHS shall promptly share this information with the CDC.
2. To ensure that vaccines continue to be voluntary for all Texans and that Texans' private COVID-19-related health information continues to enjoy protection against compelled disclosure, in addition to new laws enacted by the legislature against so-called "vaccine passports," the following requirements apply:
 - a. No governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
 - b. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
 - c. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed

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SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

- in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.
- d. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
 - e. This paragraph number 2 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.
3. To ensure the ability of Texans to preserve livelihoods while protecting lives, the following requirements apply:
- a. There are no COVID-19-related operating limits for any business or other establishment.
 - b. In areas where the COVID-19 transmission rate is high, individuals are encouraged to follow the safe practices they have already mastered, such as wearing face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.
 - c. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.
 - d. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
 - e. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
 - f. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
 - g. As stated above, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials. This paragraph number 3 supersedes any conflicting local order in response to the COVID-19 disaster, and all relevant laws are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

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JUL 29 2021

4. To further ensure that no governmental entity can mandate masks, the following requirements shall continue to apply:
- a. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; provided, however, that:
 - i. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
 - ii. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
 - b. This paragraph number 4 shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in subparagraph number 4.a. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
 - i. Sections 418.1015(b) and 418.108 of the Texas Government Code;
 - ii. Chapter 81, Subchapter E of the Texas Health and Safety Code;
 - iii. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
 - iv. Chapter 54 of the Texas Local Government Code; and
 - v. Any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

- c. Even though face coverings cannot be mandated by any governmental entity, that does not prevent individuals from wearing one if they choose.
5. To further ensure uniformity statewide:
- a. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the

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COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

- b. Confinement in jail is not an available penalty for violating this executive order. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except that it does not supersede or rescind Executive Orders GA-13 or GA-37. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 29th
day of July, 2021.

A handwritten signature in black ink, reading "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Joe A. Esparza".
JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

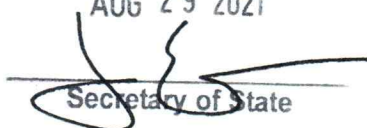


GOVERNOR GREG ABBOTT

August 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK

AUG 29 2021


Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Mr. Deputy Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of August, 2021.

A handwritten signature in black ink, reading "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30pm O'CLOCK

AUG 29 2021

Governor Greg Abbott
August 29, 2021

Proclamation
Page 2

ATTESTED BY:



JOE ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30pm O'CLOCK
AUG 29 2021



GOVERNOR GREG ABBOTT

October 11, 2021

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SECRETARY OF STATE
4:30 PM 'CLOCK

OCT 11 2021

Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-40 relating to prohibiting vaccine mandates, subject to legislative action.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "G. Davidson", with a long horizontal flourish extending to the right.

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
October 11, 2021

EXECUTIVE ORDER GA 40

*Relating to prohibiting vaccine mandates,
subject to legislative action.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, I have issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health; and

WHEREAS, COVID-19 vaccines are strongly encouraged for those eligible to receive one, but must always be voluntary for Texans; and

WHEREAS, I issued Executive Orders GA-35, GA-38, and GA-39 to prohibit governmental entities and certain others from imposing COVID-19 vaccine mandates or requiring vaccine passports; and

WHEREAS, in yet another instance of federal overreach, the Biden Administration is now bullying many private entities into imposing COVID-19 vaccine mandates, causing workforce disruptions that threaten Texas's continued recovery from the COVID-19 disaster; and

WHEREAS, countless Texans fear losing their livelihoods because they object to receiving a COVID-19 vaccination for reasons of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19; and

WHEREAS, through Chapter 161 of the Texas Health and Safety Code, as well as other laws including Chapters 38 and 51 of the Texas Education Code, the legislature has established its primary role over immunizations, and all immunization laws and regulations in Texas stem from the laws established by the legislature; and

WHEREAS, the legislature has taken care to provide exemptions that allow people to opt out of being forced to take a vaccine for reasons of conscience or medical reasons; and

WHEREAS, I am adding this issue to the agenda for the Third Called Session of the legislature that is currently convened so that the legislature has the opportunity to consider this issue through legislation; and

WHEREAS, I will rescind this executive order upon the effective date of such legislation;

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SECRETARY OF STATE
4:30 PM O'CLOCK

OCT 11 2021

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. No entity in Texas can compel receipt of a COVID-19 vaccine by any individual, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19. I hereby suspend all relevant statutes to the extent necessary to enforce this prohibition.
2. The maximum fine allowed under Section 418.173 of the Texas Government Code and the State's emergency management plan shall apply to any "failure to comply with" this executive order. Confinement in jail is not an available penalty for violating this executive order.
3. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.

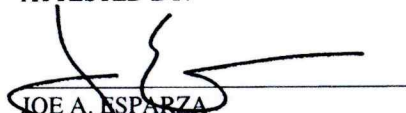
This executive order does not supersede Executive Orders GA-13, GA-37, GA-38, or GA-39. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.

Given under my hand this the 11th
day of October, 2021.



GREG ABBOTT
Governor

ATTESTED BY:


JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:30 PM O'CLOCK

OCT 11 2021

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Hold a public hearing and consider Ordinance 2022-10 continuing the Juvenile Curfew contained in Chapter 36 of the City of Lockhart Code of Ordinances, complying with Section 370.009, Texas Local Government Code.

ORIGINATING DEPARTMENT AND CONTACT: Police - Ernest Pedraza

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION:

Texas Government Code Sec. 370.002 requires a City to review a Curfew ordinance at least every third year after adoption, and to conduct a public hearing to discuss abolishing, continuing or modifying the ordinance. Review of the Curfew ordinance is to determine the effects of the Juvenile Curfew on the community, and to review the problems the ordinance is intended to remedy.

The City Council amended the Juvenile Curfew Ordinance on February 19, 2019 in which the curfew was extended.

Attached is data from the Lockhart Police Department providing citations issued in 2019, 2020 and 2021, a copy of the Police department's Juvenile Curfew policy, the current city Curfew ordinance, Sections 36-11 through 36-16, and Ordinance 2019-04 outlining the amendments as approved by City Council in 2019. The amendments in 2019 updated the daytime curfew hours in Sec. 36 -12 to coincide with the Lockhart School District's change to the student's school schedule hours, effective August 2016, from 9:00 a.m. to 4:00 p.m. Prior to February 2019, Section 36-12 provided the daytime juvenile curfew between the hours of 9:00 a.m. to 2:30 p.m.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval.

LIST OF SUPPORTING DOCUMENTS: Ordinance, Lockhart Curfew Ordinance - Sections 36-11 through 36-16, Juvenile Curfew Data and LPD Policy, Ordinance 2019-04-History

ORDNANCE No. 2022-10

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LOCKHART, TEXAS, CONTINUING THE JUVENILE CURFEW CONTAINED IN CHAPTER 36 OF THE CITY OF LOCKHART CODE OF ORDINANCES, COMPLYING WITH SECTION 370.002, TEXAS LOCAL GOVERNMENT CODE, PROVIDING FOR SEVERABILITY AND A REPEALER

WHEREAS, by Ordinance No. 2016-09, the City Council of Lockhart adopted a juvenile curfew, as authorized by Sec. 370.002, Texas Local Government Code; and

WHEREAS, the City's juvenile curfew ordinance is codified in the City's Code of Ordinances as Article II of Chapter 36, being Sections 36-11 through 36-16; and

WHEREAS, by Ordinance No. 2019-04, dated February 19, 2019, was amended, and the curfew extended; and

WHEREAS, said Sec. 370.002 requires the City to review the effects of such ordinance on the community, and review of the problems the ordinance is intended to remedy, at least every third year after adopting a curfew ordinance, and to conduct a public hearing on the need to abolish, continue, or modify the ordinance; and

WHEREAS, the City Council conducted a public hearing on February 15, 2022, and determined that the juvenile curfew ordinance should be continued;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lockhart, Texas, that Article II of Chapter 36 of the Code of Ordinances, City of Lockhart Texas is hereby approved and continued in effect in compliance with Sec. 370.002, Texas Local Government Code.

Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected.

Repealer: All other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

PASSED, APPROVED, AND ADOPTED on this, the 15th day of February, 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney

ARTICLE II. CURFEW FOR MINORS

Sec. 36-11. 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:

Establishment means any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

Minor means any person under the age of 18 years of age or, an equivalent phrasing, any person of the age of 17 years old or younger.

Official city time means the prevailing local standard of time at the date in question, whether Central Standard Time or Central Daylight Savings Time, as observed by the public. The time maintained by the police department shall be prima facie evidence of the time of day for continued implementation of this article.

Operator means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment; whenever used in any section prescribing a penalty, the term as applied to associations or partnerships includes the members or partners thereof and as applied to corporations includes the officers thereof.

Parent means any natural or adoptive parent of a minor, a legal conservator or guardian, or any adult person 18 years of age or older in whose care the minor has been placed by the natural parent or legal guardian or conservator.

Public place means any public street, highway, road, alley, park, playground, sidewalk, public building, parkway or vacant lot.

Remain means to stay behind, to tarry and stay unnecessarily upon a public place, in which any minor included would not be using the public place for an ordinary or serious purpose such as passage or going home. To implement this definition with more precision and precaution, numerous exceptions will be provided in this article to indicate that this is not a mere prohibitory or presence-type curfew article. More exceptions become available to minors with increasing years and advancing maturity as appropriate in the interest of reasonable regulation.

(Ord. No. 2016-09, § 2, 4-5-16)

Sec. 36-12. Curfew imposed.

- (a) *Daytime curfew*: It shall be unlawful for any minor to purposefully remain, walk, run, stand, drive or ride about in or upon any public place or establishment in the city between the hours of 9:00 a.m. and 4:00 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.
- (b) *Nighttime curfew*: It shall be unlawful for any minor 16 years of age or younger to be in or upon any public place or establishment within the city between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

(Ord. No. 2016-09, § 2, 4-5-16; Ord. No. 2019-04, § I, 2-19-19)

Sec. 36-13. Exceptions.

- (a) With respect to the daytime curfew in subsection 36-12(a), a minor shall not be deemed in violation of such subsection when the alleged offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor is enrolled; or when the minor has graduated from high school or received a high school equivalency certificate; or when the minor has permission to be absent from school or be in a public place from an authorized school official. In the case of a minor being educated in a home school, a parent shall be deemed a school official.
- (b) With respect to the nighttime curfew in subsection 36-12(b), in the following exceptional cases, a minor 16 years of age or younger in or upon any public place or establishment shall not be deemed in violation of such subsection; this section is intended as a general guide for minors, their parents, and enforcement officials.
 - (1) When accompanied by her/his parent, as defined herein.
 - (2) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the rights of assembly. It shall be deemed a bona fide exercise of such rights if the assembly, whether parade, march, demonstration, or other bona fide religious, social or school activities involving the right to assemble has been permitted by the city pursuant to this article.
 - (3) When engaged in performing an errand or other legitimate business at the direction of a parent, guardian, conservator, or supervisory adult, including travel to and from such location by a direct route.
 - (4) When on the sidewalks at the place where such minor resides or on the sidewalk of either next-door neighbor, when the neighbors do not object to such presence.
 - (5) When engaged in employment activities, such as, but not restricted to newspaper delivery.
 - (6) All of the above-cited exceptions to subsection 36-12(b) include travel to and from activity by a direct route, and this article, is in no way to be construed as a limitation upon normal travel by a minor engaged in interstate movement.

(Ord. No. 2016-09, § 2, 4-5-16)

Sec. 36-14. Parental responsibility.

- (a) It shall be unlawful for a parent knowingly to permit a minor 16 years of age or younger who is in his care to be or remain in any public place or establishment other than for excepted activities, as described in section 36-13, during the curfew hours established by this article.
- (b) It shall be unlawful for a parent knowingly to permit a minor to remain, walk, run, stand, drive or ride about in or upon any public place or establishment in the city between the hours of 9:00 a.m. and 4:00 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.
- (c) The term "knowingly" includes knowledge which a parent, as defined herein, should reasonably be expected to have concerning the whereabouts of a person 16 years old or younger for purposes of subsection 36-12(a), and concerning the whereabouts of a minor for purposes of subsection 36-12(b), in such parent's custody.
- (d) It shall be prima facie evidence of a violation of this article if a parent has no knowledge of the whereabouts of a minor as described herein during the hours of curfew established by this article. The purpose of this section is to require neglectful or careless parents to meet the community standard of parental responsibility. A parent in whose care the minor has been placed commits an offense if s/he knowingly

permits or by insufficient control allows the minor to remain in any public place or establishment within the city during curfew hours.

(Ord. No. 2016-09, § 2, 4-5-16; Ord. No. 2019-04, § I, 2-19-19)

Sec. 36-15. Enforcement.

- (a) A police officer, upon finding a minor in violation of curfew hours, may enforce this article by use of warnings, citations, summons, or custody or a combination of these methods which, in his/her judgment, would be most practical and effective under the circumstances existing at the time.
- (b) The officer shall take into consideration such factors as previous offenses, other suspected criminal activity, difficulty of locating the parents, and mitigating or extenuating circumstances in enforcing this article.

(Ord. No. 2016-09, § 2, 4-5-16)

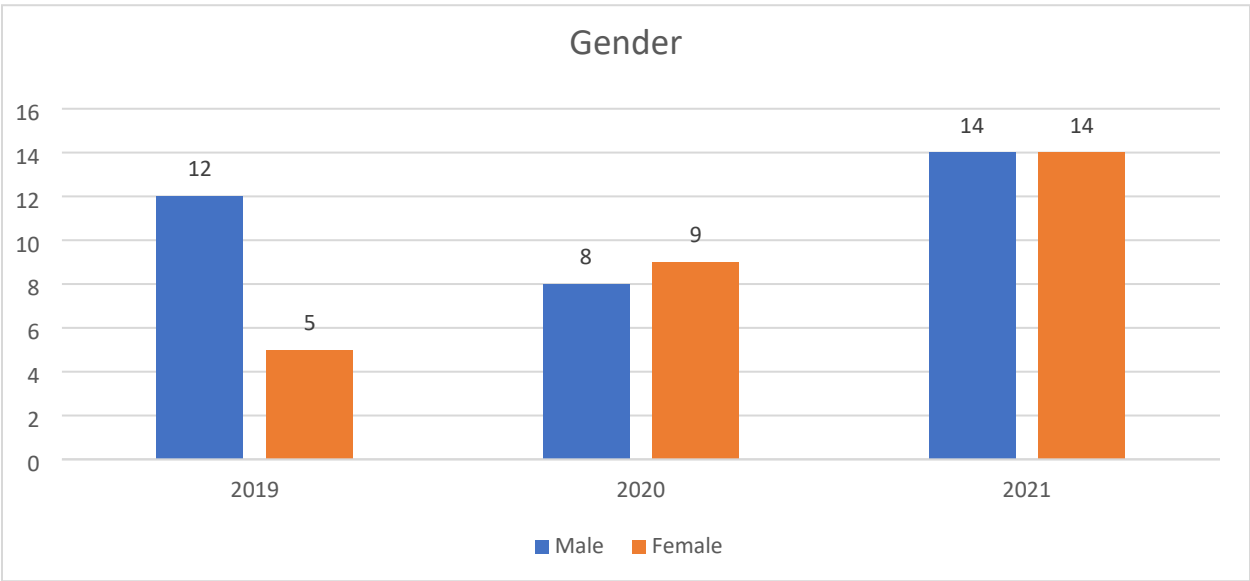
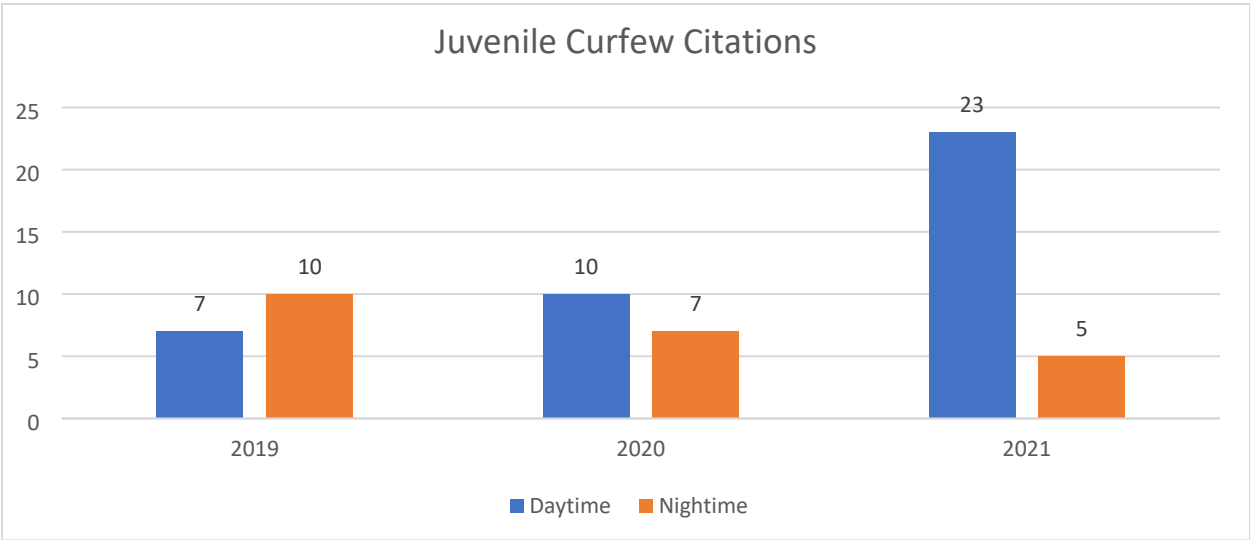
Sec. 36-16. Penalty.

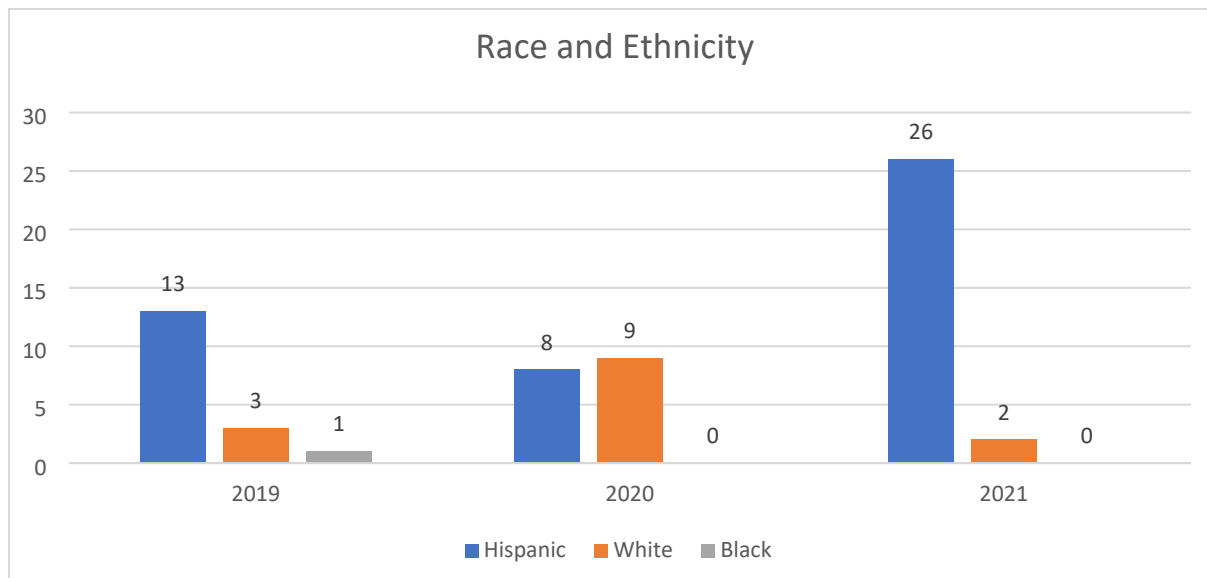
- (a) A person who violates a provision of this article is guilty of a misdemeanor. Each day or part of a day during which the violation is committed, continued, or permitted is a separate offense. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00 pursuant to section 1-8 of the Lockhart Code of Ordinances.
- (b) When required by V.T.C.A., Family Code § 51.08, as amended, the Lockhart Municipal Court shall waive original jurisdiction over a minor who violates subsection 36-12(a) of this article and shall refer the minor to juvenile court.

(Ord. No. 2016-09, § 2, 4-5-16)

Secs. 36-17—36-30. Reserved.

Juvenile Curfew Citations





We believe this has been an effective tool, and we think that we should continue it for another three years.

The Lockhart Police Department has written policy and officers are trained on the policy and city ordinance.

Lockhart Police Department Curfew Violations Policy:

Policy 317.3.1.

(a) Daytime

- i. If the child/juvenile is an LISD student, they shall be returned to school, issued a citation, and released to school authorities.
- ii. If the child/juvenile is not an LISD student or cannot be returned to the appropriate school district and released to school authorities, they shall be issued a citation. The officer shall attempt to contact a custodial parent or guardian to respond to the scene and take custody of the child/juvenile. If the officer is not able to contact a custodial parent or guardian, the officer shall follow the guidelines for "Releasing a Juvenile from Custody" as outlined in this policy.

(b) Nighttime

- i. Children/Juveniles violating the nighttime curfew ordinance shall be issued a citation. The officer shall attempt to contact a custodial parent or guardian to respond to the scene and take custody of the child/juvenile. If the officer is not able to contact a custodial parent or guardian, the officer shall follow the guidelines for "Releasing a Juvenile from Custody" as outlined in this policy.

HISTORY

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE COUNCIL OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 36 OF THE CODE OF ORDINANCES, ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS", AMENDING SECTION 36-12, CURFEW IMPOSED, AND AMENDING SECTION 36-14 PARENTAL RESPONSIBILITY; PROVIDING FOR ENFORCEMENT; PROVIDING PENALTY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Lockhart City Council recognizes the need for curfews for the safety and protection of minors; and

WHEREAS, Texas Local Government Code, Sec. 370.002 addressed curfew ordinances and provides for review of the effects of such ordinance on the community, and review of the problems the ordinance is intended to remedy, at least every third year after adopting a curfew ordinance, and to conduct a public hearing on the need to continue the ordinance; and

WHEREAS, the Lockhart City Council has determined that expanding the City's curfew ordinance will help to curb violence and crimes against or involving minors in the City; and

WHEREAS, when minors are unsupervised, they can be susceptible, by their lack of experience, to participate in activities that might harm themselves, others, or property; and

WHEREAS, curfews help to protect minors, promote parental control, and provide better school and law enforcement supervision of minors; and

WHEREAS, the Lockhart City Council finds that amending the City's current curfew ordinance to provide a more comprehensive curfew ordinance for minors serves a public purpose and is in the interest of public health, safety and general welfare by protecting minors, allowing better supervision of minors by school officials, law enforcement officers, and parents, and reducing injurious or criminal activity by and against minors; and

WHEREAS, the Lockhart School District changed the student's school scheduled hours effective August 2016 from 9:00 a.m. to 4:00 p.m.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lockhart, Texas, that Chapter 36 of the Code of Ordinances, City of Lockhart Texas is hereby amended as follows:

I.

Article II. Curfew for Minors

Sec. 36-12. Curfew imposed.

(a) Daytime Curfew: It shall be unlawful for any minor to purposefully remain, walk, run, stand, drive or ride about in or upon any public place or establishment in the city between the hours of 9:00 a.m. and 4:00 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.

(b) Nighttime Curfew: It shall be unlawful for any minor 16 years of age or younger to be in or upon any public place or establishment within the city between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

Sec. 36-14. Parental responsibility.

(a) It shall be unlawful for a parent knowingly to permit a minor 16 years of age or younger who is in his care to be or remain in any public place or establishment other than for excepted activities, as described in Sec. 36-13, during the curfew hours established by this article.

(b) It shall be unlawful for a parent knowingly to permit a minor to remain, walk, run, stand, drive or ride about in or upon any public place or establishment in the city between the hours of 9:00 a.m. and 4:00 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.

(c) The term "knowingly" includes knowledge which a parent, as defined herein, should reasonably be expected to have concerning the whereabouts of a person 16 years old or younger for purposes of Sec. 36-12(a), and concerning the whereabouts of a minor for purposes of Sec. 36-12(b), in such parent's custody.

(d) It shall be prima facie evidence of a violation of this article if a parent has no knowledge of the whereabouts of a minor as described herein during the hours of curfew established by this article. The purpose of this section is to require neglectful or careless parents to meet the community standard of parental responsibility. A parent in whose care the minor has been placed commits an offense if s/he knowingly permits or by insufficient control allows the minor to remain in any public place or establishment within the city during curfew hours.

[ALL OTHER SECTIONS REMAIN UNCHANGED]

II. Penalty: Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 36-16 of the City Code.

III. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by any reasons of any unconstitutionality or invalidity of any other portion, provision, or regulation.

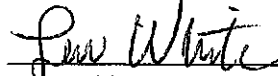
IV. Repealer: All other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.

V. Publication: The City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.

VI. Effective Date: This ordinance shall become effective ten days from the date of its passage.

PASSED, APPROVED, AND ADOPTED ON THIS 19th day of February, 2019.

CITY OF LOCKHART, TEXAS



Lew White, Mayor

ATTEST:



Connie Constancio, TRMC, City Secretary

APPROVED AS TO FORM:



Peter Gruning, City Attorney

**REGULAR MEETING
LOCKHART CITY COUNCIL**

FEBRUARY 1, 2022

6:30 P.M.

CLARK LIBRARY ANNEX-COUNCIL CHAMBERS, 217 SOUTH MAIN STREET, 3RD FLOOR LOCKHART, TEXAS

Council present:

Mayor Pro-Tem Angie Gonzales-Sanchez
Councilmember Juan Mendoza
Councilmember Jeffry Michelson

Mayor Lew White
Councilmember Derrick David Bryant
Councilmember Kara McGregor
Councilmember Brad Westmoreland

Staff present:

Steven Lewis, City Manager
Monte Akers, City Attorney
Sean Kelley, Public Works Director
Kevin Waller, Assistant City Planner

Connie Constancio, City Secretary
Victoria Maranan, Public Information Officer
Dan Gibson, City Planner
Tina Ramsey, Victim Assistance Coordinator

Citizens/Visitors Addressing the Council: Representatives of Hays-Caldwell Women's Center; Syd Falk of Bickerstaff, Heath, Delgado & Acosta; and Citizens: Roy Watson and Matthew Johnson.

Work Session 6:30 p.m.

Mayor White announced that Mayor Pro-Tem Sanchez would be late arriving at the meeting. He opened the work session and advised the Council, staff and the audience that staff would provide information and explanations about the following items:

DISCUSSION ONLY

A. PRESENTATION OF A PROCLAMATION DECLARING FEBRUARY AS DATING VIOLENCE AWARENESS MONTH.

Ms. Ramsey encouraged teens and young adults to be aware of Dating Violence and to speak up if an individual is a victim or a witness of Dating Violence.

Yvette Mireles of Hays-Caldwell Women's Center also encouraged teens and young adults to report dating violence.

B. RECEIVE INITIAL ASSESSMENT REGARDING WHETHER REDISTRICTING IS REQUIRED CONSIDERING THE NEW 2020 CENSUS DATA; AND, IF SO, CONSIDER ADOPTION OF CRITERIA TO APPLY TO DEVELOPMENT OF NEW DISTRICTING PLANS, AND GUIDELINES FOR PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS. *The City Council may go into executive session pursuant to Texas Government Code section 551.071 to receive advice from legal counsel regarding the City's redistricting obligations.*

Syd Falk of Bickerstaff, Heath, Delgado & Acosta provided information and there was discussion regarding the following topics involving the Redistricting process because of the new 2020 Census data:

Mayor Pro-Tem Sanchez arrived at the meeting.

- One Person – One Vote: U.S. Constitution states that single-member districts must have approximately equal populations. Rule of thumb provides for a total deviation less than 10 percent.

- Available Census data: Census block level includes total population, voting age population, race, and Hispanic origin.
- Section 2 of the Voting Rights Act. No discrimination on basis of race or language minority status and generally avoid cracking or packing. Cracking or fracturing is dividing minority voters to fragment their voting power. Packing is concentrating minority voters when dividing them would permit the group to elect their candidates of choice in more than one district. Other practices can also violate Section 2.
- 14th Amendment (*Shaw v. Reno*). Limits race-based decision making, including redistricting. Was race the predominant consideration in drawing a redistricting plan? If so, is the plan a narrowly tailored means of addressing a compelling government interest?
 - Usually, race may not be the predominant factor to the subordination of traditional districting principles.
 - But is it ok to be aware of race and to consider race to satisfy Section 2 and Section 5.
 - To narrowly tailor, use race no more than necessary.
 - Bizarrely shaped district not unconstitutional per se yet bizarre shape may be evidence that race predominated.
- Section 5 of the Voting Rights Act. Preclearance no longer required (*Shelby County v. Holder-2013*). Section 5 standard is retrogression.
- The 2020 Census data reflects a population of 14,371 for the City of Lockhart. The ideal size of each single-member district should be 3,593 of voter age population. City of Lockhart's overall deviation for single-member districts is 16.34 percent.

Mr. Falk stated that since the overall deviation for single-member districts is higher than 10 percent, the City of Lockhart should proceed with drawing sessions to determine single-member districts that will abide by the three basic legal principles that govern the redistricting process: (1) the "one person-one vote" (equal population) principle; (2) the non-discrimination standard of Section 2 of the Voting Rights Act; and (3) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting.

The Redistricting timeline is as follows:

- February 8, 2022 – First Drawing Workshop
- February 22, 2022 – Second Drawing Workshop (special meeting)
- March 8, 2022 – Third Drawing Workshop (if needed - special meeting)
- March 15, 2022 – Public hearing regarding redistricting
- March 29, 2022 – Fourth Drawing Workshop (if needed – special meeting)
- April 5, 2022 – Adoption of the new Redistricting plan.

C. RECEIVE THE FINAL REPORT BY THE WAYFINDING COMMITTEE.

Roy Watson, of the Wayfinding Committee gave the final report that reflected several options for signage at the entrances to Lockhart as well as wayfinding signs throughout the community. There was discussion.

RECESS: Mayor White announced that the Council would recess for a break at 7:35 p.m.

ITEM 1. CALL TO ORDER.

Mayor Lew White called the meeting to order at 7:50 p.m.

ITEM 2. INVOCATION, PLEDGE OF ALLEGIANCE.

Mayor Pro-Tem Sanchez gave the Invocation and led the Pledge of Allegiance to the United States and Texas flags.

ITEM 3. PUBLIC COMMENT.

Mayor White requested citizens to address the Council. There were none.

ITEM 4-A. HOLD A PUBLIC HEARING ON APPLICATION ZC-22-05 BY MATTHEW JOHNSON AND MILL SCALE ON BEHALF OF KEITH SCHMIDT, AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-06 FOR A ZONING CHANGE FROM CMB COMMERCIAL MEDIUM BUSINESS DISTRICT AND CHB COMMERCIAL HEAVY BUSINESS DISTRICT TO CHB COMMERCIAL HEAVY BUSINESS DISTRICT, ON LOT 1-A, BLOCK 1, BARCLAY ADDITION, CONSISTING OF 1.363 ACRES LOCATED 711 NORTH COLORADO STREET (US 183).

Mayor White opened the public hearing at 7:53 p.m.

Mr. Gibson stated that a barbecue cooker/smoker business proposes to construct a building on the subject property where they will manufacture and sell their products. Because it includes retail sales, it is allowed in the CMB and CHB zoning districts, but because of the manufacturing aspect, it would be more appropriate in the higher intensity CHB district. The property is partially zoned CMB and partially zoned CHB, so the purpose of the change is to simply make the zoning classification consistent for the entire lot by moving the current boundary between the adjacent CMB and CHB districts to the south property line of the subject lot. The proposed CHB zoning classification is consistent with the *General-Heavy Commercial* future land use that is designated along the entire west side of Colorado Street in the vicinity of the subject lot. At the Planning and Zoning Commission public hearing, two citizens spoke in support of the proposed zoning change, and one resident of the adjacent neighborhood spoke in opposition. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested the applicant to address the Council.

Matthew Johnson, Prairie Lea, of Mill Scale Metalworks provided information about the metal cooking products that they build. He stated that they would like to establish their business in Lockhart and believes that their business will help promote Lockhart as the Barbecue Capital of Texas. He requested approval of the zoning change.

Mayor White requested citizens in favor of or against the zoning change to address the Council. There were none. He closed the public hearing at 8:05 p.m.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-06, as presented. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 4-B. HOLD A PUBLIC HEARING AND DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-07 FOR A ZONING TEXT AMENDMENT REVISING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, ARTICLE VII "ZONING DISTRICTS AND STANDARDS", SECTION 64-197 "REGULATIONS COMMON TO ALL OR SEVERAL DISTRICTS", SUBSECTION (G)(2) "ADDITIONAL PARKING REQUIREMENTS WITHIN RESIDENTIAL DISTRICTS", TO REQUIRE COVERED PARKING FOR DETACHED SINGLE-FAMILY DWELLINGS AND PROVIDE REASONABLE STANDARDS FOR SUCH PARKING; AND, REVISING CHAPTER 64 "ZONING" OF THE LOCKHART CODE OF ORDINANCES, APPENDIX I "SPECIFIC REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT TYPES", TO MODIFY THE HEADING OF THE MINIMUM OFF-STREET PARKING COLUMN TO ALLOW GARAGES TO COUNT TOWARD THE MINIMUM PARKING REQUIREMENT.

Mayor White opened the public hearing at 8:05 p.m.

Mr. Gibson stated that after building permits were submitted by Lennar Homes for houses that did not have either a garage or a carport for construction in the remaining sections of Summerside Subdivision, where all homes in the existing sections have garages, staff prepared the draft ordinance for City Council discussion at the January 4th meeting. The Council directed staff to proceed with the process for zoning text amendments, which includes publishing a notice for public hearings to be held by both the Planning and Zoning Commission and the City Council. The proposed ordinance amends Section 64-197, Subsection (g)(2) "Additional Parking Requirements Within Residential Districts" by revising paragraph (a), where the only existing text is the word "Reserved", to add a provision requiring covered parking for detached single-family dwellings (SF-1 and SF-3 residential development types). It also adds standards for the location and appearance of covered parking that will, in effect, prohibit what is commonly known as "snout houses" (where the garage protrudes closer to the front property line than the remainder of the front of the house). In addition, the proposed ordinance also amends Appendix I "Specific Requirements for Residential Development Types" to modify the heading of the *Minimum Off-Street Parking Spaces per Dwelling Unit* column of the table to be consistent with current practice, which is to allow covered parking to be counted as required off-street parking. Mr. Gibson stated that the Planning and Zoning Commission and staff recommend approval.

Mayor White requested citizens in favor of or against the zoning text amendment to address the Council. There were none. He closed the public hearing at 8:20 p.m.

Councilmember McGregor made a motion to approve Ordinance 2022-07, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 5-A. DISCUSSION AND/OR ACTION TO CONSIDER CITY COUNCIL MINUTES FOR THE JANUARY 4, 2022 AND JANUARY 18, 2022 MEETINGS.

Mayor White requested corrections to the minutes.

Mayor Pro-Tem Sanchez made a correction to indicate in the minutes that she attended the January 18, 2022 meeting virtually.

Councilmember Westmoreland made a motion to approve the January 4, 2022 minutes. Councilmember Mendoza seconded. The motion passed by a vote of 6-0-1, with Mayor Pro-Tem Sanchez abstaining.

Mayor Pro-Tem Sanchez made a motion to approve the January 18, 2022 minutes. Councilmember Mendoza seconded. The motion passed by a vote of 7-0.

ITEM 5-B. DISCUSSION AND/OR ACTION TO CONSIDER INTERLOCAL AGREEMENT WITH THE INTERLOCAL PURCHASING SYSTEM(TIPS) PROGRAM FOR COOPERATIVE PURCHASING SERVICES AND APPOINTING THE MAYOR TO SIGN THE AGREEMENT, IF APPROVED.

Mr. Kelley stated that the city filed a claim with the Texas Municipal League Intergovernmental Risk Pool (TMLIRP) for damage to the roof at 901 Bois D' Arc Street after an inspection by a local roofer revealed that the roof had suffered hail damage. The replacement of the roof is estimated at \$46,295.60. After discussing the issue with TML's claims adjuster, they suggest that the City uses their preferred cooperative purchasing program to complete the repairs. There is no cost to the city to become a member.

The TIPS program offers the following services:

- TIPS works with vetted contractors.
- Coordinate the competitive bidding process.
- Check all bids and materials to ensure completeness.
- Maintain files for Due Diligence Documentation.
- TIPS collects fees from vendors to support the cost of their operations.

Councilmember Michelson made a motion to approve the Interlocal Agreement with the Interlocal Purchasing System (TIPS) Program for cooperative purchasing services, as presented. Councilmember Westmoreland seconded. The motion passed by a vote of 7-0.

ITEM 6-A. RECEIVE INITIAL ASSESSMENT REGARDING WHETHER REDISTRICTING IS REQUIRED CONSIDERING THE NEW 2020 CENSUS DATA; AND, IF SO, CONSIDER ADOPTION OF CRITERIA TO APPLY TO DEVELOPMENT OF NEW DISTRICTING PLANS, AND GUIDELINES FOR PUBLIC PARTICIPATION IN THE REDISTRICTING PROCESS. THE CITY COUNCIL MAY GO INTO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 TO RECEIVE ADVICE FROM LEGAL COUNSEL REGARDING THE CITY'S REDISTRICTING OBLIGATIONS.

Mayor announced that the Initial Assessment was presented during the work session.

Mayor Pro-Tem Sanchez made a motion to approve Resolutions 2022-07 and 2022-08, as presented (Criteria to apply to development of new districting plans and guidelines for public participation in the redistricting process). Councilmember Bryant seconded. The motion passed by a vote of 7-0.

ITEM 6-B. RECEIVE AND CONSIDER ACCEPTANCE OF THE FINAL REPORT BY THE WAYFINDING COMMITTEE.

Mayor White stated that the report was received during the work session. There was discussion regarding funds allocated in the city budget for the wayfinding project.

Councilmember Michelson made a motion to accept the final report by the Wayfinding Committee. Councilmember McGregor seconded. The motion passed by a vote of 7-0.

ITEM 6-C. DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2022-08 AMENDING CHAPTER 2, SECTION 2-210(B) TO SPECIFY THE NUMBER OF DAYS FOR NOMINATING AND APPOINTING MEMBERS OF CITY BOARD AND COMMISSIONS FROM 90 DAYS TO 45 DAYS.

Mayor White stated that the issue was discussed during the last meeting. The proposed Ordinance is a result of the Council's consensus.

Mayor Pro-Tem Sanchez made a motion to approve Ordinance 2022-08, as presented. Councilmember Michelson seconded. The motion passed by a vote of 7-0.

ITEM 6-D. DISCUSSION AND/OR ACTION REGARDING QUALIFICATIONS FOR AN INDIVIDUAL TO SERVE ON A CITY OF LOCKHART BOARD OR COMMISSION.

Ms. Constancio stated that the City Council previously discussed establishing City board/commission qualifications for appointed members. After conducting a comparison of several other cities (Elgin, Waco, San Marcos, Richardson), it was determined that several qualifications are common in most cities. There was discussion regarding a list of Lockhart City Council qualifications as outlined in the City Charter and the list of the State of Texas eligible voter qualifications. If the Council opts to establish qualifications for an individual to serve on a board, staff will return with an ordinance to amend Section 2-209, Rules for Appointment of the Code of Ordinances. The city currently does not have general qualifications to serve on a board/commission, yet some boards have specific qualifications, such as the Airport Advisory Board and Historical Preservation Commission.

CONSENSUS: After discussion, the consensus of the Council was to direct staff to return with an Ordinance amending Chapter 2, Section 2-209 of the Code of Ordinances to include the following qualifications for an individual to serve on a City of Lockhart board or commission:

Residency

- Qualifications must be met by all members of City Boards/Commissions. In addition to any special qualification for service on a particular board, a member must:
 - Be a resident of the State of Texas for at least one year and a resident of the City of Lockhart for at least twelve (12) months preceding their appointment.
 - Registered voters.
- A member who was required to be a resident of the city when appointed and who moves primary residence outside of the city limits vacates the position on the date the residence is moved unless a board's composition allows for a Caldwell County member.

Attendance

- Any member who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of a board/commission during any twelve-month period, shall forfeit his/her position and the vacancy occurring shall be filled by the Council.
- Have not been removed from another City board/commission because of failure to attend meetings within the last three years.

Other

- Be 21 years of age or older.
- No member shall remain in his/her position after being elected to City Council, except the Lockhart Economic Development Corporation.
- Members must maintain the qualifications while serving on a board/commission.
- Members appointed serve without compensation.

ITEM 6-E. DISCUSSION REGARDING MATTERS RELATED TO COVID-19.

There was no discussion.

ITEM 7. CITY MANAGER'S REPORT, PRESENTATION AND POSSIBLE ACTION.

- Centerpoint Meadows and Summerside Subdivisions update.
- Parks Board update.
- Sales tax collections.
- Library updates.

ITEM 8. COUNCIL AND STAFF COMMENTS - ITEMS OF COMMUNITY INTEREST.

Councilmember Mendoza stated that Calvary Chapel is opening a warming center during the upcoming inclement weather for individuals that need a warm place to stay.

Mayor Pro-Tem Sanchez expressed condolences to the families of Domingo Zapata, Sr., Edith Barth, Florinda Munoz, Maria Martinez, and Zeth Garcia for their loss. She encouraged everyone to stay safe.

Councilmember McGregor encouraged everyone to stay warm and safe.

Councilmember Bryant thanked the organizations that are planning Black History Month events.

Councilmember Michelson encouraged everyone to be safe, stay warm and shop local.

Mayor White also encouraged everyone to stay safe during the upcoming inclement weather.

ITEM 9. ADJOURNMENT.

Mayor Pro-Tem Sanchez made a motion to adjourn the meeting. Councilmember Mendoza seconded.
The motion passed by a vote of 7-0. The meeting was adjourned at 9:10 p.m.

PASSED and APPROVED this the 15th day of February 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC
City Secretary

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Authorize the City Manager to sign a one-year agreement with Community Action, Inc. for the Low Income Household Water Assistance Program (LIHWAP).

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Agreement

BACKGROUND/SUMMARY/DISCUSSION:

Beginning January 1, 2022, Community Action of Central Texas administered a new program to provide emergency assistance to low-income households, particularly those with the lowest incomes that pay a high proportion of household income for water, storm water, drinking water, wastewater/sewer, and groundwater services collectively named "water services".

Individuals will be able to apply for assistance and be screened for eligibility, similar to the Comprehensive Energy Assistance Program (CEAP), which provides assistance for electric utility services. This new program will assist in water utility services, including wastewater/sewer charges.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends the approval of the agreement.

LIST OF SUPPORTING DOCUMENTS: LIHWAP Program from Community Action



Community Action, Inc. of Central Texas

— DEVELOPING OPPORTUNITIES —

215 S. Reimer Avenue, Suite 130 – P.O. Box 748 San Marcos, TX 78667-0748

(512) 392-1161 – FAX (512) 396-4255

www.communityaction.com

January 12, 2022

Mr. Steven Lewis, City Manager
City of Lockhart Water Utilities
P. O. Box 239
Lockhart, TX 78644

**RE: Low Income Household Water Assistance Program (LIHWAP)
“Water Provider Agreement”**

Dear Mr. Lewis:

Community Action Inc. of Central Texas (CAI) administers the **Low Income Household Water Assistance Program (LIHWAP)** as funded by the Texas Department of Housing and Community Affairs to assist eligible individuals in Hays, Caldwell, and Blanco counties with their water, storm water, drinking water, wastewater/sewer, and groundwater services collectively named (Water Services).

The LIHWAP program will be administered beginning in January 2022. Individuals will apply for assistance through our offices and will be screened for eligibility. After eligibility has been determined, CAI will notify your company in writing with the allotted amount of assistance to be provided. A payment will then be sent by CAI to your company as determined with the client.

In order for CAI to process payments for your company, we need a **Water Provider Agreement** on file. Enclosed is a copy of the Water Provider Agreement with two signature pages. Please sign one and return it to our office by mail or fax by January 28, 2022.

We appreciate your cooperation and look forward to working with you to assist families in our communities. Please call me at (512) 392-1161 ext. 328 if you have any questions or need additional information.

Sincerely,

Carole Belver
Executive Director

Our mission is to develop opportunities for people and communities to realize their potential by providing resources and comprehensive services to empower Central Texans of all ages to become self-sufficient.

LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)
"WATER PROVIDER AGREEMENT"

PURPOSE. The purpose of the Low Income Household Water Assistance Program (LIHWAP) grant is to provide emergency assistance to low-income households, particularly those with the lowest incomes that pay a high proportion of household income for water, storm water, drinking water, wastewater/sewer, and groundwater services collectively named (Water Services).

The Water Services Provider (Water Provider or Vendor), agrees to the terms of the LIHWAP grant and to accept payment from LIHWAP agencies only for eligible LIHWAP clients to whom Water Provider continues to provide Water Services. The Water Assistance Provider (Agency), agrees to make payments only for eligible LIHWAP clients.

PARTIES. This Water Provider Agreement is by and between:

Community Action, Inc. of Central Texas

Water Assistance Provider (Agency)

City of Lockhart Water Utilities

Water Services Provider (Water Provider)

The Agency and Water Provider are each a Party to the Water Provider Agreement and collectively known as the Parties.

Water Provider and Agency agree to assist eligible LIHWAP clients in the following Texas counties:

Blanco County

Caldwell County

Hays County

WATER SERVICES. Water Services provided and billed by Water Provider:

- ☒ Water Fees
- ☐ Stormwater Fees
- ☒ Wastewater
- ☒ Sewer Fees
- ☐ Groundwater Fees
- ☒ Other: Refuse

TERM. This Water Provider Agreement shall be effective from the 1 day of January, in the year 2022, for a period not to exceed one year from the effective date, although the Parties can agree in writing to extensions for up to one additional year. Either Party may terminate this Water Provider Agreement by written notice. Such written notice of termination shall not affect any obligation by either Party incurred prior to the receipt of such notice.

NOTICE. Notice shall be sent via certified mail to the addresses below with return receipt requested.

City of Lockhart Water Utilities

(Water Provider Name)

P. O. Box 239, Lockhart, TX 78644

(Water Provider Mailing Address)

(Water Provider Certificate of Convenience and Necessity # (CCN))

Community Action, Inc. of Central Texas

(Agency Name)

P O Box 748, San Marcos TX 78667-0748

(Agency Mailing Address)

AGENCY REPRESENTATIONS. The Agency named above represents and warrants to Water Provider that it is an entity under contract with the Texas Department of Housing and Community Affairs (TDHCA) and as such is authorized and has received funding from the TDHCA to provide bill payment assistance service for eligible LIHWAP clients. In addition, the Agency further represents and warrants to Water Provider that it has determined eligible LIHWAP clients to be eligible under the LIHWAP guidelines. The funds will be used to cover and/or reduce arrearages, rates and fees associated with reconnection, or prevention of disconnection of service, and to pay either partially or in full an eligible LIHWAP client's current due water bill, known as "Eligible Costs" related to Water Services.

WATER PROVIDER'S REPRESENTATIONS. The Water Provider named above represents and warrants that it will apply any payments received from Agency to the eligible LIHWAP client's account related to Eligible Costs.

Both parties acknowledge that this Water Provider Agreement and the services provided by the Water Provider are governed by and subject to the federal and state laws and regulations in accordance with the LIHWAP.

AMENDMENTS. Any and all amendments to this Water Provider Agreement shall be in writing, approved by TDHCA, and agreed upon by both Parties.

WATER PROVIDER'S RESPONSIBILITIES. Water Provider will, with reference to an eligible LIHWAP client:

- Provide the Agency with at least one designated contact person who shall be available to respond by telephone and email to all reasonable inquiries regarding eligible LIHWAP clients and client accounts including but not limited to bills, payments, and services.
- Provide water services to each eligible and approved household for which payment is provided under LIHWAP.
- Extend the potential LIHWAP application for water services for up to ten calendar days while the Agency determines whether the potential LIHWAP applicant is eligible pursuant to the LIHWAP.
- Upon accepting payment from Agency for the eligible LIHWAP client, continue or restore water services to eligible LIHWAP client with no increases in charges, service charges or other charges or fees affecting the total cost of the bill, except as allowed by the stated tariff cost registered with the Public Utility Commission "PUC".
- In the event the Agency requires the eligible LIHWAP client to pay a portion of the bill prior to having a pledge made on their account on or before the disconnect date, as stated in the client's Disconnect Notice as required by PUC regulations, nothing in this agreement requires the Water Provider to delay a disconnect if the eligible LIHWAP client has not paid their required portion.
- Invoice the eligible LIHWAP client in accordance with Water Provider's normal billing practices.
- Upon verbal or written request from Agency, provide at no cost to the Agency the eligible LIHWAP client's billing and usage history for previous twelve months, or available history plus monthly estimates if less than twelve

months of billing history and usage is available. Water Provider will transmit such billing history via electronic mail or facsimile as soon as possible, but no later than forty-eight hours following the request.

- Work with Agency and eligible LIHWAP client to explore the feasibility of offering flexible payment arrangements that may include, without limitation, waiving security deposits, reconnect fees, application fees, and all other fees whenever possible.
- Not discriminate against eligible LIHWAP client in price or services, including the availability of deferred payment plans, level or average payment plans, discount, budget, advance payment or other credit plans.
- Not refuse to provide water service or otherwise discriminate in the marketing and provision of water service to any eligible LIHWAP client because of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, level of income, disability, financial status, location of client in an economically distressed geographic area, or qualification for low-income or water-efficiency services.
- Allow Agency forty-five days from the date of pledge for assistance payment to forward payment to the Water Provider. Water Provider agrees not to consider the portion of the eligible LIHWAP client's account to be paid by the Agency delinquent if said payment is received within the above mentioned forty-five day period, and Water Provider is provided with a verbal or signed pledge from the Agency within forty-five days of identifying an eligible LIHWAP client.
- Not interrupt service if eligible LIHWAP client is eligible under PUC regulations, or other state agency regulations (as applicable), and enters into an agreement with the Water Provider concerning how the eligible LIHWAP client will pay the balance owed Water Provider and the eligible LIHWAP client is meeting the obligation under such agreement.
- If the Agency has paid for an initial deposit or similar refundable instrument, upon the termination of service to the eligible LIHWAP client, the Water Provider shall return funds including interest (after any balance owed) to the Agency in accordance with PUC regulations or 10 Texas Administrative Code §6.312(f) (as applicable).
- Not apply LIHWAP payments to account balances that have previously been written off or paid with other funds.
- Not apply LIHWAP payments to commercial accounts. LIHWAP payments must only be applied to residential accounts.
- Clearly enter, on LIHWAP household bills, the amount of LIHWAP payment(s) received in a manner which identifies the payment as received from LIHWAP or at least the amount paid by LIHWAP shown as credited.
- Continually maintain accurate records of LIHWAP credit balances and annually reconcile accounts. After one year, credit balances must be refunded to the Agency, in compliance with LIHWAP Water Provider Refund Policies.
- Not exchange the household's credit authorization for cash or give any cash equivalent for excess credit.
- Cooperate with any Federal, State, or local investigation, audit, or program review. Understand that failure to cooperate with any Federal, State, or local investigation, audit, or program review may result in the immediate disqualification from participation in the LIHWAP.
- Water Provider's application materials should include language that authorizes the Water Provider to release the applicant's information as described below to the Agency, Texas Department of Housing and Community

Affairs, Texas State Auditor's Office, Office of the Attorney General of Texas, U.S. Department of Health and Human Services, the U.S. Department of Health and Human Services Internal Auditor, or the designee of any of these governmental agencies.

- Data related to a eligible LIHWAP client's Water Services and payments must be provided within a timeframe specified by the Agency at no cost and must be provided in the format requested by the Agency. The data must be provided to the Agency for the purposes of verification, research, evaluation, analysis, and reporting. The eligible LIHWAP client's signed LIHWAP application will authorize the Water Provider to release this information to the Agency.

AGENCY RESPONSIBILITIES. The Agency will:

- Accept written referrals for LIHWAP benefits by the Water Provider, and evaluate whether the referral is eligible as an eligible LIHWAP client.
- Obtain written permission for Agency to request and have access to eligible LIHWAP client information, including confidential or personal account information, credit and payment history, from eligible LIHWAP client's seeking Agency assistance. Social Security numbers are not required for the LIHWAP program and may not be disclosed to Agency.
- Provide to Water Provider, at Water Provider's request, eligible LIHWAP client's written permission for Agency's access to eligible LIHWAP client's information as stated above.
- Review invoice(s) submitted by the Water Provider. The Agency may request additional documentation and/or clarification of charges as needed. No payment will be made without all required documentation/clarification of charges.
- Not provide payments on behalf of an eligible LIHWAP client to Water Provider without having adequate funds to pay such payments.
- Provide payment to the Water Provider after receipt of proper invoices, and any additional required documentation or clarification, for services rendered pursuant to this Water Provider Agreement, upon full compliance by the Water Provider with the terms herein within 45 days.
- Determine if a client is LIHWAP eligible within ten calendar days of contacting Water Provider.
- Provide Water Provider a list of names, telephone numbers and e-mail addresses of Agency staff designated to make payments on behalf of the Agency and eligible LIHWAP clients, if requested from Water Provider.
- Comply with all relevant state and federal laws and regulations in its implementation of the LIHWAP. Follow all supplemental terms and conditions as set forth by the U.S. Department of Health and Human Services. The Agency shall provide notice of any changes or amendments to policies or guidelines for the LIHWAP.

CONFIDENTIALITY. The terms of any confidential transaction under this Water Provider Agreement or any other information exchanged by the Agency and Water Provider relating to any transaction shall not be disclosed to any person not employed or retained by the Agency or Water Provider, their affiliates, or brokers, except to the extent disclosure is 1) required by law; 2) necessary to disclose to the other Party in connection with a dispute between the Parties; 3) otherwise permitted by written consent of the other Party; 4) required by guarantors to be disclosed; 5) information which must be disclosed to a third Party to transmit water; 6) to meet reliability council, regulatory, administrative, judicial, governmental, or regulated commodity exchange requirements where necessary; or 7) information which was or is hereafter in the public domain (except by breach of this Water Provider Agreement).

Authorized Water Provider Signature Date

Typed Name of Authorized Signature Title

()

Water Provider Telephone Number

Water Provider Email Address

C Belver *1/14/2022*

Authorized Agency Signature Date

Carole Belver Executive Director

Typed Name of Authorized Signature Title

(512) 392-1161 X 328

Agency Telephone Number

cbelver@communityaction.com

Agency Email Address

Authorized Water Provider Signature

Date

Typed Name of Authorized Signature

Title

()

Water Provider Telephone Number

Water Provider Email Address

C Belver

1/14/2022

Authorized Agency Signature

Date

Carole Belver

Executive Director

Typed Name of Authorized Signature

Title

(512) · 392-1161 X 328

Agency Telephone Number

cbelver@communityaction.com

Agency Email Address

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Approve Resolution 2022-09 adopting the City of Lockhart Comprehensive Financial Policy.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION:

The Government Finance Officers Association (GFOA) recommends that municipal governments adopt formal, written financial policies to help guide government to strategic, long-term financial management.

Institutionizing formal financial policies are considered good management practices that will outlive their creators and promote stability and continuity. They clarify strategic intent for financial management and define a shared understanding of how the organization will develop practices and manage its resources to provide the best value to the community. They define boundaries within which staff can innovate in order to realize the organization's strategic intent and limit which actions staff may take.

Prior to presentation to the City Council, this policy was reviewed by city staff, the City Manager, the City of Lockhart's Financial Advisor and the auditing firm BrooksWatson.

This new comprehensive policy will establish guidelines for the City of Lockhart's fiscal planning and budgeting; expenditure control; revenues and collections; local, state, and federal grants; cost of services and user fees; impact fees; capital asset accounting and replacement; cash, debt and risk management, and financial reporting. This financial policy will also include the fund balance policy that the City Council adopts each year during budget.

This financial policy will become a permanent section of the City of Lockhart's budget document that will be presented to the Council annually for approval, and serves as a guideline for city staff.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff respectfully requests adoption of Resolution 2022-09 adopting the City of Lockhart Financial Policy.

LIST OF SUPPORTING DOCUMENTS: Resolution 2022-09, (Exhibit A) City of Lockhart Financial Policy

RESOLUTION NO. 2022-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ADOPTING THE CITY OF LOCKHART FINANCIAL POLICY ACCORDING TO GUIDELINES FROM GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA).

WHEREAS, the City of Lockhart, Texas is committed to financial management through integrity, prudent stewardship, planning, accountability, full disclosure and communication; and

WHEREAS, the broad purpose of the City of Lockhart Financial Policy is to carefully account for public funds, to manage its finances wisely, and to plan for the adequate funding of services desired by the public, including the provision and maintenance of public infrastructure systems; and

WHEREAS, to ensure that it is capable of adequately funding and providing those government services desired by the community; and

WHEREAS, using the guidelines from the Governmental Finance Officers Association, the City has established guidelines for the City's overall fiscal planning and management that is intent to foster and support the continued financial strength and stability of the City of Lockhart.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lockhart, Texas, that:

The City Council of the City of Lockhart, Texas hereby adopts the City of Lockhart Financial Policy (Exhibit A).

PASSED AND APPROVED on this 15th day of February 2022.

CITY OF LOCKHART, TEXAS

By: _____
Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC
City Secretary

Monte Akers
City Attorney



**CITY OF LOCKHART,
TEXAS**

FINANCIAL POLICY

Adopted 02/15/2022

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Adoption Resolution

Introduction

The city has an important responsibility to its citizens to carefully account for public funds, to manage its finances wisely, and to plan for the adequate funding of services desired by the public, including the provision and maintenance of public infrastructure systems. In these times of major changes in federal and state policies toward local government the city needs to ensure that it is capable of adequately funding and providing those government services desired by the community. Ultimately, the city's reputation and success will depend on the public's awareness and acceptability of the management and delivery of these services.

These principles are to establish guidelines for the city's overall fiscal planning and management. They are intended to foster and support the continued financial strength and stability of the City of Lockhart. These principles are broad, timeless statements of the financial position the city seeks to attain:

- To deliver quality services in an affordable, efficient, and cost-effective manner while providing full value for each citizen's tax dollar.
- To maintain an adequate financial base to sustain a sufficient level of municipal services, thereby preserving the quality of life in the City of Lockhart.
- To have the ability to withstand local and regional economic fluctuations; to adjust to changes in the service requirements of our community; and to respond to changes in Federal and State priorities and funding as they affect the city's citizens.
- To maintain a high bond credit rating to ensure the city's access to the bond markets and to provide assurance to the city's taxpayers that the city government is well managed and financially sound.

By following these principles, the City can enhance their financial health as well as its image and credibility. To achieve these goals as the City of Lockhart continues to grow and develop, it is important to regularly engage in the process of financial planning including reaffirming and updating these financial principles. Policy changes will be needed as the city continues to grow and become more diverse and complex in the services it provides to its citizens.

Policy 1

Fiscal Planning and Budgeting

Fiscal planning refers to the process of identifying resources and allocating those resources among numerous and complex competing purposes. The primary vehicle for this planning is the preparation, monitoring and analysis of the city's budget. It is increasingly important to incorporate a long-term perspective and to monitor the performance of the programs competing to receive funding.

- 1.01 The City Manager shall submit to the City Council a proposed annual budget, based on Council's established goals, and shall execute the budget as finally adopted, pursuant to Article 9, Section 9.10 of the City of Lockhart Charter. The city will budget revenues and expenditures on the basis of a fiscal year which begins October 1 and ends on the following September 30. The City Council shall adopt the budget for the following fiscal year no later the beginning of each fiscal year, or as soon thereafter as practical.
- 1.02 The city will prepare a budget in accordance with Government Finance Officers Association policies and best practices. The proposed budget will contain the following:
 - a) Revenue estimates by major category, by fund;
 - b) Expenditure estimates by program levels and major expenditure category, by fund;
 - c) Debt service, by issue, detailing principal and interest amounts;
 - d) Proposed personnel staffing levels;
 - e) A schedule of capital projects;
 - f) Any additional information, data, or analysis requested of management by the City Council.
- 1.03 The city maintains its financial records in accordance with accounting principles generally accepted in the United States of America known as GAAP. The City's budget is prepared on a modified accrual basis in accordance with GAAP.
- 1.04 The operating budget will be based on the principle that current operating expenditures, including debt service, will be funded with current revenues. Funds will pay the indirect cost charges for services provided by another fund. The budget will not use one-time (non-recurring) sources to fund continuing (recurring) uses, postpone expenditures, or use external borrowing for operational requirements. The budget will incorporate the best available estimates of revenues and expenditures.
- 1.05 A system will be used to facilitate position control. The number of full-time and regular part-time employees on the payroll shall not exceed the total number of positions authorized by the City Council.
- 1.06 Performance management will be utilized in the budget process to insure alignment with Council goals and organization strategic efforts. The City will make the best effort to use performance data when available.

- 1.07 Ideas for improving the efficiency and effectiveness of the city's programs and the productivity of its employees will be considered during the budget process.
- 1.08 Unspent appropriations for significant capital programs and major projects will be considered for reappropriation in the subsequent fiscal year. Such carryover of appropriation shall be included in the proposed budget.
- 1.10 The city shall establish appropriate management controls to monitor expenditure budgets to ensure they do not exceed authorizations. For all operating budgets, this control shall be exercised at the department/fund level. For capital budgets, this control shall be at the administrative level (City Manager).
- 1.11 A quarterly report on the status of the General Fund, Enterprise Funds, and HOT Fund budgets and trends will be prepared and presented to the City Council within 45 days of the end of each quarter.
- 1.14 If operating revenues do not match operating expenses during the course of a fiscal year, the city will take steps to reduce expenditures, increase revenues or, if a deficit is caused by an emergency, consider using the Unassigned Fund Balances. The City Manager may institute a cessation during the fiscal year on hirings, promotions, transfers, capital equipment purchases, and capital projects. Such action will not be taken arbitrarily or without knowledge of the City Council.
- 1.15 A policy will be maintained that provides for levels of approval by the City Manager and/or Council. The policy will address the transfer of expenditure authority between funds, transfer of expenditure authority over base amounts, transfer of expenditure authority to and from personnel, contractual, commodities or capital outlay accounts, transfer of expenditure authority between capital projects, and transfer of expenditure authority to or from debt service accounts.

Policy 2

Fund Balance

Fund balance is an important indicator of the city's financial position. Maintaining reserves is considered a prudent management practice. Adequate fund balances are maintained to allow the city to continue providing services to the community in case of unexpected emergencies or requirements and/or economic downturns.

- 2.01 In an effort to ensure the continuance of sound financial management of public resources, the City of Lockhart's Unassigned Fund Balances will be maintained to provide the city with sufficient working capital and a comfortable margin of safety to address emergencies, sudden loss of revenue or operating needs, and unexpected downturns without borrowing.

This policy establishes the amounts the city will strive to maintain in its General, Electric, Water, Wastewater, and Solid Waste Fund balances, the conditions under which fund balances may be spent, and the method by which fund balances will be restored. These amounts are expressed as goals, recognizing that fund balance levels can fluctuate from year to year in the normal course of operations for any local government.

- 2.02 It is the intent of the city to limit use of Unassigned Fund balances to address unanticipated, non-recurring needs or known and planned future obligations. Fund balances shall not normally be applied to recurring annual operating expenditures. Unassigned balances may, however, be used to allow time for the city to restructure its operations in a deliberate manner, but such use will only take place in the context of long-term financial planning.

- 2.03 The Council shall establish and maintain fund balances as follows:

1. General Fund: no less than 25% of budgeted operating expenditures and outgoing transfers, and
2. Enterprise Funds: (Electric, Water, Wastewater and Solid Waste) no less than 4 months (120 days) of budgeted expenditures.

- 2.04 Replenishing Deficiencies - When fund balance falls below the 25% level, the City will replenish shortages/deficiencies within the same year. According to GFOA guidelines, 17% is considered a minimal level of fund balance, but the City considers a balance of less than 22% to be a cause for concern, barring unusual or deliberate circumstances.

- 2.05 Surplus fund balance - Should unassigned fund balance of the general fund ever exceed the maximum 25% level, the City will consider such fund balance surpluses for one-time expenditures that are nonrecurring in nature, and which will not require additional future expense outlays for maintenance, additional staffing or other recurring expenditures.

- 2.06 In the event Reserves exceed the minimum balance requirements, at the end of each fiscal year, any excess Reserves may be used in the following ways:
- (1) To fund accrued liabilities, including but not limited to debt service, pension, and other post-employment benefits.
 - (2) Increase fund balances to fund future capital projects.
 - (3) One-time expenditures that are nonrecurring in nature or which will not require additional future expense outlays for maintenance, additional staffing, or other recurring expenditures that cannot be funded through current revenues.
 - (4) Technology improvements to enhance productivity or customer service.
- 2.07 The Chief Financial Officer is authorized to classify available fund balance for specific purposes in accordance with Governmental Accounting Standards Board Statement #54. It is the policy of the city that expenditures for which more than one category of fund balance could be used, that the order of use is: Restricted Fund Balance, Committed Fund Balance, Assigned Fund Balance, and Unassigned Fund Balance.

Policy 3

Expenditure Control

Management must ensure compliance with the legally adopted budget. In addition, purchases and expenditures must comply with legal requirements and policies and procedures set forth by the city.

- 3.01 Expenditures will be controlled by an annual appropriated budget at the department/fund level. The City Council shall establish appropriations through the budget process. The Council may transfer these appropriations as necessary through the budget amendment process. Written procedures will be maintained for administrative approval and processing of certain budget transfers within funds.
- 3.02 Department heads are responsible for monitoring expenditures to prevent exceeding their total departmental appropriation budget. It is the responsibility of these department heads to immediately notify the city's Finance Department and the City Manager of any circumstances that could result in a departmental appropriation being exceeded.
- 3.03 The city will maintain a purchasing system that provides needed commodities and services in a timely manner to avoid interruptions in the delivery of services. All purchases shall be made in accordance with the city's purchasing policies, guidelines and procedures and applicable state and federal laws. The city will endeavor to obtain supplies, equipment and services that provide the best value.
- 3.04 The city will endeavor to make all payments within the established terms.

Policy 4

Revenues and Collections

In order to provide funding for service delivery, the city must have reliable revenue sources. These revenues must be assessed and collected equitably, timely, and efficiently.

- 4.01 The city's goal is a diversified revenue base.
- 4.02 The city will strive to maintain a diversified and stable revenue base to shelter it from economic changes or short-term fluctuations by doing the following:
 - a) Periodically conducting a cost of service study to determine if all allowable fees are being properly calculated and set at an appropriate level.
 - b) Establishing new charges and fees as appropriate and as permitted by law.
 - c) Pursuing legislative change, when necessary, to permit changes or establishment of user charges and fees.
 - d) Aggressively collecting all revenues, late penalties and related interest.

Policy 5

Grants

Many grants require Council's appropriation of funds, either for the original grant or to continue programs after the grant funding has expired. Council should review these grant opportunities prior to determining whether application should be made for these grant funds.

- The city shall apply for only those grants that are consistent with the objectives and high priority needs previously identified by Council. The potential for incurring ongoing costs, to include the assumption of support for grant-funded positions from local revenues, will be considered prior to applying for a grant.
- The city shall attempt to recover all allowable costs – both direct and indirect – associated with the administration and implementation of programs funded through grants. The city may waive or reduce indirect costs if doing so will significantly increase the effectiveness of the grant.
- All grant submittals shall be reviewed for their cash match requirements, their potential impact on the operating budget, and the extent to which they meet the city's policy objectives. When the potential for expenditures exceeds budgeted expenditures, departments will seek Council approval prior to submission of the grant application. Should time constraints under the grant make this impossible, the department shall obtain written approval to submit the grant application from the City Manager and then, at the earliest feasible time, seek formal Council approval. Council will be informed of any financial obligations that will be incurred by the city. If there is a cash match requirement, the source of funding shall be identified prior to application.
- The city shall terminate grant-funded programs and associated positions when the grant has expired, and funds are no longer available unless alternate funding is identified.

Purpose

To establish and maintain a policy and internal controls that provide reasonable assurance that Federal awards are being managed in compliance with all Federal regulations and with the terms and conditions of the award. The City of Lockhart will follow the Uniform Guidance, the Local Agency Guidelines distributed by the State of Texas Department of Transportation funding, and other specific grant requirements or guidance documents published by the Federal Granting Agency such as the United States Department of Housing and Urban Development (HUD) and the Federal Aviation Administration (FAA) as applicable.

Organizations affected

All departments/divisions receiving awards.

References

Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – Title 2 Code of Federal Regulations (2 CFR 200); State and Local guidelines will also apply based on awarding organization.

Title 2 of the Code of Federal Regulations (2 CFR 200). Developed by the Office of Management and Budget (OMB), this guidance established uniform administrative requirements, cost principles, and audit requirements for federal awards. The requirements aim to reduce the risk of fraud, waste, and abuse of federal funds and places a heavy emphasis on written policies and procedures. The focus of these policies and procedures should be to ensure that those in the organization who carry out the objectives of the award understand:

- The federal statutes, regulations, and terms and conditions of the award.
- How to evaluate and properly monitor compliance.
- The steps to take if non-compliance is identified.

For further information, refer to:

<https://www.gpo.gov/fdsys/pkg/CFR-2017-title2-vol1/pdf/CFR-2017-title2-vol1-part200.pdf>

Specific state and local regulations may also apply. These regulations can vary based upon the unique conditions and circumstances of each grant award. City staff should take due care in determining the specific state and local applicable regulations that apply to their respective project and to appropriately document, understand, and comply with the conditions and restrictions within these regulations.

Policy

5.01 General: This policy describes the procedure for the administrative responsibility of awards received as grants. The City, through designated staff and City Officials, solicits and accepts awards from a variety of organizations for funding City programs and projects. Awards frequently require close coordination between different City departments and adherence to strict guidelines and requirements. This policy outlines the procedures and departmental roles and responsibilities to centrally coordinate and track citywide efforts in grant management and administration.

- a) The department that is requesting and/or administering the grant award shall be responsible for maintaining accurate and current information and complying with the general and specific guidelines and requirements of the grant award. This will include:
 - Being knowledgeable of grant award requirements.
 - Ensuring the City complies with said requirements.
 - Providing accurate information to the Finance Department in the preparation of reports and requests for reimbursement of eligible costs.
 - Maintaining the proper written and electronic documentation and financial records consistent with said requirements.

- b) In the event more than one department is involved in requesting or administering a grant award, the department involved will agree upon a designated lead department. The lead department will have overall responsibilities for administering the grant award consistent with this policy.
- 5.02 Internal Controls: The City of Lockhart will maintain effective internal control over the Federal award providing reasonable assurance that the City is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.
- a) The City will take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
 - b) The City will take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive.
- 5.03 Certification: To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include certification, signed by an official who is authorized to legally bind the non-Federal entity, which reads as follows: “By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative penalties for fraud, false statements, false claims or otherwise.”
- 5.04 Advance Payments and Reimbursements: Payment methods must minimize the time elapsing between transfer of funds from the United States Treasury or pass-through entity and the disbursement by the City of Lockhart whether the payment is made by electronic transfer, or issuance or redemption of checks, warrants, or payment by other means.
- a) Advanced payments must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash needs of the City to carry out the purpose of the approved program or project. Any advanced payments must be consolidated to cover anticipated cash needs.
 - b) The City shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs.
- 5.05 Allowability of Costs: Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:
- a) Be necessary and reasonable for the performance of the Federal award.

- b) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- c) Be consistent with policies and procedures that apply uniformly to both Federally financed and other activities of the City.
- d) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- e) Be determined in accordance with generally accepted accounting principles (GAAP).
- f) Not be included as costs or used to meet cost sharing or matching requirements of any other Federally financed program in either the current or prior period.
- g) Be adequately documented.

5.06 Procurement: When procuring goods and services under a Federal award, the City will follow 2 CFR §200.318 General Procurement Standards through §200.326 Contract Provisions or City of Lockhart purchasing procedures, whichever is more restrictive.

- a) Contracts for more than the simplified acquisition threshold currently set at \$150,000 must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.
- b) Contracts and sub-grants of amounts in excess of \$150,000 requires that the City will comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act and the Federal Water Pollution Control Act.
- c) The City will monitor procurements to avoid duplicative purchases. The City will continue to enter into inter-entity agreements to realize cost savings for shared goods and services when possible.
- d) The City will verify and document that vendors are not suspended or debarred from doing business with the Federal government.

5.07 Single Audit Act: The City, as a recipient of Federal funds, shall adhere to the Federal regulations outlined in 2 CFR §200.501 as well as all Federal and State statutes and regulations.

5.08 Closure: A project agreement end date will be established in accordance with 2 CFR §200.309. Any cost incurred after the project agreement end date are not eligible for

Federal reimbursement.

- 5.09 Code of Conduct: The purpose of the Code of Conduct is to ensure the efficient, fair, and professional administration of Federal grant funds in compliance with 2 CFR §200.112, 2 CFR §200.318 and other applicable Federal and State standards, regulations, and laws.

Procedures

The purpose of these procedures is to ensure inter-departmental coordination in the identification of grant opportunities, to ensure consistency in the management of grants the City receives, and oversight in management and compliance with the guidelines and restrictions as required by the grantor.

5.10 Grant Application

- a) Request to Apply – Prior to submitting an application for an award, the department pursuing the grant award shall obtain the required approval signatures.
- b) Legal review – If necessary, the responsible department will review the grant and grant application with the City Attorney to identify any potential legal issues that the City should be aware of.
- c) Submittal of award application – Once approval or direction is received to pursue the award, the department charged with the responsibility for implementing the award will prepare the necessary application paperwork and, if necessary, seek approval of the City Council.

5.11 Grant Award, Obligation and Management

- a) Award review and acceptance - Once the award is received, the responsible department will accept the award only if the grantor's terms and conditions can be satisfactorily met by the City. Administrative and legislative acceptance of an award will be subject to the following limitations:
 - Department directors may approve awards up to and including \$10,000.00 (if within their budget, if not City Manager approval is required).
 - City Manager is required for awards between \$10,001.00 up to and including \$50,000.00.
 - City Council approval is required for awards for \$50,001.00 and up.
- b) Reporting – The responsible department will serve as the single point of contact with the grantor and will be responsible for the preparation and submittal of reports to the grantor and for complying with the guidelines and requirements of the award. The responsible department will maintain a detailed project folder that will contain,

at a minimum, all official correspondence concerning the award including City memoranda; resolutions or ordinances; award letter; grantor guidelines and restrictions; written communications between the City and the grantor including copies of emails and any other documents necessary for the effective management of the award.

- The Finance department will be the responsible department in preparing the financial information for reimbursements and any reports that are necessary for reimbursement.
- c) Matches – City budget identified - Some awards prescribe a matching requirement in which the City must provide a financial match to qualify for an award. In the event of a required match, the responsible department will work with the Finance department to ensure sufficient budget is identified, and if necessary, to request a budget amendment.
- d) Award Compliance – Issues - Periodically, compliance issues associated with award guidelines and conditions may occur. The department charged with administering the award will be responsible for keeping the City Manager and the Finance Department informed of any award compliance issues and resolution undertaken to address the issue. Resolution will be documented in the City's grant award files.

Policy 6
Cost of Service and User Fees

User fees and charges are payments for voluntarily purchased, publicly provided services that benefit specific individuals. The city relies on user fees and charges to supplement other revenue sources in order to provide public services.

Indirect cost charges will be assessed to reflect the full cost of identified services.

- 6.01 The city may establish user fees and charges for certain services provided to users receiving a specific benefit.
- 6.02 On a regular basis, the city will conduct a cost of service study to identify the full cost of providing a service for which fees are charged. The calculation of full cost will include all reasonable and justifiable direct and indirect cost components.
- 6.03 User fees shall be reviewed on a regular basis to calculate their full cost recovery levels, to compare them to the current fee structure, and to recommend adjustments where necessary. Competing policy objectives may result in reduced user fees and charges that recover only a portion of service costs.

Policy 7

Development Impact Fees

The Council's policy is that to the extent reasonable, growth should pay for itself. As such, the Council has adopted a schedule of development impact fees. Development impact fees are one-time charges assessed against new customers to recover their proportional share of capital costs incurred to provide service capacity for new customers. Appropriate development fees are an important component in the overall strategy for financing capital improvements.

- 7.01 The city's objectives for development impact fees shall include the following:
- a) Support the reasonable cost of growth.
 - b) Consider the impact of growth on existing residents.
 - c) Develop cost justified development fees.
 - d) Address infrastructure requirements.
 - e) Promote economic development.
 - f) Provide financial capacity.
- 7.02 In general, development impact fees must be based on a rational analysis. This analysis will include:
- a) a reasonable assessment of the impacts of growth on the city's capital needs as identified in an infrastructure improvement plan;
 - b) a determination that the amount of the fee does not exceed the reasonable cost to provide capacity to accommodate growth;
 - c) a separate accounting of funds collected; and
 - d) an identification of potential liabilities or offsets to recognize other financial commitments resulting from development.
- 7.03 The city will monitor the use of impact fee credits and reimbursements and will track, and report liabilities associated with these credits on an annual basis.
- 7.04 Development impact fees may be assessed for a public purpose such as:
- a) Road
 - b) Water
 - c) Wastewater
- 7.05 The city shall conduct a review of its development impact fees on a semi-annual basis to the Impact Fee Advisory Committee.

Policy 8

Capital Asset Accounting and Replacement

An effective capital asset accounting system is important in managing the city's capital asset investment.

- 9.01 The city will account for and maintain a schedule of individual capital assets. For financial reporting purposes, capital assets recorded in the capital asset accounting system will meet the following criteria:
- a) Have estimated useful lives in excess of one year.
 - b) Have values greater than or equal to \$100,000 for building, utility facilities and other infrastructure systems; or greater than or equal to \$25,000 for all other assets, and
 - c) Are capable of being identified, tracked, and accounted for.
- All items not meeting the above criteria will be recorded as operating expenditures.
- 9.02 The city will provide replacement funding for certain fleet vehicles, certain computer equipment, and other assets as deemed necessary. Replacement funds or reserves will be determined as part of the annual budget process.
- 9.03 City departments shall maintain proper procedures and effective internal controls to track and safeguard capital assets, conduct periodic inventory of assets, and maintain assets in working condition.

Policy 9
Cash Management and Investment

Cash management includes the activities undertaken to ensure maximum cash availability and reasonable investment yield on a government's idle cash, and the cash collection function.

- 10.01 The city shall maintain and comply with a written Investment Policy that has been approved by the City Council. The Chief Financial Officer, as Chief Investment Officer, or his designee shall invest all funds of the city according to the approved Investment Policy.
- 10.02 The city will collect, deposit, and disburse all funds on a schedule that insures optimum cash availability for investment.
- 10.03 In order to obtain higher yields from its overall portfolio, the city will consolidate cash balances from various funds for investment purposes and will allocate investment earnings to each participating fund.
- 10.04 Bond funds will be segregated from all other funds for arbitrage and accounting purposes.
- 10.05 The city will project the cash needs of the city to optimize the efficiency of the city's investment and cash management program.
- 10.06 The city will conduct its treasury activities with financial institution(s) based upon written contracts.
- 10.07 Ownership of the city's investment securities will be protected through third party custodial safekeeping.
- 10.08 All city bank accounts shall be reconciled and reviewed monthly.
- 10.09 Investment performance will be measured using standard indices specified in the city's written investment policy. The Chief Financial Officer shall provide the City Council with a quarterly investment report.

Policy 10

Debt Management

The city utilizes long term debt to finance capital projects with long useful lives. Financing capital projects with debt provides for an “intergenerational equity”, as the actual users of the capital asset pay for its cost over time, rather than one group of users paying in advance for the costs of the asset.

The purpose of this debt management policy is to provide for the preservation and eventual enhancement of the city’s bond ratings, the maintenance of adequate debt service reserves, compliance with debt instrument covenants and provisions, compliance with Internal Revenue Service Regulations, and required disclosures to investors, underwriters, and rating agencies. These policy guidelines will also be used when evaluating the purpose, necessity and condition under which debt will be issued. These policies are meant to supplement the legal framework of public debt laws provided by the Texas Local Government Code, City Charter, federal tax laws and the city’s current bond resolutions and covenants.

- 11.01 All projects funded with city general obligation bonds will only be undertaken with voter approval as required through a city bond election.
- 11.02 The overall debt management policy of the city will ensure that financial resources of the city are adequate in any general economic situation to not preclude the city’s ability to pay its debt when due.
- 11.03 The city will not use long-term debt to fund current operations or smaller projects that can be financed from current revenues or resources; unless smaller projects could benefit from debt funding if they are being combined with a larger project (for one bond sale), or if the city’s reserves are yielding a higher return, or if the city is trying to increase the I&S rate due to revenue caps forcing a lower M&O. The city will first attempt to utilize "pay as you go" capital financing and/or the use of operating funds or impact fees where applicable.
- 11.04 The issuance of utility revenue debt by the city will be subject to the most careful review and will be issued only in a prudent and fiscally responsible manner.
- 11.05 The city shall attempt to combine debt issuances in order to minimize issuance costs.
- 11.06 Whenever the city finds it necessary to issue property tax-supported bonds, the following policy will be adhered to:
 - a) Tax supported bonds are bonds for which funds used to make annual debt service expenditures are derived from ad valorem (property) tax revenue of the city.
 - b) The target for the maturity of general obligation bonds will typically be between twenty and thirty years. The target for the “average weighted maturities” for general obligation bonds of the city will be twelve and one half (12 ½) years.

- c) Generally, the city will structure general obligation bond issues to create level debt service payments over the life of the issue.
- d) Debt supported by the city's General Fund will not exceed 10% of the annual General Fund revenues.
- e) Reserve funds, when required, will be provided to adequately meet debt service requirements in subsequent years.
- f) Interest earnings on bond fund balances will only be used to pay debt service on the bonds unless otherwise committed for other uses or purposes of the project.
- g) The term of any bond will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.

11.07 Revenue bonds are defined as a bond on which the debt service is payable from the revenue generated from the operation of the project being financed or a category of facilities, from other non-tax sources of the city, or from other designated taxes such as highway user's revenues, excise tax, or special fees or taxes. For any bonds or lease-purchase obligations in which the debt service is paid from revenue generated by the project and/or partially paid from non-property tax sources, that debt service is deemed to be revenue bonds and are excluded from the calculation of the annual debt service limitation. Whenever the city finds it necessary to issue revenue bonds, the following guidelines will be adhered to:

- a) Revenue bonds of the city will be analyzed carefully by the Finance Department for fiscal soundness. Prior to the issuance of utility supported revenue bonds, the Finance Department will ensure the generation of sufficient revenues to meet debt service requirements, compliance with existing bond covenants and to protect the bondholders.
- b) Revenue bonds should typically be structured to provide level annual debt service over the life of the issue; unless there is a compelling reason to defer early repayment to allow for a project to be built and revenues generated.
- c) Debt Service Reserve Funds should be provided when required by rating agencies, bond insurers or existing bond covenants.
- d) Interest earnings on the reserve fund balances will be used to pay debt service on the bonds unless otherwise committed for other uses or purposes of the project.
- e) The term of any revenue bond or lease obligation issue will not exceed the useful life of the capital project/facility or equipment for which the borrowing is intended.
- f) The target for the term of revenue bonds will typically be between twenty and thirty years. The target for the "average weighted maturities" for revenue bonds of the city will be twelve and one half (12 ½) years.

11.10 Refunding bonds will be measured against a standard of the net present value debt service savings exceeding 5% of the debt service amount of the bonds being refunded, or if savings exceed \$750,000, or for the purposes of modifying restrictive covenants or to modify the existing debt structure to the benefit of the city.

- 11.11 The investment of bond proceeds shall at all times be in compliance with the city's Investment Policy, all U.S. IRS arbitrage rebate requirements, and meet all requirements of bond covenants.
- 11.12 The city will maintain regular contact with rating agencies through telephonic conferences, meetings, or visits on and off-site. The city will secure ratings publicly on bonds issued when economically feasible.
- 11.13 The city's Finance Department shall maintain a debt profile for all bonds issued and update the profile on an annual basis. The debt profile shall include specific information regarding the size and type of debt issued, projects financed by the bonds, debt service schedules and other pertinent information related to each specific bond issue.

Policy 11

Utility Enterprise Funds

Government utility enterprises generate revenue to recover the cost of providing electric, water, wastewater, and solid waste services. User charges are established to recover the cost of providing these services.

- 12.01 Separate funds will be established and maintained to properly account for each utility operation. Utility funds will not be used to subsidize the operations of other non-utility funds. Interfund charges will be assessed for the administrative support of the enterprise activity.
- 12.02 The city will establish rates and fees at levels that recover the total direct and indirect costs, including operations, capital outlay, unrestricted cash reserve requirements, debt service and debt coverage requirements for electric, water, wastewater, and solid waste services.
- 12.03 All existing electric, water, wastewater, and sewer rates and charges will be reviewed periodically to recommend necessary rate adjustments.
- 12.04 The City of Lockhart's Enterprise Operating Fund working capital will be maintained to provide the city with a comfortable margin of safety to address emergencies and unexpected declines in revenue without borrowing. The cash reserve balance (working capital) goal for the electric, water, wastewater, and solid waste enterprise operating funds will be at least thirty-three percent (33%) or four (4) months of the actual operating expenditures for the fiscal year.
- 12.05 Funds in excess of the reserves described in the paragraphs above may be considered to supplement "pay as you go" capital outlay and one-time operating expenditures or may be used to prepay existing city debt. These funds may not be used to establish or support costs that are recurring in nature.

Policy 12

Risk Management

Risk management has become increasingly important in guarding against economic loss and in ensuring public safety in a time of increasing public liability and litigation. Risk management is involved in the identification, evaluation, and treatment of the city's risk.

- 15.01 The city shall make diligent efforts to prevent or mitigate the loss of city assets and to reduce the city's exposure to liability through training, safety, risk financing and the transfer of risk when cost effective.
- 15.02 When cost effective, the city shall manage its exposure to risk through self-insurance or through the purchase of traditional third-party insurance in the following areas: general liability, automobile liability, public officials' errors and omissions, police and fire professional liability, and property loss.
- 15.03 When cost effective, the city will further control its exposure to risk through the use of "hold harmless" agreements in city contracts and by requiring contractors to carry liability insurance, including errors and omissions coverage for architectural, engineering, and other applicable professional firms.
- 15.04 Insurance reserves shall be maintained at a level which, together with any purchased insurance, will adequately indemnify the city's assets and its elected officials, officers and directors against loss. A regular study will be conducted for potential liability areas and shall be used as a basis for determining self-insurance reserves based on historical loss data. The city will strive to fully fund actual and estimated liabilities including reserves for incurred-but-not-reported (IBNR) claims.
- 15.05 The city will identify and disclose material contingent liabilities in the city's Annual Comprehensive Financial Report (ACFR).
- 15.06 Cost allocations to various funds will be based on an analysis of contributing factors.

Policy 13

Accounting, Auditing and Financial Reporting

Accounting, auditing, and financial reporting form the informational infrastructure for public finance. Internal and external financial reports provide important information to the city's legislative body, management, citizens, investors, and creditors.

- 16.01 The city will comply with accounting principles generally accepted in the United States (GAAP), as well as Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS) in its accounting and financial reporting, as contained in the following publications:
- a) Codification of Governmental Accounting and Financial Reporting Standards, issued by the Governmental Accounting Standard Board (GASB) as well as earlier standard setting boards.
 - b) Pronouncements of the Financial Accounting Standards Board, (FASB) issued prior to December 1, 1989.
 - c) Governmental Accounting, Auditing, and Financial Reporting (GAAFR), issued by the Government Finance Officers Association (GFOA) of the United States and Canada.
 - d) Audits of State and Local Governmental Units, an industry audit guide published by the American Institute of Certified Public Accounts (AICPA) and any applicable Statements of Position (SOPs) and Statements of Auditing Standards (SASs) issued by the AICPA.
 - e) Government Auditing Standards (also know as the Yellow Book), issued by the Controller General of the United States.
 - f) Circular A-133, issued by the U.S. Office of Management and Budget (OMB).
- 16.02 Monthly financial reports will be made available to all departments summarizing financial activity and comparing actual revenues and expenditures with budgeted amounts.
- 16.03 A system of internal accounting controls and procedures will be maintained to provide reasonable assurance of the safeguarding of assets, the proper recording of financial transactions of the city, and compliance with applicable laws and regulations.
- 16.04 In accordance with State law and City Charter requirements, a comprehensive financial audit, including an audit of federal grants according to the Single Audit Act and the OMB Circular A-133, will be performed annually by an independent public accounting firm, with the objective of expressing an opinion on the city's financial statements. The city will prepare its financial statements in accordance with applicable standards and will account for its operations in a manner consistent with the goal of obtaining an unqualified opinion from its auditors.

- 16.05 The city will prepare an Annual Comprehensive Financial Report (ACFR) in accordance with the principles and guidelines established by the Government Finance Officers Association “Certificate of Achievement for Excellence in Financial Reporting” program. Staff will endeavor to provide the ACFR, the Single Audit, and the Management Letter to the City Council for a March Council meeting each year for the preceding fiscal year or as required by the City Charter. Staff will endeavor to provide the ACFR to the Government Finance Officers Association by March 31 of each year for review in the Certificate program.
- 16.06 All departments will provide notice of all significant events and financial and related matters to the Chief Financial Officer for the city’s annual disclosures, as required by the SEC Rule 15c2-12, for the municipal markets, financial statements, and bond representations. A listing of significant events is included in Appendix A to this document. The Chief Financial Officer will notify all Nationally Recognized Municipal Securities Information Repositories of these significant events.
- 16.07 The city’s Annual Comprehensive Financial Report (ACFR) will include the bond related on-going disclosure requirements and will fully disclose all significant events and financial and related issues. The city will provide the ACFR to the bond rating agencies, municipal bond insurers, national bond disclosure repositories and other interested parties.

Policy 14
Policy Review

By their nature policies must change and evolve over time. As with any other policies, these financial policies should be subject to periodic review and revision.

17.01 The City Council will periodically review and affirm the financial policies contained in this document.

Appendix A

Reporting of Significant Events (Continuing Disclosure Requirements)

If knowledge of the occurrence of a listed event would be material to the city, the city shall promptly file a “Notice of Material Event” with the Municipal Securities Rulemaking Board and with each depository. The following events are defined as significant events with respect to municipal securities.

- 1) Principal and interest payment delinquencies;
- 2) Non-payment related defaults, if material;
- 3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- 4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- 5) Substitution of credit or liquidity providers or their failure to perform;
- 6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determination of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determination with respect to the tax status of the security, or other material events affecting the tax-exempt status of the securities;
- 7) Modifications to rights of holders (i.e. owners), if material;
- 8) Bond calls (which are other than mandatory or scheduled redemptions, not otherwise contingent upon the occurrence of an event are optional or unscheduled) and tender offers;
- 9) Defeasances;
- 10) Release, substitution, or sale of property securing repayment of the securities (including property leased, mortgaged or pledged as such security), if material;
- 11) Bond rating changes;
- 12) Bankruptcy, insolvency, receivership or similar event;
- 13) Merger, consolidation, acquisition, or the sale of all or substantially all of the assets, other than in the ordinary course of business, if material;
- 14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss, consider, and adopt Resolution 2022-10 approving the City of Lockhart's participation in the Endo/Par and Teva settlements related to the statewide global opioid settlement.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Steven Lewis, Monte Akers

ACTION REQUESTED: Resolution

BACKGROUND/SUMMARY/DISCUSSION:

The State of Texas along with other states have reached a settlement with manufacturers of opioids that have contributed to the nationwide opioid crisis. Pursuant to the settlement agreement, individual municipalities and counties had to consider and adopt resolutions supporting the settlement before the municipality or county could receive any funds from the State of Texas via the settlement. The deadline for that approval was January 26, 2022. On October 19, 2021, the City of Lockhart approved a resolution 2021-17 adopting the Texas Term Sheet and approving the settlement participation forms. Since then, the State of Texas has reached a proposed settlement with Endo/Par and Teva, another company alleged to have contributed to the opioid crisis. The Texas Attorney General's Office is urging all municipalities and counties in the State to approve of this new settlement which will add funds to the overall pool of money available to municipalities and counties that have previously adopted the Texas Term Sheet. As part of this new settlement, the municipality must agree not to sue Endo/Par, Teva or drop any pending lawsuits of which Lockhart is not currently pursuing.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: October 2021 - Adoption of Resolution 2021-17

COMMITTEE/BOARD/COMMISSION ACTION: N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

STAFF RECOMMENDATION/REQUESTED MOTION: Approve Resolution 2022-10 supporting the Endo/Par and Teva settlements and reaffirming our findings in Resolution 2021-17 previously approved.

LIST OF SUPPORTING DOCUMENTS: Resolution 2022-10, Exhibit A, Exhibit B

RESOLUTION OF THE CITY OF LOCKHART, TEXAS

RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORMS, FOR SETTLEMENT WITH ENDO/PAR AND TEVA AND ANY FUTURE RELEASE FORMS AS PART OF THE GLOBAL OPIOID SETTLEMENT LED BY THE TEXAS ATTORNEY GENERAL; AUTHORIZING SUBMISSION OF SETTLEMENT PARTICIPATION FORMS AND PROVIDING AN EFFECTIVE DATE.

BE IT REMEMBERED, at a regular meeting of the City Council of the City of Lockhart, Texas (the “City”), held on the 15th day of February, 2022, on motion made by Councilmember _____, and seconded by Councilmember _____, the following Resolution was adopted:

WHEREAS, the City of Lockhart obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (“Defendant”, or collectively, “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct, and misconduct have resulted in significant financial costs to the City of Lockhart; and

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the “Texas Term Sheet”) approving the allocation of any and all opioid settlement funds within the State of Texas (“Global Opioid Settlement”); and

WHEREAS, on October 19, 2021, the City of Lockhart adopted Resolution No. 2021-17, adopting the Texas Term Sheet and approving the Mayor to execute those “Settlement Participation Forms” for settlements with Johnson and Johnson and opioid distributors provided by the Texas Attorney General’s office; and

WHEREAS, the City Council now intends to execute those certain “Texas Subdivision and Special District Election and Release Form[s]”, attached hereto as **Exhibit A** and **Exhibit B**, adding entities Endo/Par and Teva as Defendants in the Global Opioid Settlement pursuant to the Texas Term Sheet, and releasing such entities from claims outside of the Global Opioid Settlement; and

WHEREAS, the City intends to authorize the Mayor to execute any further similar forms for the Global Opioid Settlement, with funds distributed according to the Texas Term Sheet.

NOW, THEREFORE, BE IT RESOLVED that we, the City Council of the City of Lockhart:

1. Re-affirm the findings and resolutions made in Resolution 2021-17, approving the Texas Term Sheet; and
2. Hereby authorize the Mayor to execute and submit, the Texas Subdivision and Special District Election and Release Forms, attached hereto as **Exhibit A** and **Exhibit B**, and each incorporated herein, for settlements with Endo/Par and Teva, as part of the Global Opioid Settlement conducted by the Texas Attorney General’s office, and pursuant to the previously approved Texas Term Sheet; and
3. Hereby authorize the Mayor to execute and submit any future related Global Opioid Settlement release forms for further Defendants, and subject to the Texas Term Sheet.

PASSED AND APPROVED on this the 15th day of February, 2022.

City of Lockhart

Lew White, Mayor

ATTEST:

Connie Constancio, TRMC, City Secretary

Exhibit “A”
Endo/Par Texas Subdivision and Special District Election and Release Form

(see next page)

Exhibit “B”
Teva Texas Subdivision and Special District Election and Release Form

(see next page)

Exhibit A

TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORM

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Endo/Par under the terms and conditions set forth in the Endo/Par Texas State-Wide Opioid Settlement Agreement between Endo/Par, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss Endo/Par and all other Released

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Entities with prejudice from all pending cases in which the Participating Subdivision has asserted Covered Claims against Endo/Par or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: _____

Texas Subdivision Name: _____

By: _____

[NAME]

[TITLE]

[ADDRESS]

[TELEPHONE]

[EMAIL ADDRESS]

Exhibit B

TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORM

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: _____

Texas Subdivision Name: _____

By: _____

[NAME]

[TITLE]

[ADDRESS]

[TELEPHONE]

[EMAIL ADDRESS]

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Approve agreement with Techline for Project #19 A through H as part of the City of Lockhart's five-year System Study and Capital Plan as prepared by the Lower Colorado River Authority (LCRA).

ORIGINATING DEPARTMENT AND CONTACT: Electric - Bobby Leos

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: Techline Construction is LCRA's preferred contractor for projects because they are experienced with high voltage line repairs. Techline has conducted the majority of Lower Colorado River Authority (LCRA) projects of the City of Lockhart since 1995.

Project #19 A-H is part of the LCRA's five-year System Study that will replace an OCR (Oil Circuit Recloser) at each designated location with a Vacuum Switch. This project would have Techline replace one pole at each project location with an OCR and replace it with a vacuum switch. The vacuum switches are safer due to the fact that they will no longer be oil-filled, giving them less of a chance of exploding. Labor for Project #19 A-H is an estimated total of \$76,300.00 not to exceed \$80,300.00.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: \$80,300.00

Account Number: 500-5745-911

Funds Available: \$80,300.00

Account Name: Construction/Project Improvement

FISCAL NOTE (if applicable): LCRA Project #19 was approved in the FYE2022 Annual Operating Budget.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Electric Superintendent recommends approval.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: Agreement, Exhibits A, B & C

ELECTRICAL DISTRIBUTION CONSTRUCTION AGREEMENT

This **ELECTRICAL DISTRIBUTION CONSTRUCTION AGREEMENT** (“**Agreement**”) is entered into by and between the City of Lockhart, Texas (“**Owner**”) and Techline Construction, LLC (“**Contractor**”) and is effective as of the date of the signature of the last party to sign below (the “**Effective Date**”).

1. Contract Documents. This Agreement includes the following Contract Documents which shall be construed in the order of precedence in which they are listed:

1. This Agreement;
2. Exhibit A – LCRA Construction Drawings for Project 19A through 19H Recloser Project;
3. Exhibit B – Contract No. 5405 Distribution Construction Services between the Lower Colorado River Authority and Techline Construction, LLC, dated October 1, 2018; and
4. Exhibit C – Proposal by Techline Construction, LLC to the City of Lockhart dated January 20, 2022, containing the estimate for the total cost of labor and equipment to complete Project 19A through 19H Recloser Change-Out.

Exhibits A, B, and C which are attached hereto and incorporated herein, are made a part of this Agreement for all purposes. Contractor agrees to provide Owner with the services included in Exhibits pursuant to the terms and conditions of this Agreement, including all exhibits thereto.

2. Scope. Contractor shall furnish all labor, construction equipment, transportation, subcontracting, and other required services, other than engineering services, to complete the work described in the Contract Documents, specifications, and Construction Drawings (the “**Work**”). Contractor agrees to perform the Work under the same terms and conditions and pricing contained in the Contract Documents. All orders and payments for the Work will be issued directly from Owner to Contractor, and Contractor will provide the services and associated invoices directly to Owner. Contractor shall not provide any additional items or services or bill for expenses incurred for Owner not specified by this Agreement unless Owner requests and approves in writing the additional costs for such services. Owner shall not be liable for any additional expenses of Contractor not specified by this Agreement unless Owner first approves such expenses in writing.

3. Compensation. Owner agrees to pay the Contractor in accordance with the prices listed in the proposal attached to the Contract Documents, estimated to be \$76,300.00 and not to exceed \$80,300.00, and in any change orders executed by the parties.

4. Term. The term of this Agreement shall be for one year beginning on the Effective Date and ending one calendar year thereafter. Owner shall be able to renew this agreement for two one-year renewal options by written agreement of the parties.

5. Independent Contractor. This Agreement shall not be construed to create a partnership, joint venture, nor other agency relationship between the parties, who are independent of one

another. The relationship of the Contractor to Owner is and shall continue to be that of an independent contractor, and no liability or benefits such as workers' compensation, pension rights or liabilities, insurance rights or liabilities, arising out of or related to an employer/employee relationship, shall arise, or accrue to either party or either party's agent, subcontractor or employee, as a result of this Agreement or its performance. No relationship, other than that of independent contractor, shall be implied between the parties or between either party and the other party's agent, employee, or subcontractor, and the Contractor hereby agrees to hold Owner harmless from any such claims by it or its associates, and any cost or expense related thereto.

6. LCRA. LCRA is not a party to, and will in no way be responsible to either Owner or Contractor for, such orders, including without limitation any payments, performance, costs, expenses, losses or damages arising from such transactions between Contractor and Owner. Owner and Contractor releases LCRA from any liability associated with Owner's transactions under the Agreement.

7. Notices. Notices required pursuant to the provisions of this Agreement shall be conclusively determined to have been delivered when (1) hand-delivered to the other party, its agents, employees, servants or representatives, (2) delivered by facsimile with electronic confirmation of the transmission, or (3) received by the other party by United States Mail, registered, return receipt requested, addressed as follows:

City of Lockhart
Attn: City Manager
308 W. San Antonio St.
Lockhart, TX 78644

Techline
Attn: President
9609 Beck Circle
Austin, TX 78758

8. Default. In the event of a failure by Contractor to satisfactorily perform the services specified herein and/or a default by Contractor in abiding by the other terms and conditions of this Agreement, Owner may terminate the Agreement on written notice to Contractor and Contractor shall be liable for all damages, costs, and expenses (including attorney fees) incurred by Owner related to this default.

9. Alternative Dispute Resolution. The dispute resolution process provided for in Chapter 154 of the Texas Civil Practice and Remedies Code may be used, by Owner and Contractor to attempt to resolve any claim for breach of contract made by Contractor, to the extent it is applicable to the Agreement and not preempted by other law. Except as otherwise provided by law, nothing herein is a waiver by Owner of the right to seek redress in a court of law.

10. Assignment. The parties recognize that this contract is based upon the skill and expertise of the parties and therefore agree that the contract and the obligations thereunder may not be assigned

or delegated without the written consent of the other party, except as expressly allowed by this contract.

11. Compliance with Law. Contractor shall certify that he/she or it is in compliance with all applicable state and federal laws, including non-discrimination laws as it relates to the terms and conditions of the agreement.

12. Non-Appropriations. To the extent this contract constitutes public debt in connection with Article 11, Sec. 5 of the Texas Constitution, Contractor understands that Owner is a governmental entity, and should the Owner fail to provide funding for any period during the term of this contract, Owner shall be excused for all liability for payment. Owner is required to give Contractor written notice within thirty (30) days after learning that the funds will not be available. Upon receiving written notice from Owner, this contract will automatically terminate.

13. Governing Law/Venue/Statute of Limitations. The validity of this Agreement and the interpretation of its terms and the applicable statute of limitations for any cause of action brought by or against Owner pursuant to the Agreement shall be governed by the laws of the State of Texas. Jurisdiction for any legal proceedings incident to this agreement shall lie in Caldwell County, Texas or a United States District Court within the county.

14. Force Majeure. In the event of Force Majeure, Owner may terminate this agreement by written notice following such casualty and Owner shall not be responsible for any damages sustained by Contractor. Force Majeure shall mean fire, earthquake, flood, tornado, act of God, strikes or other labor disturbances, riots or civil commotion, litigation, terrorism, war or other acts of any foreign nation, power of government or government agency or authority, or any other cause like or unlike any cause above-mentioned which is beyond the control or authority of Owner.

15. Confidentiality. Subject to the Texas Public Information Act and any similar legal requirements, neither Party shall disclose any confidential information obtained from the other Party without such Party's prior written approval.

16. INDEMNIFICATION. CONTRACTOR SHALL INDEMNIFY, HOLD HARMLESS, AND DEFEND THE OWNER, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, DEMANDS, PROCEEDINGS, COSTS, AND LIABILITIES OF EVERY KIND, INCLUDING WITHOUT LIMITATION ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEYS' FEES, FOR INJURY TO OR DEATH OF ANY PERSON OR FOR DAMAGE TO ANY PROPERTY ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS OF CONTRACTOR OR ANY AGENT, EMPLOYEE, SUBCONTRACTOR, OR SUPPLIER OF CONTRACTOR IN THE EXECUTION OR PERFORMANCE OF THIS CONTRACT. SUCH INDEMNITY SHALL APPLY REGARDLESS OF WHETHER THE CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS OR LIABILITY ARISE IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE OWNER, ANY OTHER PARTY INDEMNIFIED HEREUNDER, THE CONTRACTOR, OR ANY THIRD PARTY.

17. Insurance. For the entire term of the Agreement (“Term”), Contractor shall maintain at his/her sole cost, at all times while performing work hereunder, the insurance and bond coverage set forth below with companies satisfactory to the Owner with full policy limits applying, but not less than stated. A certificate of insurance evidencing the required insurance and specifically citing the indemnification provision set forth in the Agreement shall be delivered to the Owner prior to the start of work.

- (1) Worker’s Compensation Insurance as required by laws and regulations applicable to and covering employees of Contract engaged in the performance of the work under this agreement with a limit of not less than \$1,000,000.00;
- (2) Employers Liability Insurance protecting contractor against common law liability, in the absence of statutory liability, for employee bodily injury arising out of the master-servant relationship with a limit of not less than \$1,000,000.00.
- (3) Comprehensive General Liability Insurance including products/completed operation with limits of liability of not less than: Bodily Injury \$1,000,000.00 per each person, \$1,000,000.00 per each occurrence/\$2,000,000.00 aggregate; Property Damage \$1,000,000.00 per each occurrence;
- (4) Excess Liability Insurance Comprehensive General Liability, Comprehensive Automobile Liability and coverages afforded by the policies above, with the minimum limits of \$2,000,000.00 excess of specified limits;

All policies must contain a waiver of subrogation against Owner. Comprehensive General Liability and Commercial Automobile Liability policies must name Owner as Additional Insured. Contractor shall pay all insurance deductibles and deductibles must not exceed \$10,000 unless approved in advance by Owner. Contractor shall provide Owner Certificates of Insurance evidencing these insurance requirements prior to the start of work.

18. Audit; Independent Audits; Right to Audit; Retention; Supporting Documents. The Contractor agrees and authorizes Owner and/or the Owner’s Auditor (collectively, “Auditor”) to conduct audits or investigations in connection with this Agreement. Contractor agrees to cooperate with Auditors conducting such audits or Investigations and to provide all information and documents reasonably requested.

19. Limitations. The Parties are aware that there are constitutional and statutory limitations on the authority of Owner to enter into certain terms and conditions of the Agreement, including, but not limited to, those terms and conditions relating to liens on Owner’s property; disclaimers and limitations of warranties; disclaimers and limitations of liability for damages; waivers, disclaimers and limitations of legal rights, remedies, requirements and processes; limitations of periods to bring legal action; granting control of litigation or settlement to another party; liability for acts or omissions of third parties; payment of attorneys’ fees; dispute resolution; indemnities; and confidentiality (collectively, the “Limitations”), and terms and conditions related to the Limitations will not be binding on Owner except to the extent authorized by the laws and Constitution of the State of Texas.

20. Sovereign Immunity. Except as otherwise provided by Texas law, neither the execution of the Agreement by Owner nor any other conduct, action or inaction of any Owner representative relating to the Agreement is a waiver of sovereign immunity by Owner.

21. Representations by Contractor. Contractor represents and warrants that it will obtain and maintain in effect, and pay the cost of all licenses, permits or certifications that may be necessary for Contractor's performance of this Agreement other than approval to cross state or interstate highways and railroads, which shall be the responsibility of Owner. If Contractor is a business entity, Contractor warrants, represents, covenants, and agrees that it is duly organized, validly existing and in good standing under the laws of the state of its incorporation; and is duly authorized and in good standing to conduct business in the State of Texas, that it has all necessary power and has received all necessary approvals to execute and deliver the Agreement and is authorized to execute this Agreement according to its terms on behalf of Contractor.

22. Eligibility to Receive Payment. Contractor certifies that, as a matter of State law, it is not ineligible to receive the Agreement and payments pursuant to the Agreement and acknowledges that the Agreement may be terminated, and payment withheld if this representation is inaccurate.

23. Risk of Loss. All work performed by Contractor pursuant to the Agreement will be at Contractor's exclusive risk until final and complete acceptance of the work by Owner. In the case of any loss or damage to the work prior to Owner's acceptance, such loss or damage will be Contractor's responsibility.

24. Legal Construction/Severability. In the event that any one or more of the provisions contained in this contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision, and this contract shall be construed as if such invalid, illegal or unenforceable provisions had never been contained in it. To this end, the provisions of this contract are declared to be severable. The Parties may mutually agree to renegotiate the contract to cure such illegality/invalidity or unconstitutionality if such may be reasonably accomplished.

25. Non-Waiver. No covenant or condition of this Agreement may be waived except by written consent of the waiving party. Forbearance or indulgence by one party in any regard whatsoever shall not constitute a waiver of the covenant or condition to be performed by the other party.

26. Entire Agreement. The Contract Documents constitutes the entire agreement and supersedes all prior or contemporaneous agreements, whether written or oral, between the parties. Verbal representations not contained herein shall not be binding on the parties unless acknowledged by them in writing.

27. Authority. The person signing below on behalf of Owner and Contractor warrants that he/she has the authority to execute this contract according to its terms.

28. Amendment. This Agreement may be changed, amended, modified, extended or assigned only by mutual consent of the parties provided that consent shall be in writing and executed by the parties hereto prior to the time such change shall take effect.

29. Binding Agreement. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, City and Contractor, by and through their duly authorized officers and Representatives, have executed this Agreement as of the date first above written.

CITY OF LOCKHART

By: _____

Lew White, Mayor

Date: _____

Attest:

By: _____

Connie Constancio, TRMC, City Secretary

Date: _____

TECHLINE CONSTRUCTION, LLC

By: _____

Don Lawyer, President

Date: _____

~~EXHIBIT A~~

Construction Drawings for

Project 19A through 19H
Recloser Projects.

EXHIBIT B

Contract No. 5405 Distribution Construction

Services between Lower Colorado River

Authority and Techline Construction, LLC

Dated: October 1, 2018

EXHIBIT C

Proposal by Techline Construction, LLC to the

City of Lockhart

Dated: _____

01-20-2022

Techline Construction estimates the total cost of labor and equipment to complete the project or projects to be known as Project 19A through 19H Recloser

Change Out

for the City of

Lockhart

will be

\$76,300.00

not to exceed

\$80,300.00

Any added or unusual work

will be done by Techline Construction for extra compensation.

Contractor has thoroughly examined the jobsite, the Construction drawings and other specifications applicable laws and regulations, and all other matters affecting the work to be performed, and has

delivered its offer to the City of Lockhart in the form of the Proposal by Techline Construction, LLC to the City of Lockhart dated 01-

20-2022 ("the Proposal"). The Proposal is attached to this Agreement as Exhibit C and incorporated into it for all purposes.

Contractor shall furnish all labor, construction equipment, transportation, subcontracting, and other required services to complete the work described in the Contract Documents, Specifications, and Construction Drawings and Contract Documents.

Contractor agrees to perform the work and Owner agrees to pay the Contractor in accordance with the prices listed in the Proposal and in any change orders executed by the parties.

SIGNATURE PAGE TO ELECTRICAL DISTRIBUTION
CONSTRUCTION AGREEMENT BETWEEN

AS OWNER, AND TECHLINE CONSTRUCTION, LLC AS
CONTRACTOR.

EXECUTED EFFECTIVE as of the date of the last to
sign below.

CONTRACTOR

Techline: Construction, LLC

By:

Don Lawver

Name:

Don Lawver

Title:

President

Date:

1-21-22

OWNER

City of

By:

Name:

Title:

Date:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discussion and/or action on application ZC-22-06 by Curtis Thigpen of Paravel Capital for a **Zoning Change** from *RMD Residential Medium Density District* to *RHD Residential High Density District* for 19.906 acres in the Cornelius Crenshaw Survey, Abstract No. 68, located in the 1900 block of North Cesar Chavez Parkway - Northbound (SH 130). *Proposed to be TABLED to the March 15 City Council meeting due to not yet having a final recommendation from the Planning and Zoning Commission.*

ORIGINATING DEPARTMENT AND CONTACT: Development Services - Dan Gibson

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: The subject property is part of a 50.77-acre tract that was rezoned from AO to RMD in October 2021 for the stated purpose of developing a duplex subdivision. However, the applicant for this zoning change proposes a multifamily development, which is allowed only in the RHD district. The proposed development is the upper portion of the attached concept plan labeled "*Medium Density Residential Development*", which also includes a proposed duplex subdivision in the lower portion. The proposed RHD zoning classification is **not** consistent with the *Medium Density Residential* future land use designation shown on the land use plan map. As explained in great detail in the attached staff report, there is currently a total lack of sanitary sewer service in the Silent Valley Road area, while we continue to receive applications for zoning changes and specific use permits that will potentially increase residential densities in that area above those anticipated by the comprehensive plan. The land use plan map was the basis for the sizing of proposed wastewater lines included in the wastewater impact fee CIP. The 12-inch line proposed to serve the area will not be large enough for the increased densities being requested, and an increase to a larger size would require not only an extension from Tank Street, but also replacement and upgrading of an existing 12-inch line all the way to Larremore Street. The city engineer has been asked to determine how many living-unit equivalents can be handled by the planned 12-inch extension, as well as by a larger line up to 18 inches in diameter that would include the necessary upgrading to Larremore Street. The study will also include estimates of design and construction costs so that the developers of land north of Silent Valley Road will know approximately what their share of the expense will be to serve their developments. The city engineer has indicated that this may take roughly two weeks. So far, there has been no public opposition to this zoning change.

PROJECT SCHEDULE (if applicable): Not applicable.

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

Funds Available:

Account Name:

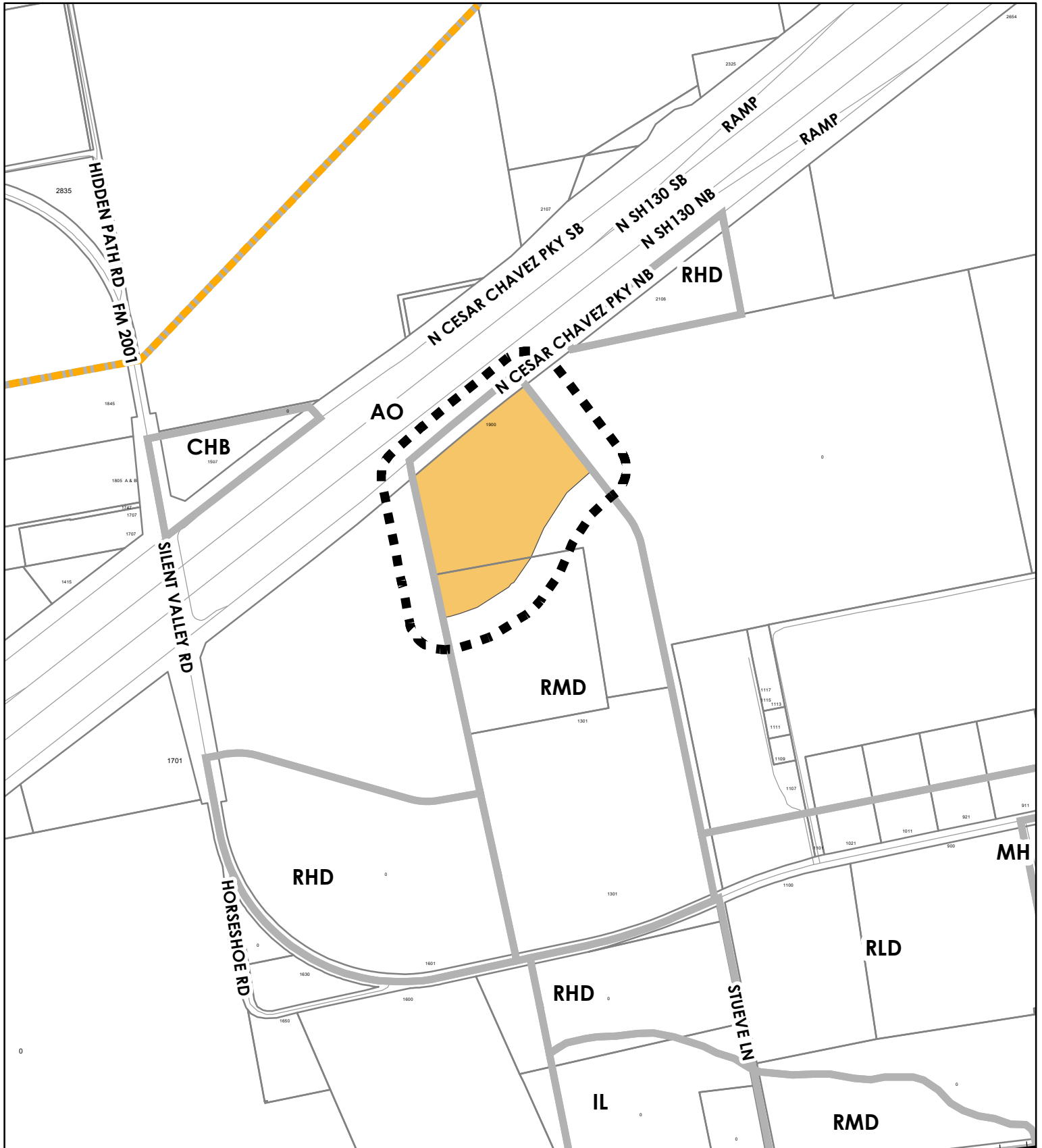
FISCAL NOTE (if applicable): Not applicable.

PREVIOUS COUNCIL ACTION: None.

COMMITTEE/BOARD/COMMISSION ACTION: At their February 9th meeting, the Planning and Zoning Commission voted unanimously to TABLE further consideration of Zoning Change ZC-22-06 until the Commission's March 9th meeting for the reasons stated in the staff report.

STAFF RECOMMENDATION/REQUESTED MOTION: Staff believes that this zoning change request is premature until we have a better idea of the City's sanitary sewer capacity to serve land use densities that are higher than the future land use designations indicated on the City's land use plan map in the Silent Valley Road area. The suggested motion is to TABLE further consideration of Zoning Change ZC-22-06 from RMD to RHD on 19.906 acres in the 1900 block of North Cesar Chavez Parkway - Northbound until the March 15 Council meeting because Section 211.007 of the Texas Local Government Code prohibits the governing body (City Council) from holding a public hearing or taking action on a zoning map change until a final recommendation is received from the zoning commission (Planning and Zoning Commission). Therefore, this item is not listed on the agenda as a public hearing, and no ordinance is attached.

LIST OF SUPPORTING DOCUMENTS: ZC2206 case map, ZC2206 zoning, ZC2206 future landuse, ZC2206 aerial, zc2206 staff report, sup2203 & zc2206 concept plan, zc2206 application



ZC-22-06

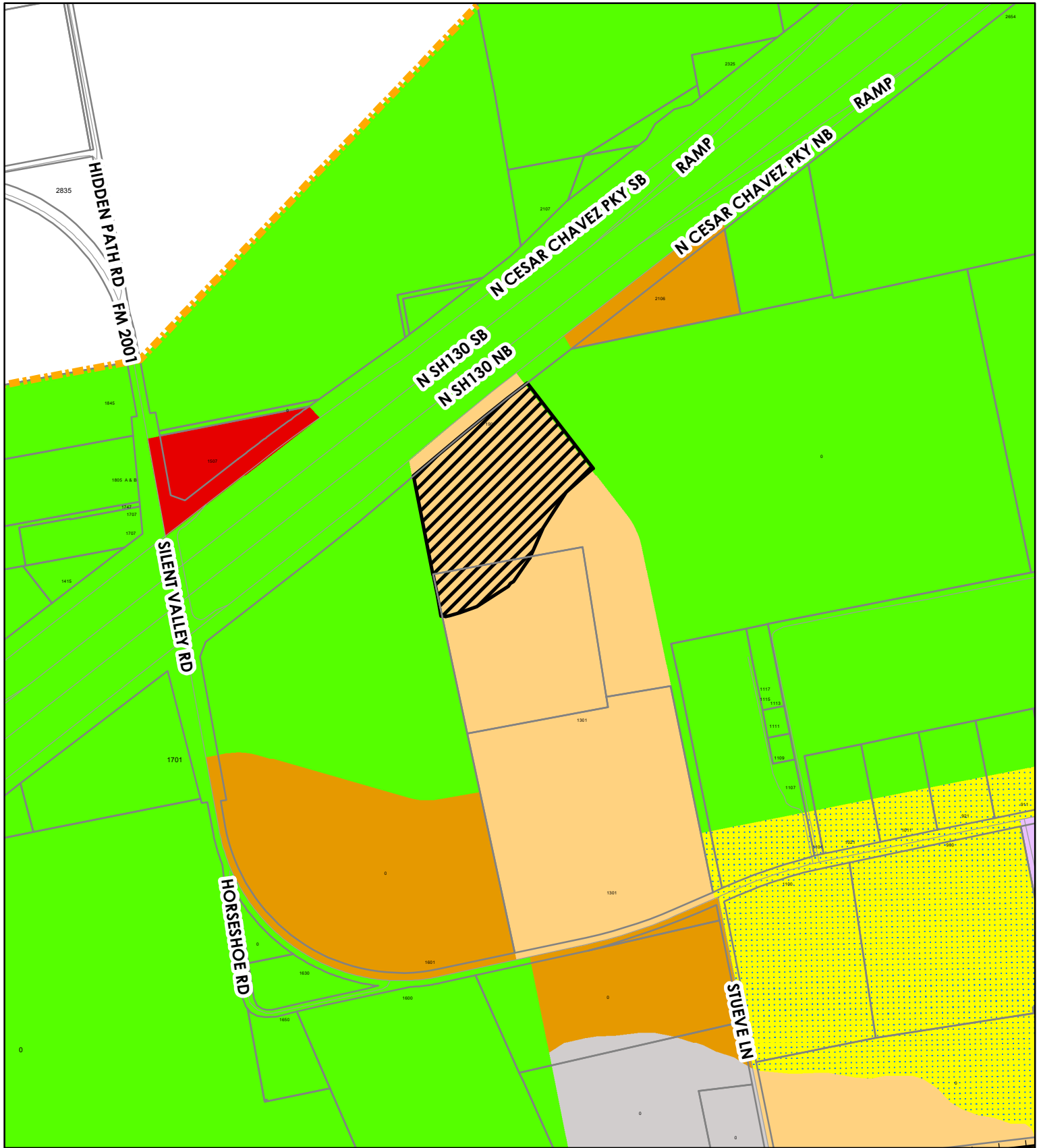
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- SUBJECT PROPERTY
- ZONING BOUNDARY
- CITY LIMITS
- 200 FT BUFFER



ZC-22-06

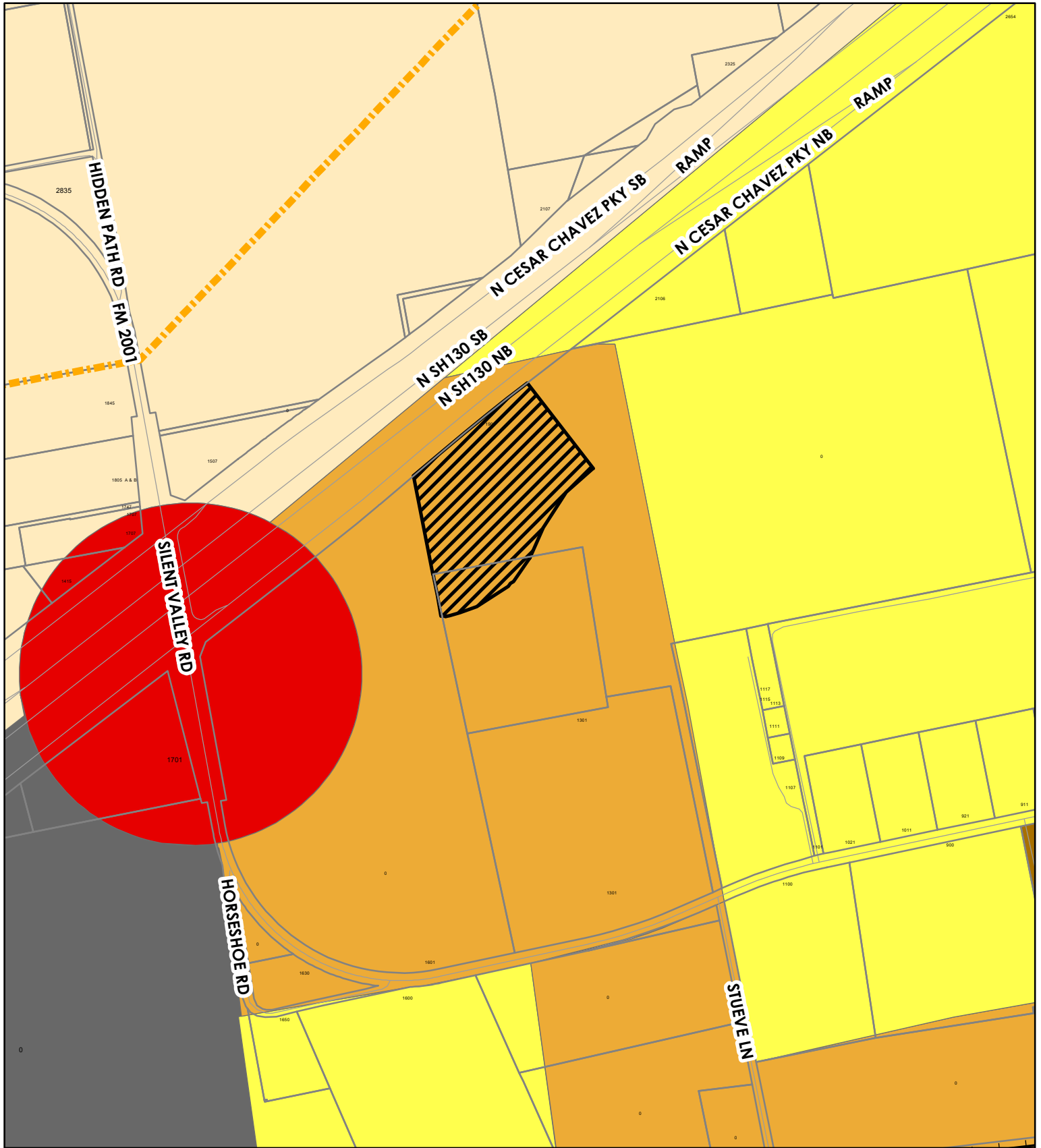
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- ZONING DISTRICTS**
- AGRICULTURAL-OPEN SPACE
 - COMMERCIAL HEAVY BUSINESS
 - INDUSTRIAL LIGHT
 - MANUFACTURED HOME
 - RESIDENTIAL HIGH DENSITY
 - RESIDENTIAL LOW DENSITY
 - RESIDENTIAL MEDIUM DENSITY



FUTURE LANDUSE

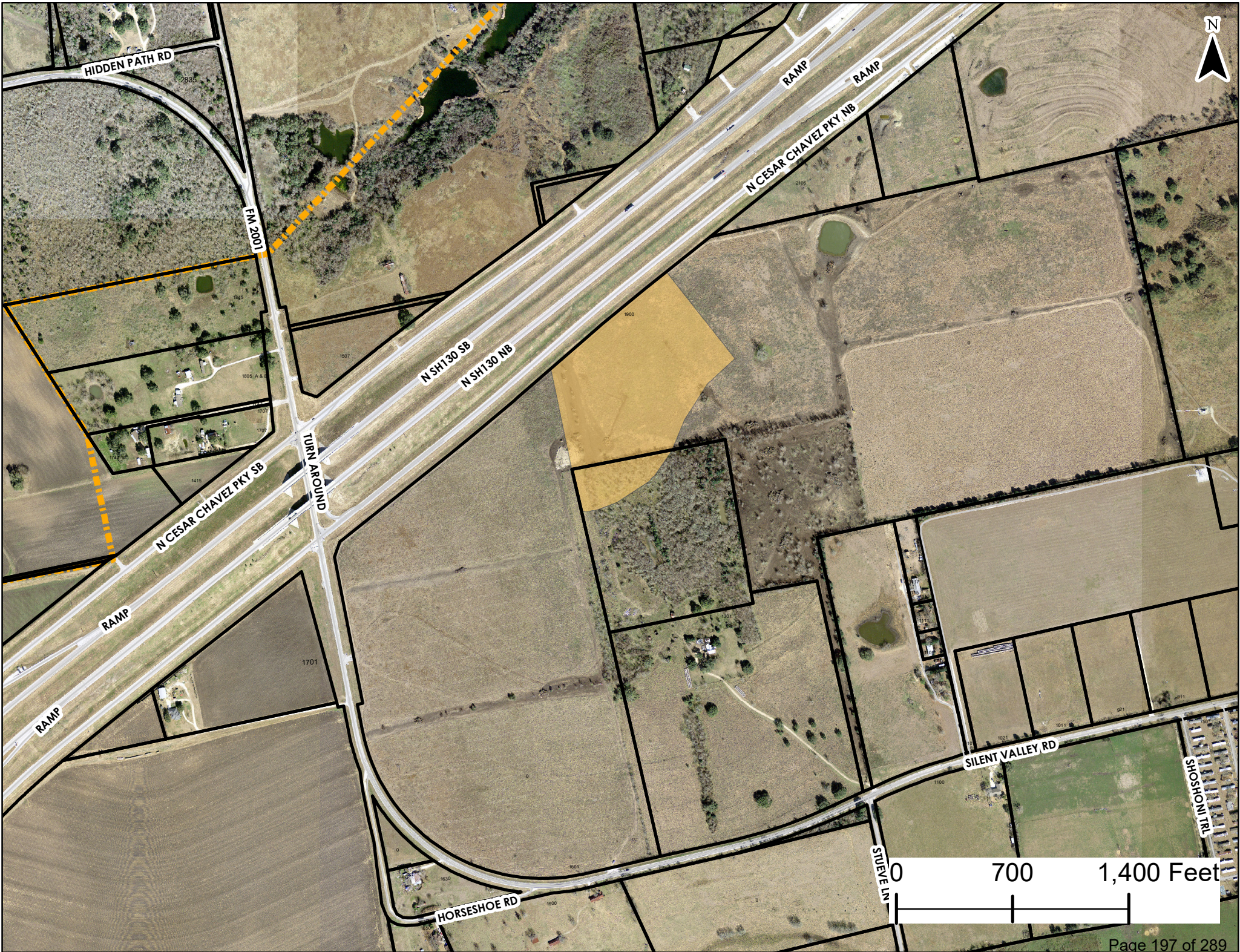
RMD TO RHD

1900 N CESAR CHAVEZ PKWY NB



scale 1" = 800'

- AGRICULTURE/RURAL DEVELOPMENT
- GENERAL-HEAVY COMMERCIAL
- INDUSTRY
- RESIDENTIAL, HIGH DENSITY
- RESIDENTIAL, LOW DENSITY
- RESIDENTIAL, MEDIUM DENSITY



CASE SUMMARY

STAFF: Dan Gibson, City Planner

CASE NUMBER: ZC-22-06

REPORT DATE: February 4, 2022 [Updated 2-10-22]

PLANNING AND ZONING COMMISSION HEARING DATE: February 9, 2022

CITY COUNCIL HEARING DATE: February 15, 2022

REQUESTED CHANGE: RMD to RHD

STAFF RECOMMENDATION: **Table to March 9 Commission meeting and March 15 City Council meeting.**

PLANNING AND ZONING COMMISSION RECOMMENDATION: **Table to March 9 Commission meeting.**

BACKGROUND DATA

APPLICANT: Paravel Capital

OWNER: Curtis Thigpen

SITE LOCATION: 1900 North Cesar Chavez Parkway (SH 130). [Final address to be assigned later.]

LEGAL DESCRIPTION: Metes and Bounds

SIZE OF PROPERTY: 19.906 acres

EXISTING USE OF PROPERTY: Vacant land

LAND USE PLAN DESIGNATION: *Medium Density Residential*

ANALYSIS OF ISSUES

REASON FOR REQUESTED ZONING CHANGE: The subject property is part of a 50.77-acre tract that was rezoned from AO to RMD in October 2021 for the stated purpose of developing a duplex subdivision. However, the applicant for this zoning change proposes a multifamily development, which is allowed only in the RHD district. The proposed development is the upper portion of the attached concept plan labeled "*Medium Density Residential Development*", which also includes a proposed duplex subdivision in the lower portion.

AREA CHARACTERISTICS:

	Existing Use	Zoning	Future Land Use Plan
North	SH 130	AO	<i>Agricultural/Rural Development (north side of SH 130)</i>
East	Vacant land	AO	<i>Medium Density Residential, Low Density Residential</i>
South	Vacant land	RMD	<i>Residential Medium Density</i>
West	Vacant land	AO	<i>Medium Density Residential, General-Heavy Commercial</i>

TRANSITION OF ZONING DISTRICTS: The subject property does not abut any other RHD zoning, although there are two parcels nearby to the northeast and southwest that were recently rezoned from AO to RHD. RHD is one step up in land use intensity from the RMD classification, which abuts the south boundary of this property. Higher density land uses are sometimes used as a buffer or transition from lower density uses to a major highway.

ADEQUACY OF INFRASTRUCTURE: Vehicular access will be available from the Stueve Lane extension as well as another new east-west collector street that will follow the southern boundary of the subject property. The main issue with regard to infrastructure, though, is the total lack of sanitary sewer service to the entire area north of Silent Valley Road. The impact fee CIP includes a future 12-inch sewer main that would serve the area but, at the rate that zoning changes and specific use permits are being requested to increase the density, there is a concern that a larger line may be needed. This will require not only the previously discussed new extension from Tank Street along the railroad track to Stueve Lane, and along Stueve Lane to Silent Valley Road, but also upgrading the existing 12-inch line at Tank Street to a larger one all the way to Larremore Street, where it could connect to an existing 18-inch wastewater line for the remaining short distance to the treatment plant. We have asked the city engineer to determine how many living-unit equivalents can be handled by the planned 12-inch extension, as well as by a larger line up to 18 inches in diameter that would include the necessary upgrading all the way to Larremore Street. The study will include estimates of design and construction costs so that the developers of land north of Silent Valley Road will know approximately what their share of the expense will be for their proposed developments. The city engineer has indicated that this may take roughly two weeks.

POTENTIAL NEIGHBORHOOD IMPACT: The surrounding area is currently vacant, but there have been a couple of recent zoning changes to RHD for apartments, and there are other developments on the horizon that would add both commercial development and residential subdivisions. The same applicant who submitted this request also applied for a specific use permit (SUP) to allow the DF-2 residential development type on the remaining 30.864 acres of the original 50-77-acre tract, adjacent to the south of the subject property. The DF-2 development type allows duplexes on smaller lots, thereby resulting in a higher density. The Planning and Zoning Commission voted to table the SUP until their March 9th meeting, when the results of the city engineer's analysis will be known. If approved, both the SUP and this zoning change will further increase the potential for higher density development in the area.

CONSISTENCY WITH COMPREHENSIVE PLAN: The proposed RHD zoning classification is **not** consistent with the *Medium Density Residential* future land use designation of the land use plan map.

ALTERNATIVE CLASSIFICATIONS: The existing RMD zoning is already consistent with the Medium Density Residential designation shown on the land use plan map, so there is no better classification.

RESPONSE TO NOTIFICATION: None as of the date of this report. The properties within the 200-foot public hearing notification area are currently vacant and are either owned by the applicant or are owned by others who are also proposing new developments.

STAFF RECOMMENDATION: Staff believes that this request is premature. Until we have a better idea of the City's sanitary sewer capacity to serve land use densities that are higher than the future land use designations indicated on the City's land use plan map, we cannot support any more SUP or Zoning applications that are contrary to the land use plan. There have already been a couple of recent zoning changes to RHD in the area that will accommodate higher densities, but we feel that a "moratorium" is now necessary for any further increases until the wastewater capacity situation is resolved. The future land use designation of the subject property is Medium Density Residential, and the requested RHD zoning would allow up to 12 units per acre by-right, which is well into the high density range. However, the applicant has indicated that they plan on developing at a higher density, which requires approval of an SUP for the MF-2 development type which would allow up to 24 units per acre. The Planning and Zoning Commission voted to table this zoning change until their March 9th meeting, and Section 211.007 of the Texas Local Government Code states that the governing body (City Council) may not hold a public hearing nor take action on a zoning change until it receives the **final** report of the zoning commission (Planning and Zoning Commission), so staff recommends that the Council table this item until the March 15th Council meeting, which is the week after the March 9th Commission meeting.

Medium Density Residential Development
Lockhart, TX

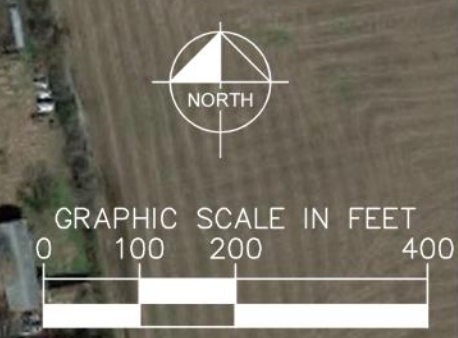
Land Use Summary

MF Total Acreage (~18.0 Acres)

- MF Building Coverage (~3.8 Acres)
- MF Open Space (~7.0 Acres)
- Parking/Drive (~7.2 Acres)
- 60' Collector ROW (~1.9 Acres)

DF-2 Total Acreage (~31 Acres)

- DF-2 Lots (~17.9 Acres)
50'x105' (Typ.) - 119 Lots / 238 Units
- DF-2 Open Space (~3.5 Acres)
- 50' Residential ROW (~5.7 Acres)
- 25' Alley ROW (~3.9 Acres)





ZONING CHANGE APPLICATION

(512) 398-3461 • FAX (512) 398-3833
P.O. Box 239 • Lockhart, Texas 78644
308 West San Antonio Street

APPLICANT/OWNER

APPLICANT NAME Paravel Capital
DAY-TIME TELEPHONE (512) 934-8923
E-MAIL cthigpen@paravelcap.com

ADDRESS 1509 Old W 38th St. Ste., 3
Austin, TX 78731

OWNER NAME Curtis Thigpen
DAY-TIME TELEPHONE (512) 934-8923
E-MAIL cthigpen@paravelcap.com

ADDRESS _____

PROPERTY

1900 N Cesar Chavez Pky NB

ADDRESS OR GENERAL LOCATION Between 1301 Silent Valley Rd. & Toll Road 130, Lockhart, TX 78644

LEGAL DESCRIPTION (IF PLATTED) See metes & bounds description

SIZE 19.906 ACRE(S) LAND USE PLAN DESIGNATION Residential Medium Density

EXISTING USE OF LAND AND/OR BUILDING(S) Agriculture

PROPOSED NEW USE, IF ANY Residential High Density (MF-2)

REQUESTED CHANGE

FROM CURRENT ZONING CLASSIFICATION Residential Medium Density RMD

TO PROPOSED ZONING CLASSIFICATION Residential High Density (MF-2) RHD

REASON FOR REQUEST To allow for the development of two and three story apartments of up to 24 DU/AC

in order to provide a wider variety of housing options at multiple price points for all residents in the area.

SUBMITTAL REQUIREMENTS

IF THE APPLICANT IS NOT THE OWNER, A LETTER SIGNED AND DATED BY THE OWNER CERTIFYING THEIR OWNERSHIP OF THE PROPERTY AND AUTHORIZING THE APPLICANT TO REPRESENT THE PERSON, ORGANIZATION, OR BUSINESS THAT OWNS THE PROPERTY.

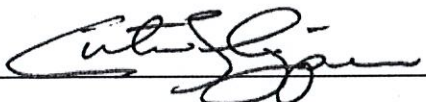
NAME(S) AND ADDRESS(ES) OF PROPERTY LIEN-HOLDER(S), IF ANY.

IF NOT PLATTED, A METES AND BOUNDS LEGAL DESCRIPTION OF THE PROPERTY.

APPLICATION FEE OF \$ 548.12 PAYABLE TO THE CITY OF LOCKHART AS FOLLOWS:

1/4 acre or less	\$125
Between 1/4 and one acre	\$150
One acre or greater	\$170 plus \$20.00 per each acre over one acre

TO THE BEST OF MY KNOWLEDGE, THIS APPLICATION AND ASSOCIATED DOCUMENTS ARE COMPLETE AND CORRECT, AND IT IS UNDERSTOOD THAT I OR ANOTHER REPRESENTATIVE SHOULD BE PRESENT AT ALL PUBLIC MEETINGS CONCERNING THIS APPLICATION.

SIGNATURE 

DATE 1/19/2022

OFFICE USE ONLY

ACCEPTED BY 

RECEIPT NUMBER 01132778

DATE SUBMITTED 1-19-22

CASE NUMBER ZC - 22 - 06

DATE NOTICES MAILED 01-24-22

DATE NOTICE PUBLISHED 1-27-2022

PLANNING AND ZONING COMMISSION MEETING DATE 2-9-22

PLANNING AND ZONING COMMISSION RECOMMENDATION Table to 3-9-22 meeting.

CITY COUNCIL MEETING DATE 2-15-2022

DECISION _____

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discussion and/or action to consider schedule of City Council meetings in 2022.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Connie Constancio

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION:

Annually reviewing council meeting date(s) for conflicts is important to provide Development Services an accurate Council meeting schedule when publishing public notice information about public hearings, such as zoning change applications.

Attached is a calendar that reflects the possible meeting conflict(s) in 2022 as listed below:

Tuesday, October 4 – National Night Out

The 2022 TML Annual Conference will be held on October 5-7 in San Antonio.

Election Day (November 8, 2022) is the 2nd Tuesday in November which is not a Council meeting date. Canvassing the November 8 General Election can be conducted November 11-22 (3-14 days after the election). The Lockhart City Council will be able to canvass the November 8 election during the regular meeting on November 15, 2022.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

LIST OF SUPPORTING DOCUMENTS: 2022 Council meeting calendar

X = Holidays
 O = Council meetings
 □ = Special Council meetings
 (Redistricting)

2022

= Oct 5-7, 2022
 TML Annual Conf
 in San Antonio
 E = Nov 8, 2022
 General Election

⊗ = National Night Out (Oct 4)

[Canvass Nov 11-22]

January

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April 9 = Goals
 Retreat

May

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TML Annual Conf =
 Oct 5-7 = San Antonio

October

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Oct 4 = National
 Night Out

Nov 8 = Election
 Day

November

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Nov 11-22
 [Canvass = 3-14 days after Election]
 Nov 15 = Canvass City Election

December

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City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discussion and/or action to consider Ordinance 2022-11 amending Section 2-209 of the Lockhart Code of Ordinances to specify the qualifications and rules for appointing members of City Boards and Commissions.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Connie Constancio

ACTION REQUESTED: Ordinance

BACKGROUND/SUMMARY/DISCUSSION: During the February 1 meeting, the Council directed staff to present an Ordinance amendment to Section 2-209 of the Code of Ordinances establishing qualifications for board/commission members.

Monte Akers, City Attorney, combined the current qualification items with the new qualifications in the attached Ordinance to create unity.

The Ordinance adds the following board member qualifications as selected by the Council:

- Qualifications must be met by all members of City Boards/Commissions. In addition to any special qualification for service on a particular board, a member must:
 - Be a resident of the State of Texas for at least one year and a resident of the City of Lockhart for at least twelve (12) months preceding their appointment.
 - Registered voters.
- A member who was required to be a resident of the city when appointed and who moves primary residence outside of the city limits vacates the position on the date the residence is moved, unless a board's composition allows for a Caldwell County member.
- Any member who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of a board/commission during any twelve-month period, shall forfeit his/her position and the vacancy occurring shall be filled by the Council.
- Have not been removed from another City board/commission because of failure to attend meetings within the last three years.
- Be 21 years of age or older.
- No member shall remain in his/her position after being elected to City Council, except the Lockhart Economic Development Corporation.
- Members must maintain the qualifications while serving on a board/commission.
- Members appointed serve without compensation.

PROJECT SCHEDULE (if applicable): N/A

City of Lockhart, Texas

Council Agenda Item Cover Sheet

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None. Discretion of the Council.

LIST OF SUPPORTING DOCUMENTS: Ordinance 2022-11, Current Section 2-209

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY OF LOCKHART AMENDING SEC. 2-209 OF THE LOCKHART CODE OF ORDINANCES TO SPECIFY THE QUALIFICATIONS AND RULES FOR APPOINTING MEMBERS OF CITY BOARDS AND COMMISSIONS, PROVIDING CLAUSES FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE

WHEREAS, Sec. 2-209 of the City of Lockhart Code of Ordinances contains rules for appointment of persons to city boards and commission; and

WHEREAS, the City Council desires to amend Sec. 2-209 to establish or clarify the qualifications and rules for such appointees;

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

SECTION 1: The foregoing recitals are adopted and incorporated herein for all purposes.

SECTION 2: Sec. 2-209 of the City of Lockhart Code of Ordinances is hereby amended to replace the current language with the following:

Sec. 2-209. - Rules for qualifications and appointment.

The city council hereby sets the following rules:

(a) Except as may be established by existing city ordinances or resolutions, the process for selecting members shall be open to all Lockhart citizens, who must apply for appointment, to include those applying for reappointment. Reappointment shall not be deemed automatic.

(b) Council shall seek to appoint the most qualified or best persons available, while also respecting the need for diverse community opinions.

(c) The qualifications for members of boards and commissions, except special qualifications for service on a particular board or commission, are as follows:

1. Appointees must each be a resident of the State of Texas and a resident of the City of Lockhart for at least twelve (12) consecutive months preceding their appointment unless a particular board's or commission's composition or state law allows for membership by a non-resident of the City.
2. The City Council shall have the right, but not the duty, to appoint up to two members who are not city residents but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the construction board of appeals.
3. Appointees shall be qualified voters in the City of Lockhart or, if not a resident of the City, of Caldwell County.
4. Appointees shall not have been removed from another city board or commission because of failure to attend meetings or for cause within the last three years.

5. No member of a board or commission, except the Lockhart Economic Development Corporation, may remain in his or her position after being elected to City Council.

6. A member who is required to be a resident of the city (or county when applicable) when appointed and who thereafter moves his or her primary residence outside of the corporate limits of Lockhart (or county when applicable) vacates his or her position on a board of commission on the date the residency changes.

7. Any member of a board or commission who is absent from three consecutive regular meetings, or any four non-consecutive regular meetings of the board or commission during any twelve-month period, shall forfeit his or her position and the vacancy occurring shall be declared and filled by the Council.

8. Members must maintain their qualifications while serving on a board or commission

(d) No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.

(e) No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.

(f) Members appointed serve without compensation.

SECTION 3: Any provision of the Code of Ordinances of the City of Lockhart or its personnel policies in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. It is the intention of the City Council that the components of this Ordinance are severable, and if any provision is declared invalid by a court of competent jurisdiction, such invalidity shall not affect any remaining components of this Ordinance.

PASSED AND ADOPTED as effective on this the 15th day of February 2022.

CITY OF LOCKHART

Lew White, Mayor

ATTEST:

APPROVED AS TO FORM:

Connie Constancio, TRMC, City Secretary

Monte Akers, City Attorney

CURRENT ORDINANCE

Sec. 2-209. - Rules for appointment.

The city council hereby sets the following rules:

- (1) Except as may be established by existing city ordinances/resolutions the process for selecting members shall be open to all Lockhart citizens, who must apply for appointment, to include those applying for reappointment. Reappointment shall not be deemed automatic.
- (2) Council shall seek to appoint the most qualified or best persons available, while also respecting the need for diverse community opinions.
- (3) No member of any appointed body shall serve on more than one quasi-judicial or advisory board or commission.
- (4) No appointed body shall deviate from its charge, deliberate items not on its agendas, or speak for the council or City of Lockhart without council authorization.
- (5) Subject to other qualifications as specifically required for membership on the below boards and commissions, the city council shall have the right (but not the duty) to appoint up to two members who are not Lockhart citizens but who are residents of Caldwell County to the Lockhart Airport Advisory Board, the Eugene Clark Library Board, and the construction board of appeals.

(Ord. No. 97-09, § 4, 5-20-97; Ord. No. 02-41, § 1, 11-5-02; Ord. No. 2012-17, § I, 9-4-12)

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discuss reappointment of Hotel Occupancy Tax (HOT) Advisory Board Members for a two-year term beginning February 15, 2022 through February 15, 2024.

ORIGINATING DEPARTMENT AND CONTACT: Finance - Pam Larison

ACTION REQUESTED: Consensus

BACKGROUND/SUMMARY/DISCUSSION: According to Ordinance 2019-29, the City of Lockhart's Hotel Occupancy Tax (HOT) Advisory Board has been established consisting of a five-member board that shall serve a term of two years. The board shall consist of the following: a lodging facility representative, the City Manager or his/her designee, a former member of the City Council, and two citizens nominated by the Mayor. This board must be confirmed by the City Council.

For the calendar years of 2020 and 2021, the following HOT Advisory Board members represented the City of Lockhart: Alfredo Munoz, Ray Sanders, Archana Gandhi, Roxanne Rix, Steve Lewis and alternates, Janet Grigar and Sally Daniels. During 2021, Roxanne Rix resigned and Janet Grigar (alternate) replaced Ms. Rix. All acting members have agreed to serve an additional two-year term with the exception that Ms. Grigar would prefer to remain an alternate.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required:

Account Number:

Funds Available:

Account Name:

FISCAL NOTE (if applicable): N/A

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: Staff recommends approval.

LIST OF SUPPORTING DOCUMENTS:

City of Lockhart, Texas

Council Agenda Item Cover Sheet

COUNCIL MEETING DATE: February 15, 2022

AGENDA ITEM CAPTION: Discussion regarding matters related to COVID-19.

ORIGINATING DEPARTMENT AND CONTACT: Administration - Steven Lewis, Monte Akers

ACTION REQUESTED: Other

BACKGROUND/SUMMARY/DISCUSSION: On May 18, 2021, Governor Abbot issued GA-36 that prohibited governmental entities from mandating face coverings or restricting activities in response to the COVID-19 disaster. As a result, the Lockhart City Council rescinded the Mayor's Declaration to require face coverings and encouraged citizens to continue to follow the CDC guidelines in regard to COVID-19.

Also, as a result of the Governor opening Texas on March 2, 2021 (GA-34), community events are back on schedule such as the Chisholm Trail Roundup, Fireworks show, and City venues such as the city splash pad are open to the public. Face coverings are not required during the events or at city facilities.

An update of COVID-19 orders and Council actions is attached.

Open Meetings Act Suspensions Terminate effective September 1, 2021

In March 2020, Governor Abbott's office granted the Attorney General's request to suspend certain open meetings statutes. The temporary suspension allows for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings, thereby allowing governmental bodies and/or board commissions to hold a meeting virtually without a quorum being present at the meeting location.

On June 30, 2021, the Governor's office approved a request by the Attorney General to lift the open meetings suspensions effective at 12:01 a.m. on September 1, 2021. All Texas governmental bodies subject to the OMA must thereafter conduct their meetings in full compliance with the OMA as written in state law.

The following are provisions in the OMA suspension that will no longer be allowed effective September 1, 2021:

- 1) Video conferencing capability will change in that a member of the governing body or board can meet virtually but there must be a quorum physically present at the meeting location.
- 2) Telephone conference meetings will not be allowed to continue and are only allowed in an emergency.

On **August 29, 2021**, Governor Abbott issued a Declaration renewing the declaration of disaster stating that COVID-19 poses an imminent threat of disaster for all counties in Texas.

City of Lockhart, Texas

Council Agenda Item Cover Sheet

On October 11, 2021, Governor Abbott issued GA-40 prohibiting vaccine mandates, subject to legislative action.

This item is returned to Council for consideration, if necessary.

PROJECT SCHEDULE (if applicable): N/A

AMOUNT & SOURCE OF FUNDING:

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

FISCAL NOTE (if applicable): None.

PREVIOUS COUNCIL ACTION: N/A

COMMITTEE/BOARD/COMMISSION ACTION: N/A

STAFF RECOMMENDATION/REQUESTED MOTION: None.

LIST OF SUPPORTING DOCUMENTS: Update of COVID-19 orders and Council actions, GA-39, GA-38, Governor Abbott proclamation renewing the Declaration of Disaster, GA 40,

HISTORY OF COVID-19 ORDERS/COUNCIL ACTIONS

On **September 1, 2020**, the City Council adopted Resolution 2020-20 renewing and adopting a requirement that commercial establishments in the City post a notice that facial coverings are a requirement of employees and persons entering such establishments. The requirement that such notice be posted shall remain in effect until terminated or amended by the City Council.

On **October 7, 2020**, Governor Greg Abbott issued Executive Order GA-32 to allow certain bars and similar establishments to operate at 50% capacity with permission from the County Judge. GA-32 increased the occupancy levels for all business establishments other than bars to 75%. GA-32 also provides that outdoor gatherings in excess of 10 people is prohibited unless the Mayor of the City in which the gathering is held, approves of the gathering, and such approval can be made subject to certain conditions or restrictions not inconsistent with GA-32.

Mayor's statement on reduced business capacity in Caldwell County. At 12:01 a.m. on Wednesday, January 13, 2021 the provisions of Governor Greg Abbott's Executive Order GA-32 that suspend elective surgeries, close bars and reduce business capacity to 50 percent went into effect in Lockhart and Caldwell County. This was occurring because under GA-32, these specific provisions took effect when a Trauma Service Area had seven consecutive days in which the number of COVID-19 hospitalized patients as a percentage of total capacity exceeded 15 percent. This was the case in Trauma Service Area O, which included Caldwell County.

COVID Relief Fund update. On January 19, 2021, the Council voted to offer a six-month forbearance to businesses that received a COVID-19 Recovery Loan in 2020. Council re-opened the COVID Relief Grants to small businesses for \$5,000 per business that qualifies. Restaurants and bars that were affected by the Governor's order earned higher points on the application process.

During the February 23, 2021 meeting, Chief Jenkins provided an update of COVID compliance for local businesses.

On **March 2, 2021**, Governor Abbot issued GA-34 that was effective March 10, 2021. It provides that the State no longer requires face covering and it does not allow local jurisdictions to require face coverings. GA-34 supercedes all orders issued by local officials that conflict with regard to services or local orders and provides that businesses and other establishments may require customers and employees to wear face coverings. The consensus of the Council was to leave the Mayor's Declaration in effect and to encourage citizens to continue to wear face coverings and to maintain a six foot distance.

On **May 13, 2021**, the CDC announced that fully vaccinated individuals no longer need to mask up or social distance indoors and outdoors, including crowds. Attached is information from the CDC about how to stay safe around individuals that are or are not fully vaccinated.

On **June 15, 2021**, the consensus of the Council was to continue virtual attendance at meetings.

On **June 30, 2021**, the Governor's office approved a request by the Attorney General to lift the temporary Open Meetings Act suspensions, effective at 12:01 a.m. on September 1, 2021. The change in virtual meetings is that a member of the governing body or board member may attend a meeting virtually but there must be a quorum physically present at the meeting location.

On **July 29, 2021**, Governor Abbott issued Executive Order 38, that combined several existing COVID-19 executive orders to promote statewide uniformity and certainty in the state's COVID-19 response. Governor Abbott stated that "The new Executive Order emphasizes that the path forward relies on personal responsibility rather than government mandates".

On **August 13, 2021**, TML provided the following information regarding actions taken by governmental entities and the Attorney General in regards to face coverings:

- **Mask Mandate Update:** Tuesday afternoon, two state district court judges in Dallas and Bexar counties granted local authorities in those jurisdictions temporary restraining orders blocking Governor Abbott's ban on mask mandates. In response to the rulings, the City of San Antonio issued a requirement for face coverings inside city facilities, and the Dallas County Judge issued an emergency order on Wednesday related to face coverings. Temporary restraining orders are by definition temporary and require further court proceedings to become permanent. TML will continue to monitor these developments. In related news, Houston's Mayor Sylvester Turner is requiring masks in city facilities when physical distancing is not doable.

Additionally, a number of large school districts ("ISDs") across the state, including Dallas ISD, Houston ISD, Austin ISD, Fort Worth ISD, and San Antonio ISD, are requiring masks on school property.

- **Attorney General Issues Two COVID-related opinions:** On August 11, the Attorney General released two opinions related to mask mandates and vaccines.
 1. In Opinion KP-0379, the Attorney General was asked whether COVID-19 vaccines could be required as a condition to enter a government building. Citing the Governor's Executive Order No. 38 as well as the recently passed S.B. 968, the Attorney General opined that government entities may not require COVID-19 vaccines as a condition to enter a government facility.
 2. In Opinion No. KP-0380, the Attorney General was asked to opine on the effect of the Governor's executive orders on federal requirements related to face coverings on public transit. The AG ultimately opined that he is unconvinced that CDC and TSA rules as well as federal law preempt the Governor's orders prohibiting mask mandates.

Please remember that Attorney General opinion are just that: opinions. They are legal guidance but do not carry the force of law or court order.

- **Counties Across Texas Seeing Rise in COVID-19 Threat Levels:** Over the last few weeks, we have reported on the rise in COVID-19 threat levels in counties and cities across the state. That rise continues, with Travis, Harris, Dallas, and Williamson counties, among others, back at the highest threat levels as the Delta variant spreads across the state and ICU bed availability drops.

On **August 29, 2021**, Governor Abbott issued a proclamation renewing the declaration stating that COVID-19 poses an imminent threat of disease for all counties in Texas.

On **August 25, 2021**, Governor Abbott issued GA-39 (attached), prohibiting governmental entities from compelling an individual to receive a COVID-19 vaccine regardless of full FDA approval, among other things.

The Governor also issued the following call to the Special Session of the Legislature:

Legislation regarding whether any State or Local Governmental entities in Texas can mandate that an individual receive a COVID-19 vaccine and, if so, what exemption should apply to such mandate.

On **October 11, 2021**, Governor Abbott issued GA-40 relating to prohibiting all entities of compelling receipt of a COVID-19 vaccine until the issue has been considered through legislation.



GOVERNOR GREG ABBOTT

August 25, 2021

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

AUG 25 2021

Secretary of State

Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-39 relating to prohibiting vaccine mandates and vaccine passports subject to legislative action.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
August 25, 2021

EXECUTIVE ORDER GA 39

*Relating to prohibiting vaccine mandates and vaccine passports
subject to legislative action.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, I have issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health; and

WHEREAS, COVID-19 vaccines are strongly encouraged for those eligible to receive one, but have always been voluntary for Texans; and

WHEREAS, I issued Executive Orders GA-35 and GA-38, addressing COVID-19 vaccines administered under an "emergency use authorization" by prohibiting vaccine mandates from governmental entities and by prohibiting "vaccine passports" from governmental entities and certain others; and

WHEREAS, subsequently, on August 23, 2021, while the legislature was already convened in a special session, the U.S. Food and Drug Administration (FDA) approved one of the COVID-19 vaccines for certain age groups, such that this vaccine is no longer administered under an emergency use authorization for those age groups; and

WHEREAS, while this COVID-19 vaccine is now FDA-approved for certain age groups, others are not yet approved and still are administered under an emergency use authorization; and

WHEREAS, through Chapter 161 of the Texas Health and Safety Code, as well as other laws including Chapters 38 and 51 of the Texas Education Code, the legislature has established its primary role over immunizations, and all immunization laws and regulations in Texas stem from the laws established by the legislature; and

WHEREAS, in other contexts where the legislature has imposed immunization requirements, it has also taken care to provide exemptions that allow people to opt out of being forced to take a vaccine; and

WHEREAS, given the legislature's primacy and the need to avoid a patchwork of regulations with respect to vaccinations, it is appropriate to maintain the status quo of

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

AUG 25 2021

prohibiting vaccine mandates through executive order while allowing the legislature to consider this issue while in session; and

WHEREAS, in this instance, given the legislature's prior actions, maintaining the status quo of prohibiting vaccine mandates and ensuring uniformity pending the legislature's consideration means extending the voluntariness of COVID-19 vaccinations to all COVID-19 vaccinations, regardless of regulatory status; and

WHEREAS, I am also adding this issue to the agenda for the Second Called Session of the legislature that is currently convened so that the legislature has the opportunity to consider this issue through legislation; and

WHEREAS, I will rescind this executive order upon the effective date of such legislation;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. No governmental entity can compel any individual to receive a COVID-19 vaccine. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine.
2. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
3. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine. No consumer may be denied entry to a facility financed in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine.
4. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
5. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:43 P.M. O'CLOCK

AUG 25 2021

other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.

This executive order supersedes only paragraph No. 2 of Executive Order GA-38, and does not supersede or otherwise affect the remaining paragraphs of Executive Order GA-38. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 25th
day of August, 2021.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Joe A. Esparza".
JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

AUG 25 2021



GOVERNOR GREG ABBOTT

July 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

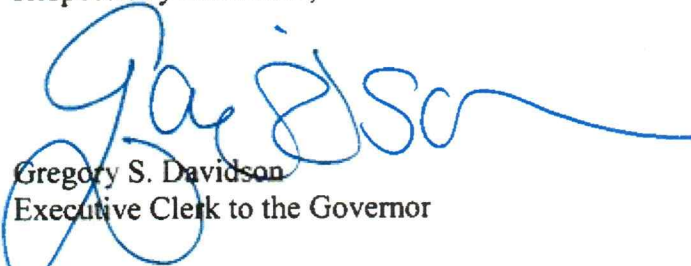
Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-38 relating to the continued response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 29, 2021

EXECUTIVE ORDER
GA 38

Relating to the continued response to the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, from March 2020 through May 2021, I issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health by adjusting social-distancing and other mitigation strategies; and

WHEREAS, combining into one executive order the requirements of several existing COVID-19 executive orders will further promote statewide uniformity and certainty; and

WHEREAS, as the COVID-19 pandemic continues, Texans are strongly encouraged as a matter of personal responsibility to consistently follow good hygiene, social-distancing, and other mitigation practices; and

WHEREAS, receiving a COVID-19 vaccine under an emergency use authorization is always voluntary in Texas and will never be mandated by the government, but it is strongly encouraged for those eligible to receive one; and

WHEREAS, state and local officials should continue to use every reasonable means to make the COVID-19 vaccine available for any eligible person who chooses to receive one; and

WHEREAS, in the Texas Disaster Act of 1975, the legislature charged the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly granted the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the "governor may issue executive orders ... hav[ing] the force and effect of law;" and

WHEREAS, under Section 418.016(a), the "governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;" and

WHEREAS, under Section 418.018(c), the "governor may control ingress and egress to

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SECRETARY OF STATE
3:15pm O'CLOCK

JUL 29 2021

and from a disaster area and the movement of persons and the occupancy of premises in the area;" and

WHEREAS, under Section 418.173, the legislature authorized as "an offense," punishable by a fine up to \$1,000, any "failure to comply with the [state emergency management plan] or with a rule, order, or ordinance adopted under the plan;"

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. To ensure the continued availability of timely information about COVID-19 testing and hospital bed capacity that is crucial to efforts to cope with the COVID-19 disaster, the following requirements apply:
 - a. All hospitals licensed under Chapter 241 of the Texas Health and Safety Code, and all Texas state-run hospitals, except for psychiatric hospitals, shall submit to the Texas Department of State Health Services (DSHS) daily reports of hospital bed capacity, in the manner prescribed by DSHS. DSHS shall promptly share this information with the Centers for Disease Control and Prevention (CDC).
 - b. Every public or private entity that is utilizing an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to DSHS, as well as to the local health department, daily reports of all test results, both positive and negative. DSHS shall promptly share this information with the CDC.
2. To ensure that vaccines continue to be voluntary for all Texans and that Texans' private COVID-19-related health information continues to enjoy protection against compelled disclosure, in addition to new laws enacted by the legislature against so-called "vaccine passports," the following requirements apply:
 - a. No governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.082(f)(1) of the Texas Health and Safety Code to the extent necessary to ensure that no governmental entity can compel any individual to receive a COVID-19 vaccine administered under an emergency use authorization.
 - b. State agencies and political subdivisions shall not adopt or enforce any order, ordinance, policy, regulation, rule, or similar measure that requires an individual to provide, as a condition of receiving any service or entering any place, documentation regarding the individual's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. I hereby suspend Section 81.085(i) of the Texas Health and Safety Code to the extent necessary to enforce this prohibition. This paragraph does not apply to any documentation requirements necessary for the administration of a COVID-19 vaccine.
 - c. Any public or private entity that is receiving or will receive public funds through any means, including grants, contracts, loans, or other disbursements of taxpayer money, shall not require a consumer to provide, as a condition of receiving any service or entering any place, documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization. No consumer may be denied entry to a facility financed

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in whole or in part by public funds for failure to provide documentation regarding the consumer's vaccination status for any COVID-19 vaccine administered under an emergency use authorization.

- d. Nothing in this executive order shall be construed to limit the ability of a nursing home, state supported living center, assisted living facility, or long-term care facility to require documentation of a resident's vaccination status for any COVID-19 vaccine.
 - e. This paragraph number 2 shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.
3. To ensure the ability of Texans to preserve livelihoods while protecting lives, the following requirements apply:
- a. There are no COVID-19-related operating limits for any business or other establishment.
 - b. In areas where the COVID-19 transmission rate is high, individuals are encouraged to follow the safe practices they have already mastered, such as wearing face coverings over the nose and mouth wherever it is not feasible to maintain six feet of social distancing from another person not in the same household, but no person may be required by any jurisdiction to wear or to mandate the wearing of a face covering.
 - c. In providing or obtaining services, every person (including individuals, businesses, and other legal entities) is strongly encouraged to use good-faith efforts and available resources to follow the Texas Department of State Health Services (DSHS) health recommendations, found at www.dshs.texas.gov/coronavirus.
 - d. Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow guidance from the Texas Health and Human Services Commission (HHSC) regarding visitations, and should follow infection control policies and practices set forth by HHSC, including minimizing the movement of staff between facilities whenever possible.
 - e. Public schools may operate as provided by, and under the minimum standard health protocols found in, guidance issued by the Texas Education Agency. Private schools and institutions of higher education are encouraged to establish similar standards.
 - f. County and municipal jails should follow guidance from the Texas Commission on Jail Standards regarding visitations.
 - g. As stated above, business activities and legal proceedings are free to proceed without COVID-19-related limitations imposed by local governmental entities or officials. This paragraph number 3 supersedes any conflicting local order in response to the COVID-19 disaster, and all relevant laws are suspended to the extent necessary to preclude any such inconsistent local orders. Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any conflicting or inconsistent limitation by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

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4. To further ensure that no governmental entity can mandate masks, the following requirements shall continue to apply:
- a. No governmental entity, including a county, city, school district, and public health authority, and no governmental official may require any person to wear a face covering or to mandate that another person wear a face covering; provided, however, that:
 - i. state supported living centers, government-owned hospitals, and government-operated hospitals may continue to use appropriate policies regarding the wearing of face coverings; and
 - ii. the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, and any county and municipal jails acting consistent with guidance by the Texas Commission on Jail Standards may continue to use appropriate policies regarding the wearing of face coverings.
 - b. This paragraph number 4 shall supersede any face-covering requirement imposed by any local governmental entity or official, except as explicitly provided in subparagraph number 4.a. To the extent necessary to ensure that local governmental entities or officials do not impose any such face-covering requirements, I hereby suspend the following:
 - i. Sections 418.1015(b) and 418.108 of the Texas Government Code;
 - ii. Chapter 81, Subchapter E of the Texas Health and Safety Code;
 - iii. Chapters 121, 122, and 341 of the Texas Health and Safety Code;
 - iv. Chapter 54 of the Texas Local Government Code; and
 - v. Any other statute invoked by any local governmental entity or official in support of a face-covering requirement.

Pursuant to the legislature's command in Section 418.173 of the Texas Government Code and the State's emergency management plan, the imposition of any such face-covering requirement by a local governmental entity or official constitutes a "failure to comply with" this executive order that is subject to a fine up to \$1,000.

- c. Even though face coverings cannot be mandated by any governmental entity, that does not prevent individuals from wearing one if they choose.
5. To further ensure uniformity statewide:
- a. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by this executive order or allows gatherings restricted by this executive order. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the

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COVID-19 disaster that are inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

- b. Confinement in jail is not an available penalty for violating this executive order. To the extent any order issued by local officials in response to the COVID-19 disaster would allow confinement in jail as an available penalty for violating a COVID-19-related order, that order allowing confinement in jail is superseded, and I hereby suspend all relevant laws to the extent necessary to ensure that local officials do not confine people in jail for violating any executive order or local order issued in response to the COVID-19 disaster.

This executive order supersedes all pre-existing COVID-19-related executive orders and rescinds them in their entirety, except that it does not supersede or rescind Executive Orders GA-13 or GA-37. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.



Given under my hand this the 29th
day of July, 2021.

A handwritten signature in black ink, reading "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink, reading "Joe A. Esparza".
JOE A. ESPARZA
Deputy Secretary of State

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SECRETARY OF STATE
3:15 PM O'CLOCK

JUL 29 2021

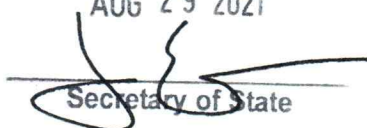


GOVERNOR GREG ABBOTT

August 29, 2021

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK

AUG 29 2021


Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

Dear Mr. Deputy Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of August, 2021.

A handwritten signature in black ink, reading "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30pm O'CLOCK

AUG 29 2021

Governor Greg Abbott
August 29, 2021

Proclamation
Page 2

ATTESTED BY:



JOE ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30pm O'CLOCK
AUG 29 2021



GOVERNOR GREG ABBOTT

October 11, 2021

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SECRETARY OF STATE
4:30 PM 'CLOCK

OCT 11 2021

Secretary of State

Mr. Joe A. Esparza
Deputy Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

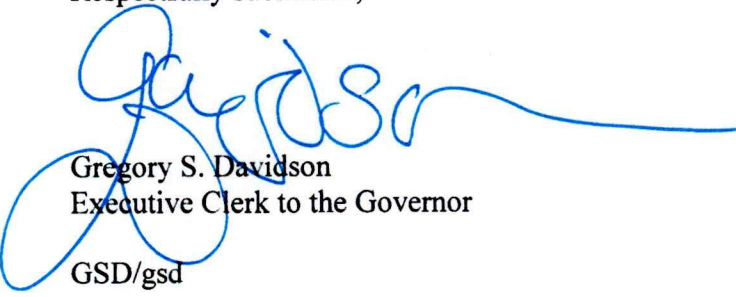
Dear Deputy Secretary Esparza:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-40 relating to prohibiting vaccine mandates, subject to legislative action.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
October 11, 2021

EXECUTIVE ORDER GA 40

*Relating to prohibiting vaccine mandates,
subject to legislative action.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all Texas counties; and

WHEREAS, in each subsequent month effective through today, I have renewed the COVID-19 disaster declaration for all Texas counties; and

WHEREAS, I have issued a series of executive orders aimed at protecting the health and safety of Texans, ensuring uniformity throughout Texas, and achieving the least restrictive means of combatting the evolving threat to public health; and

WHEREAS, COVID-19 vaccines are strongly encouraged for those eligible to receive one, but must always be voluntary for Texans; and

WHEREAS, I issued Executive Orders GA-35, GA-38, and GA-39 to prohibit governmental entities and certain others from imposing COVID-19 vaccine mandates or requiring vaccine passports; and

WHEREAS, in yet another instance of federal overreach, the Biden Administration is now bullying many private entities into imposing COVID-19 vaccine mandates, causing workforce disruptions that threaten Texas's continued recovery from the COVID-19 disaster; and

WHEREAS, countless Texans fear losing their livelihoods because they object to receiving a COVID-19 vaccination for reasons of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19; and

WHEREAS, through Chapter 161 of the Texas Health and Safety Code, as well as other laws including Chapters 38 and 51 of the Texas Education Code, the legislature has established its primary role over immunizations, and all immunization laws and regulations in Texas stem from the laws established by the legislature; and

WHEREAS, the legislature has taken care to provide exemptions that allow people to opt out of being forced to take a vaccine for reasons of conscience or medical reasons; and

WHEREAS, I am adding this issue to the agenda for the Third Called Session of the legislature that is currently convened so that the legislature has the opportunity to consider this issue through legislation; and

WHEREAS, I will rescind this executive order upon the effective date of such legislation;

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OCT 11 2021

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

1. No entity in Texas can compel receipt of a COVID-19 vaccine by any individual, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19. I hereby suspend all relevant statutes to the extent necessary to enforce this prohibition.
2. The maximum fine allowed under Section 418.173 of the Texas Government Code and the State's emergency management plan shall apply to any "failure to comply with" this executive order. Confinement in jail is not an available penalty for violating this executive order.
3. This executive order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster. Pursuant to Section 418.016(a) of the Texas Government Code, I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions in response to the COVID-19 disaster that are inconsistent with this executive order.

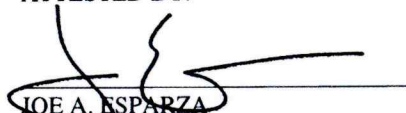
This executive order does not supersede Executive Orders GA-13, GA-37, GA-38, or GA-39. This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.

Given under my hand this the 11th
day of October, 2021.



GREG ABBOTT
Governor

ATTESTED BY:


JOE A. ESPARZA
Deputy Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:30 PM O'CLOCK

OCT 11 2021



City of Lockhart

2020-2021 Strategic Priorities

Prepared by:



City of Lockhart

Summary

On January 17 & 18, 2020 the City of Lockhart hosted two half-day planning sessions to develop goals and strategies for the next 2 years. Some of these goal areas were internal, whereas others were external. The following is the process used to reach the conclusions for the plan.

The process began with a preliminary phone meeting between the facilitator and Steve Lewis, City Manager, to go over key issues facing the City, understand the programs and projects underway through the community, and to prepare the agenda and format for the planning retreat.

The first portion of the strategic planning process began on Friday, January 17, 2020 with the City Manager and the City of Lockhart Management Team. The facilitator began by asking the Management Team participants what their expectations for discussion for the day were. She then conducted a group brainstorm exercise called Start/Stop/Continue that lists the things that need to begin happening, stop happening, and are mission-critical and must continue regardless of circumstances.

The facilitator then guided the Management Team through 2020-2021 goal and strategy development to recommend to the City Council the following day.

On Saturday, January 18, 2020, the City Council and City Manager convened to review, revise, and establish priorities related to the recommendations generated the day before by the Management Team. Prior to the review, the facilitator asked the City Council to list their expectations for discussion for the day.

The following are the results.

Management Team Expectations for the Day's Discussion Topics

- Holistic view of the City
- Understanding other departments better
- Council to continue to be open to new ideas
- As the city grows, facilities and staff must keep up
- Next comprehensive master plan
- Establish an IT 3-5-year plan to keep current
- Replace phone systems and phone equipment
- Discuss records storage
- What is there for teens and tweens to do?
- Need administrative assistance
- Public Information Officer – keep information on point, factual, and streamlining voice: sharing voice vs. many voices
- Law enforcement: recruitment and administrative assistance
- Stick to implementing plan
- Fire equipment replacement plan and funding
- Achieve “needs” so we can work on “wants” for the future
- Customer service needs additional staff – same staffing level as 1000 accounts ago
- Technology training needed in Library (provide for public)
- Additional Library storage needed
- Electric services study needed and replace needed items
- Salary and compensation study to begin soon – want council to support and fund the results of the study

City Council Expectations for the Day's Discussion Topics

- Improve work environment for staff
- Accomplish unfinished business from last strategic plan
- 142 & I-130 development
- Low-hanging fruit and larger longer-term goals
- Eliminate the red tape
- Look ahead to see what's next
- Balance citizen needs and staff needs
- Keep on track
- Prepare for quality growth
- Neighborhood beautification
- City Hall facilities
- Discuss hospital/after-hours clinic
- Hear staff recommendations

Start/Stop/Continue

The facilitator guided the Management Team through an exercise that challenged them to brainstorm things that the City really needed to begin doing, what they should stop doing that could be a waste of resources, and what must they continue doing, regardless of circumstances. Below are their responses. Note that there are no right or wrong items; these are merely individuals' opinions about the things that should and shouldn't change in Lockhart. Just because one person has a certain opinion on a topic, that does not imply anyone else shared that opinion.

Start

- Long-term street paving plan (paving/resurfacing)
- Electrical system study
- Formal grantsmanship program
- Records storage facility
- Digitize public works and utility records/maps
- Establish fee schedule for fire plan reviews and inspections
- Review development related fees
- Improve customer service at Police Department and Utilities Department by increasing administrative staff
- Start a Main Street Program
- New City facilities (abolish sewer smell)
- Consider a 4-day/10-hour work week option
- Annual review of facility maintenance, i.e. HVAC systems, etc.
- Make Parks Department into Parks and Recreation Department (start recreation program)
- Review and fund vehicle replacement fund
- Expand/improve airport facilities
- Figuring out how to generate more general fund revenues to pay for items on this “start” list

Stop

- Printing reports – use digital reports when we can
- The waste in Archives
- Excessive paperwork related to personnel (consider paper reduction techniques instead)
- Making new employees wait 6 months to take time off/sick days/etc (other cities do 3 months)
- Excessive engine idling of city vehicles
- Worrying about other departments and focus on making your own team better
- Picking up commercial recycling for free
- Hanging highway banners for free
- Circulating city council department head reports monthly (do quarterly instead)
- Workshop portion of council meetings unless needed (they run too long)
- Referencing the past as “we have always done it that way” (we can be more innovative)

Continue

- Effective communication with customers/website
- Planning for the future
- Maintaining hiring standards
- Improving community amenities finding external funding sources
- Succession planning and cross-training
- Staff meetings
- Learning new ways of doing things
- Employee longevity and retention efforts
- Good customer service
- Acknowledging staff accomplishments
- Great teamwork
- Parks improvements/parks master plan
- Efforts on wayfinding program
- Replacing aged power lines
- Planning and engineering for downtown paving and drainage improvements
- Providing utilities to areas of anticipated future growth and development
- Planning for future industrial parks
- Accreditation for Police and Fire Departments

Recommendations from Staff:

The following items were recommendations from staff to city council. Items that have a checkbox (R) had agreement of city council the following day. The one item with no checkbox was rolled to consideration for 2022.

- ☒ Create and adopt 5-7-year paving/resurfacing plan (roads and sidewalks)
- ☒ Lockhart Police Department to conduct Active Shooter training for all City staff and elected officials and review official safety procedures for council meetings
- ☒ Explore asking the county for grant writer assistance
- ☒ Establish fee schedule for fire plan reviews and inspections
- ☒ Considering increasing existing fees for applications and development fees
- ☒ Develop an Airport Business Plan
- ☒ Research options for additional records storage
- ☒ Transition staff department reports from monthly to quarterly
- ☒ Pursue agenda management process and software
- ☐ Streamline paper processes where possible/evaluate software options
 - Utility billing
 - Applications
 - Council, boards, commissions:
 - Packets
 - Minutes

Goal Development from City Council:

The following items were items identified by council to move forward on for 2020-2021:

- Establish a Hospital with an Emergency Room in town
- Sell church property
- Create resources via Lockhart EDC for proactive outreach to quality builders for additional housing
- Create a Youth Advisory Board to explore options around youth programs/activities
- Adopt a TIF (tax increment financing) policy prior to project being submitted
- Implement downtown drainage improvements
- Develop fiber down 142, 183, and the Central Business District
- Traffic safety improvements: turn lanes and traffic lights
- Consider submitting a multi-year street bond program to voters
- Begin TXDOT safety projects
- Promote a Neighborhood Watch Program
- Promote beautification projects through teamwork
- Clean up trash/enforcement
- Enhance lower income districts/beautification efforts

Progress Reporting

The following icons are used to document progress of the following goals and strategies:

	= Completed
	= On Target or In Progress
	= Not on Target

Goal 1: Economic Development / Planning

Strategies	2019-2020 Progress	2020-2021 Progress
1. Continue to partner with LISD and local youth organizations to encourage careers in local emergency services (Fire and Police)	 Partner with Boy Scouts to develop Police Explorer Program. Fire personnel attend and participate in LISD career days.	
2. Better collaborate with downtown stakeholders and both Chambers of Commerce		
3. Complete updating our development ordinances	 Revised Engineering Standards – presented to Council January 2020. Subdivision Regulations to follow.	

4. Consider development tools to facilitate attraction / recruitment to SH 130 corridor	 IEDC business park development study completed. Future consideration by LEDC.	
5. Bring utilities, assist assembling parcels, rezoning tracts along SH 130/142 and become shovel-ready	 Mostly done. Site development will facilitate the remainder.	
6. Pursue prospects and developers and create a BRE (business retention and expansion) program	 Hiring a second Economic Development practitioner.	
7. Start investing in more property for growth	 IEDC study.	
8. Explore next industrial park	 IEDC study.	
9. HOT (Hotel Occupancy Tax) Funds – board to develop and adopt new process to collect payments from B&Bs	 HOT Advisory Board created. Board training and funding processes under review.	
10. Adopt and implement the Economic Development Strategic Plan (currently underway by Garner Economics) by Q4 2020	 LEDC Board hired Garner Economics January 2020	
11. Robust LEDC website	 Underway with EDSuite contract.	
12. Create resources via Lockhart EDC for proactive outreach to quality builders for additional housing	<i>N/A Brand new/created in 2020</i>	

Strategies	2019-2020 Progress	2020-2021 Progress
13. Adopt a TIF (tax increment financing) policy prior to project being submitted	<i>N/A Brand new/created in 2020</i>	
14. Develop fiber down 142, 183, and the Central Business District	<i>N/A Brand new/created in 2020</i>	

Goal #1 KPIs / Metrics:

- ☒ Did we partner with LISD & other youth organizations to encourage emergency services careers?
- ☐ Did we collaborate with downtown stakeholders and both Chambers of Commerce?
- ☐ Did we completely update our development ordinances?
- ☐ Did we brainstorm development tools for SH-130 development?
- ☐ Did we bring utilities and assemble parcels along SH-130?
- ☐ Did we develop shovel-ready development sites?
- ☐ Did we market those sites to prospective investors?
- ☐ Did we develop plans for our next industrial park?
- ☐ Did we revamp the way HOT funds are structured?
- ☐ Did we develop and implement an Economic Development Strategic Plan?
- ☐ Did the Lockhart EDC revamp their website to better attract investment?
- # of quality home builders the Lockhart EDC proactively reached out to in 2020-2021? _____
- ☐ Did we adopt a new TIF policy?

of miles of new fiber optics laid in Lockhart in 2020-2021? _____

Goal 2: Quality of Life / Quality of Facilities

Strategies	2019-2020 Progress	2020-2021 Progress
1. Invest money to improve the appearance of our town (streets, parks, entry signs)	 Doubled street resurfacing funds in FY 20; Parks Master Plan projects.	
2. Conduct and implement a Space Study of City Buildings and facilities including City Hall	 Budget established for FY 20 Space Study. RFP under development.	
3. Improve the image of City facilities as needed and conduct cosmetic improvements in the meantime	 See No. 2 above.	
4. Update, renovate, and construct City facilities as needed, based on the space study. Realize that remodel of Central Fire Station is likely next.	 Electrical panel upgrade at the Water Treatment Plant; Budget established for FY 20 Space Study; Fire Station No. 2 completed.	
5. Implement the Parks Master Plan, improving the quality of life for the community. What is in Phase 2: splash pad, restroom renovations, dog park, picnic shelter upgrades, and tree planting initiatives	 Multiple Phase I projects underway.	
6. Conduct a citywide quality of life citizen survey and ask council to fund.	 Allocate funds in FY 20-21; assign project to PIO.	
7. Establish a Hospital with an Emergency Room in town	<i>N/A Brand new/created in 2020</i>	
8. Sell church property	<i>N/A Brand new/created in 2020</i>	
9. Create a Youth Advisory Board to explore options around youth programs/activities	<i>N/A Brand new/created in 2020</i>	
10. Implement downtown drainage improvements	<i>N/A Brand new/created in 2020</i>	

Strategies	2019-2020 Progress	2020-2021 Progress
11. Consider submitting a multi-year street bond program to voters	<i>N/A Brand new/created in 2020</i>	
12. Promote beautification projects through teamwork	<i>N/A Brand new/created in 2020</i>	
13. Clean up trash/enforcement citywide	<i>N/A Brand new/created in 2020</i>	
14. Enhance lower income districts with beautification efforts	<i>N/A Brand new/created in 2020</i>	

Goal #2 KPIs / Metrics:

\$ amount invested in streets in 2019? \$ _____

\$ amount invested in parks in 2019? \$ _____

\$ amount invested in gateway entry signs in 2019? \$ _____

\$ amount invested in streets in 2020? \$ _____

\$ amount invested in parks in 2020? \$ _____

\$ amount invested in gateway entry signs in 2020? \$ _____

Which facilities did we improve the image of? _____

☐ Did we implement elements of the Parks Master Plan?

☐ Did we secure quotes on a Space Study of City buildings including City Hall?

of City-owned buildings we renovated or retrofitted? _____

☐ Did we conduct a citywide quality of life citizen survey?

☐ Did we address levels of service based on the citizen responses we received?

☐ Did we address levels of satisfaction based on the citizen responses we received?

☐ Did we address areas for improvement based on the citizen responses we received?

☐ Did we court hospital providers?

☐ Did we sell the church property?

☐ Did we create a Youth Advisory Board?

☐ Did we implement downtown drainage improvements?

☐ Did we fully investigate issuing a street bond?

☐ Did we fully enforce trash clean up around town?

☐ Did we specifically target lower income neighborhoods for new beautification projects?

Goal 3: Staffing / Personnel

Strategies	2019-2020 Progress	2020-2021 Progress
1. Consider hiring additional personnel (engineer, IT, etc.)	 In FY 20, staffing levels were increased by 2 full-time and 1 part-time positions.	
2. Conduct a staffing study that includes evaluating efficiencies and compensation	 Classification and Compensation Study underway.	
3. Right size staffing levels city-wide based on study results	 No funding was allocated for such a study; discuss need/timing of study during FY 20-21 budget process.	
4. Consider starting salaries that compete with surrounding communities	 Classification and Compensation Study underway.	
5. Be consistent with staff development / policies / purchasing procedures	 Comprehensive Purchasing Policy under development (anticipated to be complete 1 st quarter of 2020). Revision of City Personnel Policy underway.	
6. Implement a staff development program (be consistent)	 House Bill 3834 mandated cybersecurity training for all employees with computer access and elected officials – cybersecurity training program underway.	

Strategies	2019-2020 Progress	2020-2021 Progress
7. Start developing / preparing current staff to take on leadership roles within the organization in the future. Work on succession planning: add Fire, add Electric, add Streets, and add Animal Control.	 Emphasis on leadership training for police personnel, cross training of job duties underway in Finance Department.	
8. Recruit and attract more bi-lingual staff	 No funding was allocated to recruit bi-lingual staff; explore possible options during FY 20-21 budget process and the classification and compensation study.	
9. Customer service / experience excellence training for the Utility and Planning Development teams	 Training budgeted item in FY 20 for Utility Customer Services staff.	

Goal #3 KPIs / Metrics:

of new positions in 2019? _____

☐ # of new positions in 2020 and 2021? _____☐ Did we perform a staffing efficiency/compensation study?☐ Did we right-size our salaries based on that study by the end of 2020?☐ Did we develop new consistent policies and procedures regarding professional development of staff?☐ Did we develop new consistent policies and procedures regarding purchasing/procurement?☐ Did we create and implement a new staff development program to ensure everyone has training opportunities?☐ Did we begin grooming current staff for future leadership roles?☐ How many staff do we have on a leadership track by the end of 2020?

of new employees added in 2019 through 2021 who are bilingual? _____

☐ Did we deliver Customer Experience Excellence training to every City employee?

Goal 4: Procedures / IT Management and Services

Strategies	2019-2020 Progress	2020-2021 Progress
1. Improve technology / create specific strategies to have better IT support based on Assessment results	 New outside IT management team hired; Strategic plan for current and emerging issues (cyber) near completion.	
2. Upgrade all technology-related issues as recommended – desktops, servers, software, equipment, and peripherals. \$100K will pay for equipment, \$20K is licensing agreement costs.	 City-wide replacement of desktops with current operating systems complete; new servers in current fiscal year.	
3. Create a 5-year rolling IT equipment replacement plan	 See above notes 1 and 2.	
4. Provide superior service by keeping technology up to date and being able to communicate with the public (keep an open line of communication through website.) Purchase next modules: INCODE	 New PIO hired. Increased social media updates. INCODE permits and inspections software module implemented to track permit and inspections progress; online access to permit applications and tracking underway.	
5. Upgrade the server system	 Desktop operating systems upgrade 100% complete. Server upgrades in progress.	
6. Streamline technology hardware, software processes within the City, based on Assessment recommendations	 Ongoing and FY 20-21.	

Strategies	2019-2020 Progress	2020-2021 Progress
7. Upgrade all equipment and software and be trained on specific software to be used to maximum potential and determine which staff will require which trainings.	 Current year 2020 departmental goal.	
8. Explore implementing downtown Wi-Fi	 To be addressed in 2020 or 2021. Explore options with the Downtown Business Association and both Chambers of Commerce.	

Goal #4 KPIs / Metrics:

- ☐ Did we secure top quality technology support across all departments by the end of 2020?
- ☐ Did we upgrade our desktop computers?
- % of employees who received upgraded computers by the end of 2020 (from 2018 numbers)? _____
- ☐ Did we upgrade our servers?
- ☐ Did we upgrade our computer software, subscriptions, and licenses?
- ☐ Did we upgrade our peripherals?
- ☐ Did we upgrade our other technology equipment?
- ☐ Did we establish an IT policy for updates and replacements that will keep us up-to-date from now through the future?
- ☐ Did we upgrade our City server system?
- ☐ Did we streamline our City technology processes?
- ☐ Did we secure training for staff to use all new equipment properly and efficiently?
- ☐ Did we investigate implementing WiFi throughout Downtown Lockhart?

Goal 5: Public Safety

Strategies	2019-2020 Progress	2020-2021 Progress
1. Provide quality public safety to all citizens of Lockhart		
a. Develop a specific Retention Strategy first	 City-wide classification and compensation study underway. Fire: Council approved 7% salary adjustment in FY 19-20. Police: all officers to attend leadership training, host ceremonial recognition events, retention strategy under development.	
b. Continue to implement hiring strategies we developed such as Fire and Police.	 Fire: Use of recruitment video; developing recruitment flyer for use with LISD and the public; career day with Lockhart High School students; Fire Chief to serve on LISD Career and Technical Education Advisory Committee. Police: In 2019, Lockhart Police Officers visited with police cadets attending the AACOG Academy and made presentations to 2 classes of prospective candidates. In 1 st quarter of 2020, LPD will make presentations to the CAPCOG Academy currently in progress.	

Strategies	2019-2020 Progress	2020-2021 Progress
c. Long-term public safety facility planning for Station #1.	 Completed Fire Station No. 2. Analysis and cost estimate to remodel and upgrade Fire Station No. 1 underway.	
d. Develop an equipment replacement schedule. Seek funding for existing equipment (fire apparatus and patrol cars) replacements.	 Developed an ambulance replacement schedule with Caldwell County and Seton. Upgrades to two-way radios (portables and mobiles) underway.	
e. Continue to ensure use of best practices / standards (research best practices, then implement)	 Fire: Fire Department is preparing an emergency management tabletop exercise for City staff. Police: Upgraded Police Officer body-worn cameras to 3 rd generation models.	
f. Evaluate Accreditation opportunities	 Fire: Reviewing the Texas Fire Chief's Association (TFCA) accreditation process before formal enrollment. Police: Currently reviewing the 166 Texas Law Enforcement Best Practices. Will submit for recognition in the 3 rd quarter of 2020.	

Strategies	2019-2020 Progress	2020-2021 Progress
g. Traffic safety improvements: turn lanes and traffic lights	<i>N/A Brand new/created in 2020</i>	
h. Begin TXDOT safety projects	<i>N/A Brand new/created in 2020</i>	
i. Promote a Neighborhood Watch Program	<i>N/A Brand new/created in 2020</i>	

Goal #5 KPIs / Metrics:

of new law enforcement officers hired in 2019? _____

of new law enforcement officers hired in 2020? _____

of new law enforcement officers hired in 2021? _____

% law enforcement officers retained? _____ %

of new firefighters hired in 2019? _____

of new firefighters hired in 2020? _____

of new firefighters hired in 2021? _____

% firefighters retained? _____ %

☐ Did we develop a long-term public safety facilities plan?☐ Did we develop a public safety equipment replacement schedule?☐ Did we implement that new replacement schedule?☐ Did we research and record best practices across the country regarding public safety policy?☐ Did we make any modifications to our public safety policies based on that research?☐ Did we explore and evaluate Accreditation opportunities?☐ Did we implement new turn lane and traffic light improvements in 2020-2021?☐ Did we begin the TXDOT safety projects?☐ Did we proactively promote a Neighborhood Watch Program for Lockhart?

Conclusion

At the end of the planning retreat, the facilitator reminded all the participants that these goals would only be achieved if they held true to their commitments today to implement these specific strategies and tactics.

She reminded them that they are one team working toward one vision. The city council and management team agreed to use this document regularly throughout 2020 and 2021 to track progress and measure accomplishments.



City of Lockhart

2019-2020 Strategic Priorities

Prepared by:



City of Lockhart

Summary

On February 1 & 2, 2019 the City of Lockhart hosted two half-day planning sessions to develop goals and strategies for the next 2 years. Some of these goal areas were internal, whereas others were external. The following is the process used to reach the conclusions for the plan.

The process began with a preliminary phone meeting between the facilitator and Steve Lewis, City Manager, to go over key issues facing the City, understand the programs and projects underway through the community, and to prepare the agenda and format for the planning retreat.

The first portion of the strategic planning process began on Friday, February 1, 2019 with the City Manager and the City of Lockhart Management Team. The facilitator began by asking the Management Team participants what their expectations for discussion for the day were. She then took the team through a SWOT (Strengths, Weaknesses, Opportunities, & Threats) Analysis. The next group exercise was a brainstorm called Start/Stop/Continue that lists the things that need to begin happening, stop happening, and are mission-critical and must continue regardless of circumstances.

The facilitator then guided the Management Team through 2019-2020 goal and strategy development to recommend to the City Council the following day.

On Saturday, February 2, 2019, the City Council and City Manager convened to review, revise, and establish priorities related to the recommendations generated the day before by the Management Team. Prior to the review, the facilitator asked the City Council to list their expectations for discussion for the day.

The following are the results.

Management Team Expectations for the Day's Discussion Topics

- That City Council will take what we say seriously
- Consider all staff in decisions
- Hear each other's goals
- Live by the plans we create / develop
- That Council develop goals / priorities based on sound data / research
- Focus
- Consider quality of life as over-arching goal
- Discuss business attraction vs. recruitment
- Being prepared for growth
- Facilities improvements
- Facilities maintenance
- How do we give back to those who need extra help?
- Smart land use practices
- Discuss Tourists/Tourism – what is there for kids to do while in town visiting family?

City Council Expectations for the Day's Discussion Topics

- Capitalize on Tourism
- Discuss Wi-Fi
- Capitalize on BBQ Capital of Texas
- Cleaning up of unsightly properties (residential)
- Work in unity today
- Serve our community
- Focus
- To discuss Economic Development targeting technology jobs
- Industrial Park is full – now what?
- Cleaning up of City properties / facilities
- Actually implement our goals
- Discuss the direction of Economic Development
- Think bigger / think change / embrace change
- Develop our identity
- Attractive gateway signage
- Employee wages
- Technology infrastructure

SWOT Analysis

The facilitator guided the participants through an analysis of their current Strengths, the current Weaknesses or Challenges they are facing, Opportunities that may come their way in the future, and Threats that are possible to occur in the future. Note that there are no right or wrong answers here and no implication of likelihood. This is simply a brainstorm of the opinions of the participants to get them thinking about goals in the next portion. The Management Team listed their responses first, then the City Council added additional items the following day.

Strengths

- Historic district
- County seat
- BBQ Capital of Texas
- Location to highways
- Tourism
- Small town (family-oriented)
- Growing – room for more
- Desire to manage growth
- Good development process
- Proximity to Austin
- Comparable housing prices
- Existing capacity of utilities
- Easy mobility
- Economic Development Sales tax
- Clark Library
- Baker Theatre
- Ease of developing land (flat)
- Employees who experience long tenure
- Volunteers
- CTR (Chisholm Trail Roundup) & other local events
- Community support
- Recognizable court house
- Movies / film production (TFC)
- Long-term water planning
- High-level financial planning
- Competitive building / development fees
- “Real” city with well-managed growth
- New energy
- Proximity to large cities / airport
- New residents – new ideas – changing priorities
- Diversity
- First Friday Downtown Event

Weaknesses / Challenges

- Incentives – Economic Development lack of use
- Technology – aging equipment and software
- Infrastructure
- Facilities – condition / maintenance
- Competitive salaries within region
- Training opportunities
 - Professional development
 - Budget
- Closed minds – have always done it this way
- Tourism
- Managing growth
- Need for succession planning
- Public perception influencing job applicant pool
- Weak tax base
- Limited in-town post-secondary educational opportunities
- Lack of retail
- Lack of entertainment (kids)
- Limited grocery options
- City-owned property
- College
- Venue / convention center
- Lack of hotels
- Entryways to community
- Not using TIF financing
- Emerging downtown organization
- How to effectively support increasing, ever-growing number of festivals
 - Create packages for vendors and festivals
- No city recreation programs
- In-kind services
- Very limited public transportation services
- Outdated web information
- Poor communication with citizens

Opportunities

- Expand airport (hangars)
 - Install AWOS (Automated Weather Observing System)
- Improve working conditions of employees
- Proximity to Austin
- Implement first phase of parks master plan
- SH-130 has great properties but not city-owned property
- Undeveloped lots on Square and north / northwest of Square
- Long-tenured elected leadership
- Increase community involvement
- To develop positive relationship with County, School, and organizations
- Quality economic growth
- Franchise recreational or entertainment venues (theaters, bowling, outlets, concerts, water parks)
- Community college campus
- Increased communication needed with ISD for school planning, infrastructure, etc.
- Expand walking / biking opportunities for exercise and community involvement
- Lockhart Springs (natural spring)
- Lockhart State Park transfer to City
- Potential residential development around golf course
- Development within historic district
- School district growth
- Housing growth
- Business growth
- St. Paul Church and other redevelopment opportunities
- Hospital / medical facilities
- Public bathrooms downtown
- Develop Industrial Park
- More involvement with San Marcos Greater Partnership
- Partnership with Austin Chamber
- EDC \$ will go further today than in 2 years (spec buildings, parking)

Threats

- Economic recession
- Voter turnout
- Government shutdown
- Citizen input
- Natural disaster
- Leadership in government
- Lack of economic development direction
- Competition from other cities
- Lack of resources
- Building maintenance
- Technology – cyber security
- Surging population
- Infrastructure improvement
- Maintaining reputation
- Planning without follow through
- Lack of educated workforce – skilled labor
- Crime
- Lack of workforce – people
- Retention and hiring
- Youth retention
- School quality
- Lack of industry
- Lack of racial unity
- Micro-managing
- Other utilities providers
- Homeless services – transportation
- Types of future growth

Start/Stop/Continue

The facilitator guided the Management Team through an exercise that challenged them to brainstorm things that the City really needed to begin doing, what they should stop doing that could be a waste of resources, and what must they continue doing, regardless of circumstances. Below are their responses. Note that there are no right or wrong items; these are merely individuals' opinions about the things that should and shouldn't change in Lockhart. Just because one person has a certain opinion on a topic, that does not imply anyone else shared that opinion.

Start

- Space allocation study
- Renovate City buildings – construct
- Downtown bathrooms
- Improve salaries – salary survey
- Staff development program / policies / procedures
- Consistency in purchasing
 - Revamp purchasing policy
- Replacing capital equipment / vehicles – vehicle fund
- Mandatory single stream recycling
- IT department, in-house City Engineer
- New technology in terms of equipment, network, server, software
- Re-assess who is in charge of downtown redevelopment
 - Name which entity (or entities) funds downtown redevelopment initiatives
 - Name which entity (or entities) manages downtown redevelopment initiatives
- 2020 Comprehensive Master Plan Update that includes a future land use plan and map

Stop

- In-house utility billing (consider outsourcing)
- Outsourcing IT (consider bringing in-house)
- Repetitive useless paperwork (paperwork/policies must be updated and streamlined)
- Increasing overtime in fire and police (hire more to fix this issue)
- Using outdated equipment
- Hand -picking collections of recycled goods (business pick up)
- Laying asphalt driveway approaches for “free”
- Demolition of condemned houses – stop doing in-house (needs to be outsourced)

Continue

- Meeting with County, City, School, Chamber, EDC
- Implementing 2020 Plan and Updates
- Attracting businesses – growth
- Providing superior service
- Redeveloping Downtown
- Implement Parks Master Plan
- Being a great place to work
- Public investments along SH-130
- Supporting festivals / movie projects
- Financial planning
- Embracing tourism

Goal 1: Economic Development / Planning

Strategies
1. Partner with LISD and local youth organizations to encourage careers in local emergency services (Fire and Police)
2. Reassess who is in charge of managing and funding downtown development and tourism
3. Attract a post-secondary education campus / facility
4. Complete updating our development ordinances
5. Consider development tools to facilitate attraction / recruitment to SH 130 corridor
6. Bring utilities, assist assembling parcels, rezoning tracts along SH 130
a) Shovel ready
b) Pursue prospects
7. Start investing in more property for growth
8. Explore next industrial park
9. HOT (Hotel Occupancy Tax) Funds – revamp structure
10. Economic Development Strategic Plan
11. Robust LEDC website

Goal #1 KPIs / Metrics:

- ☐ Did we partner with LISD & other youth organizations to encourage emergency services careers?
- ☐ Did we reassess downtown development and tourism initiatives and who leads each?
- ☐ Did we initiate efforts to attract a post-secondary educational institution or facility to Lockhart?
- ☐ Did we completely update our development ordinances?
- ☐ Did we brainstorm development tools for SH-130 development?
- ☐ Did we bring utilities and assemble parcels along SH-130?
- ☐ Did we develop shovel-ready development sites?
- ☐ Did we market those sites to prospective investors?
- ☐ Did we develop plans for our next industrial park?
- ☐ Did we revamp the way HOT funds are structured?
- ☐ Did we develop and implement an Economic Development Strategic Plan?
- ☐ Did the Lockhart EDC revamp their website to better attract investment?

Goal 2: Quality of Life / Quality of Facilities

Strategies
1. Invest money to improve the appearance of our town (streets, parks, entry signs)
2. Conduct a Space Study of City Buildings and facilities including City Hall
3. Improve the image of City facilities as needed
4. Update, renovate, and construct City facilities as needed
5. Implement the Parks Master Plan, improving the quality of life for community
6. Conduct a citywide quality of life citizen survey

Goal #2 KPIs / Metrics:

\$ amount invested in streets in 2019 and 2020? \$ _____

\$ amount invested in parks in 2019 and 2020? \$ _____

\$ amount invested in gateway entry signs in 2019 and 2020? \$ _____

of City facilities we improved the appearance of? _____

☐ Which facilities did we improve the image of?

☐ Did we implement elements of the Parks Master Plan?

☐ Did we secure quotes on a Space Study of City buildings including City Hall?

☐ How many City-owned buildings did we renovate or retrofit?

☐ Did we conduct a citywide quality of life citizen survey?

☐ Did we address levels of service based on the citizen responses we received?

☐ Did we address levels of satisfaction based on the citizen responses we received?

☐ Did we address areas for improvement based on the citizen responses we received?

Goal 3: Staffing / Personnel

Strategies
1. Consider hiring additional personnel (engineer, IT, etc.)
2. Conduct a staffing study that includes evaluating efficiencies and compensations
3. Right size staffing levels city-wide based on study results
3. Consider starting salaries that compete with surrounding communities
4. Be consistent with staff development / policies / purchasing procedures
5. Implement a staff development program (be consistent)
6. Start developing / preparing current staff to take on leadership roles within the organization in the future
7. Bi-lingual staff
8. Customer service / experience excellence training

Goal #3 KPIs / Metrics:

of new positions in 2019 and 2020? _____

- ☐ Did we perform a staffing efficiency/compensation study?
- ☐ Did we right-size our salaries based on that study by the end of 2020?
- ☐ Did we develop new consistent policies and procedures regarding professional development of staff?
- ☐ Did we develop new consistent policies and procedures regarding purchasing/procurement?
- ☐ Did we create and implement a new staff development program to ensure everyone has training opportunities?
- ☐ Did we begin grooming current staff for future leadership roles?
- ☐ How many staff do we have on a leadership track by the end of 2020?

of new employees added in 2019 and 2020 who are bilingual? _____

- ☐ Did we deliver Customer Experience Excellence training to every City employee?

Goal 4: Procedures / IT / Software and Hardware

Strategies
1. Conduct a Technology Assessment that yields specific recommendations
2. Improve technology / create specific strategies to have better IT support based on Assessment results
3. Upgrade all technology-related issues as recommended – desktops, servers, software, equipment, and peripherals
4. Start replacing old equipment
5. Provide superior service by keeping technology up to date and being able to communicate with the public (keep an open line of communication through website)
6. Carefully weigh all the pros and cons of considering bringing IT in-house
7. Upgrade the operating system
8. Streamline technology hardware, software processes within the City, based on Assessment recommendations
9. Upgrade all equipment and software and be trained on specific software to be used to maximum potential
10. Explore implementing downtown Wi-Fi

Goal #4 KPIs / Metrics:

- ☐ Did we conduct a Technology Assessment?
- ☐ Did we secure top quality technology support across all departments by the end of 2020?
- ☐ Did we upgrade our desktop computers?
- % of employees who received upgraded computers by the end of 2020 (from 2018 numbers)? _____
- ☐ Did we upgrade our servers?
- ☐ Did we upgrade our computer software, subscriptions, and licenses?
- ☐ Did we upgrade our peripherals?
- ☐ Did we upgrade our other technology equipment?
- ☐ Did we establish an IT policy for updates and replacements that will keep us up-to-date from now through the future?
- ☐ Did we carefully weigh all the pros and cons of keeping IT outsourced vs. bringing it in-house?
- ☐ Did we upgrade our City operating system?
- ☐ Did we streamline our City technology processes?
- ☐ Did we secure training for staff to use all new equipment properly and efficiently?
- ☐ Did we investigate implementing WiFi throughout Downtown Lockhart?

Goal 5: Public Safety

Strategies
1. Provide quality public safety to all citizens of Lockhart
a) Develop a specific Retention Strategy first
b) Develop a specific Hiring Strategy
c) Long-term public safety facility planning
d) Develop an equipment replacement schedule
e) Ensure use of best practices / standards (research best practices, then implement)
f) Evaluate Accreditation opportunities

Goal #5 KPIs / Metrics:

of new law enforcement officers hired in 2019?

of new law enforcement officers hired in 2020?

% law enforcement officers retained?

of new firefighters hired in 2019?

of new firefighters hired in 2020?

% firefighters retained?

☐ Did we develop a long-term public safety facilities plan?

☐ Did we develop a public safety equipment replacement schedule?

☐ Did we implement that new replacement schedule?

☐ Did we research and record best practices across the country regarding public safety policy?

☐ Did we make any modifications to our public safety policies based on that research?

☐ Did we explore and evaluate Accreditation opportunities?

Conclusion

At the end of the planning retreat, the facilitator reminded all the participants that these goals would only be achieved if they held true to their commitments today to implement these specific strategies and tactics.

She reminded them that they are one team working toward one vision. The participants agreed to use this document regularly throughout 2019 and 2020 to track progress and measure accomplishments.

CITY COUNCIL FY 18-19 GOALS (FINAL COMBINED)

PRIORITY ORDER

COUNCILMEMBER	PRIORITY	FY 18-19 GOALS
CASTILLO	1	Infrastructure Improvements: streets
GONZALES-SANCHEZ	1	Hire A City Manager
MCGREGOR	1	Economic development, creating and retaining jobs, grocery campaign.
MENDOZA	1	Pay Raise City Employees.
MICHELSON	1	Public relations position/ get the word out about Lockhart (promoting)
WESTMORELAND	1	Infrastructure Improvements: streets
WHITE	1	Economic development, creating and retaining jobs, grocery campaign.
CASTILLO	2	Economic development, creating and retaining jobs, grocery campaign.
GONZALES-SANCHEZ	2	All Department Heads to Budget Salary Increases for all City Employees.
MCGREGOR	2	Work with LISD to establish a community recreation center at the Adams Gym, per under Parks
MENDOZA	2	Economic development, creating and retaining jobs, grocery campaign.
MICHELSON	2	Signage in Lockhart (highway, downtown, and toll) / Wayfinding, branding,,,))
WESTMORELAND	2	Signage in Lockhart (highway, downtown, and toll) / Wayfinding, branding,,,))
WHITE	2	Public relations position
CASTILLO	3	Continued police community committee involvement, neighborhood watch, gang awareness
GONZALES-SANCHEZ	3	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods
MCGREGOR	3	Prepare Fire Station #3 (so we can have existing station remodeled)
MENDOZA	3	Continued police community committee involvement, neighborhood watch, gang awareness
MICHELSON	3	Prepare Fire Station #3 (so we can have existing station remodeled)
WESTMORELAND	3	More enforcement of codes directed at unsightly properties
WHITE	3	Wayfinding, branding, develop new entry sign and city markers
CASTILLO	4	City Facilities: Maintenance and repairs Economic Development: Recruit more businesses especially retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and specialty shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city.
GONZALES-SANCHEZ	4	Public relations position work with social media/ get the word out about Lockhart
MCGREGOR	4	City Facilities: Maintenance and repairs
MENDOZA	4	

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CITY COUNCIL FY 18-19 GOALS (FINAL COMBINED)

PRIORITY ORDER

COUNCILMEMBER	PRIORITY	FY 18-19 GOALS
MICHELSON	4	Refurbish City Hall inside (making it more inviting)
WESTMORELAND	4	Move forward with St Paul property project
WHITE	4	Park improvements- consider medium to long range plan for Town Branch development
CASTILLO	5	Affordable housing
		Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is a lot of training that is free but a lot additional money for registration fees and course material.
GONZALES-SANCHEZ	5	
MCGREGOR	5	Free public wifi on the square
MENDOZA	5	Parks improvements
MICHELSON	5	Continued police community committee involvement, neighborhood watch, gang awareness
WESTMORELAND	5	Angled parking downtown: N Main and N Commerce Sts(change during downtown drainage project)
WHITE	5	Continued police community committee involvement, neighborhood watch, gang awareness
CASTILLO	6	Wellness for employees

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CITY COUNCIL FY 18-19 GOALS

Category Order and Comments by City Manager

Council agreed at February 13 meeting that each Councilmember will submit at least 5 category goals in priority order to the City Manager to be considered by Council at first meeting in March, 2018

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY FINAL LIST BY COUNCIL PRIORITIZED BY CATEGORY: SUBMIT TO CITY MGR BY MARCH 1 PLEASE	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY
		Improve communication between City and Chamber of Commerce	In-House	Chamber
		City Facilities	GF	City Bldgs
		Refurbish City Hall inside (making it more inviting)	Gen Fund	City Bldgs
		Prepare Fire Station 3 (so we can have main station remodeled)	Gen Fund	City Bldgs
		Hire A City Manager. Hire a City Manager that is Well Rounded and Experienced and Will Help our City to Continue to Grow for the right and positive reasons. To hire a City Manager that will allow our Department Heads to Grow and Improve Our Departments with their recommended suggestions not only from our department heads but from our employees. Working Smarter not Harder.	GF	City Manager
		More code enforcement of codes directed at unsightly properties	In-House	Code Enforc
		Continue demo of unsafe structures and pursue liens aggressively	GF	Code Enforc
		Convention Center. Our city is growing and there are too many events, programs and conferences that are going to other surrounding areas to have these events and those surrounding area businesses are benefitting and money is being spent in those areas instead on money being spent in our city. Granted, we do have meeting facilities in our city but these meeting facilities do not accomodate the number of people for the above events that have been mentioned.	GF	Convention Center
		Downtown improvements-lighting, pedestrian safety, south plaza idea? Sculpture? Sidewalk mosaics?	GF	Downtown
		Economic development, creating and retaining jobs, grocery campaign	general fund, LEDC	Econo Devl
		Economic Development	GF	Econo Devl
		Expand economic development (by helping to spread the word & being more involved)	Gen Fund	Econo Devl
		Economic Development: Recruit more businesses especailly retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and speciality shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city. Art Galleries and Music Venues have increased within our downtown area and though many many not appreciate these type of business and or venues, it is good for our downtown and its livelihood. Let's work on getting more of the speciality shops and boutiques in or around the sqare.	GF	Econo Devl
		Pay raise across the board	GF	Employees
		All Department Heads to Budget Salary Increases for all City Employees.	GF	Employees
		Wellness for employees	GF	Employees
		Employee: Possible additional Employee Holiday Time Off-Alternating System. Even though this has been discussed and the reasons for why it cannot be done, I would like to see a time off altenating system, especailly during the holidays. I did appreciate that the city employees were allowed to stay home during our icy, sleet and snow days. The safety of our employees is very important.	GF	Employees
		Subdivision developemnt to attract more businesses to Lockhart. Increase the number of homes, apartments, housing. Our city is growing with new citizens wanting to make Lockhart their home but due to the number of housing available, they wait and or possibly lose interest.	GF	Housing
		Infrastructure	GF	Infrastructure
		Infrastructure improvement- uncurbed streets, street rehab	GF	Infrastructure
		Improve Streets (repairs)	In-House	Infrastructure

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY FINAL LIST BY COUNCIL PRIORITIZED BY CATEGORY: SUBMIT TO CITY MGR BY MARCH 1 PLEASE	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY
		Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	GF	Infrastructure
		Angled parking for N Main and N Commerce Streets (change during downtown project)	In-House	Parking Downtown
		Parking around and surrounding the square. Issues with larger vehicles parked in areas that are narrow and that make it hard to see oncoming traffic. Our city is growing and we have been very fortunate with our parking however, it is a concern especially when you have the bigger and wider trucks that are parked in an area that is for a moderate size car. It becomes a hazard and a blind spot when trying to reverse out of the parking space and a blind spot for any and all pedestrians.	GF	Parking Downtown
		Continue to work on City Park improvements	Gen Fund	Parks
		Revive all City parks	Grants	Parks
		Work with USD to establish a community recreation center at Adams Gym, perhaps under Parks (PUBLIC HEALTH/PARKS)	General Fund/Parks & Rec	Parks
		Add 3 positions to the Parks Department, to help facilitate other improvements (PARKS)	General Fund/Parks & Rec	Parks
		Park improvements - consider medium to long range Town branch development	GF	Parks
		Develop a dog park as part of the Stueve Lane Monte Vista Tract (PARKS/ANIMAL SHELTER/PUBLIC HEALTH)	General Fund/Parks & Rec	Parks
		Parks Improvements: Purchase and update the park equipment to provide safe and fun filled parks for all to use.	GF	Parks
		Start Planning for 2040 plan	GF	Planning
		Police	GF	Police
		Continued Police Community committee involvement, neighborhood watch, gang awareness	GF	Police
		Work with Police Department to bring back drug enforcement program	Gen Fund	Police
		Get back to Neighborhood Townhall Meetings	GF	Police
		Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is a lot of training that is free but a lot of additional money for registration fees and course material. I am grateful that the Police Department did invest in our Drug Dog and is being utilized by the school as well.	GF	Police
		High School cadet programs for police, fire, EMS	GF	Police/Fire
		Public relations position to deal with social media	GF	Public Relations
		Get the word out about Lockhart (promoting, hiring a Public Relations person)	Gen Fund	Public Relations
		Sidewalk repair and expansion	GF	Sidewalks
		Signage in Lockhart (highway, downtown, and toll road)	Gen Fund	Signage
		Wayfinding, branding - develop new entry sign and city property markers	GF	Signage
		Move Forward with St Paul property project	In-House	St Paul Gift
		Develop an oral history project to support a future "Walking Tour" app for Lockhart (ECONOMIC DEV/DOWNTOWN)	General Fund/Fundraising	Tourism
		More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants). Added events, especially the events that are free to the public do very well for the city as well as for the businesses and tourism. I welcome new events to the city but need to be selective in the events that we do host.	GF	Tourism
		Create a Good Neighbor program (Lockhart Utility Customers can add an additional amount to utility bill to help others)	GF	Utility Customers

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY
		FINAL LIST BY COUNCIL PRIORITIZED BY CATEGORY: SUBMIT TO CITY MGR BY MARCH 1 PLEASE		
		Access to Municipal Court for Utility Payments	In-House	Utility Customers
		Free public wifi on the square as part of the redevelopment on the North side (ECONOMIC DEV/DOWNTOWN)	CAPCOG Grant?	Wifi
		Free public wifi on the square as part of the redevelopment on the North side	GF	Wifi

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
BW	7	Improve communication between City and Chamber of Commerce	In-House	Chamber	City Staff works together with Chambers on all their events by being a co-sponsor with many in-kind services. Robert Tobias attends their meetings and periodically makes presentations about Economic Development issues.
JC	4	City Facilities	GF	City Bldgs	Budget for roofs and major repairs
JEFF M	5	Refurbish City Hall inside (making it more inviting)	Gen Fund	City Bldgs	Working on it; repairs to ceiling in progress, restrooms to be refurbished and replace signage with more informative directions.
JEFF M	7	Prepare Fire Station 3 (so we can have main station remodeled)	Gen Fund	City Bldgs	New plans will be prepared working with new Chief who has different ideas than the previous Chief
AGS	1	Hire A City Manager. Hire a City Manager that is Well Rounded and Experienced and Will Help our City to Continue to Grow for the right and positive reasons. To hire a City Manager that will allow our Department Heads to Grow and Improve Our Departments with their recommended suggestions not only from our department heads but from our employees. Working Smarter not Harder.	GF	City Manager	I concur. The current City Mgr has rode back of garbage trucks, climbed electrical poles, worked water/sewer/asphalt/concrete projects, and has been a utility collections clerk, and during these experiences learned the value of suggestions for change that comes from employees in such positions. All department heads/supervisors are encouraged to listen to employees who have constructive ideas that would benefit in performing assigned tasks. City Mgr has also learned there are employees who keep there hands in their pockets and talk while everyone else is working and these are the same ones who are often found to be dishonest in their paperwork, sleep on the job, and have a poor attendance record.
BW	1	More code enforcement of codes directed at unsightly properties	In-House	Code Enforc	Will continue to address as complaints come in and as found during investigation outings.
LW	8	Continue demo of unsafe structures and pursue liens aggressively	GF	Code Enforc	Will continue to address and City Attorney exploring process to recover demolition costs
AGS	11	Convention Center. Our city is growing and there are too many events, programs and conferences that are going to other surrounding areas to have these events and those surrounding area businesses are benefitting and money is being spent in those areas instead on money being spent in our city. Granted, we do have meeting facilities in our city but these meeting facilities do not accommodate the number of people for the above events that have been mentioned.	GF	Convention Center	HOT funds and/or Bond Issue. Maintenance funds will be a minimum of \$150,000 annually not including director's salary, utilities, and insurance.
LW	9	Downtown improvements-lighting, pedestrian safety, south plaza idea? Sculpture? Sidewalk mosaics?	GF	Downtown	CAPCOG/CO project will address
LW	1	Economic development, creating and retaining jobs, grocery campaign	general fund, LEDC	Econo Devl	Robert Tobias working with several companies now
JC	2	Economic Development	GF	Econo Devl	See above

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CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
JEFF M	3	Expand economic development (by helping to spread the word & being more involved)	Gen Fund	Econo Devl	Robert Tobias is involved with the San Marcos Partnership, local chambers, and with downtown businesses on a regular basis. Leads from the Governor's office and the Austin Chamber are also pursued as applicable.
AGS	4	Economic Development: Recruit more businesses especially retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and specialty shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city. Art Galleries and Music Venues have increased within our downtown area and though many not appreciate these type of business and or venues, it is good for our downtown and its livelihood. Let's work on getting more of the specialty shops and boutiques in or around the square.	GF	Econo Devl	The problem is that many of the property owners downtown do not have the funds to customize their buildings to support specialty shops which most the time are not willing to spend money on a building. Rob Tobias is exploring ways to address this issue.
JUAN M	1	Pay raise across the board	GF	Employees	Estimated Costs Including Benefits: For each 1% for non-civil service= \$52,000 For each 1% for civil service = \$28,000
AGS	2	All Department Heads to Budget Salary Increases for all City Employees.	GF	Employees	See above
JC	5	Wellness for employees	GF	Employees	City provides good health insurance (\$586 per month each) with wellness plans for employees; many Cities have stopped this benefit and only provide a stipend for insurance.
AGS	9	Employee: Possible additional Employee Holiday Time Off-Alternating System. Even though this has been discussed and the reasons for why it cannot be done, I would like to see a time off alternating system, especially during the holidays. I did appreciate that the city employees were allowed to stay home during our icy, sleet and snow days. The safety of our employees is very important.	GF	Employees	City employees with vacation leave and holiday time are off 23 days a year with pay which is more than a month of work days. The only holidays not given that we found are Columbus Day and Texas Independence Day. Employee safety is very important, however, some employees must come in to make conditions safe for residents and to respond to emergency conditions and that responsibility belongs to each department head who determines based on staff levels and skills time off during holiday times.
AGS	6	Subdivision development to attract more businesses to Lockhart. Increase the number of homes, apartments, housing. Our city is growing with new citizens wanting to make Lockhart their home but due to the number of housing available, they wait and or possibly lose interest.	GF	Housing	6 housing projects in place at different phases. City Manager recommended incentives to builders three years ago which Council approved and during the time it was in place it produced more housing. As a result, more engineering of subdivisions has begun.
JC	1	Infrastructure	GF	Infrastructure	\$400,000 or more yearly needed for streets
LW	2	Infrastructure improvement- uncurbed streets, street rehab	GF	Infrastructure	See above. It will take a major bond issue to address all streets that do not have curbs.
BW	3	Improve Streets (repairs)	In-House	Infrastructure	See above.

CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
AGS	3	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	GF	Infrastructure	For streets please see above. Brighter lighting is always a challenge in a city with so many trees. Lockhart still must comply with Senate Bill 5 which regulates power usage. Several cities have passed an ordinance that does not allow for the planting of trees within 15' of the right of way to improve lighting of streets and reduce tree trimming around power lines.
BW	4	Angled parking for N Main and N Commerce Streets (change during downtown project)	Ja-House	Parking Downtown	Scheduled with downtown improvements. Should also consider making 100 Blocks of N Main and N Commerce one-way and possibly consider other blocks downtown especially north/south streets.
AGS	10	Parking around and surrounding the square. Issues with larger vehicles parked in areas that are narrow and that make it hard to see oncoming traffic. Our city is growing and we have been very fortunate with our parking however, it is a concern especially when you have the bigger and wider trucks that are parked in an area that is for a moderate size car. It becomes a hazard and a blind spot when trying to reverse out of the parking space and a blind spot for any and all pedestrians.	GF	Parking Downtown	Scheduled with downtown improvements
JEFF M	2	Continue to work on City Park improvements	Gen Fund	Parks	Master Plan near complete
BW	2	Revive all City parks	Grants	Parks	Master Plan near complete
KM	2	Work with LISD to establish a community recreation center at Adams Gym, perhaps under Parks (PUBLIC HEALTH/PARKS)	General Fund/Parks & Rec	Parks	Mayor is visiting with LISD about this
KM	3	Add 3 positions to the Parks Department, to help facilitate other improvements (PARKS)	General Fund/Parks & Rec	Parks	Approx. \$100,000 to budget not including equipment and vehicles
LW	3	Park improvements - consider medium to long range Town branch development	GF	Parks	Bond issue needed
KM	4	Develop a dog park as part of the Stueve Lane Monte Vista Tract (PARKS/ANIMAL SHELTER/PUBLIC HEALTH)	General Fund/Parks & Rec	Parks	Estimate on this property is \$ 25000 using used fencing. Maintenance and insurance are also cost factors
AGS	8	Parks Improvements: Purchase and update the park equipment to provide safe and fun filled parks for all to use.	GF	Parks	Master Plan near complete
JUAN M	3	Start Planning for 2040 plan	GF	Planning	Needs to be done
JC	3	Police	GF	Police	Chief Pedraza is working on these issues. Recently issued update that was sent to Council.
LW	4	Continued Police Community committee involvement, neighborhood watch, gang awareness	GF	Police	See above
JEFF M	4	Work with Police Department to bring back drug enforcement program	Gen Fund	Police	See above
JUAN M	5	Get back to Neighborhood Townhall Meetings	GF	Police	Will get with Chief about this

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CM INITIALS	PRIORITY #	GOALS IDENTIFIED BY COUNCIL FOR FY 18-19: SORTED BY CATEGORY	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	SORTED BY CATEGORY	CITY MANAGER COMMENTS
AGS	5	Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is a lot of training that is free but a lot additional money for registration fees and course material. I am grateful that the Police Department did invest in our Drug Dog and is being utilized by the school as well.	GF	Police	Chief Pedraza reports that Lockhart has two certified mental health officers, and he feels there is sufficient funding for training. He also reports that a new Narcotics Officer would cost about \$90,000 for salary/benefits, training, a vehicle, and all required equipment.
LW	10	High School cadet programs for police, fire, EMS	GF	Police/Fire	Will visit with department heads again about this
LW	6	Public relations position to deal with social media	GF	Public Relations	Position would cost with benefits about \$45,000 annually and would need more tasks to perform.
JEFF M	6	Public relations position to deal with social media	GF	Public Relations	See above
LW	7	Sidewalk repair and expansion	GF	Sidewalks	Costs average about \$25 per linear foot
JEFF M	1	Signage in Lockhart (highway, downtown, and toll road)	Gen Fund	Signage	Wayfinding and Branding Committee in place
LW	5	Wayfinding, branding - develop new entry sign and city property markers	GF	Signage	See above
BW	5	Move Forward with St Paul property project	In-House	St Paul Gift	Working on costs associated with this projects which involve asbestos/lead paint survey and possible abatement, ADA restrooms, ADA entry ramp, kitchen changes, and other repairs.
KM	5	Develop an oral history project to support a future "Walking Tour" app for Lockhart	General Fund/Fundraising	Tourism	Could be part of the Wayfinding and Branding Committee tasks
AGS	7	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants). Added events, especially the events that are free to the public do very well for the city as well as for the businesses and tourism. I welcome new events to the city but need to be selective in the events that we do host.	GF	Tourism	Chambers receive HOT funds for tourism and City co-sponsors events that contribute to tourism.
JUAN M	4	Create a Good Neighbor program (Lockhart Utility Customers can add an additional amount to utility bill to help others)	GF	Utility Customers	Have pursued this in the past. Requires a Board or Committee that is willing to take on the tasks of selecting who and how much help can be provided to customers. Some Cities allocate the funds to existing organization that is willing to take on the project.
BW	6	Access to Municipal Court for Utility Payments	In-House	Utility Customers	Working to this; advertisements and office training needed.
KM	1	Free public Wi-Fi on the square as part of the redevelopment on the North side (ECONOMIC DEV/DOWNTOWN)	CAPCOG Grant?	Wi-Fi	County Judge had indicated to Mayor that the County could do this.
JUAN M	2	Free public wifi on the square as part of the redevelopment on the North side	GF	Wifi	See Above

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LOCKHART CITY COUNCIL FY 17-18 GOALS				
Category and Priority Order				
COUNCIL MEMBER	PRIORITY	GOALS IDENTIFIED BY COUNCIL FOR FY 17-18 (as submitted by Councilmembers)	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	CATEGORY
BH	3	Continue Improving City Cemetery	with GF Expiring debt saving and/or Cemetery Tax	CEMETERY
Jeff M	2	Refurbish City Hall in the inside (to make more inviting to the public) as well as doing some landscaping outside	General Fund	CITY BLDGS
BW	3	Spruce up and clean up City properies		CITY BLDGS
BH	4	Improve City Facilities Appearance		CITY BLDGS
JC	4	City Facilities		CITY BLDGS
AGS	10	Convention Center		CONVENTION CTR
JC	2	Crime		CRIME
AGS	4	Police Task Force: Budget extra funds for a Police Task Force, a Narcotics Officer and a Mental Health Officer to address any drug and gang related problems and mental issues our city is being faced not only on the East side of our city but citywide. Budget for updated training for our police officers. There is alot of training that is free but alot additonal money for registration fees and course material.		CRIME
Jeff M	4	Work with Police Department to bring back drug enforcement program		CRIME
LW	8	Fund for helping utility customers in need	???	CUSTOMER SERV
BW	2	Continue to change angle parking downtown: 200 Blk S Main, 100 Blk N Main, 100 Blk N Commerce, 200 Blk E Market; little time and expense invovled	??	DOWNTOWN
LW	2	Downtown improvements,bathrooms, electric, pedestrian safety, beautification, wifi, lighting		DOWNTOWN
AGS	9	Parking around and surrounding the square. Issues with larger vehicles parked in areas that are narrow and that make it hard to see oncoming traffic		DOWNTOWN
LW	1	Expanding economic development department, budget, office, staff?, marketing	General fund, LEDC	ECCONOMIC DEV
AGS	3	Economic Development: Recurit more businesses especailly retail and continue efforts; contact existing and vacant building owners to see if they are willing to work with the City of Lockhart to bring retail businesses and speciality shops, as well as industrial. Purchase buildings and land when on the market for possible new businesses for the city.		ECCONOMIC DEV
JC	3	Economic Development		ECCONOMIC DEV
AGS	5	Subdivision development to attract more businesses to Lockhart.		ECCONOMIC DEV
JM	5	Set up meetings with developers for more retail space shopping centers along US 183		ECCONOMIC DEV

LOCKHART CITY COUNCIL FY 17-18 GOALS				
Category and Priority Order				
COUNCIL MEMBER	PRIORITY	GOALS IDENTIFIED BY COUNCIL FOR FY 17-18 (as submitted by Councilmembers)	SUGGESTED FUNDING SOURCE BY COUNCILMEMBER	CATEGORY
AGS	6	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants)		ECONOMIC DEV
AGS	1	All Department Heads to Budget Salary Increases for all City Employees.		EMPLOYEES
JM	1	City Employee Raises		EMPLOYEES
JM	2	House or fund gym membership/space (weight rm) in Senior Center area (cardio machine) for City employees		EMPLOYEES
AGS	8	Employee: Possible additional Employee Holiday Time Off-Alternating System. Even though this has been discussed and the reasons for why it cannot be done, I would like to see a time off alternating system, especailly during the holidays.		EMPLOYEES
BW	1	ENFORCE ordinances that pertain to unsightly properties all over town		ENFORCEMENT
Jeff M	1	Enforce city ordinance regarding residential property		ENFORCEMENT
Jeff M	3	Continue to work on City Park improvements		PARKS
JM	3	Do inventory of City properties to idenify areas for pocket parks	LEDC funds	PARKS
LW	3	Park improvements	General fund	PARKS
BH	5	Parks Improvements	General Fund	PARKS
JC	5	Parks		PARKS
AGS	7	Parks Improvemens: Purchase and update the park equipment to provide safe and fun filled parks for all to use.		PARKS
LW	7	Town branch cleanup and beautification	???	PARKS
JM	4	Start process of Funding Sidewalks east of 183 connecting to the US 183 sidewalks		SIDEWALKS
LW	6	sidewalk repair and expansion	general fund bond	SIDEWALKS
BH	1	IMPLEMENT SIGNAGE IN LOCKHART	General Fund (LEDC) and/or Hotel Tax	SIGNAGE
LW	4	wayfinding, branding	general fund	SIGNAGE
LW	5	Entry signs	general fund	SIGNAGE
Jeff M	6	Signage on Highway 183 and SH130 = directing people to Lockhart		SIGNAGE
BW	4	Pursue opportunity to move Senior Citizens' Center to St Paul United Church of Christ Property		SR CITIZENS CTR
JC	1	Roads	Grants or impact fees	STREETS/INFRAS
AGS	2	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods		STREETS/INFRAS
BH	2	Continue improving City Streets	Increase Transportation Fund	STREETS/INFRAS
Jeff M	5	Continue to make improvements and redoing our city streets		STREETS/INFRAS

Lockhart City Council
FY 16-17 Goals
Revised 3-10-2016, 8:30 pm

Priority	Council Person	Goals Submitted	City Manager Comments
1	Castillo	Infrastructure	Complete 2015 CO projects and need budget of \$250,000 per year for streets, continue water and sewer main replacements; continue electric distribution maintenance plan-get new substation on line. Replace bad water raw water mains and find additional water for the future.
1	Gonzales-Sanchez	Department Heads to Budget Salary Increases for city employees so that we can keep our current city employees.	Est Cost Per % Increase Annually: Gen Fund (Not Civil Serv) \$ 29,000; Gen Fund Civil Serv \$ 24,000; Other/Utilities: \$ 15,000- Add'l
1	Hilburn	Improve City Cemetery with GF Expiring debt saving and/or Cemetery Tax	Cemetery Tax up to 5 cents allowed by State Law. Expiring GF debt committed to Police and Fire increased pay rates. (\$132,000)
1	Mendoza	Find ways to use activity center for multi-purpose use. (basketball, volleyball). Funding source: Different companies in town	If approved by Council staff would approach local businesses
1	Michelson	Continue to improve infrastructure (drainage, street repairs) throughout the city	Complete 2015 CO and budget \$250,000 per year for street materials
1	Westmoreland	Enforce ordinances that pertain to unsightly properties all over town. Make homeowners/residents (because some may be renters) take pride in their environment. It is an eyesore to drive around town and see overgrown properties, junked cars, and stacks of trash on porches, in yards and driveways. All levels of socio-economic residents in this town have shown evidence of being disrespectful to their environment.	City has no esthetics ordinance currently. The term "unsightly" is subjective and is difficult to prove in court.
1	White	Economic Development-expanding budget to get staff qualified to help Sandra with recruitment, working with LEDC to either build Spec building or invest in more property, Main St program to relieve Sandra of a lot of those duties	Main Street Program would require another person and funding to work with local businesses while Economic Development would conscentrate on new businesses and new jobs
2	Castillo	Economic Development	Need 12-15,000 sf of retail spaces with reasonable lease per sf and buildings that are 20 to 50,000 sf for industrial and maunufacturing
2	Gonzales-Sanchez	Infrastructure: Continue City Infrastructure: Drainage, Street Repairs, Completion of Curbing, Brighter Lighting in Neighborhoods	Complete 2015 CO projects and need budget of \$250,000 per year for streets, continue water and sewer main replacements; continue electric distribution maintenance plan-get new substation on line. Replace bad water raw water mains and find additional water for the future. Most streets that lack curbing will need to be totally reconstructed. Brighter LED lights being experimented with since costs have come down.
2	Hilburn	Implement City Signage	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
2	Mendoza	New Park equipment. Funding Source: Each Councilmember responsible for a park and finding funding sources	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
2	Michelson	Continue to improve ways to attract businesses to Lockhart	Need more 12-15,000 sf of retail spaces with reasonable lease per sf and buildings that are 20 to 50,000 sf for industrial and maunufacturing
2	Westmoreland	Create a policy for the residency of future admininstrative positions to live within the Lockhart city limits. If an administrator wants to be employed by the City of Lockhart, they need to reside here. Sharing in the daily lives of our citizens seems crucial to making decisions about Lockhart. They are paid by city taxes.	It is not legal to require all department heads to live in the City limits; only the City Manager is required to do so. All non-24 emergency response employees must live within 25 mintues of City Limis
2	White	Continue street rehab	Need \$ 250,000 annually minimum for street work materials
3	Castillo	City Facilites	Not sure what this includes; can asses all departments for physical needs
3	Gonzales-Sanchez	Economic Development: Recurit more businesses especailly retail and continue efforts ; contact existing and vacant bldg owners to see if they are willing to work with City to bring these small retail businesses, as well as industrial; possibly purchasing two downtown county buildings when on the market for possible new businesses in the downtown area. Stronger platform with LEDC with methods to sell Lockhart and attract businesses.	LEDC could fund another report but the company says our numbers still should be good. Costs estimated \$22,500 for updating data and recruitment. Prime softgood companies constantly want to be on Highway 183 in 12-15,000 sf and at a reasonalbe cost per sf plus higher traffic counts.

Lockhart City Council
FY 16-17 Goals
Revised 3-10-2016, 8:30 pm

Priority	Council Person	Goals Submitted	City Manager Comments
3	Hilburn	Continue improving city streets: Increase Transportation Fund	Current transportation monthly rate is \$ 4 for residential and others; \$260,000 annual which helps fund labor and equipment, but is not sufficient for materials. Another \$250,000 for materials is needed annually.
3	Mendoza	Wi-Fi Free Zones Downtown Square. Funding source City Budget, School District, Downtown sponsors	Rough estimate is about \$12,000
3	Michelson	Refurbish City Hall	If atrium removed, add more offices estimated at \$45,000 and more outside landscaping estimated at \$ 5,000; elevator going in with improvements to restrooms and offices
3	Westmoreland	Approach interested and future businesses cordially. Stringent ordinances (and the way they are approached), scare off some businesses. Let's be friendly in a positive way.	City Mgr respectfully requests names of such businesses. He has met with 18 business representatives over past 15 months that were looking at Lockhart but did not come. Except for the non-residential exterior building esthetics ordinance, none of them indicated a problem with the current ordinances or with staff. The main problems were high land prices and the lack of "ready built retail and industrial buildings", and traffic counts were not high enough. Most thought the impact fee schedules were very reasonable compared to other cities. Will continue to work toward friendlier customer service with simplified ordinances.
3	White	Park master plan to consider park bond issue, recreation dept and staff issues	Master Plan estimate: \$ 45,000, recreation dept est at least \$ 60,000 for a recreational professional with another \$30,000 for equipment and materials
4	Castillo	Employees Wages	Est Cost Per % Increase Annually: Gen Fund (Not Civil Serv) \$ 29,000; Gen Fund Civil Serv \$ 24,000; Other/Utilities: \$ 15,000- Add'l Cost FY 16-17 due to Civil Serv Pay Plan Expansions already approved: \$ 132,000
4	Gonzales-Sanchez	Police Task Force: Budget extra funds to bring back a much needed Police Task Force to address any drug and gang related problems this city is being faced with especially on the East side of our city. Possibly ask the County to assist with funding.	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
4	Hilburn	Continue working on bringing industry to Lockhart: Continue supporting Ms. Mauldin	LEDC is will have sufficient funding to be more aggressive starting FY 16-17
4	Mendoza	Training Start up: Neighborhood Watch Training and Program: Police Budget	Have tried Neighborhood Watch Program in past but was not sustained because of lack of participation. Willing to try again.
4	Michelson	Improve signage on HWY 183 as well as SH130 = directing people to Lockhart	Possibly use of some of the KTB grant money
4	Westmoreland	Evaluate and/or change the degree of the angled parking along the 4 blocks off of the square. This would be: Main Street from Market to Prairie Lea Street; Main Street from San Antonio Street to Walnut Street; Commerce Street from Market Street to Prairie Lea Street, and Commerce Street from San Antonio Street to Walnut Street. These parking spaces were made before long vehicles were made! If there are cars parked on both sides of the streets, only one car can pass through at a time. Then it becomes a one lane street. I have witnessed a different angled parking arrangement, and it provides more room and is much safer for the drivers and pedestrians.	Estimate to black out existing thermoplastic markings, redefine layout, and apply new thermoplastic markings with angle parking = \$ 12,000; will probably lose 4 spaces per block. 2 on each side
4	White	Branding and wayfinding—may be included in #1	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000
5	Castillo	Parks	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
5	Gonzales-Sanchez	Subdivision development to attract more businesses to Lockhart	Working with 6 more subdivisions, either new or expanding, and possibly one more very large one northwest.
5	Hilburn	Improve tourism in Lockhart - City Council continue to work with and encourage Chambers of Commerce to be more involved	Council can make this directive to Chambers when dividing out HOT funds
5	Mendoza	Finding more funding for Retail Market Study. Zip code demographics with reports. Funding LEDC	LEDC could fund another report but the company says our numbers still should be good. Costs estimated \$22,500 for updating data and recruitment.

Lockhart City Council
FY 16-17 Goals
Revised 3-10-2016, 8:30 pm

Priority	Council Person	Goals Submitted	City Manager Comments
5	Michelson	Work with LEDC or someone equivalent to build a building to help attract business	Need more 12-15,000 sf of retail spaces with reasonable lease per sf. Most softgood retailers want 12-15,000 on Hwy 183 at a reasonable price and increased traffic volumes
5	White	Sidewalks to include lighting	Funding required; for example San Jacinto to Jr High estimate is \$130,000 just for materials along Maple walkway
6	Gonzales-Sanchez	More Events to Attract Tourism in Lockhart and Include Way Finding Signage (Hotels and Restaurants)	Initial required funds up to \$40,000 if City Crew does the work; total cost could be more than \$70,000. Chambers could use HOT for more tourism.
6	Michelson	Continue to work on City Park improvements	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
6	White	Pursue possible ESD-EMS district	Legal issue with participation by County and City of Luling preferable
7	Gonzales-Sanchez	Parks Improvemens: Purchase more park equipment to provide safe and fun filled parks for all to use.	Estimate: \$ 400,000 annually over next 4 years based on input from Parks Board Advisory Board
7	Mendoza	Start Talks With YMCA Austin again. Seek sponsors funding if necessary	Our population hurt in previous discussions, Will pursue again. They usually want commitment for a minimum number of individuals and families depending on population of not only City but its metro area
7	Michelson	Work on building a civic center/ recreation center	\$ 9 million plus land \$ 2.5 million for about 20,000 sf plus about \$240,000 annual maintenance costs and minimum of \$60,000 for utilities; estimated revenues offset is about \$60,000; take out recreation center and cost go down about 20%. It has been reported that Bastrop is spending over \$500,000 per year to operate its civic center. Revenues not covering costs.
7	White	Cemetery maintenance	Cemetery Tax up to 5 cents allowed by State Law
8	Gonzales-Sanchez	City Hall: Refurbish with Improvements and/or Upgrades	Elevator and improvements to restrooms planned; better offices for Connie and Sandra planned also.
9	Gonzales-Sanchez	Convention Center	\$ 9 million plus land \$ 2.5 million for about 20,000 sf plus about \$240,000 annual maintenance costs and minimum of \$60,000 for utilities; estimated revenues offset is about \$60,000; take out recreation center and cost go down about 20%. It has been reported that Bastrop is spending over \$500,000 per year to operate its civic center. Revenues not covering costs.
10	Gonzales-Sanchez	Employee: Possible additional Employee Holiday Time off-Alternating system	City employees now have 12 holidays and 1 personal holiday; time off is granted by seniority with department head responsible for keeping sufficient personnel to serve the public needs. Employees also receive at least 2 weeks of vacation time. Those employees required to work on holidays receive their normal pay plus holiday pay.

City of Lockhart																					
Future Debt Payments as of 9/30/18																					
Description		Paid Debt	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
General Government																					
Hotel Tax Fund																					
2016 GO Refunding				40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000								400,000
Total Hotel Tax Fund P & I			-	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	40,000	-	-	-	-	-	-	-	400,000
LEDC																					
2015 Tax & Revenue	100.00%		48,093	48,044	48,103	48,152	63,645	63,670	63,513	63,543	63,555	63,643	63,687	65,647	65,544	65,575	65,482	65,579	65,538	65,676	1,048,596
Total LEDC Fund P & I			48,093	48,044	48,103	48,152	63,645	63,670	63,513	63,543	63,555	63,643	63,687	65,647	65,544	65,575	65,482	65,579	65,538	65,676	1,048,596
2015 Capital Projects Fund																					
2015 Tax & Revenue																					-
Total 2015 Capital Projects Fund Fund P & I			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drainage																					
2015 Tax & Revenue			100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	1,700,000
Total Drainage Fund P & I			100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	1,700,000
General Fund																					
2015 Tax & Revenue																					-
Total General Fund P & I			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service Fund																					
2006 Tax & Rev CO's	100.00%		47,175	50,535	48,690	46,845															146,070
2006-A Tax & Rev CO's	93.00%		267,890	267,803	267,332	271,128															806,264
2015 Tax & Revenue	TRNSF		186,594	186,302	186,653	186,945	279,275	279,421	278,487	278,662	278,735	279,261	279,523	291,203	290,590	290,773	290,222	290,798	290,554	291,374	4,548,778
2015 Tax & Revenue	12.00%		117,779	117,659	117,803	117,923	155,867	155,927	155,543	155,615	155,645	155,861	155,969	160,769	160,517	160,592	160,365	160,602	160,502	160,831	2,567,990
2016 GO Refunding	74.84%		171,056	346,930	361,150	353,161	656,899	666,927	661,698	666,974	673,111	670,566	678,350	-	-	-	-	-	-	-	5,735,766
Total Debt Service Fund P & I			790,494	969,229	981,628	976,002	1,092,041	1,102,275	1,095,728	1,101,251	1,107,491	1,105,688	1,113,842	451,972	451,107	451,365	450,587	451,400	451,056	452,205	13,804,868
Total General Government			938,587	1,157,273	1,169,731	1,164,154	1,295,686	1,305,945	1,299,241	1,304,794	1,311,046	1,309,331	1,317,529	617,619	616,651	616,940	616,069	616,979	616,594	617,881	16,953,464

Future Debt Payments as of 9/30/18																					
Description		Paid Debt	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	TOTAL DEBT
Proprietary																					
Electric Fund																					
2013 SIB Loan	30.81%		71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,151	71,151	71,152			1,067,268
																					-
																					-
Total Electric Fund P & I		-	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,152	71,151	71,151	71,151	71,151	71,151	71,151	71,151	71,152	-	-	1,067,268
Water Fund																					
2006A Tax & Rev CO's	7.00%		20,164	20,157	20,122	20,408															60,687
2015 Tax & Revenue	49.60%		486,818	486,322	486,917	487,413	644,248	644,496	642,909	643,207	643,331	644,223	644,670	664,510	663,468	663,778	662,842	663,822	663,406	664,800	10,614,362
2016 GO Refunding	21.81%		49,849	101,103	105,247	102,919	191,435	194,357	192,833	194,371	196,159	195,418	197,686	-	-	-	-	-	-	-	1,671,528
2013 SIB Loan	35.80%		82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676	82,676			1,240,140
Total Water Fund P & I		-	639,507	690,258	694,962	693,416	918,359	921,529	918,418	920,254	922,166	922,317	925,032	747,186	746,144	746,454	745,518	746,498	663,406	664,800	13,586,717
Sewer Fund																					
2015 Tax & Revenue	4.30%		42,204	42,161	42,213	42,256	55,852	55,874	55,736	55,752	55,773	55,850	55,889	57,609	57,518	57,545	57,464	57,549	57,513	57,643	920,197
																					-
2016 GO Refunding	3.35%		7,657	15,529	16,166	15,808	29,404	29,853	29,619	29,855	30,130	30,016	30,364	-	-	-	-	-	-	-	256,744
																					-
2013 SIB Loan	33.39%		77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102	77,103	77,102	77,102			1,156,537
																					-
Total Sewer Fund P & I			126,963	134,793	135,481	135,166	162,359	162,829	162,457	162,710	163,005	162,968	163,356	134,711	134,620	134,648	134,566	134,651	57,513	57,643	2,333,478
Total Proprietary Fund P & I		-	837,621	896,203	901,594	899,733	1,151,869	1,155,510	1,152,026	1,154,116	1,156,323	1,156,436	1,159,539	953,049	951,915	952,253	951,236	952,301	720,919	722,443	16,987,463
Grand Total			1,776,208	2,053,476	2,071,326	2,063,887	2,447,555	2,461,455	2,451,267	2,458,910	2,467,369	2,465,767	2,477,068	1,570,668	1,568,566	1,569,193	1,567,305	1,569,280	1,337,513	1,340,324	33,940,927

City of Lockhart
2015 BOND PROGRAM

Cost	Notes	Task Name	Duration	Start	Finish	2015	2016	2017
						FebMarAprMayJunJulAugSepOctNovDecJanFebMarAprMayJunJulAugSepOctNovDecJanFebMarAprMayJunJulAugSepOctNovDecJan		
\$14,124,890.00		TOTAL PROJECT COST						
\$2,068,024.00	1	DRAINAGE IMPROVEMENTS CONTRACT 1 - Mesquite/Wichita Street & Richland Drive						
		Surveying Proposal	17 days	Fri 3/6/15	Sun 3/22/15			
		Survey	30 days	Mon 3/23/15	Tue 4/21/15			
		Acquisition	120 days	Wed 4/22/15	Wed 8/19/15			
		Engineering Design	90 days	Wed 4/22/15	Mon 7/20/15			
		Bid Ad/NTP	60 days	Tue 7/21/15	Fri 9/18/15			
		Construction	180 days	Sat 9/19/15	Wed 3/16/16			
\$1,999,200.00	2	DRAINAGE IMPROVEMENTS CONTRACT 2 - Century Oaks/Market Street, & Ash/Comal Streets						
		Surveying Proposal	17 days	Fri 3/6/15	Sun 3/22/15			
		Survey	30 days	Sat 4/25/15	Sun 5/24/15			
		Acquisition	150 days	Mon 5/25/15	Wed 10/21/15			
		Engineering Design	120 days	Mon 5/25/15	Mon 9/21/15			
		Bid Ad/NTP	60 days	Tue 9/22/15	Fri 11/20/15			
		Construction	180 days	Sat 11/21/15	Wed 5/18/16			
\$3,394,038.00	3	DRAINAGE IMPROVEMENTS CONTRACT 3 - Downtown Improvements Project						
		Surveying Proposal	15 days	Sun 8/2/15	Sun 8/16/15			
		Survey	45 days	Mon 8/17/15	Wed 9/30/15			
		Engineering Design	180 days	Thu 10/1/15	Mon 3/28/16			
		Bid Ad/NTP	60 days	Tue 3/29/16	Fri 5/27/16			
		Construction	365 days	Sat 5/28/16	Sat 5/27/17			
\$323,400.00	4	DRAINAGE IMPROVEMENTS CONTRACT 4 - Medina & US183 Project						
		Surveying Proposal	15 days	Sun 11/1/15	Sun 11/15/15			
		Survey	7 days	Mon 11/16/15	Sun 11/22/15			
		Acquisition	90 days	Mon 11/23/15	Sat 2/20/16			
		Engineering Design	60 days	Mon 11/23/15	Thu 1/21/16			
		Bid Ad/NTP	60 days	Fri 1/22/16	Mon 3/21/16			
		Construction	90 days	Tue 3/22/16	Sun 6/19/16			
\$1,764,000.00	5	FM 2001 ELEVATED TANK PROJECT						
		Surveying Proposal	15 days	Sat 1/2/16	Sat 1/16/16			
		Survey	15 days	Sun 1/17/16	Sun 1/31/16			
		Acquisition	120 days	Mon 2/1/16	Mon 5/30/16			
		Engineering Design	90 days	Mon 2/1/16	Sat 4/30/16			
		Bid Ad/NTP	60 days	Sun 5/1/16	Wed 6/29/16			

City of Lockhart
2015 BOND PROGRAM

Cost	Notes	Task Name	Duration	Start	Finish	2015												2016												2017																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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