



Agenda
City of Lavon City Council
Board of Adjustment
Regular Meeting and Work Session
120 School Rd., Lavon, TX 75166

LAVON CITY HALL

AUGUST 2, 2016

6:00 PM

NOTICE OF ATTENDANCE

NOTICE is hereby given that members of the Lavon Economic Development Corporation, Lavon Planning and Zoning Commission, Parks and Recreation Board, Infrastructure and Facilities Commission and Tax Increment Financing Zone #1 Board may be in attendance at this Lavon City Council Meeting.

- I. PRESIDING OFFICER TO CALL THE WORK SESSION OF THE LAVON CITY COUNCIL TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT.**
- II. WORK SESSION**
Discussion of the Proposed General Fund Budget and property tax rate for Fiscal Year 2016-2017 (Teske)
- III. PRESIDING OFFICER TO LEAD THE COUNCIL AND VISITORS IN THE PLEDGE OF ALLEGIANCE.**
- IV. INVOCATION**
- V. PRESIDING OFFICER TO CALL THE REGULAR MEETING OF THE LAVON CITY COUNCIL TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT.**
- VI. PROCLAMATION**
Discussion and Action Regarding a Proclamation to Honor Law Enforcement Officers
- VII. CITIZENS COMMENTS**
Citizens, who wish to address the Council, may discuss matters not on the agenda and who have not previously expressed to the Council or City Hall a desire to discuss such matters. The only response from the Council can be to request these items to be placed on a future agenda for action.
- VIII. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS**
Members of City Council have the opportunity to notify others of community events, functions and other activities.
- IX. CONSENT AGENDA**
Consent items are considered to be routine or non-controversial and will be voted on in one motion unless a council member requests separate discussion.
 - A.** Approve the Minutes of the July 19, 2016 Meeting. (Dobbs)
 - B.** Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 05/31/16 and authorize payment of invoices included therein.
 - C.** Accept the Heritage Public Improvement District #1 Assessment Report Summary dated 06/30/16 and authorize payment of invoices included therein.
 - D.** Approve Resolution No. 2016-08-01 authorizing the Mayor to execute a Memorandum of Understanding with Community ISD regarding the provision of a School Resource Officer. (Jones)
 - E.** Approve Resolution No. 2016-08-02 calling a General Election to be held on and administered by the Collin County Elections Administrator on Saturday, November 8, 2016 for the purpose of electing three (3) Council Members, one (1) for Place 1, one (1) for Place 3, and one (1) for Place 5 and providing for an Effective Date. (Dobbs)



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- F. Approve Resolution 2016-08-03 authorizing the Mayor to execute an Interlocal Participation Agreement between the City of Lavon and The Local Government Purchasing Cooperative to facilitate compliance with state procurement requirements. (Dobbs)
- G. Approve Resolution 2016-08-04 authorizing the Mayor to execute an Application for Eligibility for the Texas Facilities Commission in order to receive federal surplus property. (Mancias)

X. PUBLIC HEARING

Procedure for each hearing:

1. Presiding Officer to open the Public Hearing.
 2. Presiding Officer to open floor to Public Comment for or against the application.
 3. Presiding Officer to close floor to Public Comment.
 4. Presiding Officer to close the Public Hearing.
- A. In accordance with the Texas Local Government Code, Section 211.008 (g) and City of Lavon Ordinance No. 2011-08-01, the Lavon City Council will act as the Board of Adjustment to consider and act on the Application for a variance to the area requirements of Ordinance No. 97-12-08 Zoning, Article VII, Section 4.3 that provides for installation of a dedicated alley or private drive and a rear yard setback of 20' to waive the requirement for a dedicated alley or private drive and allow a rear yard setback of ten feet (10') on Lot 6R-3, Block A in the Lavon Business Park Addition (Collin CAD# 2718720) generally located southeast of the intersection of Highway 78 and Lake Road.
 - B. Teen Curfew Ordinance – receive input regarding the continuation of and amendment to the juvenile (teen) curfew ordinance.

XI. CONSIDERATION AND ACTION

- A. Discussion and action, as the Board of Adjustment, regarding the Application for a variance to the area requirements of Ordinance No. 97-12-08 Zoning, Article VII, Section 4.3 that provide for installation of a dedicated alley or private drive and a rear yard setback of 20' to waive the requirement for a dedicated alley or private drive and allow a rear yard setback of ten feet (10') on Lot 6R-3, Block A in the Lavon Business Park Addition (Collin CAD# 2718720) generally located southeast of the intersection of Highway 78 and Lake Road, requested by Heng Li.
- B. Discussion and action regarding Ordinance No. 2016-08-01 establishing a curfew for minors and parental responsibility; setting the hours of curfew for minors; providing for affirmative defenses to prosecution; providing a penalty not to exceed five hundred dollars (\$500.00) for each offense; providing severability and providing an effective date. (Jones)
- C. Discussion and action regarding Ordinance No. 2016-08-02 providing regulations for the disposal of sewage and the use of public sewers, regulating the discharge of industrial wastes into the sanitary sewer of the city, regulating sewer and miscellaneous discharges, and providing for a permit system with denial, suspension, revocation and an appeals process; providing for a penalty not to exceed \$2000 per day for each offense; and providing a savings clause, a severability clause a repealer clause and an effective date. (Mancias)



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- D. Discussion and action regarding Ordinance No. 2016-08-03 establishing guidelines for commercial filming in the City of Lavon, Texas; establishing a commercial filming application and permit; providing for a penalty for the violation thereof; providing a cumulative clause; providing a severability clause and providing for an effective date. (Wright, Allen)
- E. Discussion and action regarding Ordinance No. 2016-08-04 setting commercial filming fees; providing a severability clause and providing an effective date. (Dobbs)
- F. Discussion and action regarding Ordinance No. 2016-08-05 establishing the outdoor burn regulations; providing for a penalty for the violation thereof; providing for repealing, savings, and severability clauses and providing for an effective date. (Scott)
- G. Discussion and action regarding Resolution 2016-08-05 authorizing the Mayor to execute a Purchase Agreement with SafetyCom, Inc., for the purchase and installation of an outdoor warning system and providing an effective date. (Scott)

XII. EXECUTIVE SESSION

In accordance with Texas Government Code, Section 551.001, et seq., the City Council will recess into Executive Session (closed meeting) pursuant to the provisions of Chapter 551, TEXAS GOVERNMENT CODE, to discuss the following, in accordance with the authority contained in:

- A. Section 551.071 – to seek legal advice on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to roles of mayor and city council, and city council agendas.
- B. Section 551.074:
 - 1. Personnel matters: to deliberate the appointment, employment, evaluation, reassignment, and duties of the Municipal Court Clerks, City Services Coordinator, Accounting Clerk, Administrative Assistant, Director of Health and Life Safety Services, Chief of Police/Chief Operating Officer, Police Lieutenant, Police Corporal, Police Officers, Director of Public Works and Public Works Operators.
 - 2. Personnel matters: deliberation concerning the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Secretary and City Administrator

XIII. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551.001, et seq., the City Council will reconvene into Regular Session to take any action regarding the executive session.

XIV. CONSIDERATION AND ACTION

- A. Discussion and action regarding Resolution No. 2016-08-06 clarifying the role and responsibilities of the Mayor.



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XV. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS

Council Members and staff may request items be placed on a future agenda or request a special meeting be called. *NOTE: The meeting regularly scheduled for August 16, 2016 will be cancelled and a special meeting will be scheduled on August 23, 2016.*

XVI. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

Notes to the Agenda:

1. The Council may vote and/or act upon each of the items listed in this Agenda except for discussion items.
2. The Council reserves the right to retire into executive session under Sections 551.071 – of the Texas Open Meetings Act concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.
3. Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-843-4220 two working days prior to the meeting so that appropriate arrangements can be made.

This is to certify that I Kim Dobbs, Interim City Secretary for the City of Lavon, posted this Agenda on the glass of the front door of the City Hall, facing the outside, the City's website at www.cityoflavon.com and on the City Hall bulletin board, on or before 7:00 PM on July 29, 2016.



Kim Dobbs, Interim City Secretary

Removed from posting this _____ day of August, 2016 at _____ a.m. / p.m.

Kim Dobbs, Interim City Secretary



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: II

Item:

Discussion of the General Fund Budget and Tax Rate

Background:

The worksheet presented is a preliminary draft of the general fund budget for fiscal year 2016-17 (FY 16-17). The general fund contains the resources and expenditures that encompass essentially all City operations.

The worksheet generally assumes the same levels of service and staffing that were approved for FY 16-17 and tracks the Outlook in format. The worksheet assumes keeping the tax rate the same at \$ 0.4557 per \$100 valuation.

Collin County has calculated the effective tax rate which will be higher than the current property tax rate. Maintaining the current tax rate will not be considered a rate increase and will not require the mandatory public hearings related to an increase in taxes.

Requests for additional items in the budget may be presented at the meeting.

If there are any questions regarding the budget worksheet, please contact Kim Dobbs at 972-843-4220 or kim.dobbs@cityoflavon.org or Mayor Teske at mayor.teske@cityoflavon.org .

Attachments: Preliminary General Fund Budget – Worksheet

July 28, 2016

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City of Layton General Fund
FY 16-17 Budget Worksheet

07/29/2016

Item	2015 - 2016 Adopted Budget	2015-16 AMENDED	2015-16 Projected Outlook - JUNE	2016-17 PROPOSED	NOTES	Change from 7/19/2016
56 Postal Fees	450	450	450	450		
57 Training	1,000	1,000	1,000	1,000		
58 Total Judicial Branch	65,184	62,685	62,684	67,707		
59						
60 Legislative Branch						
61 Advertising, Notices & Publications	6,000	4,000	4,000	4,000		
62 Cell Phone Stipend/City Phone - City Serv. Con	477	477	506	477		
63 Cell Phone Stipend/City Phone - Secretary	600	600	456	600		
64 Computer / Computer Equip.	2,675	6,000	5,608	4,000		
65 Cleaning	4,200	4,200	4,200	4,200		
66 CPA	2,000	2,000	2,000	2,250		
67 Dues & Fees	1,500	1,500	1,681	2,000		
68 Drinking Water/Gatorade All Depls	1,000	1,000	1,000	1,000		
69 Elections	6,200	8,000	8,000	16,000	two elections	
70 Health Insurance	19,480	19,480	20,021	28,800		
71 Office Furniture	1,000	2,000	2,000	1,000		
72 Building Supplies	2,000	2,000	2,000	2,000		
73 Office Supplies	3,350	5,000	5,000	3,750		
74 Council Events	650	650	650	650		
75 Office Equipment	6,500	6,500	6,500	2,500		
76 Payroll - Administrative Staff	149,036	141,047	141,047	137,669		
77 Community Center Monitors	3,500	4,000	4,000	5,000		
78 Events	4,000	4,500	4,500	5,000		
79 Postal Fees	250	250	250	250		
80 Records Storage	1,392	1,392	1,393	1,400		
81 Software	1,250	2,000	2,000	2,000		
82 Training/Mileage	3,000	3,000	3,000	3,000		
83 Electric	6,000	5,000	5,000	5,000		
84 Natural Gas	4,000	3,500	3,500	3,500		
85 Telephone	5,750	6,000	6,000	6,200		
86 Water	500	500	600	750		
87 Total Legislative Branch	236,310	234,596	234,912	242,696		
88						
89 City Administrator's Office						
90 Payroll - City Administrator	45,945	16,000	16,000	76,923		
91 Cell Phone	900	200	200	900		
92 Office Equipment	1,001	1,001	1,001	1,001		
93 Automobile Allowance	0	0	0	2,400		
94 Health Insurance	6,494	1,100	1,100	7,200		
95 Total Administrator's Office	54,340	18,301	18,301	88,423		
96						
97 Operations Division						
98 Fire Services						
99 Cell Phone	900	900	774	900		
100 Emergency Service Equipment	22,502	22,502	22,751	22,502		
101 Equipment Maintenance & repair	5,000	5,000	5,000	5,000		
102 3" Fire Hose	1,050	1,050	857	0		
103 Fire Hose	1,250	1,220	1,220	3,500	combined w 3"	
104 Fuel	5,000	4,000	4,000	4,000		
105 Fire Marshal Dues & Fees	170	170	170	170		
106 Dir of Health & Life Safety	60,000	60,000	60,000	57,692		
107 Health Insurance	6,494	6,494	5,411	7,200		
108 NFPA Pump/Ladder Testing E2	450	450	975	450		

Item		2015 - 2016 Adopted Budget	2015-16 AMENDED	2015-16 Projected Outlook - JUNE	2016-17 PROPOSED	NOTES	Change from 7/19/2016
109	Part Time Personnel Stipend	22,000	22,000	22,000	51,150	add a second shift	
110	Safety Fire Equipment	200	200	200	300		
111	TFT Nozzles for E2 (2)	1,700	1,300	1,387	0		
112	Graphics/Uniforms	800	800	800	800		
113	Electric	1,800	2,500	2,500	2,500		
114	Natural Gas	1,000	700	700	1,000		
115	Water	400	400	400	500		
116	Tornado Siren	0	70,000	70,000	0	complete in fy 15-16	
117	Fire Services Total	130,716	199,686	199,145	187,664		
118							
119	Police Department						
120	Audio Visual	1,800	1,800	1,800	1,800		
121	Cell Phone Staff	7,900	7,600	6,333	7,600		
122	Child Abuse Interlocal	1,500	1,500	1,500	1,500		
123	Cleaning	4,200	4,200	4,200	4,200		
124	Computers	6,500	6,500	6,500	4,500	replace and upgrade	
125	Crime Prevention	1,800	1,800	1,800	1,800	NNO	
126	Database Services	400	400	400	400		
127	Dispatch	17,729	17,729	17,729	24,958	Collin County increase	
128	Dues & Fees	800	600	600	600		
129	Emergency Equipment	3,000	3,000	3,000	3,000		
130	Explorer Post Program	5,000	4,000	4,000	4,000		
131	Health Insurance	51,946	51,946	51,946	64,800		
132	Inmate Boarding	1,200	900	900	900		
133	Meals and Travel	500	500	500	500		
134	Mobile Internet	3,000	2,600	2,600	3,000		
135	Office Equipment	1,000	700	700	700		
136	Office Supplies	3,000	2,500	2,500	2,500		
137	Payroll - Police Services	449,213	418,110	418,110	425,497		
138	Police Equipment Repair/Replace	3,000	2,500	2,500	2,500		
139	Postal Fees	400	400	400	400		
140	Radio (City Band)	5,000	5,000	5,000	0		
141	Report Management System	1,600	1,500	1,500	5,000	national requirement - crimstar	
142	School Resource Expenses	500	500	500	500		
143	Software	2,000	2,000	2,000	2,000		
144	TLETS Management	7,500	7,500	7,500	9,500	vendor increase	
145	Training	5,500	4,500	4,500	5,500		
146	Uniform	4,400	6,000	6,000	6,000		
147	Vehicle Cleaning	350	350	350	350		
148	Vehicle Fuel	22,000	17,000	17,000	20,000		
149	Vehicle Minc.	10,000	10,000	10,000	10,000		
150	Vests (Standard)	3,000	3,000	3,000	3,000	3 vests (5 yr life)	
151	Electric	5,000	5,000	5,000	5,000		
152	Telephone	6,540	7,000	7,000	7,000		
153	Water (Utility)	350	400	400	400		
154	Crime Scene Camera	1,000	1,000	1,000	0		
155	Four AED's	6,400	6,400	6,361	0		
156	3 Tazers	5,400	5,400	5,400	0		
157	Type Barricades III (6)	3,000	0	0	0		
158	Body Cams Grant Match	0	2,000	2,000	0		
159	Police Department Total	653,428	613,835	612,629	629,445		
160							
161	Public Works						

City of Lavon General Fund
FY 16-17 Budget Worksheet

07/29/2016

Item	2015 - 2016 Adopted Budget	2015-16 AMENDED	2015-16 Projected Outlook - JUNE	2016-17 PROPOSED	NOTES	Change from 7/19/2016
152 Audio Visual	700	700	700	300	body cam code enforcement	- \$400 adj per CC work session
163 Bear Creek Park/Eagle Pond / Field Improvements	3,000	0	0	0		
164 Building Inspector	37,000	37,000	37,000	37,000	per contract 09/2015 to 09/2018 - per year	
165 Cell Phone - DPW	800	800	800	800		
166 Cell Phone - Operator 1	800	800	727	800		
167 Cell Phone - Operator 2	800	800	762	800		
168 Code Enforcement supplies	1,000	1,000	471	800		
169 Food Service Inspector	2,500	2,000	1,000	1,000		
170 Grounds Maint	6,500	6,500	2,000	2,500		
171 Heavy Equipment Maint	5,000	5,000	6,500	6,500		
172 Meals & Travel	500	500	500	5,000		
173 MS4 Supplies	2,000	2,000	2,000	2,000		
174 Office Supplies	500	1,000	1,000	1,000		
175 Health Insurance	19,480	19,480	19,480	21,600		
176 Payroll - Public Works	101,057	97,766	97,766	91,350		
177 Payroll - Part Time / Seasonal	6,000	6,000	4,314	6,000		
178 Portal Fees	1,000	1,000	1,000	1,000		
179 Signage	10,000	9,000	9,000	9,000		
180 State OSSF Fees	300	300	300	300		
181 Street Lights	42,824	42,824	42,824	44,000		
182 Street Repair/Mnt	20,000	20,000	20,000	20,000		
183 Mosquito Spraying	10,000	12,000	12,210	13,000		
184 Tools	3,000	3,000	3,000	7,000		
185 Training & Per Diem	4,000	4,000	4,000	6,500	licenses for code enforcement, obtain state-req licensing	
186 Uniform	2,000	2,000	2,000	2,000		
187 Vehicle & Equipment Fuel	8,000	6,500	4,490	6,500		
188 Vehicle Maint.	5,000	4,000	4,000	4,000		
189 PW Facility Rental	7,800	7,800	7,800	7,800		
190 Fire Extinguishers	600	600	600	600		
191 Gooseneck Trailer	5,000	5,000	5,000	0		
192 Jet Machine Rental / Sewer	1,200	1,200	1,200	1,200		
193 Boom Lift Rental	3,580	3,000	3,000	3,000		
194 Computer / Computer Equip.	0	0	0	2,000	replacement	
195 Public Works Total	323,941	303,472	299,646	305,080		
196						
197 Total Operations Division	1,108,085	1,116,993	1,111,420	1,102,189		
198						
199 Other Expenses						
200 Debt Service						
201 Copier Mtno Contract	2,800	2,800	2,800	2,800		
202 Pitney Bowes Contract	0	429	692	575		
203 Tractor	4,017	4,017	4,017	0	paid-off	
204 Mower / Balwing	5,000	5,000	4,963	4,963	Pmt 3 of 5	
205 PW Truck	7,000	6,400	6,338	6,400	Pmt 2 of 4	
206 Police Vehicle	17,000	17,000	17,000	18,042	Pmt. 2 of 3	
207 Police Vehicle Ram	0	17,000	17,000	18,693	Pmt 2 of 3	
208 Police Vehicle (Tahoes)	32,557	32,557	32,557	0	paid off	
209 Total Debt Service	68,374	85,203	85,367	49,473		
210						
211 Facilities						
212 Stage Fencing	800	0	0	0		
213 City Hall - North & South doors	1,680	1,680	1,680	0		
214 Solar Screens	2,500	2,500	2,500	1,000	FY 15-16: City Hall; FY 16-17: ES	

City of Lavon General Fund
FY 16-17 Budget Worksheet

07/29/2016

Item	2015 - 2016 Adopted Budget	2015-16 AMENDED	2015-16 Projected Outlook - JUNE	2016-17 PROPOSED	NOTES	Change from 7/19/2016
215 Office/Living Qtrs 2477 FD	0	115,000	115,000	0	complete in fy 15-16	
216 City Hall - Building Maint	16,100	16,100	16,100	10,000		
217 Emergency Serv - Building Maint	14,500	19,500	19,500	10,000	replace AC at PD	
218 Facilities Total	33,580	154,780	154,780	21,000		
219						
Fund Transfer						
220						
221 TIF Fund Transfer (City Portion)	85,000	80,000	79,000	96,000	per Mark Stein - very preliminary #	
228 Phase II Radios upgrade (establish fund)	50,000	20,000	20,000	20,000		
229 Street Fund Transfer	0	0	0??			
230 Reserve Fund Transfer	14,542	-33,805	-33,805	0		
231 Total Fund Transfers	149,542	56,195	65,195	116,000		
232						
Insurance						
233 Auto Liability	4,608	4,608	4,608	7,296	prelim estimates per TML-IRP	+ \$796 added two PD vehicles in 15-16
234 Auto Phys. Damage	2,460	2,460	2,460	4,188	prelim estimates per TML-IRP	+ \$698 added two PD vehicles in 15-16
235 Errors & Omissions	1,586	1,586	1,586	1,745	prelim estimates per TML-IRP	
236 General Liability	669	669	669	697	prelim estimates per TML-IRP	
237 Law Enforcement Liability	5,477	5,477	5,477	5,652	prelim estimates per TML-IRP	
238 Mobil Equipment	282	282	282	310	prelim estimates per TML-IRP	
239 Real & Personal Property	1,632	1,632	1,632	1,812	prelim estimates per TML-IRP	
240 Workers Compensation	13,402	13,402	13,402	18,061	prelim estimates per TML-IRP	
241 Insurance Total	30,116	30,116	30,116	39,771		
242						
243						
Outsourcing						
244 Ambulance Service	21,534	13,366	13,366	13,522		
245 Animal Control	6,690	6,690	6,250	9,350		
246 Auditor	14,000	14,000	14,000	14,500		
247 Central Appraisal District	6,451	6,451	6,538	7,243		
248 City Civil Attorney	40,000	45,000	52,272	30,000		
249 City Engineer	8,000	18,000	18,000	5,000		
250 Consulting / Professional Services	0	2,000	2,000	0		
251 Fidelity Bond	200	200	200	200		
252 Information Technologies	21,923	18,000	18,000	20,000		
253 MS4 Permit Execution & Administration	3,000	5,000	5,000	25,000	federally mandated	
254 Tax Assessor/Collector	1,300	1,300	1,300	1,300		
255 TIF Administration	3,200	6,200	6,200	4,000	per Mark Stein	
256 Sports Park Engineering	5,000	0	0	0		
257 Shredding Services	1,300	1,300	1,300	1,300		
258 Outsourcing Total	132,598	137,507	144,426	131,415		
259						
260						
Payroll Taxes					payroll taxes include judge, prosecutor, and temp pw	
261 FICA	53,426	53,426	43,168	52,220	6.20%	
262 Medicare	12,496	12,496	10,289	12,213	1.45%	
263 Retirement - City Portion	39,162	39,162	33,277	46,856	5.52%	
264 SUTA	189	189	3,156	3,500		
265 Payroll Taxes Total	105,273	105,273	89,890	113,789		
266						
267						
Total Other Expenses	509,483	579,074	569,774	471,447		
268						
269						
TOTAL EXPENSE	1,973,402	2,011,549	1,997,091	1,972,762		
270						
271						
Net Surplus / Deficit	0	0	28,331	140,088	This amount will change as budget discussions progress.	



Lavon City Council Meeting

Minutes

July 19, 2016

I. MAYOR TESKE CALLED THE MEETING CALLED TO ORDER AT 6:10 P.M. AND ANNOUNCED A QUORUM PRESENT.

Members Present:	Mayor Chuck Teske Council Member Place 1, Vicki Sanson Council Member Place 3, Jason Arnold Mayor Pro Tem Place 4, Matt Childers Council Member Place 5, Mindi Serkland Council Member Place 2, Jason Kidd
Members Absent:	
Staff Present:	Public Works Director Sonny Mancias Police Chief Mike Jones Director of Health and Life Safety Services Jon Scott Interim City Secretary Kim Dobbs
Commission and Board Members:	Kay Wright, EDC

II. MAYOR TESKE LED THE PLEDGE OF ALLEGIANCE.

III. POLICE CHIEF MIKE JONES GAVE THE INVOCATION.

IV. WORK SESSION

Mayor Teske opened a work session for discussion of the proposed General Fund Budget for Fiscal Year 2016-2017. The staff presented and the Council discussed the budget. The Mayor recessed the meeting for a brief period.

V. MAYOR TESKE RECONVENED THE MEETING AT 7:15 PM AND ANNOUNCED A QUORUM PRESENT.

VI. CITIZEN COMMENTS

- Melissa McDonald and Felix Castillo - 317 Armstrong Lane, inquired about the proposed park improvements in the Grand Heritage West subdivision. The Mayor invited the residents to remain after the meeting to discuss the proposed plans with him and Jason Arnold.

VII. ITEMS OF INTEREST/CITY COUNCIL COMMUNICATIONS

Council member Arnold reported and Mayor Teske confirmed that an item has been requested for the next agenda pertaining to council communications with City department directors.

VIII. CONSENT AGENDA

- A. Approve the Minutes of the July 5, 2016 meeting.
- B. Resolution No. 2016-07-03 authorizing the Mayor to enter into an Interlocal Jail Services Agreement with Collin County for the continuation of the provision of jail services pursuant to the 2003 Interlocal Agreement.



Lavon City Council Meeting

Minutes

July 19, 2016

MOTION: APPROVE THE CONSENT AGENDA AS PRESENTED.

MOTION MADE: MAYOR PRO TEM CHILDERS

SECONDED: COUNCIL MEMBER SANSON

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

IX. STAFF REPORTS

- A. Administration - Interim City Secretary Kim Dobbs referred the Council to the Financial Outlook and Comp Time report provided in the meeting packet.
- B. Police Department – Chief Mike Jones spoke to the Council regarding the recent attacks on police officers nationwide. Jones shared personal experiences and explained how the recent events have impacted him and impacted the officers, their families and how they may approach their duties in the future. Appreciation for Lavon police officers and law enforcement in general was expressed.
- C. Fire Department – Director Jon Scott expressed support for Lavon police officers and appreciation for Chief Jones' remarks and further advised that the recent events have also affected local fire and emergency responders as well. Scott reported that the air conditioner at the Fire Station was out and scheduled for repair. Scott also reported an increase in calls for grass fires and HRE and outlined Advanced Cardiac Life Support (ACLS) planning for 2017.
- D. Public Works Department – Director Sonny Mancias reported that this month the Public Works Department has been able to focus on routine mowing and collecting trash. Mancias also reported that public works is working on repairs to Moore Lane and Lake Road and responding to an increased number of code complaints related to the growing season and ongoing storm cleanup efforts.

X. PUBLIC HEARING

A. Teen Curfew Ordinance – receive input regarding the continuation of the juvenile (teen) curfew ordinance

Mayor Teske opened the public hearing at 7:42 p.m. and invited comments regarding the application.

Deborah Nabors asked if the measures were working and Chief Jones responded that the ordinance provided an important tool for officers and that ordinance was deemed to be effective.

There being no additional comments, Mayor Teske closed the public hearing at 7:43 p.m.

XI. CONSIDERATION AND ACTION

- A. City Council to consider and act on Ordinance No. 2016-07-03, an ordinance adopting the Budget Amendment #3 for fiscal year 2015-2016 to amend the Economic Development Corporation Budget.



Lavon City Council Meeting

Minutes

July 19, 2016

Lavon Economic Development Corporation (LEDC) President Kay Wright presented a budget amendment in the form of an updated financial outlook for the LEDC and reported that the amendment has been approved by the Board.

MOTION: APPROVE ORDINANCE NO. 2016-07-03 ADOPTING BUDGET AMENDMENT #3 TO AMEND THE LAVON ECONOMIC DEVELOPMENT CORPORATION BUDGET.

MOTION MADE: MAYOR PRO TEM CHILDERS

SECONDED: COUNCIL MEMBER ARNOLD

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

B. Consideration and action regarding Resolution No. 2016-07-04 selecting a proposal for a storm siren warning system and directing that a contract be prepared.

Director Scott provided background on the request for proposals for an outdoor storm warning system, described the bids received and presented the bid analysis conclusion recommending that the Safetycom, Inc. proposal be selected. Scott advised of an anticipated 90 days to install. The Council directed Scott to request an option for an early payment discount.

MOTION: APPROVE RESOLUTION NO. 2016-07-04 SELECTING THE PROPOSAL OF SAFETYCOM, INC. FOR AN OUTDOOR WARNING SIREN SYSTEM; DIRECTING THAT A CONTRACT BE PRESENTED IN ACCORDANCE WITH THE PROPOSAL; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: COUNCIL MEMBER SERKLAND

SECONDED: COUNCIL MEMBER SANSON

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

C. Consideration and action regarding Board and Commission Appointments: Planning & Zoning Commission.

Mayor Teske advised that an open seat exists on the Planning & Zoning Commission and reviewed the applications for appointment.

MOTION: APPOINT DEBORAH NABORS TO SEAT 2 OF THE PLANNING & ZONING COMMISSION FOR A TERM TO EXPIRE 6/30/2018.

MOTION MADE: COUNCIL MEMBER SERKLAND

SECONDED: COUNCIL MEMBER SANSON

APPROVED: UNANIMOUS (Absent: Council Member Kidd)

XII. DISCUSSION

A. Discussion regarding a proposed ordinance to establish outdoor burn regulations

Director Scott presented proposed regulations for outdoor burning within the City. There was discussion about the potential exemptions to the regulations.

XIII. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS



Lavon City Council Meeting

Minutes

July 19, 2016

A revised proposed budget calendar was presented along with a recommendation from the Collin County Tax Office that the first public hearing tentatively scheduled for August 16 be postponed to August 23 to allow for publication deadlines. It was determined that the regular meeting on August 16 be cancelled and a special meeting be scheduled on August 23 for purposes of the tax-related public hearing (if needed) and the regular business of the Council.

Staff was directed to place an executive session on the August 2 meeting agenda for discussion of personnel and for Council communications.

XIV. PRESIDING OFFICER TO ADJOURN THE CITY COUNCIL MEETING

Mayor Teske adjourned the meeting at 8:09 p.m.

Duly passed and approved on this 2nd day of August, 2016.

Charles Teske, Mayor

Attest:

Kim Dobbs, Interim City Secretary



PROCLAMATION **City of Lavon, Texas**

“Honoring Law Enforcement”

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Lavon Police Department; and

WHEREAS, nationally there were 130 line of duty law enforcement deaths in 2015 and there have been 59 deaths so far in 2016; and

WHEREAS, this tragic statistic became even closer to home with the senseless ambush attack on law enforcement officers on July 7, 2016, which took the lives of five officers and caused injury to seven other officers and numerous civilians; and

WHEREAS, the City Council of the City of Lavon wishes to offer its condolences and its support to the City of Dallas and DART Police Departments for the terrible loss of life and the impact this event has had on the families of those lost and injured; and

WHEREAS, at the Tuesday, August 2, 2016, City of Lavon City Council meeting, the City Council and the Lavon Police Department will observe a moment of silence, in honor of all fallen officers and their families; and

WHEREAS, the City of Lavon wishes to recognize and honor the hard work, dedication and risk taken by the men and women of the Lavon Police Department as well as by law enforcement across the country,

NOW THEREFORE, be it proclaimed that today, August 2, 2016, in the City of Lavon shall be:

Law Enforcement Recognition Day

and all residents are encouraged to support our officers on this and every day.

Passed and approved by the City Council of the City of Lavon on this 2nd day of August, 2016. Witness my hand and seal:

Charles Teske, Mayor

OATH

STATE OF TEXAS:

COUNTY OF COLLIN

I, Mike Arterburn, being duly sworn state that I am the Tax Assessor-Collector for the mentioned District and that the foregoing report reflects a true and correct accounting of all taxes collected during the month stated herein.


Mike Arterburn, RTA

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 8th DAY OF June, 2016

(SEAL)




NOTARY PUBLIC, STATE OF TEXAS

My commission expires 9/26/17



11500 Northwest Freeway I Suite 465 I Houston, Texas 77092 I Voice: 713-688-3855 I Fax: 713-688-3931

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1 ASSESSMENT REPORT SUMMARY 5/31/16

Total Receivables As of	5/31/16	\$ 70,068.90	pg 2
Cash Balance As of	4/30/16	\$ 29,613.81	pg 3
May Receipts		\$ 15,706.27	pg 3
May Disbursements		\$ (10,000.00)	pg 3
June Disbursements:			
1 Wire Transfer, 1 Check & 3 Invoices To Be Approved		\$ (15,013.51)	pg 4
Cash Balance as of	6/1/16	\$20,306.57	pg 4

CURRENT COLLECTIONS & 4 YEAR HISTORICAL DATA

Year	Collections 5/31/16	Adjustments 5/31/16	Reserve Uncollectables	Collections 9/1/11-5/31/16	Receivables 5/31/16	Percent Collected
2015	13,872.91			529,519.05	70,043.40	88.32
2014	353.02			600,347.22	25.50	99.99
2013				616,722.00		100.00
2012				616,722.00		100.00
2011				617,412.00		100.00

Last Year's Percentage of Collections as of 5/31/15 92.68%

CURRENT CERTIFIED LEVY & 4 YEAR HISTORICAL DATA

Assessment Rates					Original		Assessment
Year	Platted	Class 1	Class 2	Class 3	Levy	Adjustments	Levy
2015	2006	675.89	810.27		419,449.67	(810.27)	418,639.40
	2008	663.13	794.96	397.48	180,923.05		180,923.05
					600,372.72		599,562.45
2014	2006	675.89	810.27		419,449.67		419,449.67
	2008	663.13	794.96	397.48	180,923.05		180,923.05
					600,372.72		600,372.72
		Class 1	Class 2	Class 3			
2013		690.00	828.00	414.00	616,722.00		616,722.00
2012		690.00	828.00	414.00	616,722.00		616,722.00
2011		690.00	828.00	414.00	618,102.00	(690.00)	617,412.00

(Levy Calculated by Lot Size)

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1

ASSESSMENT REPORT

5/31/16

Receivables at 8/31/15	\$	16,041.70	\$	16,041.70
------------------------	----	-----------	----	-----------

2015 Assessment Levy	\$	600,372.72	\$	599,562.45
KR 1	\$	(810.27)		

Collections From: 9/1/15 - 5/31/16

2015	\$	529,519.05
2014	\$	16,016.20

(\$ 545,535.25)

TOTAL RECEIVABLE AS OF 5/31/16	\$	70,068.90
		=====

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1

5/31/16

		Month of <u>5/31/16</u>	Fiscal to Date <u>10/1/15-5/31/16</u>
Cash Balance as of	4/30/16	\$ 29,613.81	\$ 31,936.01
Receipts Deposited in the Assessment Acct (UTS):			
Current/Prior Assessments		14,225.93	538,189.04
Penalty & Interest		1,570.60	6,496.22
Atty's Fee-Del Coll		(105.05)	1,903.81
Overpayment Refunds		13.51	881.39
NSF Checks			794.96
NSF Fees Paid			65.00
Court Filing Fees			484.61
Title Search Fee			459.25
Notice of Purchaser			10.00
Assessment Fees Pd in Full			
Stale Dated Checks			
Bank Interest		1.28	16.85
TOTAL RECEIPTS:		\$ 15,706.27	\$ 549,301.13
Disbursements Issued from the Assessment Acct (UTS):			
Transfer/Debt Service		10,000.00	545,000.00
Overpayment Refunds			867.88
Bank Charges			49.18
TOTAL DISBURSEMENTS:		(\$ 10,000.00)	(\$ 545,917.06)
Cash Balance As of	5/31/16	\$ 35,320.08 =====	\$ 35,320.08 =====

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1
5/31/16

Cash Balance As of 5/31/16 **\$ 35,320.08**

Disbursements For June 2016:

<u>Check #</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
W/T	Debt Service Fund on 6/15/16	Transfer of Funds	15,000.00
1161	CoreLogic Tax Services, LLC	Overpayment Refund	13.51

Total Disbursements: **(\$ 15,013.51)**

Cash Balance As of 6/1/16 **\$ 20,306.57**
=====

Invoices to be Approved & Paid at a Later Date for June 2016:

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
Ted A Cox	Atty's Fee - Delinquent Coll	\$ 282.03
MuniCap, Inc	Professional Fees (052016-143)	\$ 2,005.00
Mike Arterburn, A/C	June Fee	\$ 850.55
	Total	\$ 3,137.58

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1
5/31/16

CURRENT COLLECTIONS & HISTORICAL DATA

<u>Year</u>	<u>Collections</u> <u>5/31/16</u>	<u>Adjustments</u> <u>5/31/16</u>	<u>Reserve</u> <u>Uncollectables</u>	<u>Collections</u> <u>9/1/07- 5/31/16</u>	<u>Receivables</u> <u>5/31/16</u>	<u>Percent</u> <u>Collected</u>
2015	13,872.91			529,519.05	70,043.40	88.32
2014	353.02			600,347.22	25.50	99.99
2013				616,722.00		100.00
2012				616,722.00		100.00
2011				617,412.00		100.00
2010				618,102.00		100.00
2009				618,102.00		100.00
2008				441,835.00		100.00
2007				431,388.00		100.00

CURRENT CERTIFIED LEVY & HISTORICAL DATA

<u>Year</u>	<u>Replatted</u>	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Original</u> <u>Levy</u>	<u>Adjustments</u>	<u>Assessment</u> <u>Levy</u>	<u>SR/KR</u> <u>Rolls</u>
2015	2006	675.89			274,411.34		274,411.34	
			810.27		145,038.33	(810.27)	144,228.06	
	2008	663.13			69,628.65		69,628.65	
			794.96		85,855.68		85,855.68	
				397.48	25,438.72		25,438.72	
					600,372.72		599,562.45	
2014	2006	675.89			274,411.34		274,411.34	
			810.27		145,038.33		145,038.33	
	2008	663.13			69,628.65		69,628.65	
			794.96		85,855.68		85,855.68	
				397.48	25,438.72		25,438.72	
					600,372.72		600,372.72	
		<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>				
2013		690.00	828.00	414.00	616,722.00		616,722.00	
2012		690.00	828.00	414.00	616,722.00		616,722.00	
2011		690.00	828.00	414.00	618,102.00	(690.00)	617,412.00	0-1
2010		690.00	828.00	414.00	618,102.00		618,102.00	
2009		690.00	828.00	414.00	615,894.00	2,208.00	618,102.00	2-1
2008		690.00	828.00		431,388.00	10,447.00	441,835.00	1-0
2007		690.00	828.00		431,388.00		431,388.00	

(Levy Calculated by Lot Size)

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1

5/31/16

Accounts Paid in Full:

- \$11,275.00 Reported as other fees collected on 12/08 report. Transferred to 2008 Assessments on 3/09 report. Account paid in full.
Account #R-9032-00M-0120-1 (Per SR #1 increased 08 base on 3/09)
- \$ 8,538.19 Received funds (paid in full) on 10/11 report.
(Account # R-9095-00B-0150-1)(Did not increase base-we applied as Other)
- \$ 9,658.04 Received funds (paid in full) on 1/15 report.
(Account # R-9032-00A-0790-1)(Did not increase base-we applied as Other)

Notes:

Installment Plans

<u>Year(s)</u>	<u>Name/Account Number</u>	<u>Payment Schedule</u>	<u>Current Yes/No</u>
2015	Kenneth Kennedy R-9635-00E-0180-1	2/16-1/17 12 Months	Yes
2014	Ronnie Van Cleve R-9095-00B-0130-1	7/15-6/16 12 Months	Yes
2015	Carrie Lasater R-9032-00L-0070-1	4/16-3/17 12 Months	Yes
2015	Vanessa Vazquez R-9591-00B-0050-1	7/16-6/17 12 Months	First Pmt Due 7/16
2015	Marcella Brown R-9591-00E-0050-1	7/16-6/17 12 Months	First Pmt Due 7/16

HERITAGE PID #1
TAX ACCOUNT
11500 Northwest Fwy Ste 465
Houston, TX 77092-6538

WELLS FARGO BANK, N.A.
www.wellsfargo.com
37-65/1119

1161

6/1/2016

PAY TO THE ORDER OF CoreLogic Tax Services, LLC

\$ **13.51

Thirteen and 51/100*****

DOLLARS

CoreLogic Tax Services, LLC
1 CoreLogic Dr.
Westlake, TX 76262

MEMO Overpayment Refund

AUTHORIZED SIGNATURE

⑈0000001161⑈ ⑆111900659⑆ 6195210825⑈

HERITAGE PID #1 TAX ACCOUNT
CoreLogic Tax Services, LLC

6/1/2016

1161

Overpayment Refund
2015 - R903200E01301

13.51

Heritage PID #1 Overpayment Refund

13.51

HERITAGE PID #1 TAX ACCOUNT
CoreLogic Tax Services, LLC

6/1/2016

1161

Overpayment Refund
2015 - R903200E01301

13.51

Heritage PID #1 Overpayment Refund

13.51



11500 Northwest Frwy I Suite 465 I Houston, Texas 77092 I Voice: 713-688-3855 I Fax: 713-688-3931

Heritage PID #1
Overpayment Refund
Invoice

Year
2015

Overpayment Refund:	\$ 13.51
Account #R-9032-00E-0130-1	
Reason: Overpayment	
Original Payment: 5/31/16	
Deposit #1175	
Client #0011929	

Check # 1161
Paid 6/1/16

Payable To:
CoreLogic Tax Services, LLC
1 CoreLogic Drive
Westlake, Tx 76262



CoreLogic Tax Services, LLC
1 CoreLogic Drive
Westlake, TX 76262
(888) 828-9200

CoreLogic



Date	State	Payee Name		Payee Number	Check Number
31-MAY-16	TX	HERITAGE PID 1 U-420430001		420430001	4000626665
Invoice Number	Client Number	Invoice Date	Parcel Id	Type	Tax Year
1932926	0011929	30-MAY-16	R903200E01301	BAS	2015
Borrower Name		Situs	Inst.		
CLINT M FOOTE		806 AUSTIN, LAVON, TX 75166	T		
					Amount
					777.27
<p>15-763.74</p> <p>OP 13.51</p> <p>777.27</p>					

THIS CHECK IS VOID WITHOUT A PURPLE AND BLUE BORDER AND BACKGROUND PLUS AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

6000702336



CoreLogic Tax Services, LLC
1 CoreLogic Drive
Westlake, TX 76262
(888) 828-9200

CoreLogic

Pay

Seven Hundred Seventy-Seven Dollars And 27 Cents *****

To The
Order Of

HERITAGE PID 1 - TAX COLLECTOR
HERITAGE PID 1 U-420430001
11500 NORTHWEST FREEWAY #465
HOUSTON, TX 77092-7737

0011929

Check Date	Check Number
31-MAY-16	4000626665
Check Amount	
*****777.27	

Wells Fargo Bank
11-24/1210(8)

VOID AFTER 90 DAYS FROM DATE OF ISSUE

Authorized Signature

⑈4000626665⑈ ⑆21000248⑆ 42179040E⑈

#1175
5-31-16
Ck# 1161

TED A. COX, P.C.
Attorney at Law
1225 West 34th
Houston, Texas 77018
(713) 956-9400 Office
(713) 956-8485 Telefax

TED A. COX

May 16, 2016

Utility Tax Service, LLC
11500 Northwest Freeway, #465
Houston, TX 77092

RE: Heritage P.I.D. #1 - Collections

20% Attorney's Fees – month of April 2016 \$282.03

Expenses:

Postage/Xerox Fees (April 2016) -00-

TOTAL DUE THIS INVOICE: \$282.03

PLEASE MAKE CHECK PAYABLE TO "TED A. COX, P.C."

Bank	Deposit Date	Deposit No	Payments	Deposit Amount
Wells Fargo Bank	4/3/2016	1149	1	750.24
	4/5/2016	1150	3	2,693.17
	4/12/2016	1151	1	750.24
	4/15/2016	1152	1	1,401.72
	4/17/2016	1153	1	736.07
	4/18/2016	1154	1	736.07
	4/21/2016	1155	4	2,359.44
	4/22/2016	1156	1	899.40
	4/30/2016	1157	1	62.00
	Total Deposits	9	14	10,388.35

Taxing Unit CLAC12006 - Class 1 2006

<u>GL Account Summary</u>	<u>2015</u>	<u>2014</u>	<u>Tot Report</u>
Taxes Paid	4,114.07	1,174.86	5,288.93
P&I Paid	419.05	303.33	722.38
Coll Fee Paid		282.03	282.03

Taxing Unit CLAC12008 - Class 1 2008

<u>GL Account Summary</u>	<u>2015</u>	<u>Tot Report</u>
Taxes Paid	1,384.21	1,384.21
P&I Paid	149.93	149.93

Taxing Unit CLAC22006 - Class 2 2006

<u>GL Account Summary</u>	<u>2015</u>	<u>Tot Report</u>
Taxes Paid	810.27	810.27
P&I Paid	89.13	89.13

Taxing Unit CLAC22008 - Class 2 2008

<u>GL Account Summary</u>	<u>2015</u>	<u>Tot Report</u>
Taxes Paid	1,589.92	1,589.92
P&I Paid	71.55	71.55

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

INVOICE

Invoice Date 5/10/2016 Invoice # 052016-143

Balance Due \$2,005.00

Remit check to:

or

Wire Instructions:

Bill To:

CITY OF LAVON, TEXAS
c/o Utility Tax Services
- VIA EMAIL TO -
utilitytaxservice@sbcglobal.net

MuniCap, Inc.
8630 M Guilford Road #263
Columbia, MD 21046

The Columbia Bank
9151 Baltimore National Pike
Ellicott City, MD 21042
(410) 418-8500

ABA Routing No.: 055 002 338
To the account of: MuniCap, Inc.
Account No.: 00 082 362 31

Project Heritage PID #1 1657

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

Invoice Date
5/10/2016

Invoice #
052016-143

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

Terms Client #
Net 30 1657

Project		Heritage PID #1		Columbia, MD 21046		Terms	Client #
						Net 30	1657
Item	DATE	Description	Hrs	Amount			
Vice Pres (AY)	4/4/2016	Parcel research for home construction status.	1	200.00			
Vice Pres (AY)	4/6/2016	Continue parcel research for home construction status.	1.75	350.00			
Sr Assoc (MS)	4/8/2016	Prepare account statements for updating account reconciliation and file.	0.25	37.50			
Vice Pres (AY)	4/8/2016	Continue parcel research for home construction status.	1.5	300.00			
Assoc (MV)	4/11/2016	Process administrative invoices and certificates authorizing payment and forward for approval, as required by Trust Indenture.	0.25	33.75			
Vice Pres (AY)	4/11/2016	Continue parcel research for home construction status.	0.75	150.00			
Vice Pres (AY)	4/12/2016	Continue parcel research for home construction status.	0.5	100.00			
Vice Pres (AY)	4/15/2016	Continue parcel research for home construction status.	1	200.00			
Vice Pres (AY)	4/19/2016	Continue parcel research for home construction status.	0.75	150.00			
Vice Pres (AY)	4/26/2016	Continue parcel research for home construction status.	1	200.00			
Assoc (MV)	4/27/2016	Update account reconciliation for the month of March 2016.	0.25	33.75			
Vice Pres (AY)	4/28/2016	Continue parcel research for home construction status.	1.25	250.00			
		Subtotal Fees:		2,005.00			
EIN: 03-0461891. Overdue accounts are subject to 1% monthly finance charge.			Total		\$2,005.00		

Billing Inquiries? Call (443) 539-4104

Mike Arterburn, Tax A/C

%Utility Tax Service, LLC
11500 NW Freeway, Ste 465
Houston, TX 77092

Invoice

Date	Invoice #
6/1/2016	5315

Bill To
Heritage PID 1

Item	Description	Amount
Monthly Fee	June Assessor-Collector Fee	850.55
Total		\$850.55
Payments/Credits		\$0.00
Balance Due		\$850.55



11500 Northwest Frwy I Suite 465 I Houston, Texas 77092 I Voice: 713-688-3855 I Fax: 713-688-3931

**Heritage PID #1
Overpayment Refund
Invoice**

**Year
2015**

Overpayment Refund \$ 13.51
Account #R-9032-00E-0130-1
Reason: Overpayment
Original Payment: 5/31/16
Deposit #1175
Client #0011929

Check # 1161
Paid 6/1/16

Payable To:
CoreLogic Tax Services, LLC
1 CoreLogic Drive
Westlake, Tx 76262



CoreLogic Tax Services, LLC
1 CoreLogic Drive
Westlake, TX 76262
(888) 828-9200

CoreLogic

Date	State	Payee Name	Payee Number	Check Number
31-MAY-16	TX	HERITAGE PID 1 U-420430001	420430001	4000626665

Invoice Number Borrower Name	Client Number	Invoice Date Situs	Parcel Id	Type	Tax Year	Inst	Amount
1932926 CLINT M FOOTE	0011929	30-MAY-16 806 AUSTIN, LAVON, TX 75166		BAS	2015	T	777.27
(15) 703.74							
OP 13.51							
777.27							

THIS CHECK IS VOID WITHOUT A PURPLE AND BLUE BORDER AND BACKGROUND PLUS AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

6000702336



CoreLogic Tax Services, LLC
1 CoreLogic Drive
Westlake, TX 76262
(888) 828-9200

CoreLogic

Pay

Seven Hundred Seventy-Seven Dollars And 27 Cents

To The
Order Of
HERITAGE PID 1 - TAX COLLECTOR
HERITAGE PID 1 U-420430001
11500 NORTHWEST FREEWAY #465
HOUSTON, TX 77092-7737

0011929

Check Date	Check Number
31-MAY-16	4000626665
Check Amount	
*****777.27	

Wells Fargo Bank
11-24/1210(8)

VOID AFTER 90 DAYS FROM DATE OF ISSUE

Authorized Signature

⑈4000626665⑈ ⑆21000248⑈

4121790406⑈

2#1175
5.31.14
Ck# 1161

HERITAGE PID #1
TAX ACCOUNT
11500 Northwest Fwy Ste 465
Houston, TX 77092-6538

WELLS FARGO BANK, N.A.
www.wellsfargo.com
37-65/1119

1161

6/1/2016

PAY TO THE ORDER OF CoreLogic Tax Services, LLC

\$ **13.51

Thirteen and 51/100*****

DOLLARS

CoreLogic Tax Services, LLC
1 CoreLogic Dr.
Westlake, TX 76262

MEMO Overpayment Refund

AUTHORIZED SIGNATURE

⑈0000001161⑈ ⑆111900659⑆ 6195210825⑈

HERITAGE PID #1 TAX ACCOUNT
CoreLogic Tax Services, LLC

6/1/2016

Overpayment Refund
2015 - R903200E01301

1161

13.51

Heritage PID #1

Overpayment Refund


13.51

OATH

STATE OF TEXAS:

COUNTY OF COLLIN

I, Mike Arterburn, being duly sworn state that I am the Tax Assessor-Collector for the mentioned District and that the foregoing report reflects a true and correct accounting of all taxes collected during the month stated herein.


Mike Arterburn, RTA

SWORN TO AND SUBSCRIBED BEFORE ME, THIS 12th DAY OF July, 2016.

(SEAL)




NOTARY PUBLIC, STATE OF TEXAS

My commission expires 9/26/17



11500 Northwest Freeway I Suite 465 I Houston, Texas 77092 I Voice: 713-688-3855 I Fax: 713-688-3931

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1 ASSESSMENT REPORT SUMMARY 6/30/16

Total Receivables As of	6/30/16	\$ 51,964.63	pg 2
Cash Balance As of	5/31/16	\$ 35,320.08	pg 3
June Receipts		\$ 20,434.67	pg 3
June Disbursements		\$ (15,013.51)	pg 3
July Disbursements:			
1 Wire Transfer & 2 Invoices To Be Approved		\$ (20,000.00)	pg 4
Cash Balance as of	7/1/16	\$20,741.24	pg 4

CURRENT COLLECTIONS & 4 YEAR HISTORICAL DATA

<u>Year</u>	<u>Collections 6/30/16</u>	<u>Adjustments 6/30/16</u>	<u>Reserve Uncollectables</u>	<u>Collections 9/1/11- 6/30/16</u>	<u>Receivables 6/30/16</u>	<u>Percent Collected</u>
2015	18,078.77			547,597.82	51,964.63	91.33
2014	25.50			600,372.72		100.00
2013				616,722.00		100.00
2012				616,722.00		100.00
2011				617,412.00		100.00

Last Year's Percentage of Collections as of 6/30/15 94.02%

CURRENT CERTIFIED LEVY & 4 YEAR HISTORICAL DATA

<u>Assessment Rates</u>				<u>Original Levy</u>	<u>Adjustments</u>	<u>Assessment Levy</u>
<u>Year</u>	<u>Platted</u>	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>		
2015	2006	675.89	810.27		419,449.67	(810.27) 418,639.40
	2008	663.13	794.96	397.48	180,923.05	180,923.05
2014	2006	675.89	810.27		600,372.72	599,562.45
	2008	663.13	794.96	397.48	419,449.67	419,449.67
2013					180,923.05	180,923.05
					600,372.72	600,372.72
2012		<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>		
		690.00	828.00	414.00	616,722.00	616,722.00
2011		690.00	828.00	414.00	616,722.00	616,722.00
		690.00	828.00	414.00	618,102.00	(690.00) 617,412.00

(Levy Calculated by Lot Size)

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1

ASSESSMENT REPORT

6/30/16

Receivables at 8/31/15	\$	16,041.70	\$	16,041.70
------------------------	----	-----------	----	-----------

2015 Assessment Levy	\$	600,372.72	\$	599,562.45
KR 1	\$	(810.27)		

Collections From: 9/1/15 - 6/30/16

2015	\$	547,597.82
2014	\$	16,041.70

(\$ 563,639.52)

TOTAL RECEIVABLE AS OF 6/30/16

\$ 51,964.63
=====

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1

6/30/16

		Month of 6/30/16	Fiscal to Date 10/1/15-6/30/16
Cash Balance as of	5/31/16	\$ 35,320.08	\$ 31,936.01
Receipts Deposited in the Assessment Acct (UTS):			
Current/Prior Assessments		18,104.27	556,293.31
Penalty & Interest		2,329.07	8,825.29
Atty's Fee-Del Coll			1,903.81
Overpayment Refunds			881.39
NSF Checks			794.96
NSF Fees Paid			65.00
Court Filing Fees			484.61
Title Search Fee			459.25
Notice of Purchaser			10.00
Assessment Fees Pd in Full			
Stale Dated Checks			
Bank Interest		1.33	18.18
TOTAL RECEIPTS:		\$ 20,434.67	\$ 569,735.80
Disbursements Issued from the Assessment Acct (UTS):			
Transfer/Debt Service		15,000.00	560,000.00
Overpayment Refunds		13.51	881.39
Bank Charges			49.18
TOTAL DISBURSEMENTS:		(\$ 15,013.51)	(\$ 560,930.57)
Cash Balance As of	6/30/16	\$ 40,741.24	\$ 40,741.24
		=====	=====

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1
6/30/16

Cash Balance As of 6/30/16 \$ 40,741.24

Disbursements For July 2016:

<u>Check #</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
W/T	Debt Service Fund on 7/14/16	Transfer of Funds	20,000.00

Total Disbursements: (\$ 20,000.00)

Cash Balance As of 7/1/16 \$ 20,741.24

=====

Invoices to be Approved & Paid at a Later Date for July 2016:

<u>Payee</u>	<u>Description</u>	<u>Amount</u>
MuniCap, Inc	Professional Fees (Inv#062016-143)	\$ 867.50
Mike Arterburn, A/C	July Fee	\$ 1,338.88
	Total	\$ 2,206.38

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1
6/30/16

CURRENT COLLECTIONS & HISTORICAL DATA

<u>Year</u>	<u>Collections</u> <u>6/30/16</u>	<u>Adjustments</u> <u>6/30/16</u>	<u>Reserve</u> <u>Uncollectables</u>	<u>Collections</u> <u>9/1/07 - 6/30/16</u>	<u>Receivables</u> <u>6/30/16</u>	<u>Percent</u> <u>Collected</u>
2015	18,078.77			547,597.82	51,964.63	91.33
2014	25.50			600,372.72		100.00
2013				616,722.00		100.00
2012				616,722.00		100.00
2011				617,412.00		100.00
2010				618,102.00		100.00
2009				618,102.00		100.00
2008				441,835.00		100.00
2007				431,388.00		100.00

CURRENT CERTIFIED LEVY & HISTORICAL DATA

<u>Year</u>	<u>Replatted</u>	<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>	<u>Original</u> <u>Levy</u>	<u>Adjustments</u>	<u>Assessment</u> <u>Levy</u>	<u>SR/KR</u> <u>Rolls</u>
2015	2006	675.89			274,411.34		274,411.34	
			810.27		145,038.33	(810.27)	144,228.06	
	2008	663.13			69,628.65		69,628.65	
			794.96		85,855.68		85,855.68	
				397.48	25,438.72		25,438.72	
					600,372.72		599,562.45	
2014	2006	675.89			274,411.34		274,411.34	
			810.27		145,038.33		145,038.33	
	2008	663.13			69,628.65		69,628.65	
			794.96		85,855.68		85,855.68	
				397.48	25,438.72		25,438.72	
					600,372.72		600,372.72	
2013		<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>				
		690.00	828.00	414.00	616,722.00		616,722.00	
2012		690.00	828.00	414.00	616,722.00		616,722.00	
2011		690.00	828.00	414.00	618,102.00	(690.00)	617,412.00	0-1
2010		690.00	828.00	414.00	618,102.00		618,102.00	
2009		690.00	828.00	414.00	615,894.00	2,208.00	618,102.00	2-1
2008		690.00	828.00		431,388.00	10,447.00	441,835.00	1-0
2007		690.00	828.00		431,388.00		431,388.00	

(Levy Calculated by Lot Size)

HERITAGE PUBLIC IMPROVEMENT DISTRICT #1

6/30/16

Accounts Paid in Full:

- \$11,275.00 Reported as other fees collected on 12/08 report. Transferred to 2008 Assessments on 3/09 report. Account paid in full.
Account #R-9032-00M-0120-1 (Per SR #1 increased 08 base on 3/09)
- \$ 8,538.19 Received funds (paid in full) on 10/11 report.
(Account # R-9095-00B-0150-1) (Did not increase base-we applied as Other)
- \$ 9,658.04 Received funds (paid in full) on 1/15 report.
(Account # R-9032-00A-0790-1) (Did not increase base-we applied as Other)

Notes:

Installment Plans

<u>Year(s)</u>	<u>Name/Account Number</u>	<u>Payment Schedule</u>	<u>Current Yes/No</u>
2015	Kenneth Kennedy R-9635-00E-0180-1	2/16-1/17 12 Months	Yes
2014	Ronnie Van Cleve R-9095-00B-0130-1	7/15-6/16 12 Months	Paid in full as of 6/30/16
2015	Carrie Lasater R-9032-00L-0070-1	4/16-3/17 12 Months	Yes
2015	Vanessa Vazquez R-9591-00B-0050-1	7/16-6/17 12 Months	Yes
2015	Marcella Brown R-9591-00E-0050-1	7/16-6/17 12 Months	First pmt Due 7/16

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

INVOICE

Invoice Date 6/10/2016
Invoice # 062016-143

Balance Due \$867.50

Remit check to:

or

Wire Instructions:

Bill To:

CITY OF LAVON, TEXAS
c/o Utility Tax Services
- VIA EMAIL TO -
utilitytaxservice@sbcglobal.net

MuniCap, Inc.
8630 M Guilford Road #263
Columbia, MD 21046

The Columbia Bank
9151 Baltimore National Pike
Ellicott City, MD 21042
(410) 418-8500

ABA Routing No.: 055 002 338
To the account of: MuniCap, Inc.
Account No.: 00 082 362 31

Project Heritage PID #1 1657

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

Invoice Date
6/10/2016

Invoice #
062016-143

MuniCap, Inc.
8965 Guilford Road
Suite 210
Columbia, MD 21046

Terms Client #
Net 30 1657

Project	Heritage PID #1			
Item	DATE	Description	Hrs	Amount
Vice Pres (AY)	5/5/2016	Continue parcel research for home construction status.	1	200.00
Assoc (MY)	5/10/2016	Process administrative invoices and certificates authorizing payment and forward for approval, as required by Trust Indenture.	0.25	33.75
Vice Pres (AY)	5/10/2016	Continue parcel research for home construction status and SAP updates.	1.25	250.00
Vice Pres (AY)	5/24/2016	Continue parcel research for home construction status and SAP updates.	1.75	350.00
Assoc (GK)	5/24/2016	Inventory and sort hard copy account statements.	0.25	33.75
		Subtotal Fees:		867.50
EIN: 03-0461891. Overdue accounts are subject to 1% monthly finance charge.			Total	\$867.50

Billing Inquiries? Call (443) 539-4104

June 10, 2016

Marie Meave, Trustee
The Bank of New York Mellon
601 Travis Street, 16th Fl.
Houston, TX 77002

**RE: City of Lavon, Texas, Special Assessment Revenue Bonds, Series 2013
Heritage Public Improvement District No. 1**

Dear Ms. Meave,

Pursuant to the Trust Indenture between the City of Lavon, Texas and The Bank of New York Mellon Trust Company, N.A., as Trustee, providing for the issuance of \$8,065,000 of the City of Lavon, Texas Special Assessment Revenue Bonds (Heritage PID #1 Project), please pay the enclosed invoice in the total amount of **\$867.50 to MuniCap, Inc.**, from the Administrative Expense Fund created pursuant to the Trust Indenture. This invoice is for administrative services provided by MuniCap for the City, and the nature of these services is more fully described in the attached invoice.

Please mail the check to MuniCap at the following address:

**8630 M Guilford Road
#263
Columbia, MD 21046**

The undersigned person is an Authorized Representative of the City as provided for in the Trust Indenture.

Please do not hesitate to call me with any questions regarding this matter.

Very truly yours,

City of Lavon, Texas

By: _____
Authorized Representative

Enclosure

Mike Arterburn, Tax A/C

%Utility Tax Service, LLC
11500 NW Freeway, Ste 465
Houston, TX 77092

Invoice

Date	Invoice #
7/1/2016	5380

Bill To
Heritage PID 1

Item	Description	Amount
Monthly Fee 2nd Quarter Billing	July Assessor-Collector Fee	850.55
	Office Expenses	488.33
		Total \$1,338.88
		Payments/Credits \$0.00
		Balance Due \$1,338.88



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: IX-D

Item:

Resolution No. **2016-08-01** authorizing the Mayor to execute a Memorandum of Understanding with Community ISD regarding the provision of a School Resource Officer. (Jones)

Background:

Community Independent School District (CISD) submitted a revised Memorandum of Understanding (MOU) regarding the School Resource Officer (SRO) program.

The only difference between the proposed MOU and the existing MOU is in Section VIII. Cost Considerations to provide for the joint funding of an approximate base salary up to \$44,000 which is \$1,000 more salary than the existing MOU.

Attachments: Resolution
 Proposed MOU

July 28, 2016

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-01

Memorandum of Understanding – School Resource Officer Program

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAVON AND COMMUNITY INDEPENDENT SCHOOL DISTRICT REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon and Community Independent School District (CISD) signed a Memorandum of Understanding (MOU) July 1, 2015 regarding the School Resource Officer Program; and

WHEREAS, the parties desire to make an amendment to the MOU pursuant to the terms; and

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

SECTION 1. That the City Council does hereby authorize the Mayor to execute an MOU with CISD regarding the School Resource Officer Program, which is attached hereto and labeled “Exhibit A”;

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of August, 2016.

Charles Teske, Mayor

ATTEST:

Kim Dobbs, Interim City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-01

EXHIBIT A

Memorandum of Understanding – School Resource Officer Program

MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (MOU) is being executed by the below listed entities:

Community Independent School District (CISD)

City of Lavon Police Department (LPD)

Nothing in this MOU should be constructed as limiting or impeding the basic spirit of cooperation, which exist between the participating entities, listed above.

I. TERM OF AGREEMENT

The term of the agreement shall be continuous unless either The City of Lavon Police Department or Community Independent School District wishes to make a change.

Subject to the availability of funds, this agreement may be renewed for subsequent fiscal years if CISD provides the CITY with written intent of their desire to renew no later than June 30 preceding the fiscal year, and if the CITY provides CISD with written acceptance. Renewals of this agreement shall be at the then current actual cost for the officer.

II. PURPOSE

This MOU establishes and delineates the mission of the School Resource Program, herein referred to as the SRO Program, as a joint cooperative effort. Additionally, the MOU formalizes relationships between the participating entities in order to foster an efficient and cohesive program that will build a positive relationship between Police Officers and the youth of our community in addition to reducing crime committed by juveniles and young adults.

III. MISSION

The mission of the SRO Program is the reduction and prevention of school-related violence and crime committed by juveniles and young adults. This is accomplished by assigning Police Officers to school facilities on a permanent basis. The SRO Program accomplishes this mission by creating and maintaining safe, secure and orderly learning environments for students, teachers, and staff. The SRO will establish a trusting channel of communication with students, parents and teachers. SRO's will serve as a positive role model to instill in student's good moral standards, good judgment and discretion, respect for other students, and a sincere concern for the school community. SRO's will promote citizen awareness of the law to enable students to become better informed and effective citizens, while empowering students with the knowledge of law enforcement efforts and obligations regarding enforcement as well as consequences for violations of the law. SRO's will serve as a confidential source of counseling for students and parents concerning problems they face as well as providing information on community resources available to them. Goals and objectives are designed to develop and enhance rapport between youth, police officers, and school administrators.

A. Goals of the SRO Program

- 1) Reduce incidents of school violence.
- 2) Reduction of criminal offenses committed by juveniles and young adults.
- 3) Establish rapport with the students.
- 4) Establish rapport with parents, faculty, staff, administrators, and other adults.
- 5) Create, start, and expand programs with vision and creativity to increase student participation, which will benefit the students, school district, police department, and the community.
- 6) Provide safety for students, faculty, staff, and all persons involved with the school district.

IV. ORGANIZATIONAL STRUCTURE

A. Composition

The SRO Program will consist of a full time Lavon Police Department (one) staff member that is a certified Peace Officer for the State of Texas and meets all requirements as set forth by City of Lavon Police Department Rules and Regulations.

B. Supervision

The day-to-day operation and administrative control of the SRO Program will be the responsibility of the City of Lavon Police Department. Responsibility for the conduct of the SRO, both personally and professionally, shall remain with the City of Lavon Police Department. SRO's shall report directly to the SRO supervisor.

V. PROCEDURES

A. Concept

The SRO Program shall utilize the SRO Triad concept as set forth by NASRO (National Association of School Resource Officers). The SRO Triad concept generally means that the officers assigned to the program are Law Enforcement Officers, Counselors, and Teachers. SRO's are first and foremost Law Enforcement Officers for the City of Lavon Police Department. SRO's shall be responsible for carrying out all duties and responsibilities as police officers and shall remain at all times under the control, through the chain of command, of the Lavon Police Department. All acts of commission or omission shall conform to the guidelines of the Lavon Police Department General Orders Manual. SRO's must realize that they are enforcement officers in regards to CRIMINAL matters only. SRO's cannot enforce any "school or house rule." SRO's are not school disciplinarians and should not assume this role. SRO's report directly to the SRO supervisor in connection with teaching assignments and normal law enforcement duties. SRO's will not involve themselves in administrative matters of the CISD, which are not criminal offenses.

SRO's are not formal counselors, and will not act as such. However, they are to be used as a resource to assist students, faculty, staff, and all persons involved with the school district. SRO's are to be used as teachers in the sense they provide informational presentations on law enforcement topics. SRO's can teach a variety of subjects to students and staff ranging from alcohol and drug education to formalized academy classes. SRO's are available to provide educational sessions to build rapport between the students and the staff.

B. Selection

When a SRO position is open, notice will be given to all sworn employees through regular postings. Interested persons shall submit a memo to the office of the Chief of Police. The officer will then be interviewed by a committee consisting of police department personnel and school district employees with the final selection being made by the Chief of Police. The SRO supervisor will make SRO assignments for a school year with an annual review. Selection criteria will include, but will not be limited to:

- 1) Oral Presentation
- 2) Performance Reports
- 3) Experience
- 4) Interpersonal Skills

C. Duties and Responsibilities

Basic responsibilities of the SRO will include, but will not be limited to:

- 1) To enforce criminal law and protect the students, staff, and public at large against criminal activity.
- 2) Provide information concerning questions about law enforcement topics to students and staff.
- 3) Provide classroom instruction on a variety of topics including, but not limited to, narcotics, safety, public relations, occupational training, leadership, and life skills.
- 4) Coordinate investigative procedures between police and school administrators.
- 5) Provide counseling on a limited basis to students, staff, and faculty.
- 6) Handle initial police reports of crimes committed on campus.
- 7) Take enforcement action on criminal matters when appropriate.
- 8) Wear an approved police uniform at all times or other apparel approved by the City of Lavon Police Department and agreed to by CISD.
- 9) Attend school special events as needed.
- 10) Prepare lesson plans as necessary for the instruction provided.

D. Enforcement

Although SRO's have been placed in a formal educational environment, they are not relieved of the official duties as an enforcement officer. Decisions to intervene normally will be made when it is necessary to prevent any criminal act. Citations should be issued and arrests made when appropriate and in accordance with department policy.

LPD shall have the final authority in all criminal matters in which the SRO's become involved as directed by department policies and procedures as well as federal, state, and local laws.

School administrators must realize that once police arrive at the scene of an incident, they are in charge of that scene and will make the decisions they feel are appropriate.

E. Summer Activity

SRO's should accomplish as much of the required training as possible during the summer months when school is not in session. SRO's will not be required to work in the school during the summer months.

VI. SCHOOL DISTRICT RESPONSIBILITIES

Community ISD shall provide the SRO the following materials and facilities, which are deemed necessary to the performance of the SRO's duties:

- 1) Access to an air-conditioned and properly lighted private office, which shall contain a telephone, which may be used for general business purposes.
- 2) A location for files and records which can be properly locked and secured.
- 3) A desk with drawers, chair, work table, filing cabinet, and office supplies.
- 4) Access to a computer and printer.
- 5) Access to and encourage classroom participation by the SRO
- 6) The opportunity for the SRO to address teachers and school administrators about the SRO program, goals and objectives
- 7) In the case a police vehicle is not available through the LPD, the opportunity to secure a marked vehicle to be parked at the school site and used for official SRO business. The school district and city will work in partnership if possible to provide a marked vehicle if one is not provided by LPD. CISD will cover fuel expenses if the car is used for school business only. If the car is city-issued, the CITY will be responsible for fuel expenses and other related expenses to the vehicle.
- 8) Seek input from the SRO's regarding criminal justice problems relating to students.
- 9) Provide SRO's the opportunity to address teachers and school administrators about criminal justice problems relating to students during in-service workshops.

- 10) Computer access to student records at all campuses for investigative purposes (In compliance with FERPA guidelines).
- 11) Access to video surveillance systems at all campuses for investigative purposes (In compliance with FERPA guidelines).

VII. CRISIS PLANNING

CISD and the City of Lavon Police and Fire Departments will coordinate Crisis Planning and training. Each entity will be involved in updates and creation of new Crisis Plans. Consistency throughout the district shall be adhered to.

Lock down drills shall be included as part of the District's preparedness plan. LPD shall be included in the creation of lock down procedures so that first responders are familiar with procedures. Lock down procedures should be consistent throughout the district.

VIII. COST CONSIDERATIONS

The SRO Program will be jointly funded by the City of Lavon Police Department and CISD, for the SRO salary (approximately \$44,000 base salary, plus benefits provided through the municipality, to be divided equally between CISD and the CITY), and necessary training during the school year. In consideration of the services provided herein, the Community Independent School District shall pay one half of the cost of the SRO's annual salary and benefits during the time in which the SRO is employed. The SRO will report to the school site beginning on the first day of in-service to the last day of school and work during normal school hours for staff. The school district will also work in conjunction with the Lavon Police Department in the split funding of a used vehicle if necessary to be parked at the school site served by the SRO (see above under *School District Responsibilities*). The CITY and CISD will share training costs up to a total of \$1,000.00 or \$500.00 per entity. If either the CITY or CISD desire the SRO to receive training in excess of \$1,000.00 per fiscal year, that entity which desires to send the SRO to additional training shall bear the entire cost.

A. Overtime

The school district agrees to create and provide overtime funding for other extra-curricular activity which is conducted after normal working hours, i.e. athletic events, concerts, etc. Overtime activity must be approved in advance by the Principal or his/her designee. The overtime rate is negotiated prior to the beginning of each school year.

Police related duties such as late calls, late reports, or late arrests will be compensated by the City of Lavon.

IX. CHANGES TO THE MOU

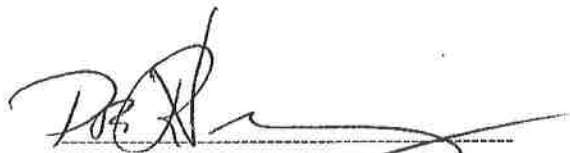
Changes in the terms of this agreement must be made in writing and approved by the CITY and CISD.

X. PROBLEM RESOLUTION

Unforeseen difficulties or questions will be resolved by negotiation between the Superintendent of CISD and the Mayor of the CITY or by their designees.

Agreed to in cooperation with the Community Independent School District and the City of Lavon Police Department, this the 1st day of July, 2016.

Mr. Charles Teske, Mayor, City of Lavon

A handwritten signature in dark ink, appearing to read 'R. Nivens', is written over a horizontal dashed line.

Roosevelt Nivens, Ed.D., Superintendent, CISD

Chief Mike Jones, Police Chief, Lavon Police Department



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: IX-E

Item:

Resolution No. **2016-08-02** calling a General Election to be held on and administered by the Collin County Elections Administrator on Saturday, November 8, 2016 for the purpose of electing three (3) Council Members, one (1) for Place 1, one (1) for Place 3, and one (1) for Place 5 and providing for an Effective Date. (Dobbs)

Background:

The General Election must be called no later than August 22, 2016.

Financial Consideration:

Funding for the election is included in the Annual Operating Budget for Fiscal Year 2016-2017.

Attachments: Resolution

July 28, 2016

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING ORDER OF GENERAL ELECTION FOR THE PURPOSE OF ELECTING PERSONS TO THE OFFICES OF CITY COUNCIL MEMBER PLACE 1, CITY COUNCIL MEMEBR PLACE 3 AND CITY COUNCIL MEMBER PLACE 5; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon, Texas (“City”) is a Type A general-law municipality of the State of Texas; and

WHEREAS, the Texas Local Government Code provides a term of two years for elected officials of the City and that elections be held annually on an authorized uniform election date as provided by Chapter 41 of the Texas Election Code; and

WHEREAS, Chapter 41 of the Texas Local Government Code provides that the second Tuesday in November, being November 8, 2016, is an authorized uniform election date for municipal elections; and

WHEREAS, the Texas Election Code requires that the governing body of the City is responsible for ordering the general election of elected officials of the City; and

WHEREAS, the City will hold a general election on November 8, 2016 for the purpose of electing persons to the office of City Council Member Place 1, City Council Member Place 3 and City Council Member Place 5.

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

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

SECTION 2: That the City Council hereby approves the City of Lavon, Texas Order of General Election for the purpose of electing persons to the office of City Council Member Place 1, City Council Member Place 3 and City Council Member Place 5, a true and correct copy of which is attached to this Resolution as Exhibit A for all purposes, and authorizes the Mayor and Council Members to execute the Order.

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

DULY PASSED AND APPROVED THIS THE 2nd DAY OF AUGUST, 2016.

Charles Teske, MAYOR

ATTEST: _____
Kim Dobbs, Interim City Secretary

[CITY SEAL]

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-02

EXHIBIT A
ORDER OF ELECTION

CITY OF LAVON, TEXAS
ORDER OF ELECTION

An election is hereby ordered to be held on November 8, 2016 for the purpose of electing three (3) Council Members.

Early voting by person appearance will be conducted at:

Lavon City Hall - 120 School Rd, Lavon, TX.

Early Voting Schedule:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Oct 23	Oct 24 Early Voting 8am – 5pm	Oct 25 Early Voting 8am – 5pm	Oct 26 Early Voting 8am – 5pm	Oct 27 Early Voting 8am – 5pm	Oct 28 Early Voting 8am – 5pm	Oct 29 Early Voting 7am – 7pm
Oct 30 Early Voting 1pm – 6pm	Oct 31 Early Voting 7am – 7pm	Nov 1 Early Voting 7am – 7pm	Nov 2 Early Voting 7am – 7pm	Nov 3 Early Voting 7am – 7pm	Nov 4 Early Voting 7am – 7pm	Nov 5

Applications for ballot by mail shall be mailed to: Collin County Early Voting Clerk
2010 Redbud Blvd., Suite 102
McKinney, TX 75069

Applications for ballots by mail must be received no later than the close of business on October 28, 2016.

Issued this the 2nd day of August, 2016.

Charles Teske, Mayor

Matt Childers, Mayor Pro Tem

Vicki Sanson, Council Member

Jason Kidd, Council Member

Jason Arnold, Council Member

Mindi Serkland, Council Member



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: IX-F

Item:

Resolution **2016-08-03** authorizing the Mayor to execute an Interlocal Participation Agreement between the City of Lavon and The Local Government Purchasing Cooperative to facilitate compliance with state procurement requirements. (Dobbs)

Background:

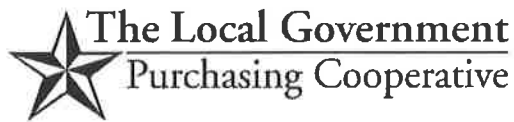
The Local Government Purchasing Cooperative, commonly known as the Buy Board, enables Texas cities to satisfy state law procurement regulations more efficiently than individually managing the bidding processes. Cities, school districts and other non-profit organizations join together in the cooperative to combine their purchasing power and take advantage of marketplace economies. There is no obligation to use the Buy Board for every purchase; however, it is an important tool to be able to use should the City desire.

Financial Consideration:

Membership in the purchasing cooperative is free for cities.

Attachments: Resolution
 Listing of Buy Board – Texas member cities

July 28, 2016



BOARD RESOLUTION
of
CITY COUNCIL of the CITY OF LAVON, TEXAS

(Name of Local Government)

Cooperative Member

WHEREAS, the City of Lavon, (hereinafter "Cooperative Member") desires to participate in a local government cooperative purchasing program pursuant to the authority granted by Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act ("Act");

WHEREAS, City of Lavon, has elected to be a Cooperative Member in the The Local Government Purchasing Cooperative (hereinafter "Cooperative"), a local government purchasing cooperative program created by local governments in accordance with and pursuant to the Act and Section 271.101, *et seq.*, of the Texas Local Government Code;

WHEREAS, the Cooperative Member, is of the opinion that participation in the Cooperative's purchasing program will be highly beneficial to the taxpayers of the local government through the efficiencies and potential savings to be realized; and

WHEREAS, the Cooperative Member desires to participate and join with other local governments in an Interlocal Participation Agreement ("Agreement") for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs, functions and services;

NOW, THEREFORE, BE IT RESOLVED, that the Cooperative Member requests that the Cooperative include its stated needs for all categories, including but not limited to, instructional, maintenance, custodial, and food service goods and services, in the Cooperative's purchasing program and select vendors for those items, whereby the Cooperative Members may be allowed to purchase those items from the Cooperative's contracts; and that Cooperative is authorized to sign and deliver necessary requests and other documents in connection therewith for and on behalf of the Cooperative Members that have elected to participate.

FURTHER, BE IT RESOLVED, that the Board of Trustees of the Cooperative Member authorizes its Board President, Superintendent or other officer to execute the Interlocal Participation Agreement which includes the adoption and approval of the Organizational Interlocal Agreement previously executed and adopted by two or more local governments.

FINALLY, BE IT RESOLVED that the execution of this Resolution shall evidence the election of Cooperative Member and eligible local governments to become members of the Cooperative upon the terms and conditions stated. The Board of Trustees has, and at the time of adoption of this Resolution had, full power and lawful authority to adopt the foregoing Resolution and to confer the obligations, powers, and authority to the persons named, who are hereby granted the power to exercise the same.

I certify that the foregoing is a true and correct copy of the resolution duly adopted by _____, on the _____ day of _____, in
(Name of Local Government)
the year _____, and that the same now appears of record in its official minutes.

CITY OF LAVON, TEXAS

_____, Cooperative Member
(Name of Local Government)

By: _____
Authorized Representative

Date: _____

Mayor

(Title)

ATTEST:

Secretary of the Board

Date: _____



INTERLOCAL PARTICIPATION AGREEMENT

This Interlocal Participation Agreement ("Agreement") is made and entered into by and between The Local Government Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government of the State of Texas ("Cooperative Member").

I. RECITALS

WHEREAS, a local government entity is authorized by the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, to agree with other local government entities to form a purchasing cooperative; and

WHEREAS, the Cooperative is further authorized as a local purchasing cooperative organization as set forth in Section 271.101, *et seq.*, of the Texas Local Government Code; and

WHEREAS, the purpose of this Agreement is to facilitate compliance with state procurement requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members;

NOW THEREFORE, in consideration of the mutual covenants, promises and obligations contained herein, the undersigned Cooperative Member and the Cooperative agree as follows.

II. TERMS AND CONDITIONS

1. **Adopt Organizational Interlocal Cooperation Agreement.** The Cooperative Member by the execution or acceptance of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated January 26, 1998, which agreement is incorporated herein by reference (and is available from the Cooperative upon request). The Organizational Interlocal Agreement established the Cooperative as an administrative agency of its collective participants, and Cooperative Member agrees to become a participant or additional party to that Organizational Interlocal Agreement.
2. **Term.** The initial term of this Agreement shall commence on the date it is executed by both parties and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement. If the Cooperative Member is an existing Cooperative Member that joined the Cooperative by executing a participation agreement which authorized amendment upon the Cooperative providing 60 days notice, then this Agreement will be deemed an Amendment by Notice,

which will be effective on the 61st day that the Cooperative Member is sent notice of this document. In addition, this Agreement will continue to automatically renew for successive one-year terms on the anniversary date of the Cooperative Member's initial term (not the effective date of the Amendment by Notice), unless the Agreement is sooner terminated in accordance with the provisions herein.

3. **Termination.**

- (a) **By the Cooperative Member.** This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative, provided any amounts owed to the Cooperative and any vendor have been fully paid.
- (b) **By the Cooperative.** The Cooperative may terminate this Agreement by:
 - (1) Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member breaches this Agreement; or
 - (2) Giving thirty (30) days notice by certified mail to the Cooperative Member with or without cause.
- (c) **Termination Procedure.** If the Cooperative Member terminates its participation under this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member, the Cooperative Member shall bear the full financial responsibility for all of its purchases made from vendors under or through this Agreement. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. In addition, the Cooperative Member agrees it will neither be entitled to a refund of any membership dues paid nor a distribution which may occur after the Cooperative Member terminates from the Cooperative.

4. **Payments by Cooperative Member.**

- (a) The Cooperative Member agrees to pay membership fees as may be required by the Cooperative. The Cooperative will provide the Cooperative Member with 60 days prior written notice of any change in the membership fee before such fee becomes effective. Membership fees are payable by Cooperative Member within 30 days of receipt of an invoice from the Cooperative or its designee, unless otherwise provided by law. A late charge amounting to the maximum interest allowed by law, but not less than the rate of interest under Section 2251.021, *et seq.*, Texas Government Code, shall begin to accrue daily on the 46th day following the due date and continue to accrue until the membership fees and late charges are paid in full. The Cooperative reserves the right to collect all funds that are due to the Cooperative in the event of termination by Cooperative Member or breach of this Agreement by Cooperative Member.
- (b) In addition to membership fees, the Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the bid invitation, instructions, and all other applicable procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring Cooperative Member shall be the exclusive obligation of

the procuring Cooperative Member, and not the Cooperative. Furthermore, the Cooperative Member is solely responsible for negotiating and securing ancillary agreements from the vendor on such other terms and conditions, including provisions relating to insurance or bonding, that the Cooperative Member deems necessary or desirable under state or local law, local policy or rule, or within its business judgment.

5. **Payments by Vendors.** The parties agree that the Cooperative will require payment from vendors which are selected to provide goods, materials or services to Cooperative Members. Such payment (hereafter "Vendor Fees") may be up to two percent (2%) of the purchase price paid by Cooperative Members or a flat fee amount that may be set from time to time by the Cooperative Board of Trustees. Cooperative Member agrees that these Vendor Fees fairly compensate the Cooperative for the services and functions performed under this Agreement and that these Vendor Fees enable the Cooperative to pay the administrative, endorsement, licensing, marketing, and other expenses involved in successfully operating a program of electronic commerce for the Cooperative Members. Further, Cooperative Member affirmatively disclaims any rights to such Vendor Fees, acknowledging all such fees are the property of the Cooperative. Similarly, in no event shall a Cooperative Member be responsible for payment of Vendor Fees.
6. **Distribution.** From time to time, and at the sole discretion of the Cooperative Board of Trustees, the Cooperative may issue a distribution to Cooperative Members under a plan developed by the Cooperative Board of Trustees. Cooperative Member acknowledges that a distribution is never guaranteed and will depend on the overall financial condition of the Cooperative at the time of the distribution and the purchases made by the Cooperative Member.
7. **Administration.** The Cooperative may enter into contracts with others, including non-profit associations, for the administration, operation and sponsorship of the purchasing program provided by this Agreement. The Cooperative will provide reports, at least annually, to the Cooperative Member electronically or by mail. Cooperative Member will report purchase orders generated under this Agreement to the Cooperative or its designee, in accordance with instructions of the Cooperative.
8. **BuyBoard®.** Cooperative Member will have a non-exclusive license to use the BuyBoard electronic purchasing application during the term of this Agreement. Cooperative Member acknowledges and agrees that the BuyBoard electronic application and trade name are owned by the Texas Association of School Boards, Inc. and that neither the Cooperative nor the Cooperative Member has any proprietary rights in the BuyBoard electronic application or trade name. Cooperative Member will not attempt to resell, rent, or otherwise distribute any part of the BuyBoard to any other party; nor will it attempt to modify the BuyBoard programs on the server or acquire the programming code. Cooperative Member may not attempt to modify, adapt, translate, distribute, reverse engineer, decompile, or disassemble any component of the application. Cooperative Member will use the BuyBoard in accordance with instructions from the Cooperative (or its designee) and will discontinue use upon termination of participation in the Cooperative. Cooperative Member will maintain equipment, software and conduct testing to operate the BuyBoard system at its own expense.

III. GENERAL PROVISIONS

1. **Amendment by Notice.** The Board may amend this Agreement, provided that prior written notice is sent to the Cooperative Member at least 60 days prior to the effective date of any change described in such amendment and provided that the Cooperative Member does not terminate its participation in the Cooperative before the expiration of said 60 days.
2. **Authorization to Participate and Compliance with Local Policies.** Each Cooperative Member represents and warrants that its governing body has duly authorized its participation in the Cooperative and that the Cooperative Member will comply with all state and local laws and policies pertaining to purchasing of goods and services through its membership in the Cooperative.
3. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all written policies and procedures established by the Cooperative.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this provision shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.
5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.
6. **Current Revenue.** The Cooperative Member hereby warrants that all payments, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative in any litigation, claim or dispute which arises from the services provided by the Cooperative on behalf of its members, collectively or individually. Neither this provision nor any other provision in this Agreement will create a legal duty for the Cooperative to provide a defense or prosecute a claim; rather, the Cooperative may exercise this right in its sole discretion and to the extent permitted or authorized by law. The Cooperative Member shall reasonably cooperate and supply any information necessary or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.

8. **Governance.** The Board of Trustees (Board) will govern the Cooperative in accordance with the Bylaws.
9. **Jurisdiction/Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and, to the extent permitted by law, venue for all disputes arising under this Agreement shall lie in Travis County, Texas.
10. **Legal Authority.** The Cooperative Member represents and warrants to the Cooperative the following:
- a) It meets the definition of “Local Government” or “State Agency” under the Interlocal Cooperation Act (“Act”), Chapter 791 of the Texas Government Code.
 - b) The functions and services to be performed under the Agreement will be limited to “Administrative Functions” as defined in the Act, which includes purchasing.
 - c) It possesses the legal authority to enter into this Agreement and can allow this Agreement to automatically renew without subsequent action of its governing body.
 - d) Purchases made under this Agreement will satisfy all procedural procurement requirements that the Cooperative Member must meet under all applicable local policy, regulation, or state law.
 - e) All requirements—local or state—for a third party to approve, record or authorize the Agreement have been met.
11. **Disclaimer.** THE COOPERATIVE, ITS ENDORSERS (TEXAS ASSOCIATION OF SCHOOL BOARDS, INC., TEXAS ASSOCIATION OF COUNTIES, AND TEXAS MUNICIPAL LEAGUE) AND SERVICING CONTRACTOR (TEXAS ASSOCIATION OF SCHOOL BOARDS, INC.) DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE.

THE COOPERATIVE, ITS ENDORSERS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

12. **Limitation of Liability.** Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties agree that:
- (a) Neither party waives any immunity from liability afforded under law;
 - (b) In regard to any lawsuit or formal adjudication arising out of or relating to this Agreement, neither party shall be liable to the other under any circumstance for special, incidental, consequential, or exemplary damages;
 - (c) The maximum amount of damages recoverable will be limited to the amount of fees which the Cooperative received as a direct result of the Cooperative Member’s membership fee and purchase activity, within 24 months of when the lawsuit or action was filed; and
 - (d) In the event of a lawsuit or formal adjudication the prevailing party will be entitled to recover reasonable attorney’s fees pursuant to Section 271.159 of the Texas Local Government Code.

Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties further agree to limit the liability of the Cooperative’s servicing contractor, endorsers and sponsors (including,

but not limited to, the Texas Association of School Boards, Inc., Texas Association of Counties, Texas Municipal League, and educational service centers) up to the maximum amount each received from or through the Cooperative, as a direct result of the undersigned Cooperative Member's membership fee and purchase activity, within 24 months of the filing of any lawsuit or action.

13. **Limitation of Rights.** Except as otherwise expressly provided in this Agreement, nothing in this Agreement, is intended to confer upon any person, other than the parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.
14. **Merger/Entirety.** This Agreement, together with the Cooperative's Bylaws and Organizational Interlocal Agreement, represents the complete understanding of the Cooperative and Cooperative Member. To the extent there exists any conflict between the terms of this Agreement and that of prior agreements, the terms of this Agreement shall control and take precedence over all prior participation agreements.
15. **Notice.** Any written notice to the Cooperative shall be made by first class mail, postage prepaid, and delivered to the BuyBoard Administrator, Texas Association of School Boards, Inc., P.O. Box 400, Austin, Texas 78767-0400. Notices to Cooperative Member may be made by first class mail, postage prepaid, and delivered to the Cooperative Member's Coordinator or chief executive officer (e.g., superintendent, city manager, county judge or mayor).
16. **Severability.** If any portion of this Agreement shall be declared illegal or held unenforceable for any reason, the remaining portions shall continue in full force and effect.
17. **Signatures/Counterparts.** The failure of a party to provide an original, manually executed signature to the other party will not affect the validity, enforceability or binding effect of this Agreement because either party may rely upon a facsimile signature as if it were an original. Furthermore, this Agreement may be executed in several separate counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.
18. **Warranty.** By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by all requisite administrative action required to enter into and perform the terms of this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, accept this Agreement.

TO BE COMPLETED BY THE COOPERATIVE:

The LOCAL GOVERNMENT PURCHASING COOPERATIVE,
as acting on behalf of all other Cooperative Members

By: _____ Date: _____
James B. Crow, Secretary

TO BE COMPLETED BY COOPERATIVE MEMBER:

[Signature required unless accepted as an Amendment by Notice as described in the Agreement.]

(Name of Local Government)

By: _____ Date: _____
Signature of authorized representative of Cooperative Member

Printed name and title of authorized representative

Coordinator for the
Cooperative Member is:

Name

Title

Mailing Address

City
Texas, _____
(zip)

Telephone

Fax

Email

BuyBoard Membership - Texas Municipalities

Total Members: 755

City of Abernathy	City of Bay City	City of Bryson	City of Clifton
City of Abilene	City of Bayou Vista	City of Buda	City of Clute
City of Agua Dulce	City of Baytown	City of Buffalo	City of Clyde
City of Alamo	City of Beaumont	City of Bullard	City of Coahoma
City of Alamo Heights	City of Bedford	City of Bulverde	City of Cockrell Hill
City of Albany	City of Beeville	City of Bunker Hill Village	City of Coffee City
City of Aledo	City of Bellaire	City of Burkburnett	City of Coleman
City of Alice	City of Belmead	City of Burleson	City of College Station
City of Allen	City of Belton	City of Burnet	City of Colleyville
City of Alpine	City of Benbrook	City of Cactus	City of Collinsville
City of Alto	City of Berryville	City of Caddo Mills	City of Colorado City
City of Alton	City of Big Lake	City of Caldwell	City of Columbus
City of Alvarado	City of Big Spring	City of Cameron	City of Combine
City of Alvin	City of Blanco	City of Canadian	City of Commerce
City of Amarillo	City of Blanket	City of Canton	City of Conroe
City of Anahuac	City of Blue Mound	City of Canyon	City of Converse
City of Andrews	City of Boerne	City of Carrizo Springs	City of Cooper
City of Angleton	City of Bonham	City of Carrollton	City of Coppell
City of Anna	City of Booker	City of Carthage	City of Copperas Cove
City of Anson	City of Borger	City of Castle Hills	City of Corinth
City of Aransas Pass	City of Bovina	City of Castroville	City of Corpus Christi
City of Arcola	City of Bowie	City of Cedar Hill	City of Corrigan
City of Argyle	City of Boyd	City of Cedar Park	City of Corsicana
City of Arlington	City of Brady	City of Celina	City of Cottonwood Shores
City of Arp	City of Brazoria	City of Center	City of Cotulla
City of Athens	City of Breckenridge	City of Centerville	City of Grandall
City of Atlanta	City of Bremond	City of Chandler	City of Crane
City of Aubrey	City of Brenham	City of Chico	City of Crawford
City of Austin	City of Bridge City	City of Childress	City of Creedmoor
City of Azle	City of Bridgeport	City of Chiseno	City of Cresson
City of Baird	City of Bronte	City of Cibola	City of Crockett
City of Balch Springs	City of Brookshire	City of Cisco	City of Crosbyton
City of Balcones Heights	City of Brownfield	City of Clarendon	City of Cross Plains
City of Ballinger	City of Brownsboro	City of Clarksville City	City of Crowley
City of Bandera	City of Brownsville	City of Claude	City of Crystal City
City of Bangs	City of Brownwood	City of Clear Lake Shores	City of Cuero
City of Bastrop	City of Bruceville-Eddy	City of Cleburne	City of Dainingerfield
	City of Bryan	City of Cleveland	City of Dahart

BuyBoard Membership - Texas Municipalities

City of Dallas	City of Elisa	City of Gatesville	City of Hedley
City of Danbury	City of Emory	City of George West	City of Hedwig Village
City of Dawson	City of Ennis	City of Georgetown	City of Helotes
City of Dayton	City of Escobares	City of Giddings	City of Hemphill
City of De Leon	City of Euless	City of Gilmer	City of Hempstead
City of Decatur	City of Eustace	City of Gladewater	City of Henderson
City of Deer Park	City of Evant	City of Glen Rose	City of Henrietta
City of Del Rio	City of Everman	City of Glenn Heights	City of Hereford
City of Denison	City of Fair Oaks Ranch	City of Goldsmith	City of Hewitt
City of Denton	City of Fairfield	City of Goldthwaite	City of Hico
City of DeSoto	City of Falfurrias	City of Goliad	City of Hidalgo
City of Devine	City of Farmers Branch	City of Gonzales	City of Higgins
City of Diboll	City of Farmersville	City of Graham	City of Highland Village
City of Dickens	City of Fate	City of Granbury	City of Hill Country Village
City of Dickinson	City of Fayetteville	City of Grand Prairie	City of Hillcrest Village
City of Dilley	City of Ferris	City of Grandview	City of Hillsboro
City of Dimmitt	City of Flatonia	City of Granger	City of Hitchcock
City of Donna	City of Florence	City of Granite Shoals	City of Holland
City of Dripping Springs	City of Floresville	City of Granjeno	City of Hondo
City of Driscoll	City of Floydada	City of Grapeland	City of Honey Grove
City of Dublin	City of Forest Hill	City of Grapevine	City of Hooks
City of Dumas	City of Forney	City of Greenville	City of Horseshoe Bay
City of Duncanville	City of Fort Stockton	City of Groesbeck	City of Houston
City of Eagle Lake	City of Fort Worth	City of Groves	City of Howe
City of Eagle Pass	City of Franklin	City of Gruver	City of Hubbard
City of Early	City of Fredericksburg	City of Gun Barrel City	City of Hudson Oaks
City of East Bernard	City of Freeport	City of Gunter	City of Humble
City of Eastland	City of Freer	City of Hale Center	City of Huntington
City of Edcouch	City of Friendswood	City of Hallettsville	City of Huntsville
City of Eden	City of Friona	City of Halsville	City of Hurst
City of Edinburg	City of Frisco	City of Haltom City	City of Hutchins
City of Edna	City of Fritch	City of Hamilton	City of Hutto
City of El Campo	City of Fulshear	City of Harker Heights	City of Huxley
City of El Cenizo	City of Gainesville	City of Harlingen	City of Idalou
City of El Paso	City of Galena Park	City of Hart	City of Ingleside
City of Eldorado	City of Galveston	City of Haskell	City of Ingram
City of Electra	City of Garden Ridge	City of Haslet	City of Iowa Park
City of Elgin	City of Garland	City of Hays	City of Iraan
City of Elkhart	City of Garrett	City of Hearne	City of Irving
City of Elmendorf	City of Garrison	City of Heath	City of Italy

BuyBoard Membership - Texas Municipalities

City of Jacinto City	City of La Joya	City of Lucas	City of Midlothian
City of Jacksboro	City of La Marque	City of Lufkin	City of Midway
City of Jacksonville	City of La Porte	City of Luling	City of Mineola
City of Jasper	City of La Vernia	City of Lyford	City of Mineral Wells
City of Jefferson	City of La Villa	City of Lyle	City of Mission
City of Jersey Village	City of Lacy Lakeview	City of Mabank	City of Missouri City
City of Jewett	City of Lago Vista	City of Madisonville	City of Monahans
City of Johnson City	City of Lake Dallas	City of Malone	City of Mont Belvieu
City of Jonestown	City of Lake Jackson	City of Manor	City of Montgomery
City of Josephine	City of Lake Worth	City of Mansfield	City of Moody
City of Joshua	City of Lakeway	City of Manvel	City of Morgan's Point
City of Jourdanston	City of Lamesa	City of Marble Falls	City of Morgan's Point Resort
City of Junction	City of Lampasas	City of Marfa	City of Moulton
City of Justin	City of Lancaster	City of Marion	City of Mount Pleasant
City of Karnes City	City of Laredo	City of Marlin	City of Mount Vernon
City of Katy	City of League City	City of Marquez	City of Muenster
City of Kaufman	City of Leander	City of Marshall	City of Muleshoe
City of Keene	City of Lefors	City of Mart	City of Murphy
City of Keller	City of Leon Valley	City of Martindale	City of Nacogdoches
City of Kemah	City of Leonard	City of Mason	City of Nash
City of Kemp	City of Levelland	City of Matador	City of Nassau Bay
City of Kempner	City of Lewisville	City of Mathis	City of Natalia
City of Kenedy	City of Lexington	City of Maypearl	City of Navasota
City of Kennedale	City of Liberty	City of McAllen	City of Nederland
City of Kermit	City of Liberty Hill	City of McCombs	City of New Boston
City of Kerrville	City of Lindale	City of McGregor	City of New Braunfels
City of Kilgore	City of Lipan	City of McKinney	City of New London
City of Killeen	City of Littlefield	City of McLean	City of New Waverly
City of Kingsville	City of Live Oak	City of Meadow	City of Newcastle
City of Kirby	City of Livingston	City of Meadowlakes	City of Newton
City of Kirbyville	City of Llano	City of Meadows Place	City of Nixon
City of Knox City	City of Lockhart	City of Melissa	City of Nolanville
City of Kosse	City of Lockney	City of Memphis	City of Norheim
City of Krugerville	City of Lometa	City of Mercedes	City of Normangee
City of Krum	City of Longview	City of Meridian	City of North Richland Hills
City of Kyle	City of Lorena	City of Merkel	City of Oak Point
City of La Coste	City of Los Fresnos	City of Mertzon	City of Oak Ridge
City of La Feria	City of Los Indios	City of Mesquite	City of Oak Ridge North
City of La Grange	City of Lovelady	City of Mexia	City of Odem
City of La Grulla	City of Lubbock	City of Midland	City of Odessa

BuyBoard Membership - Texas Municipalities

City of Olmos Park	City of Port Isabel	City of Rockwall	City of Selma
City of Olney	City of Port Lavaca	City of Rogers	City of Seminole
City of Olton	City of Port Neches	City of Rollingwood	City of Seven Points
City of Orange	City of Portland	City of Roma	City of Seymour
City of Orange Grove	City of Post	City of Roman Forest	City of Shallowater
City of Ore City	City of Poteet	City of Ropesville	City of Shamrock
City of Overton	City of Poth	City of Roscoe	City of Shavano Park
City of Ovilla	City of Pottsboro	City of Rose City	City of Shennandoah
City of Oyster Creek	City of Prairie View	City of Rose Hill Acres	City of Sherman
City of Paducah	City of Premont	City of Rosebud	City of Shiner
City of Palacios	City of Presidio	City of Rosenberg	City of Shoreacres
City of Palestine	City of Primavera	City of Round Rock	City of Silsbee
City of Palmer	City of Princeton	City of Rowlett	City of Silverton
City of Palmhurst	City of Progreso	City of Royse City	City of Sinton
City of Palmview	City of Quanah	City of Runaway Bay	City of Station
City of Pampa	City of Quinlan	City of Runge	City of Smithville
City of Panhandle	City of Quitaque	City of Rusk	City of Smyer
City of Panorama Village	City of Quitman	City of Sabinal	City of Snyder
City of Paris	City of Ranger	City of Sachse	City of Socorro
City of Parker	City of Ransom Canyon	City of Saginaw	City of Somerset
City of Pasadena	City of Raymondville	City of San Angelo	City of Sonora
City of Pearlband	City of Red Oak	City of San Antonio	City of Sour Lake
City of Pearsall	City of Redwater	City of San Benito	City of South Houston
City of Pelican Bay	City of Reno	City of San Elizario	City of Southlake
City of Penitas	City of Rhome	City of San Juan	City of Spearman
City of Perryton	City of Rice	City of San Marcos	City of Splendorra
City of Petersburg	City of Richardson	City of San Perilla	City of Spofford
City of Pflugenville	City of Richland Hills	City of San Saba	City of Spring Valley
City of Pharr	City of Richmond	City of Sandy Oaks	City of Springtown
City of Pilot Point	City of Richwood	City of Sanger	City of Stafford
City of Pinehurst	City of Rio Grande City	City of Sansom Park	City of Stamford
City of Piney Point Village	City of Rio Hondo	City of Santa Fe	City of Stephenville
City of Pittsburg	City of Rio Vista	City of Santa Rosa	City of Stinnett
City of Plains	City of Rising Star	City of Schertz	City of Stratford
City of Plainview	City of River Oaks	City of Schulenburg	City of Sudan
City of Plano	City of Roanoke	City of Seabrook	City of Sugar Land
City of Pleasanton	City of Robinson	City of Seadrift	City of Sullivan City
City of Point Comfort	City of Robstown	City of Seagoville	City of Sulphur Springs
City of Port Aransas	City of Rockdale	City of Sealy	City of Sundown
City of Port Arthur	City of Rockport	City of Seguin	City of Sunray

BuyBoard Membership - Texas Municipalities

City of Sunrise Beach Village	City of Wake Village	City of Woodville	Village of Jones Creek
City of Sunset Valley	City of Waller	City of Woodway	Village of Salado
City of Sweeny	City of Wallis	City of Wortham	Village of Surfside Beach
City of Sweetwater	City of Walnut Springs	City of Wylie	
City of Taft	City of Waskom	City of Yoakum	
City of Tahoka	City of Watauga	The Woodlands Township	
City of Taylor	City of Waxahachie	Town of Addison	
City of Temple	City of Weatherford	Town of Annetta	
City of Tenaha	City of Webster	Town of Anthony	
City of Terrell	City of Weimar	Town of Combes	
City of Texarkana	City of Wellington	Town of Darrouzett	
City of Texas City	City of Westlaco	Town of DISH	
City of Texline	City of West	Town of Fairview	
City of The Colony	City of West Columbia	Town of Flower Mound	
City of Three Rivers	City of West Lake Hills	Town of Fulton	
City of Throckmorton	City of West Orange	Town of Hickory Creek	
City of Timpson	City of West Tawakoni	Town of Highland Park	
City of Toga	City of West University Place	Town of Hollywood Park	
City of Tolar	City of Westworth Village	Town of Horizon City	
City of Tomball	City of Wharton	Town of Lakeside	
City of Tool	City of White Deer	Town of Little Elm	
City of Trenton	City of White Oak	Town of Northlake	
City of Trinidad	City of White Settlement	Town of Palm Valley	
City of Trinity	City of Whiteface	Town of Pantego	
City of Troup	City of Whitehouse	Town of Pecos	
City of Troy	City of Whitesboro	Town of Ponder	
City of Tulsa	City of Whitewright	Town of Prosper	
City of Tuscola	City of Whitney	Town of Providence Village	
City of Tye	City of Wichita Falls	Town of Rancho Viejo	
City of Tyler	City of Willis	Town of Refugio	
City of Universal City	City of Willow Park	Town of Shady Shores	
City of University Park	City of Willis Point	Town of Skellytown	
City of Uvalde	City of Wilmer	Town of South Padre Island	
City of Valley Mills	City of Wimberley	Town of Sunnyvale	
City of Van Alstyne	City of Wndcrest	Town of Trophy Club	
City of Venus	City of Wink	Town of Valley View	
City of Vernon	City of Winona	Town of Van Horn	
City of Victoria	City of Winters	Town of Westlake	
City of Vidor	City of Wolfe City	Town of Woodsboro	
City of Waco	City of Wolforth	Village of Bailey's Prairie	



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Texas Cooperative (/Texas.aspx)

About Us

How to Join

Resources

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How to Join (<https://www.buyboard.com/Texas/How-to-Join.aspx>)

Resources (<https://www.buyboard.com/Texas/Resources.aspx>)

How to Join

Joining is free and easy!

The Texas Cooperative is open to all local governments, nonprofits, and other political subdivisions in the state. The following entities must be members of the Texas Association of School Boards (TASB) to participate:

- Texas school districts including open enrollment and college/university charter schools
- Educational cooperatives
- Community colleges
- Central appraisal districts

If you are outside the state of Texas and interested in joining the BuyBoard National Purchasing Cooperative, please refer to the sign-up information (/National/How-to-Join.aspx).

Membership is *free* and as easy as completing one of the appropriate membership agreements:

- **Local governmental entities (including open enrollment and college/university charter schools) or other political subdivisions** located in Texas must complete the Interlocal Agreement (/documentation/interlocal_agreement.aspx) (pdf).
- **Nonprofit entities** must complete the nonprofit subscriber agreement (/documentation/nonprofit_subscriber_agreement.aspx) (pdf).

Unsure about which agreement to sign? Call us at 800.695.2919.

E-mail, fax, or mail your executed agreement to:

E-mail: info@buyboard.com

Fax: 800.211.5454

Mail: BuyBoard

P.O. Box 400

Austin, TX 78767-0400

As soon as you join, you can begin using the BuyBoard—and start saving time and money!

P.O. Box 400, Austin, Texas 78767-0400 • 800.695.2919

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Have questions about the BuyBoard.com site? Email us at info@buyboard.com (<mailto:info@buyboard.com>).



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: IX-G

Item:

Approve Resolution **2016-08-04** authorizing the Mayor to execute an Application for Eligibility for the Texas Facilities Commission in order to receive federal surplus property. (Dobbs)

Background:

The Texas Facilities Commission contacted Director of Public Works Sonny Mancias regarding the requirement to update the City of Lavon's Texas Federal Surplus Property Program in order to participate in the program. An update is required every three years.

The Texas Federal Surplus Program (FSP) makes federal surplus property available such as vehicles, office & home furnishings, generators, construction equipment, musical instruments, mobile homes, and other property to participants of the program for fees well below the retail market value. On average, the TFSP fee is less than 10% of the original purchase price of the item. To see warehouse locations and view current inventory go to: <http://www.tfc.state.tx.us/divisions/supportserv/prog/fedsurplus/index.html>

Financial Consideration:

There is no charge to participate in the program.

Attachments: Resolution

July 28, 2016

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-04

Application for Eligibility

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION FOR ELIGIBILITY WITH THE TEXAS FACILITIES COMMISSION TO RECEIVE FEDERAL SURPLUS PROPERTY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon desires to maximize the economies related to purchasing processes and to take advantage of federal surplus property opportunities.

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

SECTION 1. That the City Council does hereby authorize the Mayor to execute an Application for Eligibility, which is attached hereto and labeled "Exhibit A";

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of August, 2016.

Charles Teske, Mayor

ATTEST:

Kim Dobbs, Interim City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-04

EXHIBIT A

Application of Eligibility – Texas Facilities Commission

TEXAS FACILITIES COMMISSION
FEDERAL SURPLUS PROPERTY PROGRAM (FSP)
P.O. Box 13047, Austin, Texas 78711
TEL: (512) 463-2688 - FAX: (512) 236-6173
EMAIL: federal.surplus@tfc.state.tx.us
www.tfc.state.tx.us/fsp

APPLICATION FOR ELIGIBILITY

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR ELIGIBILITY FORM TO RECEIVE FEDERAL SURPLUS PROPERTY (41 CFR 101-44.207)

See pages 7-11 for list of required supporting documentation that must be submitted with application.

All donees* must reapply every three (3) years. To reapply, a donee must submit a completed Application for Eligibility along with all required supporting documentation. (*donee = the applicant organization)

Instructions for completing page 2:

SECTION I: Provide the full legal name of your organization and Federal Employer ID#. Provide the complete mailing address of your organization as recognized by the U.S. Postal Service, including the nine-digit Zip Code. If the street address is different from the mailing address, provide that address or directions if located on a rural or remote area. Provide a phone number, fax number (if available) and an email address (required). **E-mail addresses provided will receive notices about account status and available property.**

SECTION II: Check the appropriate box that describes your organization. Organizations that do not fall under at least one of these categories are not eligible for the Federal Surplus program.

SECTION III: Check the appropriate box or boxes (check as many as apply) that indicate the type or purpose of your organization. If you are unable to determine which box to check, please contact this office for assistance. Please see pages 7-11 for an explanation of the eligibility requirements for each type of organization.

SECTION IV: Indicate source(s) of funding for your organization. Depending on your organization type, you may need to include a comprehensive description of all programs or services, a description of the operational facilities and/or supporting documentation regarding funding source(s). Please see pages 7-11 to determine if this requirement applies to your organization. Public agencies (i.e. cities, counties, state agencies, public schools) are not required to submit additional documentation for this section.

SECTION V: Nonprofit organizations must provide a current, valid IRS Tax Exemption Letter indicating your organization is exempt under Section 501(C) of Internal Revenue Code. The name of the organization on the IRS letter must match the name provided in Section I of this application. If not, applicant must include sufficient evidence, such as amendments to Articles of Incorporation or Assumed Name filing certificates, to establish the connection. Please see pages 7-11 to determine if this requirement applies to your organization. Public agencies (i.e. cities, counties, state agencies, public schools) and VFDs are not required to submit documentation for this section.

SECTION VI: Most nonprofit organizations are required to submit evidence of current approval, accreditation or license from a nationally recognized accrediting or licensing organization. Recreational, social service, referral only, religious and counseling service programs are not eligible to participate in the program. Please see pages 7-11 to determine if this requirement applies to your organization. Public agencies (i.e. cities, counties, state agencies, and public schools) and VFDs are not required to submit additional documentation for this section.

SECTION VII: Provide an original, dated signature of applicant's Authorizing Official (i.e. County Judge, Mayor, City Manager, Superintendent, Fire Chief, Executive Director, CEO/President, Board Chairman, or other person with executive authority to execute legal documents for the applicant). Applications submitted by counties must be signed by the County Judge. Type or print the name and title of authorizing official on the lines provided.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. IF YOU HAVE QUESTIONS OR NEED ASSISTANCE, PLEASE CALL (512) 463-2688.

SUBMIT APPLICATION TO:

Applications may be emailed, faxed or mailed.

TEXAS FACILITIES COMMISSION
FEDERAL SURPLUS PROPERTY PROGRAM
P.O. BOX 13047, AUSTIN, TX 78711-3047
TEL: 512-463-2688 FAX: 512-236-6173
EMAIL: federal.surplus@tfc.state.tx.us

SIGNATURE FROM AUTHORIZING OFFICIAL IS REQUIRED ON PAGES 2 - 6

TEXAS FACILITIES COMMISSION
FEDERAL SURPLUS PROPERTY PROGRAM (FSP)
P.O. Box 13047, Austin, Texas 78711
TEL: (512) 463-2688 - FAX: (512) 236-6173
EMAIL: federal.surplus@tfc.state.tx.us
www.tfc.state.tx.us/fsp

APPLICATION FOR ELIGIBILITY

PLEASE TYPE OR PRINT LEGIBLY IN BLUE OR BLACK INK WHERE APPROPRIATE

I. ORGANIZATION NAME & INFORMATION: *Payments must be in the name of donee or parent company.*

CITY OF LAVON, TEXAS

75-2004104

LEGAL NAME OF ORGANIZATION

FEDERAL EMPLOYER ID

120 SCHOOL RD.

LAVON

TX

75166

STREET ADDRESS (no P.O. Boxes)

CITY

STATE

ZIP CODE

P.O. BOX 340

LAVON

TX

75166

MAILING ADDRESS (if different from above)

CITY

STATE

ZIP CODE

COLLIN

972-843-4220

972-843-0397

COUNTY

TELEPHONE #

FAX #

FISCAL YEAR END DATE: 09/30

EMAIL: DIANE.CUELLAR@CITYOFLAVON.ORG

II. APPLICANT STATUS: *(check only one)*

☒ Public or Government agency (tax-supported, includes public schools) ☐ SBA 8(a) Business

☐ Nonprofit organization

III. TYPE OR PURPOSE OF ORGANIZATION: *(see pages 7-11 for requirements for specific types of organizations)*

☒ City

☐ School District

☐ Volunteer Fire Dept., EMS or Rescue Squad

☐ County

☐ Elementary, Middle, or High School

☐ Emergency Services District

☐ State Agency

☐ College or University

☐ Provider of Assistance to the Impoverished

☐ Conservation (i.e. soil, water, or utility district)

☐ Child Care Center or Preschool

☐ Provider of Assistance to the Homeless

☐ Economic Development

☐ Foster Care or Adoption Services

☐ Program Funded for Older Americans

☐ Radio or TV Station

☐ Residential Treatment Center

☐ SBA 8(a) Business

☐ Library

☐ Clinic or Hospital

☐ Veterans' Service Organization

☐ Museum

☐ Other health center _____

☐ Service Educational Activity (as defined by DOD)

☐ Zoo or Aquarium

☐ Other _____

IV. SOURCE(S) OF FUNDING: ☒ Tax-supported ☐ Grants ☐ Contributions ☐ Other _____

V. (For non-profit organizations only) HAS THE ORGANIZATION BEEN DETERMINED TO BE TAX EXEMPT UNDER SECTION 501 OF THE INTERNAL REVENUE CODE OF 1986? ☐ Yes ☐ No

VI. IS THE ORGANIZATION APPROVED, ACCREDITED, OR LICENSED? ☒ Yes ☐ No

IF YES, BY WHAT AUTHORITY? Incorporated political subdivision of the State of Texas

VII. SIGNATURE & TITLE OF AUTHORIZING OFFICIAL FOR ORGANIZATION (ex. Mayor, County Judge, Superintendent, President, CEO, Fire Chief)

Charles Teske

Mayor

PRINTED NAME OF AUTHORIZING OFFICIAL

TITLE

X

SIGNATURE OF AUTHORIZING OFFICIAL

DATE

AUTHORIZED REPRESENTATIVES

- I. An "Authorized Representative" is a person authorized to sign for the release of property on your organization's behalf.
- II. All representatives listed in any prior applications or account updates will be deleted from the account.
- III. **An authorized representative must sign in the "Signature" provided space below in order to sign for the release of property.** Only representatives with a valid signature will be allowed to acquire property. All others listed below may visit our warehouse locations and will be included in email broadcasts from our office, but will not be able to sign for the release of property. E-mail addresses provided will receive notices about available property.
- IV. Valid driver's license or state issued photo identification required prior to entering state or federal facilities.
- V. **If you wish to have the Authorizing Official included as an Authorized Representative on your account, please be sure to include him/her in the list below.**

<u>NAME</u>	<u>TITLE</u>	<u>TELEPHONE and EMAIL ADDRESS</u>	<u>SIGNATURE</u>
(example) John Doe	County Judge	(512) 123-4567 John.doe@gmail.com	<i>John Doe</i>
Diane Cuellar	Accounting Clerk	972-843-4220 diane.cuellar@cityoflavon.org	
Charles Teske	Mayor	972-843-4220 mayor.teske@cityoflavon.org	

The applicant hereby certifies the information provided is correct and complete and he/she understands and agrees to all terms and conditions.

CITY OF LAVON, TEXAS

NAME OF APPLICANT ORGANIZATION

Charles Teske

PRINTED NAME OF AUTHORIZING OFFICIAL

X

SIGNATURE OF AUTHORIZING OFFICIAL & TITLE (e.g., Mayor, Judge, Exec. Dir., Superintendent)

DATE

SUBMIT APPLICATION TO:

Applications may be emailed, faxed or mailed.

TEXAS FACILITIES COMMISSION
FEDERAL SURPLUS PROPERTY PROGRAM
P.O. BOX 13047
AUSTIN, TX 78711-3047
TEL: (512) 463-2688 FAX: (512) 236-6173
EMAIL: federal.surplus@tfc.state.tx.us

NONDISCRIMINATION ASSURANCE

CITY OF LAVON, TEXAS

(Legal Name of Applicant Organization)

the donee, agrees that the program for or in connection with

which any property is donated to the donee will be conducted in compliance with, and the donee will comply with and will require any other person (any legal entity) who through contractual or other arrangements with the donee is authorized to provide services or benefits under said program to comply with all requirements imposed by or pursuant to the regulations of the General Services Administration (41 C.F.R., 101-6.2 and 101-8) issued under the provisions of Title VI of the Civil Rights Act of 1964, as amended, Section 606 of Title VI of the Federal Property and Administrative Services Act of 1949, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, Section 303 of the Age Discrimination Act of 1975, and the Civil Right Restoration Act of 1987, to the end that no person in the United States shall on the ground of race, color, national origin, sex, or age, or that no otherwise qualified handicapped person shall solely by reason of the handicap, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity for which the donee received Federal assistance from the General Services Administration; and hereby gives assurance that it will immediately take any measures necessary to effectuate this agreement.

The donee further agrees (1) that this agreement shall be subject in all respects to the provisions of said Federal statutes and regulations (2) that this agreement obligates the donee for the period during which it retains ownership or possession of the property, (3) that the United States shall have the right to seek judicial enforcement of this agreement, and (4) that this agreement shall be binding upon any successor in interest of the donee and the word "donee" as used herein includes any such successor in interest.

Collin County

COUNTY/COUNTIES SERVED BY APPLICANT ORGANIZATION:

X

SIGNATURE OF AUTHORIZING OFFICIAL & TITLE (e.g., Mayor, Judge, Exec. Dir., Superintendent)

DATE

SUBMIT APPLICATION TO:

Applications may be emailed, faxed or mailed.

TEXAS FACILITIES COMMISSION
FEDERAL SURPLUS PROPERTY PROGRAM
P.O. BOX 13047
AUSTIN, TX 78711-3047
TEL: (512) 463-2688 FAX: (512) 236-6173
EMAIL: federal.surplus@tfc.state.tx.us

DONEE CERTIFICATIONS & AGREEMENTS

NOTE: "State agency" = Texas Facilities Commission; "Donee" = your organization

(a) THE DONEE CERTIFIES THAT:

(1) It is a public agency, a nonprofit institution or organization exempt from taxation under section 501 of the Internal Revenue code of 1954, or an SBA 8(a) business; within the meaning of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and/or the regulations of the General Services Administration (GSA).
(2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, including research for any such purpose, or for programs for older individuals, or SBA or SEA organizations, or assistance to homeless/impooverished, or assistance to Veterans. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the State, except with prior approval of the State agency and GSA.

(3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI Section 606 of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and Section 303 of the Age Discrimination Act of 1975 and the Civil Right Restoration Act of 1987.

(5) In accordance with 28 C.F.R. Section 42.401-42.415, the Federal Surplus Property Program collects information related to a donees race and national origin in order to provide GSA officials, upon request, with enough information for determining compliance with applicable civil rights laws. Data is collected for those donees who; (1) are eligible to participate in the FSP Program; (2) those actually participating in the recipient's programs and activities; (3) those denied participation in the recipient's program.

(4) If property is donated to a SBA 8(a) business, the terms identified in (b), (c), and (d) may not apply. SBA 8(a) businesses must follow SBA guidelines.

(b) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt. For property with a unit original acquisition cost less than \$5,000, the property shall be continued in use for such purposes for at least one year from the date the property was placed in use. Some property must be used longer than one year (see Section (c)). In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the State agency, and at the donee's expense, return such property to the State agency, or otherwise make the property available for transfer or other disposal by the State agency, provided the property is still usable as determined by the State agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) or property.

(3) In the event the property is not used or handled as required by (b)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

(c) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS, APPLICABLE TO ITEMS WITH A UNIT ORIGINAL ACQUISITION COST OF \$5,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST. THE FOLLOWING CONDITIONS DO NOT APPLY TO VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT, FOREIGN GIFTS OR OTHER ITEMS OF PROPERTY REQUIRING SPECIAL HANDLING OR USE LIMITATIONS, REGARDLESS OF THE ACQUISITION COST OR PURPOSE FOR WHICH ACQUIRED:

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use.

(3) In the event the property is not used or handled as required by (b)(1) and (2) and (c)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

(d) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:

(1) From the date it receives the property and through period(s) of time the conditions imposed by (b), (c) and (f) remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the State, without the prior approval of GSA under (b) and (f), or the State agency under (c) and (f). The proceeds from any sale, trade, lease, loan, bailment, encumbrance or other disposal of the property shall be remitted promptly by the donee to GSA or the State agency, as the case may be.

(2) In the event any of the property is sold, traded leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (b), (c) and (f) remain in effect, without prior approval of GSA or the State agency, the donee, at the option of GSA or the State agency, shall pay to GSA or the State agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the State agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (b), (c) and (f) remain in effect, any of the property is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the State agency, and shall, as directed by the State agency, return the property to the State agency, release the property to another donee or another State agency, a department or agency of the United States, sell or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the State agency.

(4) The donee shall make reports to the State agency on the use, condition, and location of the property and on other pertinent matters as may be required time to time by the State agency.

(5) At the option of the State agency, the donee may abrogate the State conditions set forth in (c) and the State terms, reservations, and restrictions pertinent thereto in (d) by payment of any amount as determined by the State agency.

(e) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY:

(1) The property acquired by the donee is on an "as is, where is" basis, without warranty of any kind, and the Government of the United States of America, the State of Texas, its agencies or assigns, and employees thereof will be held harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the property, its use, or final disposition.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations or restrictions occurs, GSA or the State agency, as the case may be, will be entitled to reimbursement from the donee out of the insurance proceeds, of any amount equal to the unamortized portion of the fair market value of the damaged or destroyed donated items.

(f) THE DONEE AGREES TO THE FOLLOWING ADDITIONAL TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$5,000 OR MORE, AND FOREIGN GIFTS OR OTHER ITEMS OF PROPERTY REQUIRING SPECIAL HANDLING OR USE LIMITATIONS, REGARDLESS OF THE ACQUISITION COST OR THE PURPOSE FOR WHICH ACQUIRED:

(1) The donation shall be subject to the additional special terms, conditions, reservations, and restrictions set forth in the Conditional Transfer Document or other agreements executed by the authorized donee representative.

(g) THE DONEE CERTIFIES by signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 41 CFR105-68, certifies to the best of its knowledge and belief that it and its principals: (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. (b) Where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

(h) THE DONEE UNDERSTANDS that by execution of this document, it is considered a sub recipient of federal financial assistance pursuant to the Single Audit Act of 1984 and further agrees to provide the State agency with results of the audit required by OMB Circular A-133.

X

SIGNATURE OF AUTHORIZING OFFICIAL & TITLE (e.g., Mayor, Judge, Exec. Dir., Superintendent)

DATE

PROPERTY COMPLIANCE PERIOD

Participating organizations (referred to as "donees" by the federal government) are required to use the property obtained through the program for a specific amount of time before the property can be sold, transferred or otherwise disposed of. The compliance period is often determined by the "original acquisition cost" of the item. The "original acquisition cost" is defined as the amount the federal government paid when it was initially purchased.

- Property must be used for the program approved for participation in the Federal Surplus Property program.
- All property must be placed into use within the first year of possession.
- Property is considered "in use" as soon as it is ready and able to serve its intended purpose.
- For property valued at less than \$5,000 in original acquisition cost, the compliance period is 12 months from the date put into use.
- For property valued at \$5,000 or more in original acquisition cost and all passenger motor vehicles, the compliance period is 18 months from the date put into use.
- For non-combat aircraft and vessels longer than 50 feet, the compliance period is 60 months (5 years) from the date put into use.
- Some items, such as combat aircraft and firearms, are considered "perpetual use." Donee organizations do not obtain title or ownership to property designated "perpetual use" by the federal government. The compliance period is considered to be "perpetual" or ongoing on these items. If a donee has a perpetual use item that is no longer needed or used, then the donee must contact TFC for return instructions. The donee may not dispose of a perpetual use item without prior, written approval from TFC.
- TFC staff performs scheduled and unscheduled onsite property compliance visits to ensure the property is being used as represented. The donee agrees to make the property available for visual inspection by TFC staff in a timely manner.
- If the property is not paid for in full or is not being used or handled as required, the donee will be required, at its expense, to return the property to TFC or offer for transfer to another donee, as instructed by TFC.
- Property must be used and stored at the street address listed on page 2 of this Application, or at other appropriate donee-managed satellite locations (for example, county precinct barns, district fire stations, school campuses, maintenance/transportation warehouse). Property may not be removed indefinitely from an approved location without prior, written approval from TFC.
- Property may not be stored at a personal residence, unrelated business or storage facility, or any other location that is not managed by the donee organization. Property is not intended for personal use; it must be readily accessible to all donee staff.
- During the compliance period, the donee may not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the State, without the prior approval of GSA.
- If property is sold, transferred, or otherwise disposed of during the compliance period, the donee may be subject to penalties and fines, as well as possible state or federal prosecution.
- Donees are required to complete reports regarding property use as a condition of participating in the program.

I understand and agree to the above terms and conditions regarding property compliance and reporting and the Certifications & Agreements on page 5.

IMPORTANT NOTE FOR SBA 8(a) APPLICANTS: If applying as an SBA 8(a) business, I understand that the property compliance terms identified above do not apply to my business and that as an SBA 8(a) business I must follow SBA property compliance guidelines.

X

SIGNATURE OF AUTHORIZING OFFICIAL & TITLE (e.g., Mayor, Judge, Exec. Dir., Superintendent)

DATE

SEND APPLICATIONS TO:

Applications may be emailed, faxed or mailed.

TEXAS FACILITIES COMMISSION
FEDERAL SURPLUS PROPERTY PROGRAM
P.O. BOX 13047
AUSTIN, TX 78711-3047
TEL: (512) 463-2688 FAX: (512) 236-6173
EMAIL: Federal.surplus@tfc.state.tx.us

DETAILED REQUIREMENTS FOR SPECIFIC TYPES OF ORGANIZATIONS

Please review to determine which of the following eligibility category your organization falls under, and if you are required to submit additional documentation. Questions? Please contact us at (512)463-2688 or federal.surplus@tfc.state.tx.us.

Government or Public Agency

1. Public agency includes (a) State or department, agency, or instrumentality thereof; (b) Political subdivision of the state, including any unit of local government or economic development district or any department, agency or instrumentality thereof; or (c) Instrumentality created by contract or other agreement between states or political subdivisions. Public agency purposes include, but are not limited to, programs such as conservation, economic development, education, parks and recreation, public health and public safety, and to provide services to homeless or impoverished persons.
2. Cities, counties, state agencies and public schools are **NOT** required to submit any additional documentation.
3. Other types of public agencies must submit proof of public agency status (i.e. charter or statute creating the agency or evidence of tax-supported status) and/or a narrative describing the services provided by the agency. See the other categories listed below for more details.

Emergency Services District

1. Must receive dedicated tax funds in order to be eligible.
2. Required additional documentation that must be submitted with application:
 - a. Letter from the chief or president that contains information on the department, including:
 - i. number of firefighters and/or emergency services personnel;
 - ii. training schedule; and
 - iii. area(s) covered.
 - b. Proof of Public Agency Status – i.e. Election Results, Charter, Organizing Document, or Other Evidence of Approval by Proper Government Authority (i.e. Commissioners Court/City Council Meeting Minutes)

Volunteer Fire Department, Search & Rescue, or Emergency Medical Services

1. In order to be eligible under this category, must be funded annually in whole or part by state, county, city or emergency services district. Approved organizations in this category must submit funding information annually.
2. Required additional documentation that must be submitted with application:
 - a. Letter from the chief or president that contains information on the department, including:
 - i. number of firefighters and/or emergency services personnel;
 - ii. training schedule; and
 - iii. area(s) covered.
 - b. Evidence that department is endorsed by AND receives funding from a government entity, such as the state, county, city or emergency services district. Examples: letter of endorsement from the head of the government entity (i.e. county judge, city mayor/administrator, or ESD president) or a copy of a current, signed contract.
 - c. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.
 - d. Articles of incorporations, bylaws, charter or other organizing document (*optional*)

Conservation (includes both public agencies and non-profits)

1. Includes soil, water, irrigation, and utility districts, and non-profit water supply corporations. Must be a public agency (i.e. city-owned) or nonprofit organization. For-profit organizations do not qualify under this category.
2. Required additional documentation that must be submitted with application:
 - a. Certificate of approval or charter from proper authority demonstrating services are provided to the public (i.e. Certificate of Convenience and Necessity from Texas Commission on Environmental Quality or Public Utility Commission, or charter/enabling legislation)
 - b. (*non-profits only*) Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.
 - c. (*non-profits only*) IRS letter certifying tax-exempt status. Articles of incorporations, bylaws, or other organizing document. (*Optional*)

Health Organization (Public Agency)

1. Required additional documentation that must be submitted with application:
 - a. Proof of public agency status (i.e. charter or statute creating the agency or evidence of tax-supported status).
 - b. Complete narrative about your agency, including:
 - i. Description of services provided;
 - ii. Number and type of patients served;
 - iii. Description of facilities, including number of beds; and
 - iv. Overview of key staff and their qualifications.

DETAILED REQUIREMENTS FOR SPECIFIC TYPES OF ORGANIZATIONS

Please review to determine which of the following eligibility category your organization falls under, and if you are required to submit additional documentation. Questions? Please contact us at (512)463-2688 or federal.surplus@tfc.state.tx.us.

Health Organization (Non-Profit)

1. Includes, but not limited to, hospital, clinics, residential treatment centers, rehabilitation facilities, child care centers, and foster care and adoption agencies. In order to be eligible under this category, must be licensed, accredited or approved by nationally recognized accrediting or licensing agency (Ex. Dept. of State Health Services) or the current recipient of research grants by a recognized authority such as the National Institutes of Health, or by similar national advisory council or organization.
2. Required additional documentation that must be submitted with application:
 - a. Letter from IRS certifying status as a 501(C) non-profit. IRS ruling letter must include current name and address.
 - b. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.
 - c. Complete narrative about your organization, including:
 - i. Description of services provided;
 - ii. Number and type of patients served;
 - iii. Description of facilities, including number of beds; and
 - iv. Overview of key staff and their qualifications.
 - d. Certificate of accreditation, license, or letter of approval from a nationally recognized accrediting or licensing agency OR research grant from National Institutes of Health or similar national advisory organization.
 - e. Articles of incorporations, bylaws, charter or other organizing document (*optional*)
 - f. List of additional research grants awarded (*optional*)

Provider of Assistance to Impoverished (Non-Profit)

1. In order to be eligible under this category, services to impoverished persons (as defined in section 673 of the Community Services Block Grant Act) (42 U.S.C. 9902) must be the primary function of the organization. If any activity operates a broad spectrum of programs through which assistance to the impoverished is peripheral and incidental, the entity would not be eligible.
2. Required additional documentation that must be submitted with application:
 - a. Letter from IRS certifying as a 501(C) non-profit. IRS ruling letter must include current name and address.
 - b. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.
 - c. Latest Annual Financial Statement
 - d. Public Recognition as an Impoverished Assistance Provider. Provide letter of endorsement from an official (i.e. Mayor, Head of Welfare Dept., Social Services Director, county supervisor, head of agency that oversees program, etc.) indicating services provided by applicant. The letter must indicate that assistance to the impoverished is the organization's primary focus, and the name must match the IRS document. You may also include documented receipt of Federal/State Block Grant Funds for poverty programs, or proof of membership or affiliation with national organization that provides support for impoverished (i.e. Second Harvest National Food Bank Network, Habitat for Humanity, Salvation Army).
 - e. Complete narrative about your organization, including:
 - i. Comprehensive description of services (assistance to impoverished must be primary mission);
 - ii. Number of individuals receiving assistance and frequency of assistance (daily, weekly or monthly);
 - iii. Requirements for clients to be eligible to receive services, including any required fees;
 - iv. Description of facilities;
 - v. Hours/days of operation;
 - vi. Description of funding source(s) with supporting documentation; and
 - vii. Overview of staff (paid/volunteer, full-time/part-time) including list of key staff and their qualifications.
 - f. Description of how your organization determines if a person is eligible to receive assistance, and how your organization determines if that person is impoverished. Your organization's primary function must to provide money, goods, or services to families or individuals whose annual incomes are below the poverty line (as defined in section 673 of the Community Services Block Grant Act) (42 U.S.C. 9902). If recipients are required to complete an application before receiving services, please attach a sample application.
 - g. Proof of current accreditation, approval or licensing if appropriate (i.e. child care or medical/health center).
 - h. Signed Articles of Incorporation, Bylaws, Charter or other organizing document
 - i. Brochures (or other printed materials) or link to website (*Optional*)

DETAILED REQUIREMENTS FOR SPECIFIC TYPES OF ORGANIZATIONS

Please review to determine which of the following eligibility category your organization falls under, and if you are required to submit additional documentation. Questions? Please contact us at (512)463-2688 or federal.surplus@tfc.state.tx.us.

Provider of Assistance to Homeless Persons (Non-Profit)

1. In order to be eligible under this category, services to the homeless must be the primary function of the organization. If any activity operates a broad spectrum of programs through which assistance to the homeless is peripheral and incidental, the entity would not be eligible. Property donated must be used in a program primarily for homeless persons. Examples of eligible programs include:
 - a. Overnight, daytime and around-the-clock shelters.
 - b. Shelters for battered spouses, abused children, and orphans.
 - c. Halfway houses or transitional housing for temporary residence of homeless parolees, mental patients, and/or substance abusers.
 - d. Food banks that provide food directly to facilities where homeless people are fed may be eligible.
2. Required additional documentation that must be submitted with application:
 - a. Letter from IRS certifying status as a 501(C) non-profit. IRS ruling letter must include current name and address.
 - b. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.
 - c. Public Recognition as a Homeless Assistance Provider. Please provide a letter from a local city official (i.e. Mayor, Head of Welfare Dept., Social Services Director, etc.) indicating services provided by applicant. The letter must indicate that assistance to the impoverished is the organization's primary focus, and the name must match the IRS document. You may also include:
 - i. Occupancy permit or fire and safety inspection certificate.
 - ii. Documented receipt of FEMA funds for Federal/State Block Grant Funds for homeless programs
 - d. Complete narrative about your organization, including:
 - i. Comprehensive description of services provided (assistance to homeless must be primary mission);
 - ii. Number of individuals receiving assistance and frequency of assistance (daily, weekly or monthly);
 - iii. Requirements for clients to be eligible to receive services, including any required fees;
 - iv. Description of facilities, including hours/days of operation;
 - v. Description of funding source(s) with supporting documentation; and
 - vi. Overview of staff (paid/volunteer, full-time/part-time) including list of key staff and their qualifications.
 - e. Proof of current accreditation, approval or licensing if appropriate (i.e. child care or medical/health center).
 - f. Signed Articles of Incorporation, Bylaws, Charter or other organizing document (*Optional*)
 - g. Brochures (or other printed materials) or link to website (*Optional*)

Provider of Assistance to Older Americans (Non-Profit)

1. In order to be eligible under this category, an organization must receive state, federal or local government appropriate funds for operation of an older individual program under the Older American Act.
2. Required additional documentation that must be submitted with application:
 - a. Letter from IRS certifying status as a 501(C) non-profit. IRS ruling letter must include current name and address.
 - b. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.
 - c. Certification establishing that applicant is receiving state, federal or local government-appropriated funds for operation of older individual program under the Older American Act.
 - d. Complete narrative about your organization, including:
 - i. Description of services provided;
 - ii. Description of facilities;
 - iii. Overview of key staff and their qualifications; and
 - iv. Number of individuals receiving assistance and frequency of assistance (daily, weekly or monthly).
 - e. Proof of current accreditation, approval or licensing if appropriate (i.e. medical center)
 - f. Articles of incorporations, bylaws, charter or other organizing document (*optional*)

DETAILED REQUIREMENTS FOR SPECIFIC TYPES OF ORGANIZATIONS

Please review to determine which of the following eligibility category your organization falls under, and if you are required to submit additional documentation. Questions? Please contact us at (512)463-2688 or federal.surplus@tfc.state.tx.us.

Education Organization (Non-Profit) *Public schools & colleges should see the Government or Public Agency category on page 7.

1. In order to be eligible under this category, must be accredited or approved by nationally recognized accrediting agency (ex. Texas Education Agency, Southern Association of Colleges & Schools' Commission on Colleges) or the current recipient of research grants by a recognized authority such as the National Institute of Education, or by similar national advisory organization.
2. Includes charter schools, private schools (K-12), private colleges or universities, and research organizations.
3. Required additional documentation that must be submitted with application:
 - a. Certificate of accreditation or letter of approval from a nationally recognized accrediting agency OR research grant from National Institute of Education or similar national advisory organization.
 - b. Letter from IRS certifying status as a 501(C) non-profit. IRS ruling letter must include current name and address.
 - c. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.
 - d. Complete narrative about your organization, including:
 - i. course levels;
 - ii. enrollment;
 - iii. facilities; and
 - iv. staff information,
 - e. Articles of incorporations, bylaws, charter or other organizing document (*optional*)
 - f. List of additional research grants awarded (*optional*)

Museums, Libraries & Zoos

1. In order to be eligible under this category, a museum must be open to the public a minimum of 1,000 hours per year (1,000 hours cannot be by appointment). Also, must have a minimum of one fulltime staff member or the equivalent (for example, one staff member who works 40 hours per week or two staff members who work 20 hours each per week).
2. Required additional documentation that must be submitted with application:
 - a. Letter from IRS certifying status as a 501(C) non-profit. IRS ruling letter must include current name and address.
 - b. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.
 - c. Complete narrative about your organization, including
 - i. description of type(s) of exhibits;
 - ii. brochures, pamphlets or website;
 - iii. days and hours open to the public; and
 - iv. location(s).
 - d. Staff roster, including average number of hours each staff member works per week (may be volunteer or paid).
 - e. Pictures of exhibits, signage, facilities, and posted hours of operation.
 - f. Articles of incorporations, bylaws, charter or other organizing document (*optional*)
 - g. Organizational Memberships (*optional*)

Service Educational Activities

1. The following Service Educational Activities (SEA) are eligible: American National Red Cross, Armed Services, YMCA of the USA, Big Brothers/Big Sisters of America, Boys and Girls Clubs of America, Boy Scouts of America, Camp Fire, Inc., Center for Excellence in Education, Girl Scouts of the USA, Little League Baseball, Inc., Marine Cadets of America, National Association for Equal Opportunity in Higher Education, National Civilian Community Corps, National Ski Patrol System, Inc., Naval Sea Cadet Corps, Operation Raleigh, United Service Organizations, Inc., U.S. Olympic Committee, Young Marines of the Marine Corps, League/Marine Corps League.
2. Required additional documentation that must be submitted with application
 - a. Proof of association with the national organization (ex. Boy Scouts of America charter).
 - b. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.

DETAILED REQUIREMENTS FOR SPECIFIC TYPES OF ORGANIZATIONS

Please review to determine which of the following eligibility category your organization falls under, and if you are required to submit additional documentation. Questions? Please contact us at (512)463-2688 or federal.surplus@tfc.state.tx.us.

SBA 8(a) Business

1. Businesses that are currently part of the U.S. Small Business Administration's 8(a) Business Development Program may participate in the FSP program. Businesses are only eligible to receive property during their nine (9) year membership in the 8(a) program.
2. Required additional documentation that must be submitted with application: Letter from the U.S. Small Business Administration certifying your company as a member of the 8(a) Business Development Program.
3. **IMPORTANT NOTE:** Some of the terms and conditions on pages 5-6 do not apply to SBA 8(a) businesses. As an SBA 8(a) business, you must follow SBA property compliance guidelines. Please contact your SBA District Office for their complete terms and conditions.

Veterans' Organizations

1. Select veterans' service organizations are eligible for FSP following the passage of the FOR VETS Act of 2013.
2. For eligibility purposes, "Veterans Organizations" means organizations eligible to receive Federal surplus property for purposes of providing services to veterans under 40 U.S.C. 549(c)(3)(C). Eligible veterans organizations are those whose (1) membership comprises substantially veterans (at least 33%); and (2) representatives are recognized by the Secretary of Veterans Affairs under 38 U.S.C. 5902. The Department of Veterans Affairs maintains a searchable Web site of recognized organizations. The address is <http://www.va.gov/ogc/apps/accreditation/index.asp>.
3. Examples of organizations and its local chapters/districts that may be eligible: African American PTSD Association, American Ex-Prisoners of War, Inc., American GI Forum National Veterans Outreach Program, American Legion, AMVETS, Armed Forces Services Corporation, Army and Navy Union, U.S.A., Inc., Associates of Vietnam Veterans of America, Blinded Veterans Association, Catholic War Veterans of the U.S.A., Inc., Disabled American Veterans, Fleet Reserve Association, Gold Star Wives of America, Inc., Italian American War Veterans of the United States, Inc., Jewish War Veterans of the U.S.A., Legion of Valor of the United States of America, Inc., Marine Corps League, Military Order of the Purple Heart, National Amputation Foundation, Inc., National Association for Black Veterans, Inc., National Association of County Veterans Service Officers, Navy Mutual Aid Association, Non Commissioned Officers Association of the U.S.A, Paralyzed Veterans of America, Polish Legion of American Veterans, U.S.A, The Retired Enlisted Association, United Spanish War Veterans, United Spinal Association, Inc., Veterans of Foreign Wars of the United States, Veterans of the Vietnam War, Inc. & the Veterans Coalition, Vietnam Era Veterans Association, and Vietnam Veterans of America.
4. Required additional documentation that must be submitted with application:
 - a. Complete narrative about your organization, including:
 - i. Description of services provided ;
 - ii. Percentage of membership comprised of veterans; and
 - iii. Facility information & location.
 - b. Proof of affiliation with an eligible veterans organization recognized by the Secretary of Veterans Affairs under section 5902 of title 38 of the FORVETS Act of 2013 (see *Dept. of Veterans website*: <http://www.va.gov/ogc/apps/accreditation/index.asp>.)
 - c. Payment Account Information - Payment for property must be in the form of a check drawn on the account of your organization or parent/charter organization. Acceptable forms of supporting documentation includes a voided check or deposit slip, copy of recent bank statement or letter from bank certifying account name and status. If a parent/charter organization will be submitting payment on your behalf, then you must also provide an explanation of the relationship between your organization and parent organization.

SEND APPLICATIONS TO:

Applications may be emailed, faxed or mailed.

TEXAS FACILITIES COMMISSION
FEDERAL SURPLUS PROPERTY PROGRAM
P.O. BOX 13047
AUSTIN, TX 78711-3047
TEL: (512) 463-2688 FAX: (512) 236-6173
EMAIL: Federal.surplus@tfc.state.tx.us



Lavon City Council Meeting Board of Adjustment Agenda Brief

Meeting: August 2, 2016

Item: X-A & XI-A

Item: In accordance with the Texas Local Government Code, Section 211.008 (g) and City of Lavon Ordinance No. 2011-08-01, the Lavon City Council will act as the Board of Adjustment to consider and act on the Application for a variance to the area requirements of Ordinance No. 97-12-08 Zoning, Article VII, Section 4.3 that provides for installation of a dedicated alley or private drive and a rear yard setback of 20' to waive the requirement for a dedicated alley or private drive and allow a rear yard setback of ten feet (10') on Lot 6R-3, Block A in the Lavon Business Park Addition (Collin CAD# 2718720) generally located southeast of the intersection of Highway 78 and Lake Road.

Background Information

Owner(s): Lavon 78 Jv

Applicant: Heng Li, President, Exint, Inc.

Property Description: Lot 6R-3, Block A in the Lavon Business Park Addition (Collin CAD# 2718720)

Location: Southeast of the intersection of Highway 78 and Lake Road

Current Zoning: "B-1" Business District

Land Use: Undeveloped

Application:

Heng Li, (Applicant) approached the City about a development prospect on the above-referenced property. The property is situated at the intersection of Highway 78 and Lake Road on the southeast corner of the intersection and is zoned "B-1" Business District. The proposed use is consistent with the zoning classification.

Item X-A & XI-A, page 2

Generally, the lot area is 1.22 acres and the lot depth is about one hundred and fifteen feet (115'). When the area requirements are applied [front yard setback of twenty feet (20') and rear yard setback of twenty feet (20')] the developable depth of the lot is seventy-five feet (75'). The

Zoning Ordinance also requires construction of a private drive or alley behind the lot. To develop a business on the property, the building code requires specific depths of parking and fire lanes.

The Applicant is requesting that the Board of Adjustment grant a variance to waive the requirement for a dedicated alley or private drive and to allow a rear yard setback of ten feet (10').

Attachments: Board of Adjustment Process Sheet
Application
Location & Draft Site Plan Exhibits
Code Excerpt: Article VII, Section 4.3
Findings Worksheet

July 29, 2016



City of Lavon, Texas Board of Adjustment Request for a Variance from the Zoning Ordinance

Variance Request

According to the Texas Local Government Code, Section 211.009 (a) (3), the board of adjustment “may authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.”

Scheduling of Hearings

The City Secretary shall make every reasonable effort to schedule a hearing before the BoA no later than 30 days after the date the City Secretary determines the applicant/appellant has passed the administrative review process. Each case before the board of adjustment must be heard by 75% of the members.

Speakers at Hearings

At any hearing, the presiding officer shall ensure the following individuals or groups are given an appropriate opportunity to be heard.

1. The applicant or appellant
2. Representatives from the Planning and Zoning Commission
3. Staff members and Municipal Officers
4. Citizens of Lavon

Deliberations at Hearings

As a Board of record with decision making power, all deliberations of the Board shall be made in public during the hearing on the matter. At no time shall Board members discuss the facts of the case prior to the hearing.

Decisions of the Board

The concurring vote of 75% of the members of the board is necessary to authorize a variation from the terms of the Zoning Ordinance. Decisions of the board are subject to appeal in accordance with State Law.

Order of the Board

The City Secretary shall, in all cases, formally notify the applicant/appellant in writing of the decision of the Board. The City Secretary shall enter the Order of the Board in the permanent records of the City.



CITY OF LAVON

P.O. Box 340 ~ 120 School Rd.

Lavon, TX 75166

Office (972) 843-4220 ~ Fax (972) 843-0397

Application for an Appeal, Variance, or Adjustment

Fee \$100.00 plus costs

(Costs shall include the actual cost to the City plus 10% administrative fee.)

Items to be included with Variance Application:

1. Ordinance or Requirement of which you are requesting a variance.
2. Written description of exactly what is to be varied within Rule or Ordinance.
3. Hardship necessitating this variance.

Heng Li
Owner Name

7/1
Date

4812 Rancho Del Norte Trl
Street Address

McKinney, Tx, 75070
City, State, Zip

469-999-1288
Phone Number

Representative or Agent

Phone Number

N. 1.2 Acre east of Lake Dr
Location of Property

rear set back &
rear alley way
Type of Variance

Office Use Only

7/10/14
Date Received

100⁰⁰
Fee

1006
Receipt/Check #

7/18/14
Date Paid

Next P&Z Meeting

Next CC Meeting

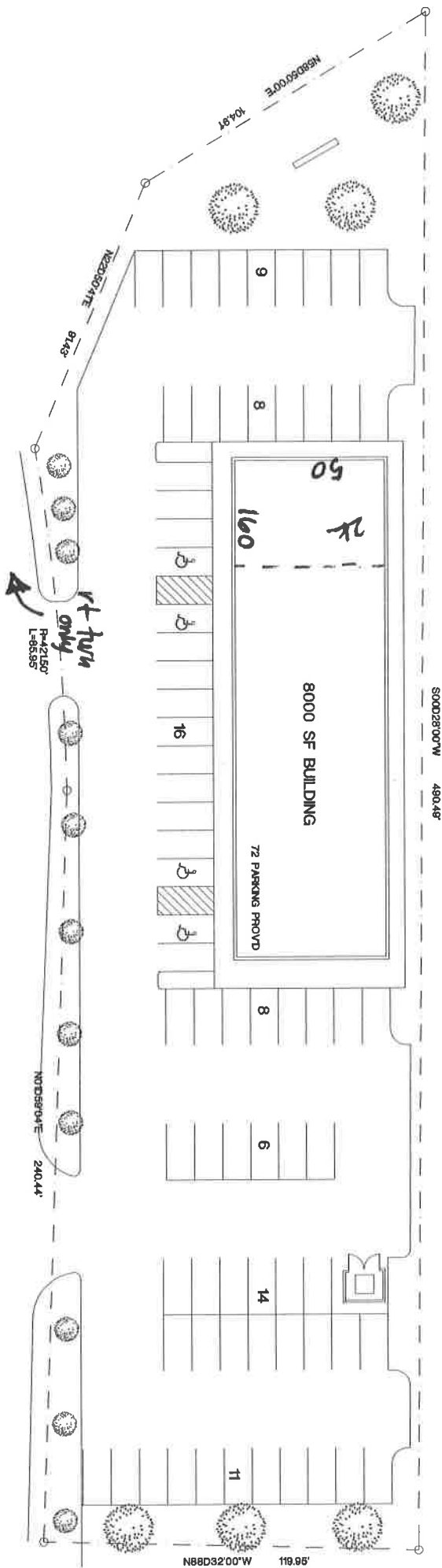
City of Lavon,

I am writing here to request variance for the following ordinance:

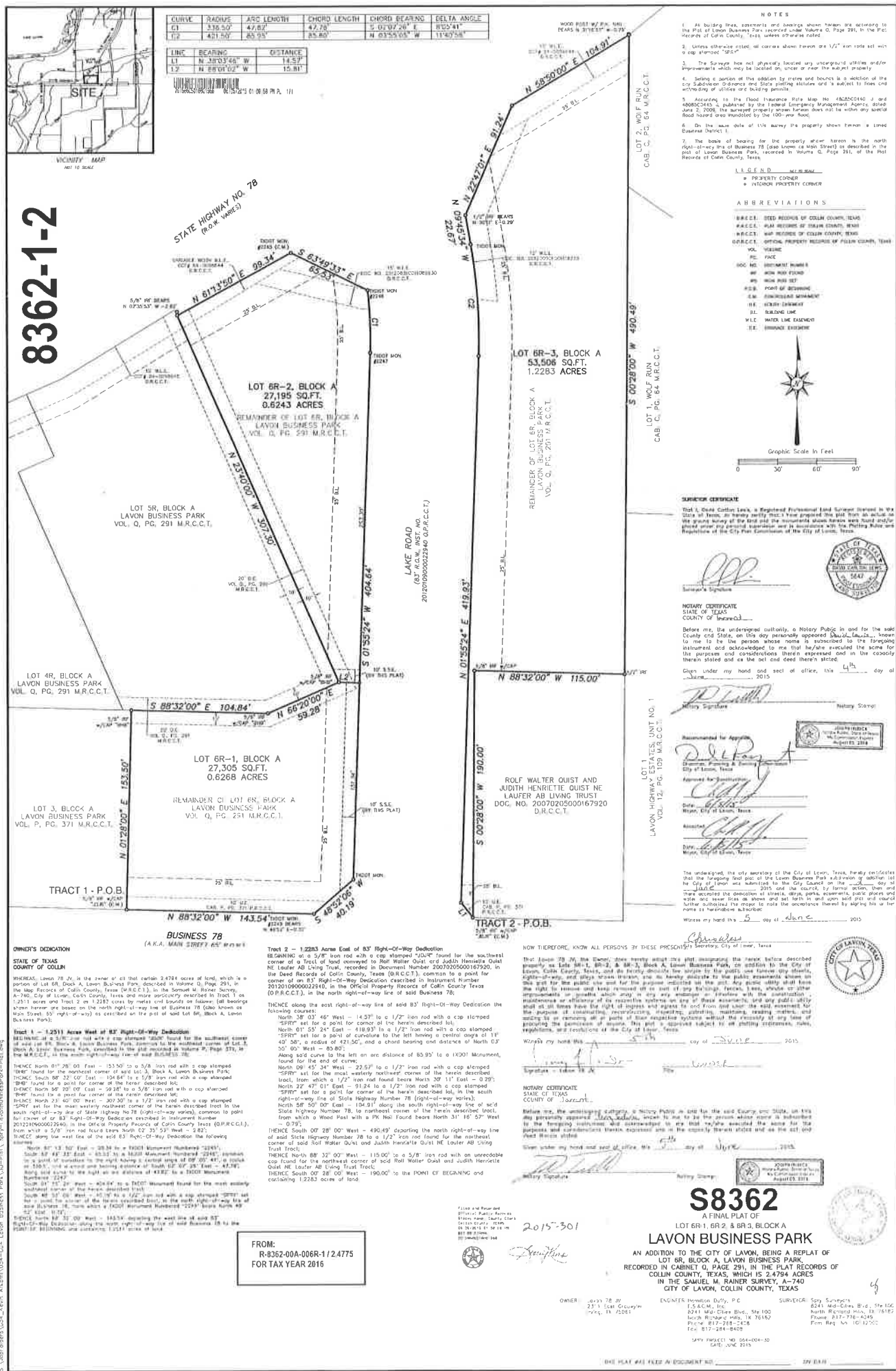
- 1) The 20 foot rear yard setback and ,
- 2) The requirement for a dedicated alley or private drive behind the lot.

Due to the short dept of the land I am trying to purchase, it is impossible to give the 20 feet rear set back or the requirement for a dedicated alley way for this parcel of land. It will make the building only 35 feet deep, then it is unsuitable for most type of business to come in, which means it is hard for me as a developer to lease the space.

I am here to ask for the variance so I can get this parcel develop for the city.



7/6/2016



For Sale

For Sale

For Lease

Sales Comps

Property Records

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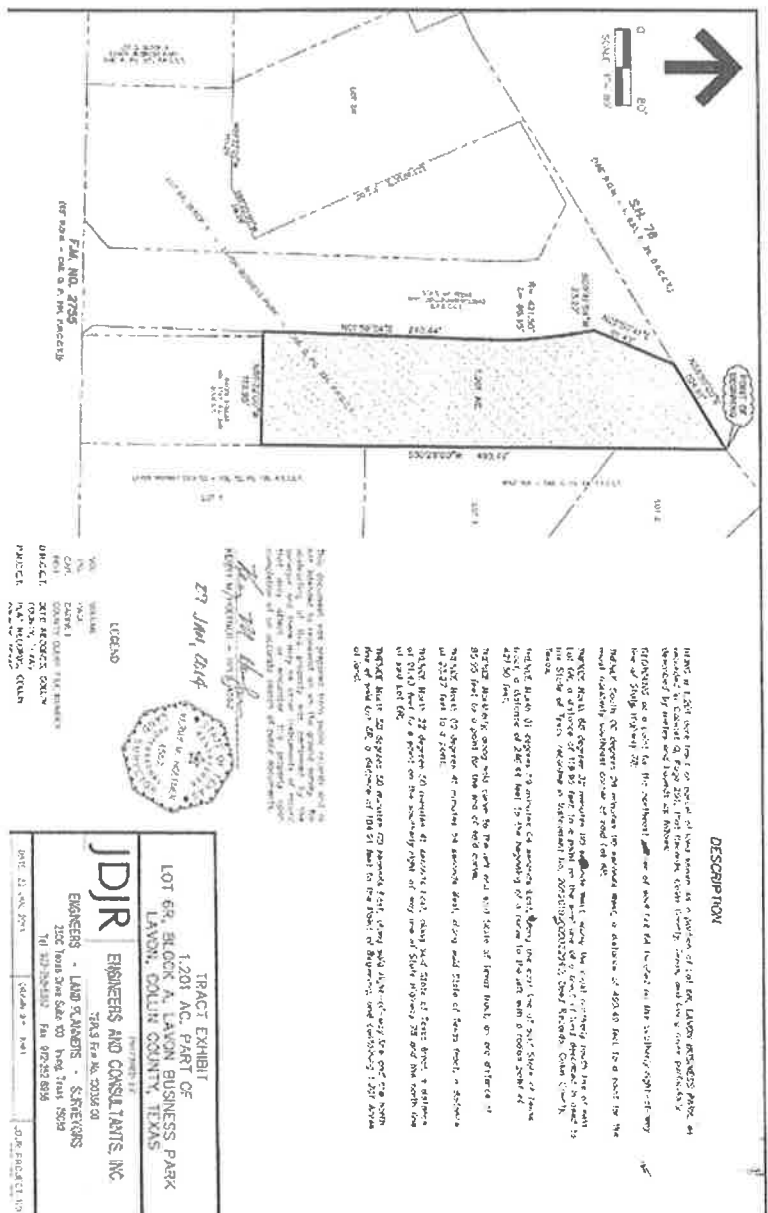
1.20 AC Retail Pad Site, Lavon, TX

Highway 78, Lavon, TX 75166

\$495,000

1.20 AC | Land

- | Get Financing
- | Get Financing
- | Get Financing



Survey 1.201 Ac Lavon

Land For Sale

SECTION 4 YARD REGULATIONS

- 4.1 FRONT YARD- Minimum required setback, twenty feet (20'). Accessory uses must be set back a minimum of sixty feet (60').
- 4.2 SIDE YARD - Adjacent to a street or different use property line, minimum required ten feet (10').
- 4.3 REAR YARD - A dedicated alley or private drive shall be required behind each lot or tract and the minimum rear yard setback shall be twenty feet (20') for any building or structure. When adjacent to or abuts a residential use a masonry or wood wall of a minimum height of six feet (6') shall be constructed adjacent to the rear property line to provide a barrier between the adjoining use.
- 4.4 LOT COVERAGE - In no case shall more than fifty percent (50%) of the lot area be covered by buildings.

SECTION 5 PARKING REGULATIONS

Parking regulations for Office/retail District uses are consistent with the parking regulations for similar uses in other districts.

City of Lavon Board of Adjustment
Findings of Fact for Variance Request

Applicant: _____

Address: _____

Upon giving public notice and conducting a public hearing on this variance request, the Board of Adjustment adopts these specific, written findings as follows:

	Yes	No
1. There are special circumstances or conditions peculiar to the property involved.		
2. The strict application of the terms of the Ordinance will impose upon the applicant unusual and practical difficulties or particular hardship		
3. Literal interpretation of the Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same district under the Ordinance		
4. The proposed variance is in harmony with the Ordinance's general purpose and intent		
5. The granting of the variance will not merely serve as a convenience to the applicant		
6. The granting of the variance will alleviate some demonstrable and unusual hardship or difficulty for the applicant.		
7. Granting the variance will no confer upon the applicant any special privilege that is denied by the Ordinance to other similarly-situated properties in the same district.		
8. The variance is in the public interest and will ensure that public substantial justice will be done.		
9. The surrounding property will be properly protected.		
10. Remaining regulations are adequate to govern the project.		

With ____ members present, and upon a vote of ____ for, and ____ against, and ____ abstaining, the variance is hereby: ____ granted ____ denied

Presiding Officer of BoA

Date



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: X-B and XI-B

Item:

PUBLIC HEARING - Teen Curfew Ordinance – receive input regarding the continuation of and amendment to the juvenile (teen) curfew ordinance.

- A. Presiding Officer to open the Public Hearing.
- B. Presiding Officer to open floor to Public Comment for or against the application.
- C. Presiding Officer to close floor to Public Comment.
- D. Presiding Officer to close the Public Hearing.

Discussion and Action regarding Ordinance No. **2016-08-01** establishing a curfew for minors and parental responsibility; setting the hours of curfew for minors; providing for affirmative defenses to prosecution; providing a penalty not to exceed five hundred dollars (\$500.00) for each offense; providing severability and providing an effective date. (Jones)

Background:

The current juvenile curfew regulations were most recently adopted by the City Council in 2015 by Ordinance No. **2015-11-01** pursuant to the Texas Local Government Code (LGC), Section 370.002.

LGC Code excerpt:

LOCAL GOVERNMENT CODE

Sec. 370.002. REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE. (a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

- (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
 - (2) conduct public hearings on the need to continue the ordinance or order; and
 - (3) abolish, continue, or modify the ordinance or order.
- (b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

Minor amendments to the ordinance have been prepared. This is the second of two required public hearings.

Attachments: Ordinance

July 28, 2016

ORDINANCE NO. 2016-08-01

Juvenile Curfew

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS,
ESTABLISHING A CURFEW FOR MINORS AND PARENTAL
RESPONSIBILITY; SETTING THE HOURS OF CURFEW
FOR MINORS; PROVIDING FOR AFFIRMATIVE
DEFENSES TO PROSECUTION; PROVIDING A PENALTY
NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00)
FOR EACH OFFENSE; PROVIDING SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Lavon (the "City Council") has deliberated the issues regarding the activity and safety of minors in the City of Lavon during curfew hours defined herein; and

WHEREAS, the City Council has considered the effect that curfew might have on the community and on problems such as criminal activity and mischief caused by minors during the curfew hours that this ordinance is intended to remedy; and

WHEREAS, the City Council finds that adoption of this Juvenile Curfew Ordinance is in the best interest of the City and that this ordinance will promote and provide for the health, safety and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. FINDINGS

- 1.1 All matters stated in the preamble are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. DEFINITIONS

- 2.1 All definitions contained within this ordinance are for the purpose of this ordinance only and shall have no impact on any other rule, law or ordinance unless referenced directly within said rule, law or ordinance.
- 2.2 **"ADULT"** shall mean any person seventeen years of age or older.
- 2.3 **"BUSINESS OPERATOR"** shall mean any employee, individual, firm, associate, partnership or corporation engaged in or responsible for

operating, conducting business or managing any business or establishment.

2.4 “**CURFEW**” or “**CURFEW HOURS**” shall mean those hours between 11:00 p.m. and 6:00 a.m. inclusive.

2.5 “**EMERGENCY**” shall mean an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

2.6 “**ESTABLISHMENT**” shall mean any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

2.7 “**GUARDIAN**” shall mean:

2.7.1 a person who is the natural guardian of the minor; or

2.7.2 a person who, under court order, is the guardian of the person of a minor; or

2.7.3 a public or private agency with whom a minor has been placed by a court.

2.8 “**MINOR**” shall mean any person less than seventeen (17) years of age who has not had the disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code or who is not legally married at the time.

2.9 “**OPERATOR**” shall mean any individual, employee, firm, association, partnership, or corporation engaged in, operating, managing or conducting any establishment. The term includes the members or partner of an association or partnership and the officers of a corporation.

2.10 “**PARENT**” shall mean a person who is:

2.10.1 a natural parent, adoptive parent, or step-parent of another person;

2.10.2 a person being at least 18 years of age and having written authorization from a parent or guardian to provide for the care and custody of a minor.

2.11 **"PUBLIC PLACE"** shall mean any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

2.12 **"REMAIN"** shall mean to Linger, stay or fail to leave premises when requested to do so by a peace officer or the owner, operator, or other person in control of the premises.

2.13 **"SERIOUS BODILY INJURY"** shall mean bodily injury that creates a substantial risk of death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Section 3. COMMISSION OF OFFENSES

3.1 Violation by Minor. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City of Lavon during curfew hours.

3.2 Violation by Parent or Guardian. A parent or guardian of a minor commits an offense if the Parent or Guardian knowingly permits, or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the City of Lavon during curfew hours.

3.3 Contributing to the Neglect or Delinquency of Minors. A parent, guardian or other person having the care, custody or control of a minor commits an offense if, by any act or omission, or by lack of supervision and control over such minor, such person encourages, contributes toward, causes or tends to cause the minor to become neglected or delinquent.

3.4 Violation by Owner, Operator or Employee of Establishment. The owner, operator, or any employee of an establishment commits an offense if such person knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Section 4. PENALTIES FOR VIOLATION

- 4.1 A person who violates a section 3.1 of this ordinance is guilty of a misdemeanor, and upon conviction in the Municipal Court of the City of Lavon, shall be deemed guilty of a Class "C" misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00) for each offense.
 - 4.1.1 Each day or part of day during which the violation is committed, continued, or permitted shall be considered a separate offense.
- 4.2 Each minor upon the premises of any establishment constitutes a separate violation under Section 3 of this ordinance and shall result in a separate fine.
- 4.3 Any child taken into custody for a violation of this ordinance shall be held in accordance with Article 45.059, Texas Code of Criminal Procedure.
- 4.4 When required by Section 51.08, of the Texas Family Code, as amended, the Municipal Court of the City of Lavon shall waive original jurisdiction over a minor who violates Section 3(A) and shall refer the minor to a juvenile court.
- 4.5 Any person who violates a section 3.2 to 3.4 of this ordinance is guilty of a misdemeanor, and upon conviction in the Municipal Court of the City of Lavon, shall be deemed guilty of a Class "C" misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) for each offense.
 - 4.5.1 Each day or part of day during which the violation is committed, continued, or permitted shall be considered a separate offense.

Section 5. AFFIRMATIVE DEFENSES

- 5.1 It is an affirmative defense to prosecution under Section 3.1, 3.2, and 3.3 of this ordinance that:

- 5.1.1 the minor was accompanied by his/her parent or legal guardian;
 - 5.1.2 the minor was accompanied by an adult approved by the minor's parent;
 - 5.1.3 the minor was attending, going to or returning from, without stop or detour and using the most direct route, any school, religious or other activity supervised by adults and sanctioned by a government, civic or church entity that takes responsibility for the minor;
 - 5.1.4 the minor was on an emergency errand;
 - 5.1.5 the minor was engaged in lawful employment activity or going to or returning from, without stop or detour and using the most direct route, any lawful employment; or
 - 5.1.6 the minor is married or had been married or had disabilities or minority removed in accordance with Texas Family Code Chapter 31.
- 5.2 It is an affirmative defense to prosecution under Section 3.4 of this ordinance that:
- 5.2.1 the business operator notified the police department that the minor was present during curfew hours and refused to leave;
 - 5.2.2 the business operator was unaware of the presence of the minor and assisted the police in identifying the minors; or
 - 5.2.3 the minor is an employee of the establishment, is actually engaged in duties related to that employment and is receiving payment for the activity.

Section 6. REVIEW BY CITY COUNCIL

- 6.1 Before the third anniversary of the date of adoption of this ordinance and every third year thereafter, the City Council shall review the effects of this ordinance on the community and determine whether to abolish, continue or modify this ordinance. Two public hearings shall be conducted to consider public comments.

Section 7. Severability

- 7.1 It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

Section 8 Effective Date

- 8.1 This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS
ON THIS ____ DAY OF _____, 2016.**

Charles A. Teske, Mayor

Attest:

Kim Dobbs, City Secretary



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: XI-C

Item:

Discussion and action regarding Ordinance No. **2016-08-02** providing regulations for the disposal of sewage and the use of public sewers, regulating the discharge of industrial wastes into the sanitary sewer of the city, regulating sewer and miscellaneous discharges, and providing for a permit system with denial, suspension, revocation and an appeals process; providing for a penalty not to exceed \$2000 per day for each offense; and providing a savings clause, a severability clause a repealer clause and an effective date. (Mancias)

Background:

The City is required to operate its facilities in compliance with the Federal Water Pollution Control Act, U.S. Environmental Protection Agency regulations, Texas Commission on Environmental Quality regulations, and other federal, state and local laws. The protection of the quality of the effluent and proper operation of wastewater collection and treatment facilities may require either the exclusion, pretreatment, or controlled discharge at the point of origin of certain types and/or quantities of industrial wastes. It is the obligation of the producers of industrial waste to defray the costs of the wastewater treatment services required of and provided by the City in an equitable manner and, insofar as it is practicable in proportion to benefits derived. Consequently, with direction from the North Texas Municipal Water District, the attached ordinance is presented for the City Council's consideration.

The ordinance will assist the City in its endeavors to attract commercial enterprises and ensure that the City is in compliance with all related regulations pertaining to pretreatment and wastewater facilities.

Attachments: Ordinance No. **2016-08-02**

July 28, 2016

INDUSTRIAL WASTE ORDINANCE

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ORDINANCE NO 2016-08-02

Industrial Waste

AN ORDINANCE OF THE CITY OF LAVON TEXAS, PROVIDING REGULATIONS FOR THE DISPOSAL OF SEWAGE AND THE USE OF PUBLIC SEWERS; REGULATING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE SANITARY SEWER OF THE CITY; REGULATING SEWER AND MISCELLANEOUS DISCHARGES; PROVIDING FOR A PERMIT SYSTEM WITH DENIAL, SUSPENSION, REVOCATION AND AN APPEALS PROCESS; PROVIDING A PENALTY CLAUSE AND A REPEALING CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

INDUSTRIAL WASTE ORDINANCE

WHEREAS, the City of Lavon provides facilities for the collection and treatment of wastewater, including contracting for the treatment of wastewater in appropriate treatment facilities, to promote the health, safety and convenience of its citizens and for the safeguarding of water resources common to all; and

WHEREAS, the City must operate its facilities in compliance with the Federal Water Pollution Control Act, U.S. Environmental Protection Agency regulations, Texas Commission on Environmental Quality regulations, and other federal, state and local laws; and

WHEREAS, protection of the quality of the effluent and proper operation of wastewater collection and treatment facilities may require either the exclusion, pretreatment, or controlled discharge at the point of origin of certain types and/or quantities of industrial wastes; and

WHEREAS, it is the obligation of the producers of industrial waste to defray the costs of the wastewater treatment services required of and provided by the City in an equitable manner and, insofar as it is practicable in proportion to benefits derived;

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

SECTION A. All ordinances and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict herewith.

SECTION 1: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms and phrases used in this Ordinance shall be as follows:

ACT - The Federal Water Pollution Control Act, Public Law No. 92-500, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251 *et seq.*

ADMINISTRATOR - The EPA Region VI Regional Administrator.

APPROVAL AUTHORITY - The Director in a National Pollutant Discharge Elimination System (NPDES) delegated state with an approved State pretreatment program, i.e., the Executive Director of the Texas Commission on Environmental Quality (TCEQ) or its successor agencies.

AUTHORIZED REPRESENTATIVE OF THE USER –

A) If the user is a corporation:

- 1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- 2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- B) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D) The individuals described in paragraphs A) through C), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BI-MONTHLY – Once every other month.

BI-WEEKLY – Once every other week.

BOD (Biochemical Oxygen Demand) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at twenty (20) degrees Celsius (20°C), expressed as a concentration in mg/L. The laboratory determination shall be made in accordance with the procedures set forth in 40 C.F.R. Part 136.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys to the building sewer, which begins three (3) feet outside the inner face of the building wall.

BUILDING SEWER - The extension from the building drain to the sewer lateral at the property line or other lawful place of disposal (also called house lateral or house connection).

BYPASS - Means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Industrial Users and which appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

CITY - The City of Lavon, Texas, the City Council of Lavon, the City Administrator of Lavon, and/or any other person authorized by the City Council to represent the City.

COD (Chemical Oxygen Demand) - The measure of oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as a concentration in mg/L as the amount of oxygen consumed from a chemical oxidant in a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with BOD.

COMPOSITE SAMPLE – A sample composed of two or more discrete samples. The aggregate sample will reflect the average water quality covering the compositing or sample period.

CONTROL AUTHORITY – For purposes of this Ordinance, the North Texas Municipal Water District (NTMWD) and the City of Lavon pursuant to a pretreatment program that has been approved by the Approval Authority.

CONTROL MANHOLE - A manhole giving access to a building sewer point before the building sewer discharges into the public sewer.

DAILY DISCHARGE - The discharge of a pollutant measured during a calendar day or any twenty-four (24) hour period that reasonably represents a calendar day for purposes of sampling.

DAILY MAXIMUM - The highest allowable “daily discharge” during a calendar month.

DISPOSAL - The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or semi-solid waste (*i.e.*, grease trap waste, grit trap wastes, and/or septage) into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including, but not limited to, groundwaters.

DOMESTIC SEWAGE - The water-borne wastes normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free of storm water and industrial wastes.

ENVIRONMENTAL OFFICER - The Director of Public Works of the City or his/her duly authorized representative, which may be any entity with which the City has contracted for operation of the POTW or a treatment plant and/or with which the City has entered into a multijurisdictional, or interjurisdictional, agreement providing for wastewater service and/or a pretreatment program, or a particular officer or employee thereof.

EPA (Environmental Protection Agency) - The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized officials of EPA.

EXISTING SOURCE - Any source or discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act (33 U.S.C. § 1317).

FACILITY OR ACTIVITY - Means an NPDES “point source” or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

FLOW-PROPORTIONED COMPOSITE SAMPLE - Shall mean a sample collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

GARBAGE - Animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from handling, processing, storage, and sale of food products and produce.

GRAB SAMPLE - An individual sample which is taken from a wastestream without regard to the flow in the wastestream and collected over a period of time not exceeding fifteen (15) minutes.

GREASE TRAP - A water-tight receptacle designed and constructed to intercept and prevent the passage of greasy, fatty liquid, semi-liquid, and/or solid wastes into the sanitary sewer system to which the receptacle is directly or indirectly connected.

GREASE TRAP WASTE - Any greasy, fatty liquid, semi-liquid, and/or solid wastes removed by a grease trap.

GRIT/SAND TRAP - A water-tight receptacle designed and constructed to intercept and prevent the passage of sand, grit and other heavy solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

GRIT TRAP WASTE - Any sand, grit and/or other heavy solids removed from a grit trap.

HAZARDOUS WASTE - Any substance which, if disposed of otherwise than by discharge into the POTW, would be identified as a hazardous waste under 40 C.F.R. Part 261.

HOLDING TANK WASTE - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

INDIRECT DISCHARGE or DISCHARGE - The introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act (33 U.S.C. § 1317).

INDUSTRIAL USER (or USER) - Any source of indirect discharge.

INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT (or PERMIT) - A Permit required of an Industrial User to discharge waste into any sewer system under the jurisdiction of the City.

INDUSTRIAL USER WASTEWATER SURCHARGE - The additional charge made on those persons or industries who discharge industrial wastes into the sewer system which are amenable to treatment by the POTW treatment processes, but which exceed either the BOD or TSS concentrations of "Normal Domestic Sewage."

INDUSTRIAL WASTE - The water-borne solids, liquids, or gaseous wastes resulting from and discharged, permitted to flow or escaping from any industrial, manufacturing or food processing operation or process, or from the development of any natural resources, or any mixture of these with water or domestic sewage as distinct from "Normal Domestic Sewage."

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT – The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE - A discharge which, either alone or in conjunction with a discharge or discharges from other sources, both:

- A) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- B) is the cause of a violation of any requirement of the applicable TPDES permit issued for operation of the POTW (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Act (33 U.S.C. § 1345); the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State requirements contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

LIQUID WASTE - Water-borne solids, liquids, and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tanks and described as grease trap waste, grit trap waste or septage.

MEDICAL WASTE – Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

MILLIGRAMS PER LITER (mg/L) - A weight to volume ratio; the milligrams per liter value multiplied by the factor 8.34 is equivalent to pounds per million gallons of water.

MONTHLY AVERAGE - The highest allowable average of “daily discharge(s)” over a calendar month, calculated as the sum of all “daily discharge(s)” measured during a calendar month divided by the number of “daily discharge(s)” measured during that month.

NATIONAL PRETREATMENT STANDARD, PRETREATMENT STANDARD, OR STANDARD – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Clean Water Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 C.F.R. § 403.5.

NEW SOURCE –

- A) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act (33 U.S.C. § 1317), which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:
 - 1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - 2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - 3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent factors, such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
- B) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of 2) or 3), above, but otherwise alters, replaces, or adds to the existing process or production equipment.
- C) Construction of a New Source as defined has commenced if the owner or operator has:
 - 1) Begun, or caused to begin, as part of a continuous on-site construction program:
 - a) Any placement, assembly, or installation of facilities or equipment; or

- b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment;
- 2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NONCONTACT COOLING WATER - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NORMAL DOMESTIC SEWAGE - The “normal” sewage for the City, for which the average concentration of TSS is not more than 250 mg/L and BOD is no more than 250 mg/L. Industrial Wastes and storm water are excluded from this term.

OVERLOAD - The imposition of organic or hydraulic loading on a treatment facility in excess of its engineered or design capacity.

OWNER - Any person who owns a facility or any portion of a facility.

PASS THROUGH - A discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the applicable TPDES permit issued for the operation of the POTW (including an increase in the magnitude or duration of a violation).

POTW (Publicly Owned Treatment Works) - A treatment works as defined by Section 212 of the Clean Water Act (33 U.S.C. § 1292), which is owned by a State or municipality (i.e., the City or other governmental entity such as NTMWD). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes lift stations, sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works (i.e., the City or other governmental entity such as NTMWD). For the purpose of this Ordinance, the term shall also include sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with NTMWD, users of NTMWD's POTW.

POTW TREATMENT PLANT – That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

PPM (Parts per Million) - A weight to weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns.

pH - A measure of the acidity or alkalinity of a solution, expressed in standard units. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

POLLUTANT - Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, and cellar dirt; industrial, municipal, and agricultural waste; and the characteristics of wastewater (such as pH, temperature, suspended solids, turbidity, color, BOD, COD, toxicity, and odor).

PRETREATMENT (or TREATMENT) - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, or process changes, or by other means, except by diluting the concentration of pollutants (as prohibited by 40 C.F.R. § 403.6(d)), unless allowed by an applicable pretreatment standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. § 403.6(e).

PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to pretreatment imposed on an Industrial User, other than a pretreatment standard.

PRETREATMENT PROGRAM - A program administered by a POTW that meets the criteria established in 40 C.F.R. §§ 403.8 and 403.9, and which has been approved by the Approval Authority (TCEQ) in accordance with 40 C.F.R. § 403.11.

PROHIBITED DISCHARGE STANDARDS (or PROHIBITED DISCHARGES) - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 5 of this Ordinance.

PRIORITY POLLUTANT - A pollutant found in Table II or Table III of 40 C.F.R. Part 122, Appendix D.

PROPERLY SHREDDDED GARBAGE - The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (0.5) inch in any dimension.

RESPONSIBLE CORPORATE OFFICER - Shall mean:

- A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
- B) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

SANITARY SEWER - A public sewer that conveys domestic sewage or industrial wastes or a combination of both, and into which storm, surface, groundwaters and other unpolluted waters are not intentionally passed.

SEPTAGE or SEPTIC TANK WASTE - Any sewage from holding tanks such as vessels, portable toilets, chemical toilets, campers, trailers, or septic tanks.

SEVERE PROPERTY DAMAGE - Means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

SEWAGE - Human excrement and gray water (household showers, dishwashing operations, etc.).

SEWAGE SERVICE CHARGE - The charge made on all Users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of Normal Domestic Sewage.

SEWER - A pipe or conduit for carrying sanitary sewage.

SHALL AND MAY – The term “shall” describes mandatory actions, and the term “may” describe permissive (*i.e.*, discretionary) actions.

SIC (Standard Industrial Classification) - A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, 1972, or the latest edition.

SIGNIFICANT INDUSTRIAL USER (SIU)

A) Except as provided in part B) the term shall mean:

- 1) An Industrial User subject to Categorical Pretreatment Standards; or
- 2) Any other Industrial User that:
 - a) discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
 - b) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c) is designated as such by the Environmental Officer on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirements (in accordance with 40 C.F.R. § 403.8(f)(6)).

B) Upon finding that an Industrial User meeting the criteria in part A) 2) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirements, the Environmental Officer may at any time, on his/her own initiative or in response to a petition received from an Industrial User, and in accordance with 40 C.F.R. § 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

SLUG DISCHARGE or SLUG LOAD - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, and/or a discharge which violates any Prohibited Discharge Standard in Section 5 of this Ordinance, and/or could significantly disrupt the POTW and/or threaten human health and safety, and/or could potentially result in violations of the applicable TPDES permit issued for the operation of the POTW or sludge requirements.

SPILL - The accidental or intentional loss or unauthorized discharge of any waste or raw material.

STORM SEWER (or STORM DRAIN) - A sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

STORM WATER - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SURCHARGE - The charge in addition to the sewage service charge which is made on those persons whose wastes are greater in strength than the concentration values established as representative of "Normal Domestic Sewage."

SUSPENDED SOLIDS - Solids that either float on the surface of, or are in suspension of water, sewage, or other liquids, and which are removable by laboratory filtration device. Quantitative determination of "total suspended solids" or "TSS" shall be made in accordance with procedures set forth in 40 C.F.R. Part 136.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) - The Texas Commission on Environmental Quality, or an agent thereof, or where appropriate, the Executive Director of TCEQ, or other duly authorized official of said agency, or its successor agencies.

TIME COMPOSITE SAMPLE - Shall mean a sample composed of discrete sample aliquots collected in a single reservoir at constant time intervals irrespective of flow.

TOXIC POLLUTANT (or TOXIC SUBSTANCE) - Any substance whether gaseous, liquid or solid which, when discharged to the POTW in sufficient concentrations, as determined by the Environmental Officer, may be hazardous to sewer maintenance and personnel, tend to interfere with any wastewater treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life, or to create a hazard to recreation in the receiving waters of the effluent from a wastewater treatment plant; or any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under the provision of the Clean Water Act Section 307(a) (33 U.S.C. § 1317) or other acts.

TRAP - A device designed to skim, settle, or otherwise remove oil, grease, sand, flammable wastes or other harmful substances.

TREATMENT PLANT (or WASTEWATER TREATMENT PLANT or WWTP) - That portion, or those portions, of the POTW which is designed to provide treatment of domestic sewage and industrial waste.

WASTE - Rejected, unutilized, or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural, or industrial activities.

WASTEWATER - The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and/or manufacturing facilities, and institutions, whether treated or untreated, which are contributed into or permitted to enter the POTW.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

SECTION 2: ABBREVIATIONS

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand

C.F.R. – Code of Federal Regulations

COD – Chemical Oxygen Demand

CWA – Clean Water Act

EPA – U.S. Environmental Protection Agency

gpd – Gallons per day

mg/L – Milligrams per liter

NPDES – National Pollutant Discharge Elimination System

NTMWD – North Texas Municipal Water District

POTW – Publicly Owned Treatment Works

ppm – Parts per million

RCRA – Resource Conservation and Recovery Act

SIC – Standard Industrial Classification

SIU – Significant Industrial User

SWDA – Solid Waste Disposal Act

TAC – Texas Administrative Code

TPDES – Texas Pollutant Discharge Elimination System

TCEQ – Texas Commission on Environmental Quality

TSS – Total Suspended Solids

U.S.C. – United States Code

WWTP – Wastewater Treatment Plant

SECTION 3: PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for users of the POTW for the City of Lavon and enables the City of Lavon to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. § 1251 *et seq.*) and the General Pretreatment Regulations for Existing Sources of Pollution (40 C.F.R. Part 403). The objectives of this Ordinance are:

- A) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C) To protect both the POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D) To promote the reuse and recycling of industrial wastewater and sludge from the POTW;
- E) To provide for fees for the equitable distribution of cost of operation, maintenance, and improvement of the POTW; and
- F) To enable the City and NTMWD to comply with the applicable TPDES permit issued for the operation of the POTW, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all users of the POTW. This Ordinance authorizes the issuance of Industrial User Wastewater Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established.

SECTION 4: ADMINISTRATION

Except as otherwise provided herein, the Environmental Officer shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Environmental Officer may be delegated by the Environmental Officer to his/her duly authorized representative, which may be any entity with which the City has contracted for operation of the POTW or a treatment plant and/or with which the City has entered into a multijurisdictional, or interjurisdictional, agreement providing for wastewater service, or a particular officer or employee thereof.

SECTION 5: PROHIBITED DISCHARGES

- A) No person may introduce or cause to be introduced into the POTW any pollutant(s) or wastewater which may cause pass through or interference. Also prohibited are any substances that have an adverse effect on the environment, may endanger life, health or property, or constitute a public nuisance. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B) Substances specifically prohibited from being discharged into the POTW are as follows:
- 1) Any liquids, solids or gases, including but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, perchlorates, bromates, carbides, hydrides, sulfides or any other substances which are a fire or other hazard to the system, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fires, explosions, or be injurious in any other way to the facilities or operation of the POTW.
 - 2) Any substance which creates a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C) using the test methods specified in 40 C.F.R. § 261.21.
 - 3) Any wastewater having a pH less than five point zero (5.0) Standard Units (SU), greater than ten point five (10.5) SU, or any wastewater having any other corrosive property capable of causing damage, including structural damage, or hazard to the POTW, equipment, or any person.
 - 4) Any wastewater containing pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and/or safety problems.
 - 5) Any liquid or vapor, including wastewater, having a temperature higher than 150 degrees Fahrenheit (150°F) or sixty-five degrees Centigrade (65°C); or exhibiting heat in amounts which will inhibit biological activity in a POTW causing an interference; or, in any case, exhibiting heat in such quantities that the temperature at the introduction into the POTW exceeds 40 degrees Centigrade (40°C) or 104 degrees Fahrenheit (104°F)).
 - 6) Any pollutant(s), including oxygen demanding pollutants (BOD, COD, etc.) and total dissolved solids, released in a Discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause

Pass Through or Interference at the POTW or which will cause the POTW to be in non-compliance with any Federal or State sludge use or disposal criteria, guidelines, or regulations.

- 7) Any free or emulsified fats, waxes, greases or oils containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (32°-150°F) (0°-65°C); or any combination of free or emulsified fats, waxes, greases or oils, if, in the opinion of the Environmental Officer, it appears probable that such wastes:
 - a) can deposit grease or oil in the sanitary sewers in such a manner as to clog the sewers;
 - b) can overload skimming and grease handling equipment;
 - c) are not amenable to bacterial action and will therefore pass through to the receiving water without being affected by normal sewage treatment processes; or
 - d) can have deleterious effects on the treatment process due to excessive quantities.
- 8) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
- 9) Solid, liquid, or viscous substances in amounts which may cause obstruction to the flow in sanitary sewers or other interference with the proper operation of the wastewater treatment facilities such as, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, bulk solids or waste paper.
- 10) Any noxious or malodorous liquids, gases, solids, or other wastewater, which either singly or by interaction with other substances are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sanitary sewers for maintenance or repair.
- 11) Wastewater containing COD in concentrations which are not amenable to treatment, or any other substance which is determined by the Environmental Officer to not be amenable to treatment by the POTW.

- 12) Any trucked or hauled pollutants, including hauled wastewater, except at discharge points designated by the Environmental Officer and at such times as are established by the Environmental Officer.
 - 13) Pollutant(s) which causes:
 - a) high hydrogen sulfide content; or
 - b) unusual taste or odor-producing substances.
 - 14) Wastewater which imparts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent thereby violating the applicable TPDES permit issued for the operation of the POTW.
 - 15) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, unless specifically authorized by the Environmental Officer.
 - 16) Sludges, screening, or other residues from industrial activities.
 - 17) Medical wastes, except as specifically authorized by the Environmental Officer in an Industrial User Wastewater Discharge Permit.
 - 18) Wastewater causing, alone or in conjunction with other sources, the POTW's effluent to fail a toxicity test.
 - 19) Any garbage that has not been properly ground or shredded by suitable garbage grinders to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in public sewers.
- C) In cases where, in the opinion of the Environmental Officer, the character of the sewage from any manufacturer or industrial plant building or other premises is such that it will damage the system, or cannot be treated satisfactorily in the system, the Environmental Officer shall have the right to require such User to dispose of such waste otherwise and prevent it from entering the POTW.
- D) Unusual flow and concentration of any of the above shall be pretreated to a concentration acceptable to the City, if such wastes can:
- 1) cause damage to the POTW;
 - 2) impair processes;

- 3) incur treatment cost exceeding those of normal sewage;
- 4) render the water unfit for stream disposal or industrial use;
- 5) create a public nuisance.

SECTION 6: LOCAL LIMITS

- A) It shall be unlawful to discharge into the POTW, any metals, chemicals or toxic substances in excess of the following concentration limits:
- 1) The following heavy metals and toxic materials in the form of compounds or elements in solution or suspension in concentrations exceeding these limits:

Bear Creek Wastewater Treatment Plant

Pollutant	Daily Maximum Local Limit (mg/L)
Arsenic (Total)	0.57
Cadmium (Total)	0.02
Chromium (Total)	5.31
Copper (Total)	0.57
Lead (Total)	0.96
Mercury (Total)	0.00079
Nickel (Total)	1.37
Selenium (Total)	0.07
Silver (Total)	0.07
Zinc (Total)	2.00
Cyanide (Total)	0.89

- 2) The City may adjust the above requirements on a permit by permit basis if the City Council determines that based upon an applicant's engineering study, (stamped by a Texas Licensed Professional Engineer), and upon consideration of the health, safety and welfare of the public, that the adjustment is in the best interest of the community.
- 3) The City may set limits on a permit by permit basis for any other parameter that would pose a threat to water quality, health and safety, or the POTW or the discharge of which would otherwise result in violation of Section 5 of this Ordinance, including but not limited to, priority pollutants found in the POTW

influent at a concentration at or above 0.1 mg/L or Numerical Aquatic Life Criteria as defined by TCEQ.

- 4) Any radioactive wastes or isotopes without prior written permission from the Environmental Officer.
- B) The above limits apply at the point where the wastewater is discharged to the POTW. The Environmental Officer may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- C) Dilution is prohibited as a substitute for treatment. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Environmental Officer may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases where the imposition of mass limitations is appropriate.

SECTION 7: FEDERAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A) Upon the promulgation of a Categorical Pretreatment Standard for a particular industrial category or subcategory, the Categorical Pretreatment Standard, if more stringent than specific local limits imposed under this Ordinance for Industrial Users subject to that Categorical Standard, shall supersede the local limits imposed under this Ordinance.
- B) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Environmental Officer may impose equivalent concentration or mass limits in accordance with 40 C.F.R. § 403.6(c).
- C) Where Industrial Users combine wastestreams prior to treatment, compliance with an applicable Categorical Pretreatment Standard will be determined either prior to combining the wastestreams or following treatment of the combined wastestream (by applying the Combined Wastestream formula found in 40 C.F.R. § 403.6(e)).
- D) A User may obtain a variance from a Categorical Pretreatment Standard if the Industrial User can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

- E) An Industrial User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 C.F.R. § 403.15.

SECTION 8: CITY'S RIGHT OF REVISION

The Environmental Officer reserves the right to establish, by ordinance or in Industrial User Wastewater Discharge Permits, more stringent standards or requirements on discharges to the POTW.

SECTION 9: DISCHARGES REQUIRING TRAPS

- A) Discharges requiring a trap include any non-residential establishment discharging:
- 1) Grease or water containing grease;
 - 2) Oil;
 - 3) Sand;
 - 4) Flammable wastes, or;
 - 5) Other harmful substances.
- B) Any person responsible for discharges requiring a trap shall at their own expense and as required by the Environmental Officer:
- 1) Provide equipment and facilities of a type and capacity approved by the Environmental Officer.
 - 2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection.
 - 4) Maintain the trap in effective and operating condition.
 - 5) Maintain all records related to the maintenance and operation of the trap.

SECTION 10: COMPLIANCE WITH OTHER AUTHORITIES

- A) Compliance with Federal Authority. Industrial Users within the jurisdiction of this Ordinance shall comply with all Federal General Pretreatment Regulations and with those Categorical Pretreatment Standards applicable to each as specified in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.
- B) Compliance with State Authority. Industrial Users within the jurisdiction of this Ordinance shall comply with applicable sections of Chapter 26 of the Texas Water Code.

SECTION 11: INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT REQUIREMENTS

- A) All nondomestic Users shall notify the Environmental Officer of the nature and characteristics of their wastewater prior to commencing their discharge. The Environmental Officer is authorized to prepare a form for this purpose. All nondomestic Users must complete the Industrial User Wastewater Discharge Permit Application, the Industrial Waste Survey, and/or other forms as identified by the Environmental Officer. If a nondomestic User fails to complete any form identified as required by the Environmental Officer, the nondomestic user will be in violation of this Ordinance. The Environmental Officer may periodically require Industrial Users to update this information.
- B) It shall be unlawful for Significant Industrial Users to discharge wastewater, whether directly or indirectly, into the POTW without first obtaining an Industrial User Wastewater Discharge Permit from the City. Any violation of the terms and conditions of an Industrial User Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 21, 37, and 38 of this Ordinance. Obtaining an Industrial User Wastewater Discharge Permit does not relieve a permittee of its obligation to obtain any other permits required by Federal, State, or local law.
- C) The Environmental Officer may require that other Industrial Users, including liquid waste haulers, obtain Industrial User Wastewater Discharge Permits as necessary to carry out the purposes of this article. The Environmental Officer also may prohibit the disposal of hauled pollutants, including hauled wastewater. The discharge of hauled pollutants, including hauled wastewater, is subject to all other requirements of this Ordinance.
 - 1) Industrial waste haulers, including haulers of wastewater, may discharge loads only at locations designed by the Environmental Officer.
 - 2) No load may be discharged without prior consent of the Environmental Officer.

- 3) The Environmental Officer may collect samples of each hauled load to ensure compliance with applicable standards.
 - 4) The Environmental Officer may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
 - 5) Industrial waste haulers, including haulers of wastewater, must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- D) All existing Significant Industrial Users connected to or contributing to the POTW shall obtain an Industrial User Wastewater Discharge Permit within one hundred eighty (180) days after the effective date of this Ordinance. The application must be submitted to the Environmental Officer within ninety (90) days after the effective date of this Ordinance.
- E) New Connections: Any Significant Industrial User proposing to begin or recommence discharging nondomestic wastes into the POTW must obtain an Industrial User Wastewater Discharge Permit prior to beginning or recommencing such discharge. An application form must be filed by the SIU at least ninety (90) days prior to commencement of discharge. Categorical SIUs must provide an application form and a supplemental Baseline Monitoring Report, the two of which are to contain the information required by 40 C.F.R. § 403.12, as set out in Section 12.
- F) The Environmental Officer may deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its TPDES permit.
- G) Reapplication: Once permitted, the Industrial User has the duty to reapply if the permittee wishes to continue an activity regulated by the permit after the expiration date of the Industrial User Wastewater Discharge Permit. The Industrial User must submit an application for a new permit at least ninety (90) days before the expiration of the permit. The application form may be obtained from the Environmental Officer.

SECTION 12: INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT APPLICATION AND BASELINE MONITORING REPORT

- A) All Significant Industrial Users required to obtain an Industrial User Wastewater Discharge Permit shall complete and file with the Environmental Officer, an application upon a form

provided by the City. The City may charge a permit application fee, which if charged, shall accompany the application.

- B) The Environmental Officer shall issue an Industrial User Wastewater Discharge Permit if he/she determines that pretreatment facilities are adequate for efficient treatment and that discharged wastes will comply with all applicable Pretreatment Standards and Requirements, including those imposed by this Ordinance. Incomplete or inaccurate applications will not be processed and will be returned to the Industrial User for revision.
- C) Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination under 40 C.F.R. § 403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Environmental Officer an Industrial User Wastewater Discharge Permit Application and a Baseline Monitoring Report, the two of which shall contain the information identified in paragraphs 1) through 6), below. At least ninety (90) days prior to commencement of discharge, New Sources, and sources that become subject to Categorical Standards subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Environmental Officer a report which contains the information listed in paragraphs 1) through 5), below. New Sources shall also be required to include this report information on the method of pretreatment the source intends to use to meet applicable Categorical Standards. New Sources shall give estimates to the information requested in paragraphs 4) and 5).
 - 1) Identifying Information: The User shall submit the name and address of the facility including the name of the operators and owners.
 - 2) Permits: The User shall submit a list of any environmental control permits held by or for the facility.
 - 3) Description of Operations: The User shall submit a brief description of the nature, average rate of production, and the Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes. The User shall submit a list of all chemicals utilized in its processes and appropriate Material Safety Data Sheets (MSDSs).
 - 4) Flow Measurement: The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - a) Regulated process streams; and

- b) Other streams as necessary to allow use of the Combined Wastestream formula of 40 C.F.R. § 403.6(e).

The Environmental Officer may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

5) Measurement of pollutants:

- a) The User shall identify the Categorical Pretreatment Standards applicable to each regulated process.
- b) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Categorical Pretreatment Standards or by the Environmental Officer) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.
- c) A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds (VOCs). For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The Environmental Officer may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged.
- d) The User shall take a minimum of one (1) representative sample to compile that data necessary to comply with the requirements of this section.
- e) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the User should measure the flows and concentrations necessary to allow use of the Combined Wastestream formula of 40 C.F.R. § 403.6(e) in order to evaluate compliance with the Categorical Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. § 403.6(e), this adjusted limit along with supporting data shall be submitted to the Environmental Officer.

- f) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures suggested by the Environmental Officer or other parties, approved by EPA.
 - g) The Environmental Officer may require the User to submit a pollutant scan of the wastewater discharge.
 - h) The Environmental Officer may allow the submission of a Baseline Monitoring Report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.
 - i) The Baseline Monitoring Report shall indicate the time, date and place of sampling and methods of analysis, and the Industrial User shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- 6) Certification: A statement, reviewed by an authorized representative of the Industrial User (as specified in Section 18), and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
- 7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards and Requirements, the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard or Requirement. A compliance schedule pursuant to this Section must meet the requirements set out in Section 13 of this Ordinance.
- 8) Where the Industrial User's Categorical Pretreatment Standard has been modified by a removal allowance (40 C.F.R. § 403.7), the Combined Wastestream formula (40 C.F.R. § 403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. § 403.13) at the time the User submits the report required by this section, the information required by paragraphs 6) and 7) shall pertain to the modified limits.

- 9) If the Categorical Pretreatment Standard is modified by a removal allowance (40 C.F.R. § 403.7), the Combined Wastestream formula (40 C.F.R. § 403.6(e)), and/or a Fundamentally Different Factors variance (40 C.F.R. § 403.13) after the User submits the report required by this section, any necessary amendments to the information requested by paragraphs 6) and 7) of this section shall be submitted by the User to the Environmental Officer within sixty (60) days after the modified limit is approved.

SECTION 13: COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the schedule required by Section 12, paragraph C) 7):

- A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (*e.g.*, hiring an engineer, completing plans, executing contract for major components, commencing construction, completing construction, etc.).
- B) No increment referred to in Section 13, Paragraph A) shall exceed nine (9) months.
- C) Not later than fourteen (14) days following each date in the compliance schedule and the final date for compliance, the Industrial User shall submit a progress report to the Environmental Officer including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Environmental Officer.

SECTION 14: 90 DAY COMPLIANCE REPORT

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following the commencement of the introduction of wastewater into the POTW, any Industrial User subject to such Pretreatment Standards and Requirements shall submit to the Environmental Officer a report containing the information described in Section 12, Paragraphs C) 4), C) 5), and C) 6). For Industrial Users subject to equivalent mass or concentration limits established by the Environmental Officer in accordance with the procedures in 40 C.F.R. § 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to

Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 18 of this Ordinance.

SECTION 15: PERIODIC REPORT ON CONTINUED COMPLIANCE

- A) Any Significant Industrial Users subject to a Categorical Pretreatment Standard, after the compliance date of such Categorical Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Environmental Officer during the months of June and December, unless required more frequently in the Categorical Standard or by the Environmental Officer, TCEQ, or EPA, a report indicating the nature and concentration of pollutants in the discharge which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in Section 12, Paragraph C) 4), except that the Environmental Officer may require more detailed reporting of flows. At the discretion of the Environmental Officer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Environmental Officer may agree to alter the months during which the above reports are submitted. All periodic compliance reports must be signed and certified in accordance with Section 18 of this Ordinance.
- B) Where the Environmental Officer has imposed mass limitations on an Industrial User as provided for by 40 C.F.R. § 403.6(d), the report required by paragraph A), above, shall indicate the mass of pollutants regulated by the applicable Categorical Pretreatment Standards in the Discharge for the Industrial User.
- C) For Industrial Users subject to equivalent mass or concentration limits established by the Environmental Officer in accordance with the procedures in 40 C.F.R. § 403.6(c), the report required by paragraph A), above, shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph A), above, shall include the User's actual average production rate for the reporting period.
- D) All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- E) If an Industrial User subject to the reporting requirement of this section monitors any pollutant more frequently than required by the Environmental Officer, using the procedures prescribed in Section 16, Paragraph A) of this Ordinance, the results of this monitoring shall be included in this report.

SECTION 16: REPORTING REQUIREMENTS FOR SIGNIFICANT NONCATEGORICAL INDUSTRIAL USERS

- A) Significant Noncategorical Industrial Users shall submit to the Environmental Officer at least once every six months (on dates specified by the Environmental Officer) a description of the nature, concentration, and flow of the pollutants required to be reported by the Environmental Officer. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 C.F.R. Part 136 and amendments thereto. Where 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Environmental Officer or other persons, approved by the EPA. This sampling and analysis may be performed by the Environmental Officer in lieu of the Significant Noncategorical Industrial User. Where the Environmental Officer collects all the information required for the report, the Noncategorical Significant Industrial User will not be required to submit the report.
- B) All periodic compliance reports must be signed and certified in accordance with Section 18 of this Ordinance.
- C) All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- D) If an Industrial User subject to the reporting requirement of this section monitors any pollutant more frequently than required by the Environmental Officer, using the procedures prescribed in Section 16, Paragraph A) of this Ordinance, the results of this monitoring shall be included in this report.

SECTION 17: PERMIT CONDITIONS

- A) Industrial User Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the City. Industrial User Wastewater Discharge Permits shall include such conditions as are deemed reasonably necessary by the Environmental Officer to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Industrial User Wastewater Discharge Permits shall contain, but not be limited to, the following:
- 1) Statement of duration (in no case more than five years);
 - 2) Statement of non-transferability without, at a minimum, thirty (30) day prior notification to the Environmental Officer and provision of a copy of the existing control mechanism to the new owner or operator;
 - 3) Effluent limits based on applicable general pretreatment standards in 40 C.F.R. Part 403, Categorical Pretreatment Standards, Prohibited Discharge Standards, local limits, and State and local law;
 - 4) Self-monitoring, sampling, reporting, notification and record-keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards, Categorical Pretreatment Standards, Prohibited Discharge Standards, local limits, and State and local law;
 - 5) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.
- B) Industrial User Wastewater Discharge Permits may contain other conditions as deemed appropriate by the Environmental Officer to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations. Such other conditions could include:
- 1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - 2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

- 3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.
- 4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- 5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
- 6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- 7) A statement that compliance with the Industrial User Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the Industrial User Wastewater Discharge Permit.
- 8) Other conditions as deemed appropriate by the Environmental Officer to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

SECTION 18: SIGNATORY REQUIREMENTS FOR INDUSTRIAL USER REPORTS

- A) The reports required under Sections 12, 14, 15, and 16 shall include the certification statement below:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

and shall be signed as follows:

- 1) By a responsible corporate officer, if the Industrial User submitting the reports is a corporation.

- 2) By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship, respectively.
 - 3) The principal executive officer or environmental manager having responsibility for the overall operation of the discharging facility if the Industrial User submitting the reports is a Federal, State, or local governmental entity, or their agents.
 - 4) By a duly authorized representative of the individual designated in paragraph 1), 2), or 3) of this section if:
 - a) The authorization is made in writing by the individual described in paragraph 1), 2), or 3);
 - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility for environmental matters for the company; and
 - c) The written authorization is submitted to the Environmental Officer.
 - 5) If an authorization under paragraph 4) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph 4) of this section must be submitted to the Environmental Officer prior to or together with any reports to be signed by an authorized representative.
- B) The reports and other documents required to be submitted or maintained under this Ordinance shall be subject to:
- 1) The provisions of 18 U.S.C. § 1001 relating to fraud and false statements;
 - 2) The provisions of sections 309(c)(4) of the Clean Water Act, as amended, governing false statements, representations or certification; and
- The provisions of section 309(c)(6) regarding responsible corporate officers.

SECTION 19: PERMIT ISSUANCE PROCESS

- A) Permit Duration: Industrial User Wastewater Discharge Permits shall be issued for a specified period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years, at the discretion of the Environmental Officer.
- B) Permit Appeals: Any interested person, including the Industrial User, may petition to appeal the terms of a permit, or the denial of a permit, to the Environmental Appeals Committee (as established by Section 22 of this Ordinance), within thirty (30) days of the final permit decision.
- 1) Failure to submit to a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - 2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for these objections, and the alternative condition, if any, it seeks to be placed in the permit. Any reasons advanced against a permit denial shall be fully explained.
 - 3) The effectiveness of the permit shall not be stayed pending a reconsideration by the Committee, unless the Environmental Officer expressly so states. If, after considering the petition and any arguments put forth by the Environmental Officer, the Committee determines that reconsideration is proper, it shall remand the permit, or permit application, back to the Environmental Officer for reconsideration. Those permit provisions being reconsidered by the Environmental Officer on remand shall be stayed pending reissuance, unless the Committee expressly states to the contrary.
 - 4) An Environmental Appeals Committee decision not to reconsider a final permit, or the denial of a permit, shall be considered final administrative action for purposes of judicial review.
 - 5) If the Environmental Appeals Committee fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.
 - 6) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the State District Court.
- C) Permit Action and Modification: The Environmental Officer has the power to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by an Industrial User where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate the applicable TPDES permit issued for the operation of the

POTW. The Environmental Officer may modify the Industrial User Wastewater Discharge Permit for good cause including but not limited to, the following:

- 1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements.
 - 2) To address material or substantial alterations or additions to the Industrial User's operation processes, or discharge volume or character which were not considered in drafting the effective permit.
 - 3) A change in any condition in either the Industrial User or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
 - 4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel, or the receiving waters.
 - 5) Violation of any terms or conditions of the permit.
 - 6) Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.
 - 7) Revision of or a grant of variance from Categorical Standards pursuant to 40 C.F.R. § 403.13.
 - 8) To correct typographical or other errors in the permit.
 - 9) To reflect transfer of the facility ownership and/or operation to a new owner or operator.
 - 10) Upon request of the permittee, provided such request does not create a violation of any applicable Pretreatment Standards or Requirements, or other laws, rules, or regulations. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D) Permit Transfer: Industrial User Wastewater Discharge Permits may be reassigned or transferred to a new owner and/or operator with prior approval of the Environmental Officer, provided:
- 1) The permittee must give at least thirty (30) days advance notice to the Environmental Officer.

- 2) The permittee must provide a copy of the existing permit to the new owner or operator.
 - 3) The notice must include a written certification by the new owner or operator which:
 - a) States that the new owner or operator has no immediate intent to change the facility's operations and processes;
 - b) Identifies that the permittee has provided a copy of the existing permit to the new owner or operator;
 - c) Identifies the specific date on which the transfer is to occur; and
 - d) Acknowledges full responsibility for complying with the existing permit.
 - 4) Failure to provide advance notice of a transfer renders the Industrial User Wastewater Discharge Permit void as of the date of facility transfer.
- E) Permit Termination: Industrial User Wastewater Discharge Permits may be terminated for good cause, including but not limited to, the following reasons:
- 1) Falsifying self-monitoring reports.
 - 2) Tampering with monitoring equipment.
 - 3) Refusing to allow proper inspecting authorities timely access to the facility premises and records.
 - 4) Failure to meet effluent limitations.
 - 5) Failure to pay fines.
 - 6) Failure to pay sewer charges.
 - 7) Failure to meet compliance schedules.
 - 8) Failure to notify the Environmental Officer of significant changes to the wastewater prior to the changed discharge.
 - 9) Failure to provide prior notification to the Environmental Officer of changed conditions pursuant to Section 28, Paragraph C) of this Ordinance.

- 10) Misrepresentation or failure to fully disclose all relevant facts in the Industrial User Wastewater Discharge Permit Application.
- 11) Failure to complete a wastewater survey or the Industrial User Wastewater Discharge Permit Application.
- 12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- 13) Violation of any pretreatment standard or requirement, or any terms of the Industrial User Wastewater Discharge Permit or this Ordinance.

A User will be notified of any proposed permit termination and offered an opportunity to show cause under Section 21, Paragraph H) of this Ordinance why the proposed termination should not occur.

Industrial User Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Industrial User Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new permit to that User.

- F) Permit Reissuance: The User shall apply for permit reissuance by submitting a complete Industrial User Wastewater Discharge Permit Application Form a minimum of ninety (90) days prior to the expiration of the User's existing permit.
- G) Continuation of Expired Permits: An expired permit will continue to be effective and enforceable until the permit is reissued if:
 - 1) The Industrial User has submitted a complete Industrial User Wastewater Discharge Permit Application Form at least ninety (90) days prior to the expiration date of the User's permit.
 - 2) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the Industrial User.

SECTION 20: GENERAL REPORTING AND RECORD-KEEPING REQUIREMENTS

- A) If sampling performed by an Industrial User indicates a violation, the User shall notify the Environmental Officer within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Environmental Officer within thirty (30) days after becoming aware of the violation.

- B) If an Industrial User subject to the reporting requirements of Section 15 or Section 16 monitors any pollutant more frequently than required by this Ordinance or by the Environmental Officer, using the procedures as prescribed in 40 C.F.R. § 403.12(g)(4), the results of this monitoring shall be included in the report.
- C) Any Industrial User subject to the reporting requirements established in this Ordinance or the Industrial User Wastewater Discharge Permit shall retain for a minimum of three (3) years any records of monitoring activities and results (whether or not such monitoring activities are required by this Ordinance or the Industrial User Wastewater Discharge Permit) and shall make available for inspection and copying by the EPA, TCEQ, or the Environmental Officer. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or the City, when requested by the State or the Federal government, or when specifically notified of a longer retention period by the Environmental Officer. For all samples, such records shall include but not be limited to:
- 1) The date, exact location, method, and time of sampling and the names of the person or persons taking the samples;
 - 2) The date analyses were performed;
 - 3) Who performed the analyses;
 - 4) The analytical techniques/methods used; and
 - 5) The results of such analyses.
 - 6) The outfall number(s) for which samples were taken.
 - 7) The sampler's name, affiliation, and signature.
 - 8) Type of sample(s) collected.
 - 9) Number of parts or sample intervals of the sample(s).
 - 10) How the sample(s) was collected (*i.e.*, automatic sampler, in person, etc.).
 - 11) Sample container – size and material.
 - 12) Field data – Who measured it, date, and time.
 - 13) Sampling date and time – Beginning date, ending date, beginning time, and ending time.

- 14) Chain of custody information (including affiliation of each individual in chain of custody).
- 15) Certification statement as set out in the City's Industrial Waste Ordinance.
- 16) Authorized signature as required by City's Industrial Waste Ordinance.

SECTION 21: ADMINISTRATIVE ENFORCEMENT REMEDIES

A) Telephone Call or E-mail Communication. After discovery of an Industrial User violation, the Environmental Officer may inform the noncompliant User by telephone or by e-mail communication concerning the violation committed by the User. If by telephone, the Environmental Officer will speak to the authorized User contact and explain the violation along with the possible enforcement action against the User if the violation continues to occur. The Environmental Officer will gather the following information:

- 1) why the violation occurred;
- 2) whether the problem has been corrected;
- 3) whether the violation could occur again; and
- 4) when the problem has been or will be corrected.

The information received from the contact concerning the violation will be documented along with time and date of call in the Violation Summary file. Such telephone call may be utilized to provide verbal notification of minor violations. If communication is by e-mail and the Industrial User does not provide the above information in a timely manner, the Environmental Officer will follow-up via telephone. Use of the telephone call or e-mail communication does not limit the Environmental Officer's ability to take any other action authorized by this Plan.

B) Notification of Violation. When the Environmental Officer finds that a User has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Environmental Officer may serve upon that User a written Notice of Violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Environmental Officer. If the User denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the Environmental Officer within fifteen (15) days of receipt of the notice. Submission of

an explanation and/or plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Environmental Officer to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

- C) Consent Orders. The Environmental Officer may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents may include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to paragraphs D) and E) of this Section and shall be judicially enforceable.
- D) Show Cause Hearing. The Environmental Officer may order a User which has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Environmental Officer and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- E) Compliance Orders. When the Environmental Officer finds that a User has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Environmental Officer may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time limit. If the User does not come into compliance within the specified time limit, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.
- F) Cease and Desist Orders. When the Environmental Officer finds that a User has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or

requirement, or that the User's past violations are likely to recur, the Environmental Officer may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- 1) Immediately comply with all requirements; and
- 2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

G) Emergency Suspensions. The Environmental Officer may immediately suspend a User's discharge, after any reasonable notice to the User that is practical under the circumstances, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Environmental Officer may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- 1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Environmental Officer may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Environmental Officer may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Environmental Officer that the period of endangerment has passed, unless the termination proceedings in Paragraph H) of this Section are initiated against the User.
- 2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Environmental Officer prior to the date of any show cause or termination hearing under Paragraph D) or H) of this Section.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H) Termination of Discharge. In addition to the provisions in Section 19, Paragraph E) of this Ordinance, any User who violates the following conditions is subject to discharge termination:

- 1) Violation of Industrial User Wastewater Discharge Permit conditions;
- 2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- 3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- 4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- 5) Violation of Pretreatment Standards.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Paragraph D) of this Section why the proposed action should not be taken. Exercise of this option by the Environmental Officer shall not be a bar to, or a prerequisite for, taking any other action against the User.

I) Administrative Fines.

- 1) When the Environmental Officer finds that a User has violated, or continues to violate, any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Environmental Officer may fine such User in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- 2) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- 3) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

J) Appeals from Administrative Enforcement Actions. Any Industrial User subject to any order issued, any administrative fine imposed, or any enforcement action taken by the Environmental Officer pursuant to his/her authority in this Section 21, may appeal the

order, action, or fine by filing a written notice of appeal with the Environmental Officer. (The Environmental Officer may provide forms for this purpose.) Such notice of appeal shall be filed within fifteen (15) days of notice of the order, action, or fine.

SECTION 22: ENVIRONMENTAL APPEALS COMMITTEE

- A) An Environmental Appeals Committee is hereby established, and authorized to hear and decide appeals from any decision, fine, or order issued or any other enforcement action taken by the Environmental Officer pursuant to this Ordinance. The Committee shall be composed of the City Administrator, the Mayor, and the City Attorney, or any of their designated representatives.
- B) The Committee may call and hold hearings, administer oaths, receive evidence at the hearing, issue subpoenas to compel the attendance of witnesses and the production of papers and documents related to the hearing, and make findings of fact and decisions with respect to administering its powers herein.
- C) Upon the hearing of an appeal from an order issued, enforcement action taken, or fine imposed by the Environmental Officer, the Committee shall determine if there is a preponderance of evidence to support the Environmental Officer's determination, fine, action, and/or order. The decision of the Committee shall be in writing and contain findings of fact. If the Committee determines that there is a preponderance of evidence to support the determination, fine, action, and/or order of the Environmental Officer, the Committee shall, in addition to its decision, issue an order:
 - 1) requiring discontinuance of the violation or condition;
 - 2) requiring compliance with any requirement to correct or prevent any condition or violation;
 - 3) suspending or revoking any Industrial User Wastewater Discharge Permit issued under this Ordinance; and/or
 - 4) imposing the proper fine.

In any decision issued by the Committee, the order shall specify the time in which the compliance with the order must be taken. A copy of the order shall be delivered to the appellant or person to whom the order is directed in person or sent to him/her by registered or certified mail (return receipt requested).

- D) Upon the hearing of an appeal from a permit issuance, modification, or denial by the Environmental Officer, the Committee shall determine if there is a preponderance of

evidence to support the Environmental Officer's permitting decision. The decision of the Committee shall be in writing. If the Committee determines that there is a preponderance of evidence to support the permitting decision of the Environmental Officer, the Committee shall affirm his/her decision. If the Committee determines that there is not a preponderance of evidence to support the permitting decision of the Environmental Officer, the Committee shall remand the permit, or permit application, back to the Environmental Officer for reconsideration. A copy of the decision of the Committee upon the permitting appeal shall be delivered to the appellant in person or sent to him/her by registered or certified mail. An Environmental Appeals Committee decision not to reconsider a final permit, or denial of a permit, shall be considered final administrative action for purposes of judicial review.

SECTION 23: DETERMINING THE CHARACTER AND CONCENTRATION OF WASTEWATER

- A) The wastewater discharged or deposited into the POTW shall be subject to periodic inspection and sampling as often as may be deemed necessary by the Environmental Officer. Sampling shall be conducted according to 40 C.F.R. Part 136 and amendments thereto or with any other test procedures approved by the EPA.
- B) The examination and analysis of the characteristics of waters and wastes shall be:
 - 1) Performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act (33 U.S.C. § 1314) and contained in 40 C.F.R. Part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the Environmental Officer or other parties, approved by the EPA.
 - 2) Determined from suitable samples taken at the control manhole provided or other control points authorized by the Environmental Officer provided at the expense of the industry.
- C) The Environmental Officer may select an independent firm or laboratory to perform sampling and laboratory analyses.
- D) The determination of the character and concentration of industrial wastewater shall be made by the Environmental Officer at such times and on such schedules as he/she may establish.

- E) The Environmental Officer may require any Industrial User to compensate NTMWD and/or the City, as appropriate, for the costs of sampling, analyses of the discharges, and any additional administrative fees provided in Section 24, below.

SECTION 24: USER FEES

- A) Each Significant Industrial User for which the City has reporting requirements under the applicable TPDES permit issued for the operation of the POTW shall, if the Environmental Officer so demands, compensate NTMWD and/or the City, as appropriate, for the cost of sampling, laboratory analyses and administration required to monitor wastewater discharges. The Environmental Officer shall determine the number of samples and frequency of sampling necessary to maintain surveillance of discharges.
- B) Each Industrial User for which the Environmental Officer takes samples and/or runs laboratory analyses to monitor wastewater discharges shall compensate NTMWD and/or the City, as appropriate, if the Environmental Officer so demands, for the cost of such sampling and laboratory analyses.
- C) NTMWD and/or the City may adopt other reasonable fees for reimbursement of its costs of setting up and operating the pretreatment program which may include:
- 1) Fees for Industrial User Wastewater Discharge Permit applications, including the cost of processing such applications;
 - 2) Other fees to recoup costs of monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Industrial Users;
 - 3) Fees to recoup the costs of responding to discharges by Users in violation of this Ordinance and/or to recoup monetary fines and/or penalties imposed on the City for violations of the applicable TPDES permit issued for the operation of the POTW attributable to pass through or interference caused by an Industrial User;
 - 4) Fees for reviewing and responding to accidental discharge procedures and construction;
 - 5) Fees for reviewing appeals; and

- 6) Other fees as NTWMD and/or the City may deem necessary to carry out the requirements of this Ordinance. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
- D) All fees required under this Ordinance shall be invoiced, upon the Environmental Officer's request, to the contributing industry or commercial firm by NTWMD and/or the City and shall be payable as indicated on the invoice.

SECTION 25: INDUSTRIAL WASTEWATER SURCHARGE

- A) A surcharge may be applied in addition to the monthly sewer service charge for the discharge of wastewater with concentrations of either BOD or TSS concentrations exceeding that of "Normal Domestic Sewage," to cover the additional costs of treating such wastewater. Such a charge is collected by the City.
- B) The surcharge shall be calculated as follows:

$$C = [B(Bu-250) + S (Su-250)] \times F \times V$$

Where:

C	=	surcharge to the User in dollars
B	=	unit cost factor for treating one unit of BOD (per 1,000 gallons)
Bu	=	the tested BOD of the discharge
S	=	unit cost factor for treating one unit of TSS (per 1,000 gallons)
Su	=	the tested TSS of the discharge
F	=	a factor of 8.34 to convert mg/L to pounds/ gallon
V	=	monthly billing volume (discharge) in thousand gallons
250	=	average domestic BOD and TSS (250 mg/L)

- C) If the concentration of BOD or TSS in the discharge is less than the normal strength for that category above specified, there shall be no surcharge for that category, nor shall there be credit given to the total surcharge if the concentration of either BOD or TSS is less than the normal concentration.
- D) All BOD and TSS values used in determining the surcharge shall be re-evaluated and adjusted to reflect any changes in wastewater characteristics as sampling results indicate necessary.

SECTION 26: INSPECTION AND SAMPLING

- A) The Environmental Officer, as well as other authorized representatives of the City, EPA, TCEQ, and the Texas Department of Health, or any successor agencies bearing proper credentials and identification, shall be permitted to enter the premises of any Industrial User at any reasonable time for the purpose of inspection, observation, measurement, sampling, examination and copying of records, sampling and testing of any wastewater discharged into the POTW, as well as of any wastewater prior to treatment or discharge, and inspection of any pretreatment facilities.
- B) The Environmental Officer shall carry out all inspection and monitoring procedures necessary to determine compliance with applicable Pretreatment Standards and Requirements.
- C) The Environmental Officer shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the Industrial User's operations.
- D) The Environmental Officer may require the Industrial User to install monitoring equipment as necessary. The User's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Industrial User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
- E) Anyone acting under this authority shall observe the established rules and regulations concerning safety, internal security, and fire protection.
- F) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the Environmental Officer and shall not be replaced. The costs of clearing such access shall be born by the User.
- G) Any denial of access or unreasonable delay in allowing the Environmental Officer access to a User's premises shall be a violation of this Ordinance.
- H) Search Warrants. If the Environmental Officer has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any Industrial User Wastewater Discharge Permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Environmental Officer may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 27: CONTROL MANHOLE

- A) When necessary to monitor wastewater discharged into the POTW, the Environmental Officer may require an Industrial User to provide and install, at its own expense, a suitable control manhole in an easily accessible location on the premises from which the waste is discharged in order to adequately sample and measure such wastewater. Installation of meters, equipment and accessories as deemed necessary by the Environmental Officer may also be required.
- B) A required control manhole shall be:
 - 1) near the outlet of each building lateral, sewer, drain, pipe, or channel, which connects with the wastewater system;
 - 2) designed and constructed to prevent infiltration by ground or surface water;
 - 3) located to provide ample room in or near the facility to allow accurate sampling and preparation of samples for analyses; and
 - 4) maintained by the User at all times in safe and proper operating condition.
- C) Before beginning construction of a control manhole, the User shall submit plans to the Environmental Officer for review and approval to insure compliance with this section. Plans must include any meters or other equipment required to be installed.

SECTION 28: PRETREATMENT REQUIRED

- A) Industrial Users shall provide necessary wastewater treatment as required to comply with all Pretreatment Standards and Requirements, including Categorical Pretreatment Standards, local limits, and the prohibitions set out in Sections 5 and 6 of this Ordinance, with the time limitations specified by EPA, TCEQ, or the Environmental Officer, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the User's expense. The Environmental Officer may require the development of a compliance schedule by each Industrial User for the installation of technology required to meet applicable Pretreatment Standards and Requirements.
- B) Before beginning construction of pretreatment facilities, the User shall submit detailed plans and operating procedures for the facility to the Environmental Officer for review and approval. The review and approval of such plans and procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Environmental Officer and City under the provisions of this Ordinance.

- C) All Industrial Users shall promptly notify the Environmental Officer in advance of any change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 C.F.R. § 403.12(p). The Environmental Officer may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial User Wastewater Discharge Permit Application Form.
- D) All records relating to compliance with Pretreatment Standards and Requirements shall be made available to the Environmental Officer and to other authorized officials of the City, TCEQ, or EPA upon request.
- E) The determination of the character and concentration of industrial wastewater shall be made by the Environmental Officer at such times and on such schedules as he/she may establish.

SECTION 29: NOTICE OF SIGNIFICANT NONCOMPLIANCE

- A) The Environmental Officer shall publish annually a list of Industrial Users in significant noncompliance with applicable Pretreatment Standards or other Pretreatment Requirements during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken against the Users during the same period. Said list shall be published in the newspaper in which the City's legal notices are normally published.
- B) For purpose of this section; an Industrial User is in significant noncompliance if its violation(s) meets one or more of the following criteria:
 - 1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 - 2) Technical Review Criteria (TRC) violations, defined here as those which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
 - 3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority (*i.e.*, the Environmental Officer) determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

- 4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- 5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- 6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- 7) Failure to accurately report noncompliance; or
- 8) Any other violation or group of violations which the Control Authority (*i.e.*, the Environmental Officer) determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 30: BYPASS

- A) Bypass not violating applicable Pretreatment Standards or Requirements. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Paragraphs B) and C), below.
- B) Notice.
 - 1) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Environmental Officer, if possible at least ten (10) days before the date of the bypass.
 - 2) An Industrial User shall submit oral notice of an unanticipated bypass to the Environmental Officer within twenty-four (24) hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The

Environmental Officer may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

C) Prohibition of Bypass.

- 1) Bypass is prohibited, and the Environmental Officer may take enforcement action against an Industrial User for a bypass, unless:
 - a) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - c) The Industrial User submitted notices as required under Paragraph B) of this Section.
- 2) The Environmental Officer may approve an anticipated bypass, after considering its adverse effects, if the Environmental Officer determines that it will meet the three conditions in Paragraph C) 1) of this Section.

SECTION 31: SLUG CONTROL PLAN

- A) Each Industrial User shall provide protection from Slug Discharges, as defined in Section 1 of this Ordinance. The Environmental Officer may require the Industrial User to develop and implement an accidental discharge/slug control plan. The plan shall contain, at a minimum, the following elements:
- 1) Description of discharge practices, including non-routine batch discharges;
 - 2) Description of stored chemicals;
 - 3) Procedures for immediately notifying NMTWD and the City of accidental or slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. § 403.5, with procedures for follow-up written notification within five (5) days;

- 4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

SECTION 32: NOTICE OF POTENTIAL PROBLEMS, INCLUDING SLUG LOADING

- A) All Categorical and Noncategorical Industrial Users shall immediately notify the Environmental Officer of all discharges, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or slug loadings as defined in 40 C.F.R. § 403.5(b), that could cause problems to the POTW by the Industrial User. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective taken by the user.
- B) Within five (5) days following such discharge, the Industrial User shall, unless waived by the Environmental Officer, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

SECTION 33: AFFIRMATIVE DEFENSE

- A) If a person can establish that an event, which would otherwise be a violation of this Ordinance, an Industrial User Wastewater Discharge Permit issued pursuant to this Ordinance, or other Federal, State, or local law, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation.
- B) Conditions necessary for a demonstration of affirmative defense. An Industrial User who wishes to establish an affirmative defense shall demonstrate, through properly signed, contemporaneous operation logs, or other relevant evidence that:
 - 1) The event that resulted in a violation occurred and the Industrial User can identify the cause(s) of the violation as being solely an act of God, war, strike, riot, or other catastrophe;
 - 2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

- 3) The Industrial User has submitted the following information to the Environmental Officer within twenty-four (24) hours of becoming aware of the violation (if this information is provided orally a written submission must be provided within five (5) days);
 - a) A description of the event that resulted in a violation and the cause of noncompliance;
 - b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - c) Steps being taken and/or plans to reduce, eliminate and prevent recurrence of the noncompliance.

Any verbal notice must include all of the information set out in a) through c) above.

- C) Burden of proof. In any enforcement proceeding the Industrial User seeking to establish an affirmative defense shall have the burden of proof.
- D) Reviewability of agency consideration. In the exercise of prosecutorial discretion, the Environmental Officer will review any claims of an affirmative defense. No determinations made in the course of his/her review shall constitute final action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of an affirmative defense only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- E) User responsibility. The Industrial User shall control production or all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

SECTION 34: NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTES

- A) If the permittee knows in advance of the need to discharge of a hazardous waste, the permittee shall submit prior written notice, at least ten days before the date of the discharge of a hazardous waste, to NTMWD and the City. If the permittee does not know in advance of the discharge of a hazardous waste, the permittee shall immediately notify NTMWD and the City and submit a written notice to NTMWD within five (5) days of the discharge. The notification shall identify the hazardous waste discharged and the amount of the hazardous waste discharged.

- B) In addition to the reporting requirements set out in A) above, Industrial Users shall notify the Environmental Officer, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Industrial Users shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 C.F.R. § 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 C.F.R. § 403.12(b), (d) and (e).
- C) Dischargers are exempt from the requirements of paragraph B) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. § 261.30(d) and § 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification.
- Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional information.
- D) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Environmental Officer, the EPA Regional Waste Management Division Director and the State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- E) In the case of any notification made under this Section, the Industrial User shall certify that is has a program in place to reduce the volume and toxicity of hazardous wastes generated to the extent determined to be economically practical.
- F) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, an Industrial User Wastewater Discharge Permit issued thereunder, or any applicable State or Federal law.

SECTION 35: CONFIDENTIAL INFORMATION

- A) Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Environmental Officer that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User under applicable state law. Any such request must be asserted at the time of submission of the information or data. Any information requested to be held confidential shall be stamped "confidential business information," "confidential," or "privileged" on each page containing such information by the User at the time the information is submitted.
- B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the applicable TPDES permit issued for the operation of the POTW, and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceeding involving the person furnishing the report. Effluent data as defined in 40 C.F.R. § 2.302 will not be considered confidential and will be available to the public without restriction.

SECTION 36: MISCELLANEOUS OFFENSES RELATING TO SEWER SYSTEM

No person other than a regular employee or officer of the City charged with such duties, shall do or aid in doing any of the following acts:

- 1) Opening, closing, lifting or removing the cover of any sanitary sewer manhole or clean-out plug of the City sanitary sewers.
- 2) Interfering with, destroying, impairing, injuring or defacing any property which is a part of or essential to the proper functioning of the POTW.
- 3) Covering or concealing from view any sanitary sewer manhole.
- 4) Tapping and/or otherwise connecting into an existing sanitary sewer which is a part of the POTW.

SECTION 37: JUDICIAL ENFORCEMENT REMEDIES

A) Civil Remedies.

- 1) Whenever it appears that a user has violated, or continues to violate, any provision of this Ordinance that relates to the discharge of a pollutant into the POTW, the City may petition the State district court or the county court at law, through the City Attorney, for either the injunctive relief specified in Section 37, paragraph A) 2) or the civil penalties specified in Section 37, paragraph A) 3) below, or both the specified injunctive relief and civil penalties.
- 2) The City may obtain against the violating user a temporary or permanent injunction, as appropriate, that:
 - a) prohibits any conduct that violates any provision of this Ordinance that relates to the discharge of a pollutant into the POTW; or
 - b) compels the specific performance of any action that is necessary for compliance with any provision of this Ordinance that relates to the discharge of a pollutant into the POTW.
- 3) The City may recover a civil penalty of up to but not more than \$5,000.00 per day for each violation of any provision of this Ordinance that relates to the discharge of a pollutant into the POTW, if the City proves that:
 - a) the defendant was actually notified of the Ordinance provision; and
 - b) after the defendant received notice of the Ordinance provision, the defendant committed an act or acts in violation of the Ordinance provision or failed to take action necessary for compliance with the Ordinance provision.

B) Criminal Penalties.

- 1) Any person who has violated any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or any order issued hereunder, or any other pretreatment standard or requirement shall be strictly liable for such violation and shall, upon conviction, be subject to a fine of up to but not more than \$2,000.00 per violation, per day.

- 2) Any person who has knowingly made any false statement, representation, or certification in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, an Industrial User Wastewater Discharge Permit, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be subject to a fine of up to but not more than \$2,000.00 per violation, per day.
 - 3) In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator, the compliance history of the violator, the knowledge, intent, negligence, or other state of mind of the violator, and any other factor as justice requires.
- C) Civil Suit Under the Texas Water Code. Whenever it appears that a violation or threat of violation of any provision of Section 26.121 of the Texas Water Code, or any rule, permit, or order of the Texas Natural Resources Conservation Commission, has occurred or is occurring within the jurisdiction of the City of Lavon, exclusive of its extraterritorial jurisdiction, the City, in the same manner as the TCEQ, may have a suit instituted in a state district court through its City Attorney for the injunctive relief or civil penalties or both authorized in Subsection (a) of Section 26.123 of the Texas Water Code, against the person who committed or is committing or threatening to commit the violation. This power is exercised pursuant to Section 26.124 of the Texas Water Code. In any suit brought by the City under this Section 37, Paragraph C), the TCEQ is a necessary and indispensable party.
- D) Remedies Nonexclusive. The remedies provided for in this Ordinance are not exclusive of any other remedies that the City may have under state or federal law or other City ordinances. The City may take any, all, or any combination of these actions against a violator. The City is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.

SECTION 38: SUPPLEMENTAL ENFORCEMENT ACTION

- A) Performance Bonds. The Environmental Officer may decline to issue or reissue an Industrial User Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Environmental Officer to be necessary to achieve consistent compliance.

- B) Water Supply Severance. Whenever a User has violated or continues to violate any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the User may be severed. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply.
- C) Public Nuisances. A violation of any provision of this Ordinance, an Industrial User Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Environmental Officer. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.
- D) In addition to prohibiting certain conduct by natural persons, it is the intent of this Ordinance to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of his/her office or employment.
- E) Any User that, in violating any Pretreatment Standard or Requirement, including any provision of this Ordinance, causes pass through or interference, or otherwise causes the City to violate the terms of the applicable TPDES permit issued for the operation of the POTW, and as a consequence to incur any civil or criminal penalty, shall be liable to the City for the amount of any such civil or criminal penalty, as well as any costs of compliance with any order issued by EPA, TCEQ, or any State or Federal Court and, additionally, any costs and/or attorneys' fees incurred by the City in defense or compliance with such judicial or administrative action.
- F) Any User that violates any Pretreatment Standard or Requirement, including any provision of this Ordinance, shall be liable to the City for any expense, loss, cleanup cost, damages, and/or waste disposal cost incurred by the City because of such violations. Additionally, an administrative fee of up to one-half (1/2) of assessed clean-up costs may be levied by the City against the responsible violator.

SECTION B. All provisions of any existing Ordinance of the City in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of any existing Ordinance of the City, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

SECTION C. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision, or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

SECTION D. This Ordinance shall become effective immediately upon approval by the City Council of the City of Lavon.

DULY PASSED AND APPROVED THIS, THE 2nd DAY OF AUGUST, 2016.

Charles Teske, Mayor

ATTEST:

Kim Dobbs, Interim City Secretary



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: XI-D

Item:

Discussion and action regarding Ordinance No. **2016-08-03** establishing guidelines for commercial filming in the City of Lavon, Texas; establishing a commercial filming application and permit; providing for a penalty for the violation thereof; providing a cumulative clause; providing a severability clause and providing for an effective date. (Wright, Allen)

Background:

On April 19, 2016, the Lavon Economic Development Corporation (LEDC) briefed the City Council on the potential pros and cons of commercial filming in the City. The Council asked for the LEDC to review regulations from other cities and return a draft ordinance for consideration.

Attachments: Ordinance No. **2016-08-03**
Communication from the Texas Film Commission, Office of the Governor
Website Press – City of Kyle on being film friendly

July 28, 2016

CITY OF LAVON, TEXAS

ORDINANCE 2016-08-03

Commercial Filming Guidelines

AN ORDINANCE FOR THE CITY OF LAVON, TEXAS ESTABLISHING GUIDELINES FOR COMMERCIAL FILMING IN THE CITY OF LAVON, TEXAS; ESTABLISHING A COMMERCIAL FILMING APPLICATION AND PERMIT; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lavon recognizes that on-location commercial filming is good business for the community and can have a positive impact on the local economy; and

WHEREAS, the Texas Film Commission has established the Film Friendly Texas program in an effort to help communities effectively manage on-location filming; and

WHEREAS, the adoption of filming guidelines and permit regulations are a requirement in order for a city to be branded as a Film Friendly Community; and

WHEREAS, the City Council finds and concludes that adoption of an ordinance relating to commercial on-location filming is in the best interest of the public and in support of health, safety and general welfare of the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS THAT:

SECTION 1. COMMERCIAL FILMING GUIDELINES

SECTION 1. PURPOSE

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within the City of Lavon and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of Lavon, Texas residents and businesses, and to promote the public health, safety and welfare. The Mayor reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the Mayor or their designee.

These Guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

SECTION 2. CITY CONTROL

The Mayor or their designee may authorize the use of any street, right-of-way, park, or public building, equipment or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the Mayor or their designee may require that any or all of the conditions and/or remuneration herein and as specified on the application be met as a prerequisite to that use.

The Applicant agrees that the City of Lavon shall have exclusive authority to grant the Applicant the use of public streets, rights-of-way, parks and public buildings of the City, as well as authority to regulate the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming in order to promote the public health, safety or welfare.

The Applicant shall allow City departments (e.g., Police, Fire, Building) to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the Mayor or their designee.

SECTION 3. PERMIT REQUIREMENTS

Before filing an application for filming in Lavon, the Office of the Mayor or their designee must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Lavon, TX.

Any commercial producer who desires to undertake a commercial production in Lavon is required to complete and return an application for filming to the Office of the Mayor or their designee, within the time frames below:

- **Commercials or episodic television:** a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

SECTION 4. APPLICATION FEE

An application processing fee established in the City of Lavon fee schedule should accompany each application for filming in Lavon.

The Mayor or their designee may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate by the Mayor or their designee.

SECTION 5. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether or not specifically requested by the production). Remuneration rates for the use of any City equipment, including police cars and fire

equipment, will be established on a case-by-case basis as determined by the Mayor or their designee. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The Mayor or their designee may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The Mayor or their designee, in consultation with the Chief of Police and/or Fire Chief, shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.

Off-duty police officers and firefighters shall be paid by the production company at a rate no less than one and one-half times their hourly rate.

SECTION 6. USE OF CITY-OWNED REAL ESTATE

The Mayor or their designee may authorize the use of any street, right-of-way, park or public building, use of the City of Lavon, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the Mayor or their designee may require that any or all of the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the Mayor or their designee.

The Applicant shall reimburse the City for inconveniences when using public property in accordance with the adopted fee schedule of the City.

The Applicant acknowledges and agrees that the City of Lavon, Texas, possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, public streets, rights-of-way, parks and buildings of the City as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity in order to promote the public health, safety and/or welfare.

SECTION 7. VEHICLES AND EQUIPMENT

The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the Mayor or their designee. On-street parking or use of public parking lots is subject to City approval.

The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the Mayor or their designee.

SECTION 8. HOURS OF FILMING

Unless express written permission has been obtained from the Mayor or their designee in

advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday:	7:00 a.m. to 9:00 p.m.
Saturday, Sunday and holidays:	8:00 a.m. to 8:00 p.m.

SECTION 9. NOTIFICATION OF NEIGHBORS

The Applicant shall provide a short written description, approved by the Mayor or their designee, of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood(s). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting owners, tenants and/or residents' comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, and other appropriate factors considered by the Mayor or their designee, the Mayor or their designee may grant or deny the filming application.

SECTION 10. CERTIFICATE OF INSURANCE

The Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of Lavon and its agents, officers, elected officials, employees and assigns, as additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

SECTION 11. DAMAGE TO PUBLIC OR PRIVATE PROPERTY

The Applicant shall pay in full, within ten (10) days of receipt of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition.

SECTION 12. HOLD HARMLESS AGREEMENT

The Applicant shall sign the following Hold Harmless Agreement holding the City harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use:

I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of The City of Lavon, Texas, and that I and my firm will indemnify and hold harmless the City of Lavon, Texas and its elected officials, officers, servants, employees, successors, agents, departments and assigns from any and all losses, damages, expenses, costs and/or claims of every nature and kind arising out of or in connection with the filming/taping and other related activities

engaged in pursuant to this Application.

I further certify that the information provided on this Application is true and correct to the best of my knowledge, and that I possess the authority to sign this and other contracts and agreements with the City of Lavon, Texas on behalf of the firm.

Signed: _____

Title: _____

Date: _____

SECTION 2. CUMULATIVE CLAUSE

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

SECTION 3. SEVERABILITY CLAUSE

It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

SECTION 4. PENALTY

Any person violating any provision(s) of this ordinance shall be fined in a sum not to exceed Two Thousand Dollars (\$2000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5. PUBLIC MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council.

PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 2nd day of August, 2016.

Charles A. Teske, Jr. Mayor

Attest:

Kim Dobbs, Interim City Secretary

Kim Dobbs

From: charlie allen <bosleydsa@yahoo.com>
Sent: Thursday, July 28, 2016 9:05 PM
To: Kim Dobbs; Dallas Allen
Subject: Fw: DRAFT Film Friendly Ordinance

Charles A. Allen (972)375-7275 bosleydsa@yahoo.com

----- Forwarded Message -----

From: Kim LeBlanc <Kim.LeBlanc@gov.texas.gov>
To: 'charlie allen' <bosleydsa@yahoo.com>
Sent: Thursday, July 28, 2016 7:06 PM
Subject: RE: DRAFT Film Friendly Ordinance

Hi Charlie,

Great to hear from you and thanks so much for sending the draft of Lavon's filming guidelines my way! From our perspective here at the Texas Film Commission, these look great – very much in line with industry standards and best practices – as we discussed in the Film Friendly workshop you attended in Waxahachie. Good luck getting your filming guidelines approved by your City Council and once they have been approved, please send me a copy of the finalized version of Lavon's filming guidelines and that requirement will be complete.

The only other step/ requirement that will need to be completed after that is the fun one ☺ Send us multiple photos of at least 5 potential filming locations in Lavon for inclusion in our office's locations database. We will use these photos to market Lavon as a filming destination to filmmakers.

On that note, below please find some additional information re: the types of location, resolution requirements for inclusion in our locations database and the overall types of photos that filmmakers are looking for:

To add photos of potential filming locations in your community to our office's online locations database, please send a CD or flash drive with **high resolution digital images (at least 4x6, 300 dpi or 1800x1200 pixels)** with multiple photos per each individual location that also provide an overall tour of each individual location.

Please note we do not accept hard copy photographs or 35mm negatives. For an example of the types of photos to submit, please read the tips below and please view this [sample gallery](#). Please see the additional information listed below as well:

- Please take and submit several photo of at least 5 potential filming locations in your community in order to meet the minimum photo requirement for Film Friendly certification. The more the merrier, but photos of 5 potential filming locations in your community is the absolute minimum.

- In general, filmmakers like to see the 'big picture' so think wide. Please include both exterior and interior images for each individual location being photographed and submitted. If there are multiple structures on a property, please be sure to photograph all structures on the property.
- For exteriors, please take multiple angles of the structures / buildings including views from the street, front, side and back.
- Please include at least one shot of every room on the interior. It is helpful to stand in the corner of a room with the lens adjusted to the widest angle setting.
- Please do not include close-up or detail shots of fixtures (door knobs, fans, etc.), it's best to get a feel for what the room looks like as a whole.
- In general, the photographs we include in our locations database are a little different from more traditional CVB/ Chamber of Commerce photos of a community's attractions. This means that in addition to downtowns, main streets, historic homes, pristine locations - please feel free to also send us photos of any abandoned, vacant, distressed, decommissioned, industrial and rural locations in your community, as these are popular and requested locations from filmmakers.
- Often we will work to highlight the surroundings and the context around locations that we are photographing too. This is helpful for filmmakers because great filming locations need to also be accessible.
- Please include the property address and contact information (name, email address and phone number) for the owner and / or manager. For rural properties, please include basic directions such as 'iron gate entrance 8 miles east of Loop 180.'
- **Please send the package to:**
Texas Film Commission
Attn: Ali Stintzi
P.O. Box 13246
Austin, TX 78711

We receive requests for all types of locations including mansions, gas stations, courthouses, dancehalls, farms, ranches and more. In my experience, some of the most frequently

requested types of locations are: schools, hospitals, prisons, other institutional-looking locations, restaurants, bars, residential locations, parks, downtowns/ main streets, historic structures, warehouses and means of infrastructure such as: depots, airports, highways, alleyways and roads.

That said, we want you to focus on potential filming locations that are unique to Lavon as well. Hope this helps to clarify and please don't hesitate to let me know if you have any additional questions. Once we have approved filming guidelines by your City Council and photos of at least 5 potential filming locations in your community, we will be thrilled to add Lavon to our statewide Film Friendly network of communities.

Thanks again for your ongoing support and enthusiasm toward all things Film Friendly and look forward to hearing back!

All the best,
Kim



Kim LeBlanc
Production & Community Relations Specialist
Texas Film Commission | Office of the Governor
512.463.9200 | 512.463.4114 fax
PO Box 13246 | Austin, TX 78711
kim.leblanc@gov.texas.gov
www.texasfilmcommission.com



From: charlie allen [mailto:bosleydsa@yahoo.com]
Sent: Wednesday, July 27, 2016 5:20 PM
To: Kim LeBlanc <Kim.LeBlanc@gov.texas.gov>
Subject: Fw: DRAFT Film Friendly Ordinance

Kim,

The City of Lavon has drafted an ordinance, attached, that would need to be reviewed and deemed acceptable by The Texas Film Commission.
Then I would need to know what other steps I will need to take in order for us to get the certification. I am looking forward to the next step and your guidance before the next meeting.
I can be reached at this e-mail or my cell # 972-375-7275.

Thank you again for all your help and patience.
Sincerely,

Charles A. Allen (972)375-7275 bosleydsa@yahoo.com

----- Forwarded Message -----

From: Kim Dobbs <kim.dobbs@cityoflavon.org>
To: charlie allen <bosleydsa@yahoo.com>
Sent: Wednesday, July 27, 2016 4:47 PM
Subject: FW: DRAFT Film Friendly Ordinance

Mr. Allen,

Pam asked me to share the attached with you and invite you to the August 2, 2016 City Council meeting where this item will be considered. Your comments on the ordinance are welcome; it tracks the form guidelines from the Film Friendly website.

The Council meeting will begin with a budget work session at 6:00 p.m. and the regular meeting will most likely begin at 7:00 pm.

Will you be able to attend?

Best regards,

Kim

Kim Dobbs
Interim City Secretary
City of Lavon
972-843-4220

From: Pam Mundo [<mailto:pam.mundo@lavonedc.com>]

Sent: Wednesday, July 27, 2016 10:21 AM

To: Kim Dobbs <kim.dobbs@cityoflavon.org>

Subject: RE: DRAFT Film Friendly Ordinance

Looks good to me. Please allow Charlie Allen the opportunity of review and maybe a statement before Council.. He is a former Director of the LEDC and has taken the week training on Film Friendly communities. He will arrange the photograph information also required by Texas Film Commission to become a designated Film Friendly community. Charlie Allen's mobile phone is 972 375 7275. I do not have his personal email.

Pamela J. Mundo, AICP/CEcD



Executive Director

214.773.0966

Pam.mundo@lavonedc.com

From: Kim Dobbs [<mailto:kim.dobbs@cityoflavon.org>]

Sent: Tuesday, July 26, 2016 7:27 PM

To: Kay Wright <kay.wright@lavonedc.com>; Pam Mundo <pam.mundo@lavonedc.com>; Mike Jones <mike.jones@cityoflavon.org>

Subject: DRAFT Film Friendly Ordinance

Attached is a draft of the film friendly ordinance that you had requested.

Please review and let me know what you think.

Thank you,

Kim

Kim Dobbs
Interim City Secretary
City of Lavon
972-843-4220



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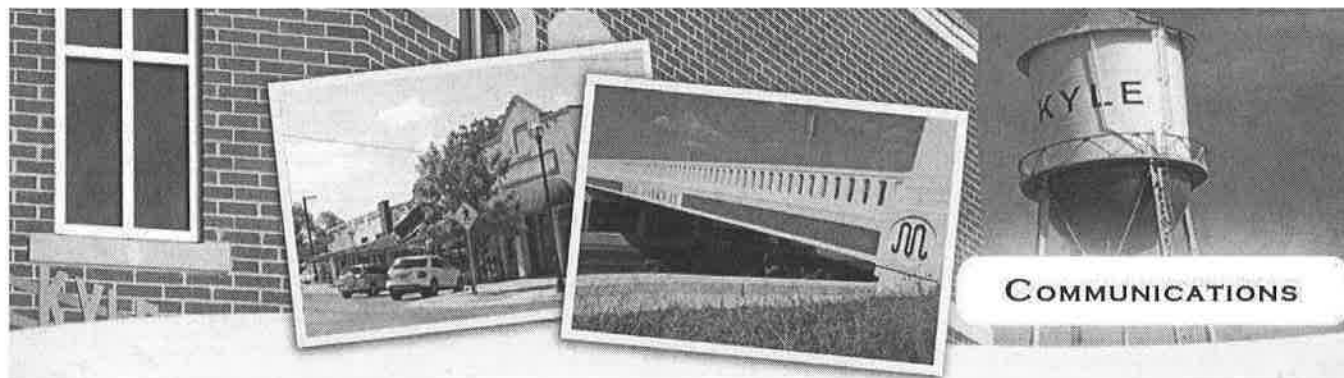


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Contact Information

Department of
Communications

100 W. Center Street
Kyle, TX 78640

Hours:

Monday - Friday

8 a.m. to 5 p.m.
Office: (512) 262-3921
jhendrix@cityofkyle.com
khlisenbeck@cityofkyle.com

[Click here for full contact info](#)

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Kyle now a Film Friendly Texas city

Resurrection, Summer League, The Lights, The Quantum Leap... what do these film titles have in common? They were all filmed, at least partially, in Kyle!

The Texas Film Commission announced Feb. 26 that Kyle is now a Film Friendly Texas town. But what does that really mean?

Economic Development Director Diana Blank-Torres said becoming a film- friendly city, a designation by the Texas Film Commission, is a good thing.

"This designation means more production firms, directors and producers will know about Kyle and all it has to offer," she said.

From quaint downtown scenes to the hubbub of activity near Kyle Crossing to rural landscapes, Kyle has a variety of locales that appeal to film makers.

Blank-Torres said the commission promotes designated cities to the film industry.

"The certification informs potential productions that Kyle is ready to do business," she said. "Part of being ready is having film guidelines in place, recognizing the needs of the production industry while protecting the interests of our community."

She added that films bring jobs and money to our community.

"There is an economic impact when crews come to your community—they spend money," Blank-Torres said. "It can be anything from hotel rooms to eating at restaurants, car rentals, internet providers, hospitals, local electrical contractors and dry cleaners. Crews also shop for groceries, ice, water, lumber, makeup and wardrobes."

She said the city paid a nominal fee to attend an introductory workshop to kick off the process. In addition, a member of the commission took dozens of photos of the area for the TEXScout website, free of charge. Those will help film production firms when they select locations for shooting.

What can the city expect now that it's listed as film friendly?

Blank-Torres said the listing offers Kyle greater exposure.

"Being a Film Friendly Texas city will put our information out to production firms in a way that we wouldn't necessarily be able to do on our own," she said. "The film commission promotes statewide locations and they assist in packaging information to anyone interested in filming in Kyle."

Though no films have yet requested a permit for 2016, Blank-Torres said that might be because film crews that want to shoot here didn't need anything from the city, such as street closures, police presence, etc.



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: XI-E

Item:

Discussion and action regarding Ordinance No. 2016-08-04 setting commercial filming fees; providing a severability clause and providing an effective date. (Dobbs)

Background:

If the City Council adopts proposed Ordinance No. 2016-08-03 for guidelines pertaining to commercial filming in the City, the City Council will need to adopt corresponding fees.

Attachments: Ordinance No. 2016-08-04

July 28, 2016

CITY OF LAVON, TEXAS
ORDINANCE NO: 2016-08-04

Commercial Film Fees

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS SETTING
COMMERCIAL FILMING FEES; PROVIDING A SEVERABILITY
CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, City Council of the City of Lavon desires to allow commercial filming in the City and certain fees may be charged in relation to permits and use of property; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF LAVON, TEXAS THAT:**

SECTION 1. FINDINGS

The City Council of the City of Lavon finds that the above foregoing recitals are true and correct and are hereby incorporated for all purposes as official findings of the City Council of the City of Lavon.

SECTION 2. SETTING FEES FOR COMMERCIAL FILMING ACTIVITY

That fees as described in **Attachment A** shall be incorporated into the City's Fee Schedule.

SECTION 3. SEVERBILITY

That if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 4. PUBLIC MEETING

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 5. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LAVON, TEXAS ON THIS 2nd DAY OF AUGUST, 2016.**

Charles Teske, Mayor

Attest:

Kim Dobbs, Interim City Secretary

CITY OF LAVON, TEXAS
ORDINANCE NO: 2016-08-04

EXHIBIT A

Commercial Film Fees

Item	Fee
Application Processing Fee	\$100
<u>Used of City-Owned Real Estate - Activity</u>	<u>Cost per calendar day</u>
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500 per day
Partial, non-disruptive use of a public building, park, right-of-way, or public area	\$250 per day
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$50 per block, per day
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$25 per block, per day
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50 per block or lot, per day



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: XI-F

Item:

Discussion and Action regarding Ordinance No. 2016-08-05 establishing the outdoor burn regulations; providing for a penalty for the violation thereof; providing for repealing, savings, and severability clauses and providing for an effective date. (Scott)

Attachments: Ordinance

July 28, 2016

CITY OF LAVON, TEXAS
ORDINANCE NO: 2016-08-05

Revised Burn Ordinance

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS ESTABLISHING OUTDOOR BURN REGULATIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon ("City Council") seeks to protect the public safety, preserve the quality of life, promote health, welfare, convenience and enjoyment of the public in the City; and

WHEREAS, pursuant to Texas Local Government Code the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, City Council of the City of Lavon believes it is in the best interest of the citizens and visitors to the City, to regulate outdoor burning within the City of Lavon and Extraterritorial Jurisdiction (ETJ) where allowed by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS:

SECTION 1. Enactment, Popular Name, Scope

1.1 Enactment

The City Council of the City of Lavon finds that the above foregoing recitals are true and correct and are hereby incorporated for all purposes as official findings of the City Council of the City of Lavon.

1.2 Popular Name

This Chapter shall be commonly cited as the "Revised Burn Ordinance."

1.3 Scope

This Chapter applies to all outdoor burning within the incorporated municipal boundaries (i.e., "city limits"), and Extraterritorial Jurisdiction (ETJ) where allowed by law.

SECTION 2. Purpose

2.1 Purpose

The purpose of a this chapter is to limit the loss of life, property and health concerns associated and contributed to activities related to burning of materials in a mostly populated area.

SECTION 3. Definitions

3.2.1 Nuisance Burning:

Any burn that creates dangerous conditions which are detrimental to the life, health and property of the citizens of the city.

3.2.2 Uncontrolled burning:

Any and all burning of trash, garbage, refuse or any other debris, unless the burning is conducted pursuant to one of the exemptions provided herein.

3.2.3 Authorized Fires:

Fires allowed by this ordinance, that do not cause undue harm to property or the public.

3.2.4 Domestic waste:

Waste generated on site by a private residence, housing not more than three families.

3.2.5 Repeat offender:

A person, business or other entity committing the same or similar offense governed by this ordinance more than 3 times within 1 calendar year.

3.2.6 Texas Commission on Environmental Quality (TCEQ)

The Texas Commission on Environmental Quality strives to protect our state's public health and natural resources consistent with sustainable economic development. Their goal is clean air, clean water, and the safe management of waste.

SECTION 4. Prohibition

4.1.1 It is unlawful for any person or entity to burn, cause to be burned, or allow any uncontrolled or nuisance burning of trash, or other debris within the incorporated municipal boundaries (i.e., "city limits"), and Extraterritorial Jurisdiction (ETJ) where allowed by law.

4.1.2 It is unlawful for any person or entity to violate TCEQ standards, Collin County Orders, other City postings, warnings or alerts.

SECTION 5. Authorized Fires

5.1.1 Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of the Texas Commission on Environmental Quality (TCEQ).

5.2 Burning in a state-approved, enclosed incinerator.

5.3 Domestic waste burning at a property designed for and used exclusively as a private residence, housing not more than three families, when collection of domestic waste is not provided (for a fee) or authorized by the local governmental entity having jurisdiction, and when the waste is generated only from that property.

5.4 During or following an emergency situation as determined by the fire official having jurisdiction. Executed at a time and place of the fire officials discretion, so as to not endanger the public or cause undue harm.

5.5 Fires built for and used for training of the local fire department are acceptable. Those shall be limited to days in which fire training is actually occurring on scene and approved materials are being burned.

SECTION 6. Penalty.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not more than \$500. Each continuing day's violation under this ordinance shall constitute a separate offense.

In addition to and accumulative of all other penalties, the city shall have the right to seek injunctive relief to abate any and all violations of this ordinance for repeat offenders.

SECTION 7 . Savings and Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect. This ordinance repeals Ordinance 97-06-1 in its entirety.

SECTION 8 . Severability

It is hereby declared by the City Council of the City of Lavon that if any of the sections,

paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 9 . Enforcement

This ordinance shall be enforced by an authorized official of the City of Lavon, local fire official or peace officer, in accordance with the adopted fire code.

SECTION 10. Civil Provisions

10.1 The authority to conduct outdoor burning under this ordinance does not exempt or excuse the person responsible from the consequences, damages or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations and orders of governmental entities having jurisdiction even though the burning is otherwise conducted in compliance with this section. The city does not accept responsibility for the conduct of such outdoor burning activities even if in compliance with this section.

10.2 Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law.

SECTION 11. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Lavon, Texas, this 2nd day of August, 2016.

Charles A. Teske, Jr. Mayor

Attest:

Kim Dobbs, Interim City Secretary



Lavon City Council Meeting Agenda Brief

Meeting: August 2, 2016

Item: XI-G

Item:

Discussion and action regarding Resolution 2016-08-05 authorizing the Mayor to execute a Purchase Agreement with SafetyCom, Inc, for the purchase and installation of an outdoor warning system and providing an effective date. (Scott)

Background:

On July 19, 2016, the City Council selected SafetyCom, Inc. and directed the staff to negotiate a contract for the installation of an outdoor warning system.

The attached agreement is provided for the City Council's consideration with a recommendation for a approval.

Attachments: Resolution No. 2016-08-05

July 28, 2016

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-05

Purchase Agreement – Outdoor Warning System.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT WITH SAFETYCOM, INC. FOR THE PURCHASE AND INSTALLATION OF AN OUTDOOR WARNING SYSTEM AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lavon desires to install an outdoor warning system; and

WHEREAS, the City of Lavon requested and received proposals for the installation of an outdoor warning system and selected and qualified SafetyCom, Inc. as the recommended provider;

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

SECTION 1. That the City Council does hereby authorize the Mayor to execute a Purchase Agreement with SafetyCom, Inc. for an Outdoor Warning System which is attached hereto and labeled “Exhibit A”;

SECTION 2. That this resolution shall take effect from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 2nd day of August, 2016.

Charles Teske, Mayor

ATTEST:

Kim Dobbs, Interim City Secretary

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-05

EXHIBIT A

Purchase Agreement – Outdoor Warning System

PURCHASE AGREEMENT
City of Lavon, Texas
OUTDOOR WARNING SYSTEM

This document shall constitute a purchase agreement between City of Lavon, Texas and SafetyCom, Inc. for services described herein.

Parties: Where used in this agreement, the following parties are identified.

Owner/City of Lavon, Texas- a municipal corporation.

Contractor/SafetyCom, Inc. - An Arkansas corporation and authorized Master Distributor for Whelen Engineering Company, Inc.

Scope and Specifications: SafetyCom Inc. shall furnish and install two (2) WPS 2906 tone/voice powered siren assembly and concrete poles. The final siren locations shall be approved by an authorized representative from City of Lavon. Agreement is issued and signed by both parties to insure compliance will all terms listed on Bid Proposal # 2016-HLS001.

Additionally, SafetyCom will provide two (2) control and activation points at facilities specified by the City of Lavon. The Primary Control Point will consist of WeatherWarn Siren Software. The Secondary Control Point will consist of Whelen's E-2010 encoder/decoder. Connection of both devices to the City of Lavon's existing radio equipment shall be the responsibility of the SafetyCom.

SafetyCom will not undertake to furnish any materials or to perform any work not specifically authorized under the terms of this Agreement unless additional materials or work are authorized by written Change Order, executed by the City of Lavon. In the event any additional work is provided by SafetyCom without such authorization, SafetyCom shall not be entitled to any additional compensation whatsoever.

It shall be understood and agreed that any material or product purchased under this agreement **shall be new, and in first class condition, unless otherwise stated in or required by the bid specifications.** Installation shall be performed in accordance to guidelines as set fourth by manufacturer and meet all local and state codes.

Rock Clause: Customer will bear all costs of removing any unforeseen underground obstructions.

Power Clause: SafetyCom will ensure power is connected.

Permit Clause: City of Lavon is responsible for any and all permits required to begin construction of said project.

Radio Clause: City of Lavon is responsible for all infrastructure radio communications. SafetyCom, Inc. will assume no responsibility for communication beyond the scope of the equipment supplied. SafetyCom will provide communications up to the point of the siren radio antenna and not beyond the output of the encoder/software. All connections to the existing base radio will be the responsibility of City of Lavon and payments shall not be suspended due to radio issues or delays caused by radio technicians.

Period of Agreement: This agreement shall become effective as of the date of the buyer's signature, and shall continue in full force until satisfactory completion of the installation.

Contract Amount: The total amount of this contract is \$68,769.00

Payment: Upon confirmed receipt, installation and successful testing of the siren equipment, SafetyCom will invoice City of Lavon for \$68,769.00 or less.

General Terms of Payment: Terms of payment for invoices submitted by SafetyCom are as follows: All accounts (including applicable City, County, & State taxes) are **NET 30** from date of invoice, or 2%(\$1375.38), Net 10 discount maybe applied.

-VERY IMPORTANT-

***Radio Frequencies:** Whelen cannot begin processing the order until they receive written confirmation of the Customers transmit, receive, and private line (PL) frequencies. **These frequencies should be specified where indicated at the end of this agreement.** Should the Radio/PL frequencies provided by City of Lavon to SafetyCom be incorrect, the City shall bear all costs associated with factory reprogramming of the siren radios.

Warranty Statement: See attached Warranty Statement.

Entirety: This document and the attachments specifically referred to herein, embody the entire agreement covering the work to be performed hereunder, and there are no agreements, understandings, conditions, warranties, or representations, oral or written, with reference to the subject matter hereof which are not merged herein. No modification hereof shall be of any force or effect unless in writing and signed by both parties.

This order is issued in duplicate. Please indicate your acceptance by signing and returning one (1) copy.

Mayor, City of Lavon, Texas

(Buyer has been authorized by approved resolution, ordinance,
or other lawful authority to undertake said agreement)

Date

PO# _____
Purchase Order Number

Contractor--SafetyCom, Inc

Date

--VERY IMPORTANT--(to be filled out after Council approval)
PLEASE COMPLETE RADIO FREQUENCY INFORMATION BELOW

RADIO FREQUENCIES:

TX:

RX.:

PL:

RADIO FREQUENCIES APPROVED BY:

CITY OF LAVON, TEXAS
RESOLUTION NO. 2016-08-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,
TEXAS CLARIFYING THE ROLE AND RESPONSIBILITIES OF THE
MAYOR AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Lavon is a Type-A General Law municipality with a city manager form of government; and

WHEREAS, the City of Lavon is operating without a city manager which necessitates the Mayor and City Council of Lavon to be more active and involved in the administration and operation of the city; and

WHEREAS, the Lavon Code of Regulations establishes the duties and responsibilities for the Mayor and the City Council.

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

SECTION 1. The recitals and findings set forth above are true and correct and are incorporated into the body of this resolution as if fully set forth herein.

SECTION 2. The City Council hereby clarifies that Lavon Code of Regulations (“LCR”) Section 3.2.1.2 Powers and Duties of the Mayor, subsection (D) does not give the Mayor authority to deny placement on the City Council agenda or to remove from a City Council agenda, any item requested by an alderman. Each alderman, pursuant to the provisions of LCR section 3.2.3.2 Duties of Alderman, subsection (E), shall have authority to place an item on a City Council agenda.

SECTION 3. The City Council hereby clarifies that pursuant to LCR Section 3.2.1.1 General, the city is a weak mayor form of city government and the Mayor of Lavon is the Chief Executive Office for the City and presides over meetings of the City Council, and is typically the figurehead for the City. In the absence of a city manager, the Mayor may oversee the day-to-day operations of the City but may not institute policies and disciplinary actions and may not prevent a member of the City Council from speaking with any employee as needed to gather information necessary to perform the duties of an alderman. Any joint decisions are reserved to the City Council as the governing body of the city.

SECTION 4. By this Resolution, the City’s employees are advised that generally, City Council Members may seek information from an employee when that information is necessary to perform the duties of an alderman. Further, employees are advised that no individual elected official has the authority to discipline or dictate work to an employee.

SECTION 5. By this Resolution, the City Council intends to prepare procedures for settlement City Council agendas.

SECTION 6. The City Secretary is advised to provide a copy of this Resolution to each employee of the City.

SECTION 7. This Resolution shall become effective from and after its date of passage.

PASSED AND APPROVED by the City Council of the City of Lavon, Texas, on this 2nd day of August, 2016.

Charles Teske, Mayor
City of Lavon, Texas

ATTEST:

Kim Dobbs, Interim City Secretary
City of Lavon, Texas

APPROVED AS TO FORM:

Wm. Andrew Messer,
Attorney for the City of Lavon