



**AGENDA
MAY 17, 2022
LAVON CITY COUNCIL
CITY HALL, 120 SCHOOL ROAD, LAVON, TEXAS
REGULAR MEETING
7:00 PM**

1. PRESIDING OFFICER TO CALL THE MEETING TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ITEMS OF INTEREST/COMMUNICATIONS

Members may identify community events, functions, and other activities.

4. CITIZENS COMMENTS

Citizens may provide comments (3-minute time limit/person). The response regarding items that are not on the agenda may be to request items be placed on a future agenda or referred to city staff.

5. CANVASS OF ELECTION

Discussion and action regarding Ordinance No. 2022-05-04 canvassing the returns, including the returns of early voting ballots cast in connection therewith, and declaring the results of the Special Election of the City of Lavon held on May 7, 2022, for the purpose of permitting the legal sale of all alcoholic beverages including mixed beverages; and providing an effective date.

6. PRESENTATIONS – POLICE DEPARTMENT

Presentation of department awards and promotions – Police Chief J. Michael Jones

7. PRESENTATION – FINANCIAL STATEMENTS

Presentation of the 2021 Financial Statements and Independent Audit Report – Mike Ward Accounting & Financial Consulting, PLLC.

8. CONSENT AGENDA

Consent items are considered routine or non-controversial and will be voted on in one motion unless a separate discussion is requested by a member.

A. Approve the minutes of the May 3, 2022, meeting.

B. Approve Resolution No. 2022-05-02 approving and authorizing the Mayor to execute an interlocal cooperation agreement with Collin County to provide for road improvement and maintenance participation; and providing for an effective date.

C. Approve and accept the dedication of a public access easement on Block A, Lot 3 of the Bordeaux Addition at 325 Gracy, Lavon, Texas.

9. ITEMS FOR CONSIDERATION

A. Receive report, discussion, and action regarding the Fire Department and Public Works Department facilities expansion projects (CIP-9).

B. Discussion and action regarding the contemplated annexation of a portion of State Highway 205 adjacent to Boyd Farm and a portion of FM 2755 adjacent to Elevon Future Business Park.

C. Discussion and action regarding Ordinance No. 2022-05-04 amending the fee schedule approved and adopted by Ordinance No. 2021-09-05 for the fiscal year October 1, 2021 through September 30, 2022 to remove garage sale permit fees; and providing an effective date

D. Discussion regarding regulations relating to the sale of alcoholic beverages.

Lavon City Hall will provide reasonable accommodations for persons attending meetings. Please contact the City Secretary at 972-843-4220 no later than 48 hours prior to a meeting if you require special assistance | WiFi password: Guest2014

- E. Discussion and action regarding the Home Rule Charter process and appointment of a Charter Commission.
- F. Discussion and action regarding orders and regulations, programming, city facilities and operations related to COVID-19.

10. BUDGET WORK SESSION

Discussion regarding the regulatory requirements, financial status for current fiscal year, budget calendar, anticipated commitments, departmental service levels, fee schedule, and projected needs for FY 2022-23.

11. DEPARTMENT REPORTS

Members may receive and discuss the reports.

- A. Police Services – Service, activity, programs, and administration report
- B. Fire Services – Service, activity, programs, and administration report
- C. Public Works Services – Utilities, capital projects, public works, and street maintenance report
- D. Administration Services – Building Permits; CWD Service; Collin County Tax Collection; Sales Tax; Financial Report, Quarterly Investment Report, SH 205 Widening Report; and administration and staff reports

12. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may recess into Executive Session (closed meeting) pursuant to Section 551.071 (2) consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter and Section 551.072 deliberation regarding real property.

13. RECONVENE INTO REGULAR SESSION

Consider and take any action necessary as a result of executive session.

14. SET FUTURE MEETINGS AND AGENDA

Requests may be made for items to be placed on a future agenda or for a special meeting.

June 7, 2022 – Regular Meeting

July 5, 2022 – consider meeting following July 4th

15. PRESIDING OFFICER TO ADJOURN THE MEETING

1. Notice is hereby given that members of the City Council, Economic Development Corporation Board, Planning and Zoning Commission, and Parks and Recreation Board may attend the meeting.
2. The body reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the City); §551.072 (discussing purchase, exchange, lease or value of real property); §551.074 (discussing personnel or to hear complaints against personnel); and §551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

This is to certify that this Agenda was duly posted on the City's website at www.cityoflavon.com and at City Hall and on or before 6:00 PM on May 13, 2022.



Rae Norton, City Secretary



CITY OF LAVON Agenda Brief

MEETING: May 17, 2022

ITEM: 5

Item:

CANVASS OF ELECTION

Discussion and action regarding Ordinance No. 2022-05-04 canvassing the returns and declaring the results of the May 7, 2022, special election held to Legalize the legal sale of all alcoholic beverages including mixed beverages in the City of Lavon.

Background:

Pursuant to the Texas Election Code, Chapter 67, Section 67.003 the governing body is required to canvass the precinct election returns for the election not earlier than the 3rd nor later than the 11th day after the May 7, 2022, election.

The City of Lavon had one proposition on the May 7 ballot: Proposition A to “Legalize the legal sale of all alcoholic beverages including mixed beverages” in the City of Lavon. The unofficial results of the election are below.

Proposition A

For:	426 (77.60%) votes
Against:	123 (22.40%)

The unofficial election results that were provided on May 7, 2022, after the polls closed were produced directly from the Collin County Elections Office tabulation system. The Collin County Elections Administrator has provided a certified full, true, and correct tabulation, audit, and count of the votes cast.

Note, pursuant to state law, two members of the City Council constitute a quorum for purposes of canvassing an election.

Attachments: Proposed Resolution
 Election Results

CITY OF LAVON
ORDINANCE NO. 2022-05-04

Canvass May 7, 2022, Local Option Election

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 7, 2022, SPECIAL LOCAL OPTION ELECTION HELD FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER OR NOT TO PERMIT THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES IN THE CITY OF LAVON; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon, Texas (the "City Council") duly authorized a Special Election to be held within the City of Lavon, Texas (the "City") on May 7, 2022 (the "Election"), for the purpose of submitting to the resident qualified electors of the City the proposition hereinafter set forth; and

WHEREAS, this City Council has investigated all matters pertaining to said Election; and

WHEREAS, the Election officers who held said Election have duly made the return of the results thereof, and said returns have been duly delivered to this City Council, and are attached hereto as **Exhibit A**; and

WHEREAS, the City Council finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that the public notice of the time, place and purpose of the meeting was given as required by Texas Government Code, Section 551.041, as amended; and

WHEREAS, state law requires that the governing body of the City canvass all municipal elections of the City.

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

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. It is officially found and determined that said Election was duly ordered, that proper notice thereof was duly given, that proper Election officers were duly appointed prior to said Election, that said Election was duly and lawfully held, that due returns of the result of said Election have been made and delivered, and that this City Council has duly canvassed said returns, all in accordance with the Texas Election Code, other applicable state law, and the Ordinance calling said Election.

Section 3. It is officially found and determined that the following votes were cast at said Election on the submitted proposition by the resident qualified electors of the City who voted at said Election:

<u>PROPOSITION A</u>	<u>EARLY VOTES CAST</u>	<u>BALLOTS BY MAIL</u>	<u>REGULAR VOTES CAST</u>	<u>TOTAL VOTES CAST</u>
FOR	270	6	150	426
AGAINST	87	2	34	123

Total Votes Cast: **549**

Section 4. That the City Council finds and determines that the above proposition carried at the Election, and that the City Council accordingly authorizes the legal sale of all alcoholic beverages including mixed beverages in the City, in accordance with City regulations, as may be amended.

Section 5. That the tabulation of votes cast, attached as **Exhibit A** and incorporated herein, for the purpose of legalizing the legal sale of all alcoholic beverages including mixed beverages in the Election, is hereby adopted as the official tabulation of the City and is hereby ordered filed and recorded in the official records of the City as the official canvass of said Election.

Section 6. The City Secretary is authorized and directed to send to the Texas Secretary of State and the Texas Alcohol and Beverage Commission by United States certified or registered mail, a certified copy of this Ordinance in accordance with state law no later than three (3) days after the date of this Ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the 17th day of May 2022.

Vicki Sanson, Mayor

ATTEST:

Rae Norton, City Secretary

EXHIBIT "A"

COLLIN COUNTY CERTIFIED ELECTION RESULTS

MAY 7, 2022 SPECIAL ELECTION

Summary Results Report
Joint General and Special
May 7th 2022

Combined Accumulated Totals
50 of 50 Vote Centers Reporting
Unofficial Results Collin County

Farmersville, City of - Proposition A

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail
For	174	74.68%	<div><div></div></div>	68	100	6
Against	59	25.32%	<div><div></div></div>	29	25	5
Total Votes Cast	233	100.00%	<div><div></div></div>	97	125	11
Overvotes	0			0	0	0
Undervotes	8			5	2	1
Contest Totals	241			102	127	12

Lavon, City of - Local Option Election

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail
For	426	77.60%	<div><div></div></div>	150	270	6
Against	123	22.40%	<div><div></div></div>	34	87	2
Total Votes Cast	549	100.00%	<div><div></div></div>	184	357	8
Overvotes	0			0	0	0
Undervotes	7			0	7	0
Contest Totals	556			184	364	8

City of Melissa - Mayor Melissa

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail
Jay Northcut	899	58.00%	<div><div></div></div>	304	573	22
Shannon Sweat	651	42.00%	<div><div></div></div>	252	374	25
Total Votes Cast	1,550	100.00%	<div><div></div></div>	556	947	47
Overvotes	0			0	0	0
Undervotes	17			7	7	3
Contest Totals	1,567			563	954	50

City of Melissa - City Council, Place 2 Melissa

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail
Chad Taylor	1,122	100.00%	<div><div></div></div>	400	693	29
Total Votes Cast	1,122	100.00%	<div><div></div></div>	400	693	29
Overvotes	0			0	0	0
Undervotes	445			163	261	21
Contest Totals	1,567			563	954	50

City of Melissa - City Council, Place 4 Melissa

Vote For 1

	TOTAL	VOTE %		Election Day	Early Voting	Ballot By Mail
Joseph Armstrong	1,121	100.00%	<div><div></div></div>	398	695	28
Total Votes Cast	1,121	100.00%	<div><div></div></div>	398	695	28
Overvotes	0			0	0	0
Undervotes	446			165	259	22
Contest Totals	1,567			563	954	50



CITY OF LAVON Agenda Brief

MEETING: May 17, 2022

ITEM: 7

Item:

Presentation of the 2021 Financial Statements and Independent Audit Report – Mike Ward Accounting & Financial Consulting, PLLC.

Background:

The Texas Local Government Code requires that the City's financial statements shall be audited annually by an independent certified public accountant. The professional audit firm, Mike Ward Accounting & Financial Consulting, PLLC was hired by the City Council to conduct the annual audit for FY 2019-20.

The annual audit was conducted in accordance with governmental auditing standards and fulfills the requirements set out in state law.

The auditor provided a preliminary comment that the audit resulted in an unmodified ("clean") opinion indicating that the financial statements are presented fairly, in all material respects, in accordance with generally accepted accounting principles.

This represents the best opinion possible.

The audit report will be distributed and presented by the auditor at the meeting.

Staff Notes:

The record will reflect that the City Council received the annual report. No action is necessary.



**MINUTES
MAY 3, 2022
LAVON CITY COUNCIL
REGULAR MEETING
7:00 PM**

ATTENDING: VICKI SANSON, MAYOR
MIKE COOK, PLACE 2
KAY WRIGHT, PLACE 3
TED DILL, PLACE 4
MINDI SERKLAND, PLACE 5

ABSENT: JOHN KELL, PLACE 1, MAYOR PRO TEM

1. **MAYOR SANSON CALLED THE MEETING TO ORDER AT 7:00 P.M. AND ANNOUNCED A QUORUM PRESENT.**
2. **MAYOR SANSON LED THE RECITATION OF THE PLEDGE OF ALLEGIANCE AND POLICE CHIEF MIKE JONES DELIVERED THE INVOCATION.**

3. **ITEMS OF INTEREST/COMMUNICATIONS**

LEDC Shop Lavon Coupon will expire on May 15, 2022
Election Day, May 7, 2022, 7:00 a.m.-7:00 p.m. at City Hall

4. **CITIZENS COMMENTS**

There were no comments.

5. **PROCLAMATIONS**

Proclamations were presented for:

Economic Development Week - May 9-13, 2022
Peace Officers Memorial Day May 15, 2022, and Police Week - May 11-16, 2022
Public Works Week - May 15-21, 2022

6. **PRESENTATION-FINANCIAL STATEMENTS**

At the request of the auditor, this item was deferred to the May 17, 2022, meeting.

7. **CONSENT AGENDA**

- A. **Approve the minutes of the April 19, 2022, meeting.**
- B. **Approve Resolution No. 2022-05-01 approving and authorizing the Mayor to execute an Interlocal Agreement with the City of Wylie, Texas for the Disposition of Surplus Personal Property for Law Enforcement consisting of a Night Hawk Tire Deflation Device.**

MOTION: APPROVE THE CONSENT AGENDA.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS (Absent: Kell)

8. **ITEMS FOR CONSIDERATION**

- A. **Discussion, and action regarding Ordinance No. 2022-05-01 annexing the hereinafter described territory into the extraterritorial jurisdiction of the City of Lavon, Collin County, Texas, and extending the boundary limits of said extraterritorial jurisdiction so as to include the described property within the extraterritorial jurisdiction; providing instructions for filing this ordinance and for correcting the official map and boundaries of said city; providing severability and cumulative clauses; and providing an effective date.**

City Administrator Kim Dobbs provided information regarding the boundary adjustment agreement with the City of Wylie and the addition to the City of Lavon's extraterritorial jurisdiction.

MOTION: APPROVE ORDINANCE NO. 2022-05-01 ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID EXTRATERRITORIAL JURISDICTION SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE EXTRATERRITORIAL JURISDICTION; PROVIDING INSTRUCTIONS FOR FILING THIS ORDINANCE AND FOR CORRECTING THE OFFICIAL MAP AND BOUNDARIES OF SAID CITY; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

MOTION MADE: DILL

SECONDED: COOK

APPROVED: UNANIMOUS (Absent: Kell)

- B. Public hearing, discussion, and action regarding the property owner's petition for the voluntary annexation of property in the W. A. S. Bohannon Survey, Abstract No. 121, being all of a called 40 acre tract of land conveyed to Betty Boyd Skelton by deed recorded in Volume 4996, Page 5221 of the Deed Records of Collin County, Texas generally located at 10350 State Highway 205 situated in Collin County within the extraterritorial jurisdiction of and adjacent to the City of Lavon into the corporate limits of the City of Lavon, Collin County, Texas.**

Presentation of petition.

Ms. Dobbs provided information regarding the property owner's petition for annexation and the public hearing that was opened on April 19, 2022 and continued to May 3, 2022.

PUBLIC HEARING to receive comments regarding the proposed petition.

Mayor Sanson reopened the public hearing at 7:17 p.m. and invited comments for or against the petition. There being no comments, Mayor Sanson closed the public hearing at 7:17 p.m.

Discussion and action regarding the petition.

MOTION: APPROVE ORDINANCE NO. 2022-05-02 ANNEXING PROPERTY IN THE W. A. S. BOHANNAN SURVEY, ABSTRACT NO. 121, BEING ALL OF A CALLED 40 ACRE TRACT OF LAND CONVEYED TO BETTY BOYD SKELTON BY DEED RECORDED IN VOLUME 4996, PAGE 5221 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS GENERALLY LOCATED AT 10350 STATE HIGHWAY 205 SITUATED IN COLLIN COUNTY WITHIN THE EXTRATERRITORIAL JURISDICTION OF AND ADJACENT TO THE CITY OF LAVON INTO THE CORPORATE LIMITS OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS.

MOTION MADE: COOK

SECONDED: SERKLAND

APPROVED: UNANIMOUS (Absent: Kell)

- C. Public hearing, discussion, and action regarding an application to change the zoning district classification from temporary Agricultural (A) District to a Planned Development (PD) District consisting of 157 residential lots and 3 HOA open space lots, on approximately 57.075 acres of land, the Bear Creek Addition, Phase 6 in the Drury Anglin Survey, Abstract No. 2, Lavon, Collin County, Texas, located southeast of the intersection of Presidents Blvd. and CR 483 (CCAD Property ID 1249973).**

Presentation of the application.

Ms. Dobbs reviewed the application, stated that all outstanding items had been resolved, and provided a report from the Planning and Zoning Commission recommending approval. Jim Douglas, Douglas Properties, provided information regarding the proposed concept plan and project. Ms. Dobbs noted that the application is consistent with the Future Land Use Plan in effect at the time of application and that the requisite public hearing notice was published in the newspaper and posted on the website, zoning change signs were placed on the property, and ten (10) neighbor notices were mailed to the

owners of property located within 200 feet of the applicant's property of which two notices were returned in opposition to and none in favor of the application.

PUBLIC HEARING to receive comments regarding the application.

Mayor Sanson opened the public hearing at 7:25 p.m. and invited comments for or against the application. Les Brannon, 11435 CR 483 and Allen Stelzel 11281 CR 483 expressed concerns regarding drainage, removal of trees and road conditions. There being no further comments, Mayor Sanson closed the public hearing at 7:33 p.m.

Discussion and action regarding the application.

MOTION: APPROVE ORDINANCE NO. 2022-05-03 CHANGING THE ZONING DISTRICT CLASSIFICATION FROM TEMPORARY AGRICULTURAL (A) DISTRICT TO A PLANNED DEVELOPMENT (PD) DISTRICT CONSISTING OF 157 RESIDENTIAL LOTS AND 3 HOA OPEN SPACE LOTS, ON APPROXIMATELY 57.075 ACRES OF LAND, THE BEAR CREEK ADDITION, PHASE 6 IN THE DRURY ANGLIN SURVEY, ABSTRACT NO. 2, LAVON, COLLIN COUNTY, TEXAS, LOCATED SOUTHEAST OF THE INTERSECTION OF PRESIDENTS BLVD. AND CR 483.

MOTION MADE: WRIGHT
SECONDED: SERKLAND
APPROVED: UNANIMOUS (Absent: Kell)

D. Discussion and action regarding Board and Commission appointments – Planning and Zoning Commission, Parks and Recreation Board, Lavon Volunteer Fire Department Board of Directors, and Charter Commission.

Ms. Dobbs provided information regarding vacant positions, reappointments, meeting attendance, volunteer applications on file, and the appointment of a Charter Commission. The City Council recognized volunteer applicants Travis Jacob and Jeffrey Cox who were in attendance.

MOTION: ON THE PLANNING AND ZONING COMMISSION, REAPPOINT DEBORAH NABORS TO SEAT 3, AND APPOINT JEFFREY COX FOR THE UNEXPIRED TERM TO SEAT 1 AND TRAVIS JACOB TO SEAT 4; APPOINT LINDSEY HEDGE TO SEAT 2 AND MIKE COOK FOR THE UNEXPIRED ALTERNATE TERM ON THE PARKS AND RECREATION BOARD; AND REAPPOINT MINDI SERKLAND TO SEAT 1 AND APPOINT KAY WRIGHT TO SEAT 3 ON THE LAVON VOLUNTEER FIRE DEPARTMENT BOARD OF DIRECTORS.

MOTION MADE: SERKLAND
SECONDED: DILL
APPROVED: UNANIMOUS (Absent: Kell)

E. Discussion and action regarding the rental of the Community Room to the public.

Ms. Dobbs reviewed information regarding and the City Council discussed the resumption of rental of the Community Room to the public. The City Council expressed consensus to permit use of the Community Room during business hours to the extent that it does not disrupt operations and discussed building safety, security, and community benefit relating to after-hours rental.

MOTION: DO NOT RESUME AFTER-HOURS COMMUNITY ROOM RENTALS TO THE PUBLIC.

MOTION MADE: WRIGHT
SECONDED: COOK
APPROVED: 3-0-1
FOR: COOK, WRIGHT, DILL
ABSTAINING: SERKLAND (Absent: Kell)

F. Discussion and action regarding orders and regulations, programming, city facilities and operations related to COVID-19.

There was no discussion or action.

9. CITY COUNCIL TO SET FUTURE MEETINGS AND AGENDAS.

May 7, 2022 – Election Day

May 17, 2022 – Regular Meeting-Canvass Election Results, 6:30 p.m.

10. MAYOR SANSON ADJOURNED THE CITY COUNCIL MEETING 8:14 P.M.

DULY PASSED and APPROVED by the City Council of Lavon, Texas, on this 17th day of May 2022.

ATTEST:

Vicki Sanson, Mayor

Rae Norton, City Secretary



CITY OF LAVON

Agenda Brief

MEETING: May 17, 2022

ITEM: 8 - B

Item:

CONSENT AGENDA

Approve Resolution No. 2022-05-02 approving and authorizing the Mayor to execute an interlocal cooperation agreement with Collin County to provide for road improvement and maintenance participation; and providing for an effective date.

Background:

In 2014, the City entered into an interlocal cooperation agreement (ILA) with Collin County for the option of accessing the road maintenance services offered by the County. The ILA was extended in 2018 and is now expiring. The ILA is required in order for the City to hire the County to perform certain maintenance tasks.

An example of cooperation was where the City of Lavon recently hired Collin County to perform maintenance on Forder Ct. The work required equipment, materials, time, and staff above and beyond what the City public works staff would have been able to do.

Financial Consideration:

The costs for services are reasonable and competitive.

Staff Notes:

Approval is recommended.

Attachments: Proposed Resolution including Agreement

CITY OF LAVON, TEXAS
RESOLUTION NO. 2022-05-02

Interlocal Cooperation Agreement – Collin County Road Maintenance

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH COLLIN COUNTY TO PROVIDE FOR ROAD IMPROVEMENT AND MAINTENANCE PARTICIPATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the “Act”), provides the authority to political subdivisions for contracts by and between each other to facilitate the governmental functions and services of said political subdivisions under the terms of the Act, and

WHEREAS, the City of Lavon and Collin County have the authority to enter into this Agreement under the Act; and

WHEREAS, upon full review and consideration of the Interlocal Cooperation Agreement and all matters related thereto, the City Council is of the opinion and finds all the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute the Interlocal Agreement on behalf of the City.

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

SECTION 1. The Interlocal Cooperation Agreement by and between the City of Lavon and Collin County attached hereto as Exhibit “A” is hereby approved, and the Mayor is hereby authorized to execute said Interlocal Cooperation Agreement and all documents related thereto.

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 17th day of May 2022

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary

RESOLUTION NO. 2022-05-02

EXHIBIT A

Interlocal Cooperation Agreement

INTERLOCAL COOPERATION AGREEMENT

Whereas, the Interlocal Cooperation Act, Title 7, Chapter 791, Vernon's Texas Statutes and Codes Annotated (the "Act"), and the Constitution of the State of Texas, Article III, Section 64(b) (the "Constitution") specifically authorizes counties and other political subdivisions comprised or located within the county, to contract with one another for the performance of governmental functions and/or services required or authorized by the Constitution, or the laws of this State, under the terms and conditions prescribed in the Act: and

WHEREAS, the functions and/or services contemplated to be performed by Collin County, Texas, as set out herein, are governmental functions and/or services contemplated by the terms of the Act and are functions and/or services which each of the parties hereto have independent authority to pursue, notwithstanding this Agreement; and

WHEREAS, both the county and the political subdivision named herein are desirous of entering into this Interlocal Cooperation Agreement, as is evidenced by the resolutions or orders of their respective governing bodies approving this Agreement which are attached hereto and made a part hereof.

NOW, THEREFOR, THIS AGREEMENT is hereby made and entered into by and between Collin County, Texas a political subdivision of the State of Texas, and the City of Lavon, political subdivision of the State of Texas, which is wholly or partially located within Collin County, Texas. Consideration for this Agreement consists of the mutual covenants contained herein, as well as any monetary consideration, which may be stated herein. This agreement is as follows, to wit:

I.

As requested by the political subdivision named herein, Collin County, Texas, acting by and through its duly authorized agents and employees, agrees to provide said political subdivision with the following described governmental functions and/or services:

ROAD IMPROVEMENTS IN ACCORDANCE WITH
COURT ORDER NO. 2021-109-02-01 (Copy Attached)

II.

As consideration for the above-described governmental functions and/or services, said political subdivision agrees to timely pay to Collin County, Texas, in accordance with the advance cost estimate submitted to them for work they have requested in the amount and upon the following terms and conditions:

- 1) PAYMENT IN FULL UPON COMPLETION OF WORK AND RECEIPT OF BILL FOR SAME.

2) PAYMENT TO EQUAL REIMBURSEMENT IN FULL FOR LABOR, EQUIPMENT, AND MATERIAL EXPENDED BY COLLIN COUNTY.

Any payments for Work performed under this Agreement that are not made within thirty days from when such payments are due shall accrue interest as prescribed by the Texas Prompt Payment Act (Tex. Gov't Code ch. 2251).

Each party agrees to perform all other acts and execute and deliver all other documents as may be necessary or appropriate to carry out the intent and purposes of this Agreement.

III.

To the fullest extent allowed by law, each party hereto agrees to defend and indemnify the other from any claims, demands, costs or judgments arising out of any negligent act or omission of their respective employees or agents in the performance of the governmental functions and/or services under this Agreement.

Failure of a Party to exercise any right or remedy in the event of default by any other Party shall not constitute a waiver of such right or remedy for any subsequent breach or default.

Should any provision of this Agreement or the application thereof be held invalid or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected thereby and shall continue to be valid and enforceable to the fullest extent, consistent with the intent of the Parties as evidenced by this Agreement.

IV.

This Agreement shall be effective October 1, 2022, or from the passage of enabling resolutions or orders by the governing bodies of the parties hereto and the execution hereof by each of the authorized representatives of the political subdivision who are parties hereto and shall remain in effect through September 30, 2026 unless terminated by either party upon giving thirty (30) days written notice to the other party of its intent to terminate the agreement.

Notices, correspondence, and all other communications shall be addressed as follows; However, the Parties hereto shall have the right from time to time to change their respective addresses by giving at least fifteen (15) days' written notice to the other Party.

If to Collin County:

Public Works
Jon Kleinheksel
700A Wilmeth Rd.
McKinney, TX 75069
972-548-3700

jkleinheksel@co.collin.tx.us

Purchasing
Gina Zimmer
2300 Bloomdale Rd., #3160
McKinney, TX 75071
972-548-4119

gzimmer@co.collin.tx.us

Administration
Bill Bilyeu
2300 Bloomdale Rd., #4192
McKinney, TX 75071
972-548-4698

bbilyeu@co.collin.tx.us

If to City:

Name
Address
City, State, Zip
Phone
email

V.

Notwithstanding the foregoing, it is understood that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. In the event of a non-appropriation by the paying party, the performing party shall be relieved of its responsibilities hereunder as of the first day of the fiscal year of such non-appropriation. All payments must be in an amount that fairly compensates the performing party for the services or functions performed under this agreement.

Force Majeure: No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent such failure or delay is caused by or results from acts beyond the affected party's reasonable control, including, without limitation: acts of God; flood, fire or explosion; war, invasion, riot or other civil unrest; actions, embargoes or blockades in effect on or after the date of this Agreement; or national or regional emergency (each of the foregoing, a "Force Majeure Event"). A party whose performance is affected by a Force Majeure Event shall give notice to the other party, stating the period of time the occurrence is expected to continue and shall use diligent efforts to end the failure or delay and minimize the effects of such Force Majeure Event.

VI.

Dispute Resolution

Notice & Conference

If a party believes that the other party has not met, or is not meeting, an obligation under this agreement, the party will contact the other's representative to discuss the issue. If the aggrieved party does not believe that this informal contact, discussion, and ensuing efforts have fixed the issue, then the party will notify the other party's representative in writing of the party's belief or complaint with reasonable detail to permit the other party to address the issue. The other party will then have a reasonable time to address the issue and improve its performance. This initial process will take no more than 14 calendar days, unless the parties agree otherwise.

If discussions between the parties' representatives do not resolve the issue, then the County Judge, or County Administrator from Collin County and the Mayor, City Manager, from the City of Lavon will meet in person to discuss and try to resolve the issue. This process will take no more than five (5) business days, unless the parties agree otherwise.

Prerequisites to Filing for ADR or a Lawsuit

Neither party may file a claim or lawsuit in any forum before the parties are finished using the cooperation procedures set forth above.

Expenses for Enforcement. In the event either Party hereto is required to employ an attorney to enforce the provisions of this Agreement or is required to commence legal proceedings to enforce the provisions hereof, the prevailing Party shall be entitled to recover from the other, reasonable attorney's fees and court costs incurred in connection with such enforcement, including collection.

This agreement will be governed and construed according to the laws of the State of Texas. This agreement is performable in Collin County, TX.

VII.

By entering into this Agreement, the parties do not intend to create any obligations, express or implied, other than those specifically set out in this Agreement.

The Parties represent that the individuals signing this Agreement on their behalf possess full power and authority to enter into this Agreement from their respective governing boards in compliance with the laws of the State of Texas.

By signing this agreement, no party waives any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

Nothing in this Agreement shall create any rights or obligations as to any party who is not a signatory to this Agreement. This agreement does not confer any rights or remedies upon any person or entity other than the Parties.

Should any provision of this Agreement or the application thereof be held invalid or unenforceable to any extent, the remainder of this Agreement and the application thereof shall not be affected thereby and shall continue to be valid and enforceable to the fullest extent, consistent with the intent of the Parties as evidenced by this Agreement.

A party will not assign its rights or obligations under this agreement, in whole or in part, to another person or entity without first obtaining the other party's written consent.

This Agreement is the entire agreement of the Parties. This Agreement may not be altered or amended except by mutual written agreement as provided herein.

If the Parties desire to modify this Agreement during or after the initial term, any modifications may be either incorporated herein by written amendment or set forth in a new written agreement.

This Agreement may be executed in one or more identical counterparts, each of which will be deemed an original for all purposes.

COLLIN COUNTY, TEXAS

Date: _____

By: _____

Title: County Judge

CITY OF LAVON

Date: _____

By: _____

Title: _____

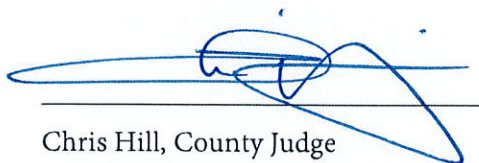
State of Texas §
Collin County §
Commissioners Court §

Court Order
2021-109-02-01

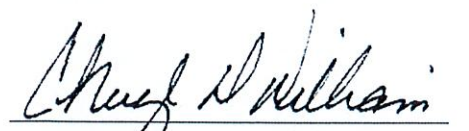
An order of the Collin County Commissioners Court adopting a policy.

The Collin County Commissioners Court hereby approves the amended Collin County Road and Right of Way policies, as detailed in the attached documentation.

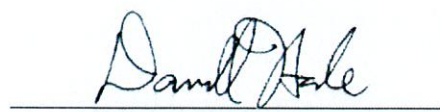
A motion was made, seconded, and carried by a majority of the court members in attendance during a regular session on Monday, February 2, 2021.



Chris Hill, County Judge


Susan Fletcher, Commissioner, Pct 1


Cheryl Williams, Commissioner, Pct 2




Darrell Hale, Commissioner, Pct 3


Duncan Webb, Commissioner, Pct 4


ATTEST: Stacey Kemp, County Clerk



COLLIN COUNTY

ROADWAY POLICY

Approved by the Collin County Commissioners Court on February 1, 2021
Court Order Number 2021-109-02-01

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1.01 INTRODUCTION

A. Purpose

This Roadway Policy has been adopted by Commissioners Court to put standards in place by which roadways and right of way in unincorporated Collin County are maintained. Commissioners Court reserves the right to amend any portion of this court order as deemed necessary and/or when required by changes in the law of Texas, state statutes or transportation codes.

B. Applicability

This Policy applies to roadways within Collin County that are located outside of the corporate limits of a municipality. Additionally, this policy may exclude areas within Collin County that are located within the extraterritorial jurisdiction (ETJ) of a municipality, provided that an ETJ has been established by the municipality and the municipality has entered into a written interlocal agreement with the County that identifies the municipality as the entity authorized to maintain roadways and rights of way within their respective ETJ.

Collin County will not be responsible for any damage caused by County crews to any facility installed that is not in compliance with this Policy.

Any extenuating circumstances not covered under this Policy shall be brought to the attention of Commissioners Court for consideration.

1.02 DEFINITIONS

For the purpose of this Policy, the following terms, phrases, words and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in planning and engineering practice. The word “shall” is mandatory and the word “may” is permissive.

AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) - An association of state highway and transportation officials.

BUSINESS DAY – the days of the week when County offices are normally open (excludes official holidays and weekends). Collin County holidays may be found online at:

<https://www.collincountytx.gov/government/Pages/Holidays.aspx>

COLLIN COUNTY ROADWAY SYSTEM – Any roadway maintained by Collin County Public Works.

COMMISSIONERS COURT – The Commissioners Court of Collin County.

COUNTY – Collin County, Texas.

COUNTY CLERK – the County Clerk of Collin County.

COUNTY ROADWAY – a public roadway under the control and maintenance of the

County.

DEDICATION – the appropriation of land, or an easement therein, by an Owner, for the use of the public and accepted for such use by or on the behalf of the public.

DEVELOPER – any person, partnership, firm association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participates in the performing of any act toward the development of a subdivision, within the intent, scope and purview of the Collin County Subdivision Regulations.

DEVELOPMENT – all land modification activity, including grading or construction of buildings, roadways, parking lots and/or other impervious structures or surfaces.

DIRECTOR OF PUBLIC WORKS – where used in this Policy, “Director of Public Works” shall mean the Collin County Director of Public Works and his/her authorized and/or appointed representatives.

EASEMENT – an area for restricted use on private property upon which a public or private utility/entity/HOA or Lot Owner responsible for maintenance shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growth which in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.

ENGINEER – a person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering in the State of Texas.

EXISTING ROADWAYS – roadways that have been constructed and are in place prior to the passage of this Policy.

EXTRATERRITORIAL JURISDICTION (ETJ) – the unincorporated land area, not a part of any city, which is contiguous to the corporate limits, as defined in [Local Government Code, Chapter 42](#).

FACILITY - any permanent or temporary non-County owned improvement placed within the right of way. Such facilities may involve underground, surface, or overhead facilities, either singularly or in combination. (Accessories are any attachments, appurtenances, or integral parts of the facility such as fire hydrants, valves, gas regulators, etc.).

FINAL ACCEPTANCE – formal acceptance by order of the Collin County Commissioners Court.

HOMEOWNERS ASSOCIATION – an organized, non-profit corporation with mandatory membership when property is purchased.

INCORPORATED AREA – See Extraterritorial Jurisdiction.

INTERLOCAL AGREEMENT (ILA) – A written contract between local government agencies.

MINIMUM REQUIREMENTS – Minimum acceptable requirements; such requirements may be modified by the Director of Public Works as may be necessary to protect the public

health, safety, and welfare.

OWNER – the Owner of the parent tract or lot of record.

PUBLIC WORKS – Collin County Public Works.

RESIDENT – a person who lives somewhere permanently or on a long-term basis.

RIGHT OF WAY – a parcel of land that is occupied or intended to be occupied, by a roadway or alley. Where appropriate, “right of way” may include other facilities and/or utilities such as sidewalks; railroad crossings; and/or electrical, telecommunication, oil, gas, water, sanitary sewer and/or storm sewer facilities. The term “right of way” shall also include parkways and medians which are located outside of the actual pavement. The usage of the term “right of way” for land platting purposes shall mean that every public right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way and shall not be included within the dimensions or areas of such lots or parcels. The right of way is the distance between property lines measured at right angles to the centerline of the roadway or alley.

ROADWAY – a paved right of way (or easement), whether public or private and however designated, which provides vehicular access to adjacent land and/or connection to other roadways or highways.

SUBDIVISION – the division of a tract of land situated within Collin County and outside the corporate limits of any municipality into two (2) or more lots, parcels or tracts for the purpose of sale or development, or for the purpose of laying out roadways, alleys, squares, parks, public utility easements, public rights of way, private ingress/egress easements, drainage or stormwater improvements, or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots or parcels fronting on or adjacent to such facilities.

TAA – a Temporary Access Agreement between Collin County and property owner.

TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (TMUTCD) - The most recent edition, including any additions or corrections, of the Texas Manual on Uniform Traffic Control Devices for Streets and Highways.

THOROUGHFARE - a principle traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principle connecting roadway with state highways.

THOROUGHFARE PLAN – the most recently adopted Collin County Thoroughfare Plan
<https://www.collincountytx.gov/mobility/Documents/CCThoroughfarePlan.pdf>

1.03 EXISTING ROADWAYS – MAINTENANCE RESPONSIBILITIES

Only public roadways that have been determined by Commissioners Court to be approved County Roads shall be maintained at County expense by Public Works. The County shall not maintain U.S. Highways, state roadways, private roadways, and other roadways or sections of a roadway within the city limits of an incorporated city.

A. Roadways within an Incorporated Area or within a City

1. Each city within Collin County is responsible for maintaining the bridges and roadways within their city limits.
2. Commissioners Court may consider making or participating in general maintenance items including rocking, grading, asphalt, leveling, seal coating, oiling for dust control, installation of culverts, warning signs, cleaning of drainage ditches, mowing or brush cutting and emergency repairs to bridges.
3. The following requirements must be met before Public Works can perform maintenance within an incorporated area or within city limits:
 - a. An Interlocal Agreement (ILA) must be presented to and approved by Commissioners Court. This currently executed ILA must be on file with the County.
 - b. Commissioners Court has granted approval of maintenance request(s).
 - c. Schedule will be set forth by Public Works and will be dependent upon the work schedule of County crews.
 - d. Emergency requests will be evaluated by Commissioners Court based upon the merits presented by the requesting city. Commissioners Court authorization is required for work performed within incorporated Cities.

B. Roadways adjacent to a City

1. Roads or sections of roadways bordered by a city or cities may be maintained at County expense as follows:
 - a. A portion of a public roadway adjacent to property that has been annexed by a city or cities before 2015, from the centerline of the roadway to the edge of the roadway on the opposite side from the City, may be maintained at County expense. The city's responsibility for maintenance of the roadway shall extend to the centerline of the roadway.
 - b. Any portion of a public roadway adjacent to property that has been annexed by a city or cities after 2015, shall not be maintained at County expense. The city's responsibility for maintenance of the roadway shall extend to the entire roadway.
 - c. Any portion of a public roadway that is bordered by a city or cities on both sides will be considered to lie entirely within an Incorporated Area and shall

not be maintained at County expense.

C. Roadways within a Subdivision

1. Maintenance of roadways in a Subdivision shall be performed by the Developer or Homeowners Association until roadways have been approved for County maintenance by Commissioners Court. See Collin County Subdivision Regulations for further information.

D. Abandonment of County Roads

1. The Commissioners Court, by unanimous vote, may abandon a County roadway upon following specific procedures as required by Vernon's Civil Statutes and the Texas Transportation Code Section 251.057.
<https://statutes.capitol.texas.gov/Docs/TN/htm/TN.251.htm#251.057>
2. In order for the public to request the relinquishment of the public's right of way and use of a roadway, the following conditions must be met:
 - a. Petition and Notice signed by eight (8) freeholders of land in the Commissioners' Precinct where the roadway is located is required to abandon a roadway.
 - b. Original signatures are needed on three (3) copies of both the Notice and Petition.
 - c. Signatures should be exactly as name appears on tax roll.
 - d. The roadway and its location should be described on the Notice and Petition prior to signatures being obtained.
 - e. Twenty (20) days public notice posted at the County Courthouse and along the subject roadway is required before Commissioners Court can consider taking action to abandon a roadway. Collin County will post the Notice at these locations upon verification of signatures.
 - f. Unanimous consent of Commissioners Court is required to abandon a roadway.
 - g. In some instances, as required by law, Collin County shall be compensated for the abandonment of right of way.

1.04 EXISTING ROADWAYS – MAINTENANCE SCHEDULE

A. Roadway Oiling – Residents with Respiratory Conditions

1. The County will oil a 500-foot portion of a County rock roadway for dust control in front of a resident's house whereas:
 - a. The resident has a chronic respiratory condition.
 - b. The condition is documented by a Medical Doctor (MD).

- c. The County's Application for Dust Control Oiling is signed by a doctor and submitted once each 36 months or 3 years.
 - d. Application for Dust Control Oiling due to chronic respiratory condition is available by calling Public Works (972-548-3700) and requesting an application. This form can be returned by mail to: Public Works, 700 A. West Wilmeth Road, McKinney, Texas, 75069 (or faxed to (972) 548-3754). Residents may also print the form from the Public Works webpage at: https://www.collincountytx.gov/public_works/road_bridge/Documents/HealthLetter.pdf
- 2. If the house is located at a roadway intersection the roadway will be oiled 500-feet in both directions from the intersection.
- 3. Road oiling for dust control will be performed one time each year and only between Mid-March and early October.
- B. Roadway Oiling – Cemetery Locations
 - 1. The County will oil 500 feet of a rock roadway in front of a cemetery for dust abatement at no cost, with approved advanced notice as indicated below:
 - a. Public Works receives 48 hours advanced notice of a graveside service date or;
 - b. Public Works receives 10-day advanced notice of the date scheduled for a recognized cemetery "clean up day"
- C. Roadway Oiling – Additional Applications
 - 1. Routine roadway grading will not warrant additional applications of oil. All additional applications of oil whether health related or otherwise will be at the requestor's expense.
 - 2. When construction causes heavier than normal truck traffic on a rock road the County may, at the discretion of the Director of Public Works, apply oil.
 - 3. All other requests for oiling in unincorporated areas of the County shall be at the requester's expense. Collin County shall be reimbursed for the cost of materials; requestor to call County for cost estimate based on current price. This process will consist of three (3) separate applications per 500 linear feet, typically two applications on a specific day with the remaining application a day or two thereafter. This service will be performed only between the warmer months of Mid-March through Early October. Requests for roadway oiling during the warmer months shall be made no later than September 30 of the year prior.
- D. Temporary Roadway Closures

Requests for Temporary Road Closures shall be made as far in advance as possible, with minimum submittal dates listed below. Late requests may be denied due to not having enough time to evaluate impacts.

1. Non-Emergency Temporary Road Closure Request: Complete and submit the County's Roadway Closure Request Form at least 72 hours of the proposed closure. This form can be found on the County's website at: https://www.collincountytx.gov/public_works/road_bridge/Pages/roadclose.aspx The Director of Public Works will review the request and notify the applicant in writing of their decision within 24 hours of the road closure. If approved, County staff will notify affected parties such as USPS, school districts, law enforcement, emergency responder agencies, and adjacent landowners. Applicant is responsible for deploying and retrieving all necessary equipment including barricades, cones, signs, etc.
2. Special Event Temporary Road Closure Request: Complete and submit the County's Roadway Closure Request Form at least 90 days prior to the special event. This form can be found on the County's website at: https://www.collincountytx.gov/public_works/road_bridge/Pages/roadclose.aspx The Director of Public Works will review the request and notify the applicant in writing of their decision within 14 days of the road closure. The event sponsor shall be responsible for funding any County personnel and equipment provided for traffic control.
3. Emergency Temporary Road Closure Request: In the event of an Emergency Temporary Road Closure, call 972-548-3700 to submit verbal request. Requests will be executed expeditiously by on-duty Public Works staff or on-call staff during non-business hours. Public Works will promptly deploy barricades, cones, and/or other appropriate equipment to the roadway(s). Once the situation is stabilized (flood waters subside, public safety restored, etc.) and the Director of Public Works has communicated approval, Public Works staff will collect all equipment and re-open the roadway(s).

E. Mowing/Brush Cutting

1. Public Works will mow all County right of way property as follows:
 - a. Spring/Summer months – Mow all County Roadways one mower width (8' to 12') once per year.
 - b. Fall/Winter months – Mow all County Roadways total right of way width (including fence lines as instructed by the Director of Public Works) once per year. This may include areas between the pavement and fences where fences are outside of the right of way limits.
2. Brush cutting is typically performed during dormant fall and winter (non- growth) months:
 - a. Tree and limb removal by use of hydraulic boom mowers will serve to minimize vehicle damage from overhanging limbs/brush and improve vehicle/driver line of sight. Branches over the roadway will be trimmed to provide 18' of vertical

clearance, while branches outside the roadway but within the right of way will be trimmed to a height of 14' vertical clearance.

- b. Hand cutting and pruning is completed as manpower and scheduling permit. Requests for hand cutting are handled and approved on a case by case basis.
3. Brush and vegetation will be cut anywhere necessary to maintain adequate line of sight on roadways.

F. Herbicide Application

1. Public Works will treat all County right of way 2 times per year with contact herbicide at required or allowable rates. This includes facility obstructions (i.e. fire hydrants, water valves, guardrails, pole guy wires, phone pedestals, etc.) to improve visibility of object.
2. All asphalt roadway shoulders are treated with herbicides.
3. Residents and business owners may request that the County not spray the right of way adjacent to their property by calling 972-548-3700. The resident or business owner accepts responsibility for maintaining the right of way according to this Roadway Policy. Non-spray requests may be denied based on the following conditions:
 - a. Where roadway shoulder vegetation encroachment has caused or shows the potential to cause damage to the roadway surface.
 - b. Where herbicide treatment of facility obstructions poses a liability to County maintenance.
 - c. Line of sight and visibility issues.
 - d. Any other condition as deemed by the Director of Public Works.

G. Inspections

1. Inspection of County-maintained asphalt and concrete roadways will be conducted on a schedule to be determined by the Director of Public Works.
2. Inspection of city roadways will be conducted as per parameters set forth in the ILA. If inspection parameters are not defined in the ILA, inspections will be conducted on a schedule determined by the Director of Public Works.
3. Inspection of subdivision roadways will be conducted prior to County takeover of maintenance as per Collin County Subdivision Regulations.
4. Additional inspections will be performed as determined by the Director of Public Works. Inspection results will be used as a guide to determine budget and repair/maintenance requirements.

1.05 EXISTING ROADWAYS - IMPROVEMENTS

A. Improvements to Roadways Within City Limits

1. Commissioners Court may consider performing or participating in improvements to roads and bridges within the corporate limits of a city. These improvements include but are not limited to general maintenance items including rocking, grading, asphalt, leveling, seal coating, oiling for dust control, installation of culverts, warning signs, cleaning of drainage ditches, mowing or brush cutting and emergency repairs to bridges. The following requirements must be met before Public Works can perform improvements within city limits:
 - a. An Interlocal Agreement (ILA) must be presented to and approved by Commissioners Court. This currently executed ILA must be on file with the County.
 - b. Schedule will be set forth by Public Works and will be dependent upon the work schedule of County crews.
 - c. Emergency requests will be evaluated by Commissioners Court based upon the merits presented by the requesting city. Commissioners Court authorization is required for work performed within incorporated Cities.
- B. Major Improvements to Roadways Within City Limits
 1. Major improvements such as the construction or reconstruction of roadways will be considered on a case by case basis.
 2. All major improvement requests must be submitted in letter format to the Director of Public Works by April 1st of the year prior to the year improvements are anticipated.
- C. Reimbursement for Work Performed by Public Works
 1. Prior to beginning any improvements, the city shall make reimbursement arrangements. If the city is unable to reimburse for the full amount, the city may petition Commissioners Court for a payment schedule including interest. A cost matrix for roadway and bridge repair costs shall be approved by Commissioners Court. The fee schedule shall be reviewed annually or as directed by the Director of Public Works.
 2. Reimbursement costs for roadway and bridge repairs or improvements will be as per the Collin County Cost Matrix. The Collin County Cost Matrix for Cities can be found here:
https://www.collincountytx.gov/public_works/road_bridge/Pages/cost_matrix.aspx
and is subject to change. Any deviation from this cost matrix must be approved by Commissioners Court.

1.06 COUNTY ROADWAY FEATURES AND ADJACENT AREAS

A. Right of Way

1. Right of way shall be donated by transfer of title, easement, or purchased through negotiations and/or eminent domain proceedings. Property owners have the option to donate the same by transfer of title. Public Works does not purchase right of way or utilize condemnation for any roadway improvement. The requested right of way must be acquired prior to the commencement of the project.
2. The minimum right of way width for road projects performed by Public Works shall be 40 ft. The County may require right of way wider than the minimum where it is determined that the existing width and drainage are not adequate for roadway improvements.
3. The required right of way width for subdivision roadways shall be as shown in the Collin County Subdivision Regulations.
4. County right of way shall be kept clear of trees and brush. Collin County has the right to exercise a right of way easement to prevent the planting of trees and shrubs in the right of way and to remove or cause to be removed trees or shrubs growing there by Court Order 2010-722-09-13.
5. An easement will establish the right of the County to enter onto a property in order to perform necessary work but shall not establish the responsibility to do so.
6. No work may occur in County right of way or easement without obtaining a permit from the County prior to beginning work. See Collin County Right of Way Use Policy for more information.

B. Temporary Access Agreement

1. The County may propose to enter into a Temporary Access Agreement (TAA) with the Owner in the event that private property will be needed for roadway improvements. A TAA could grant the County the ability to use private property for the following:
 - a. Parking of County vehicles or equipment
 - b. Stockpile, burn, or chip debris or dirt
 - c. Any other access as approved by the Director of Public Works
2. TAA's that are required in order to place permanent improvements on private property require Commissioners Court approval.
3. The County shall, at its expense, restore private property to substantially the same appearance as previously existed following the expiration of the TAA.
4. A TAA may be used in lieu of a permanent easement to perform minimally intrusive work as part of a right of way issue.

C. Reimbursement by Property Owners

1. Upon Commissioners Court approval of roadway maintenance or improvements requiring reimbursement from the adjacent property owner, the required amount of money shall be placed in a non-interest bearing escrow account at a bank located within Collin County.
2. Reimbursement amount may include the cost involved for surveying, preparation of Deed or Easement, re-location of fences, facilities (if in a dedicated easement), culverts or other existing improvements. When property owners are required to incur total cost for the upgrade of a roadway, the above cost shall not be borne by Collin County.

D. Fencing/Gates

1. Fences installed inside the right of way will be removed at Owner's expense.
2. Right of way obtained as required for roadway improvements may require an existing fence to be removed. The existing fence will be removed and replaced with a fence of the same size and material at County expense. The new fence will be placed at the property line adjacent to the roadway frontage. Existing gates will be reused and re-hung.
3. Reimbursement for any changes to an existing fence is subject to approval by Director of Public Works and authorization by Commissioners Court.
4. All negotiations regarding fence replacement must be completed prior to right of way easement return to Public Works for recording at the Collin County Clerk's Office.
5. Temporary electric fencing, if warranted, will be provided, installed, maintained, and removed by Collin County as related to any roadway improvement project.

E. Mail Boxes

1. Mailboxes and their installation in County right of way shall meet specifications found in both the Texas Department of Transportation Regulations and United States Postal Service Regulations. Further information can be found here:
<https://www.txdot.gov/inside-txdot/division/maintenance/mailboxes.html>
<https://www.usps.com/manage/mailboxes.htm>
2. Installation of brick/masonry/ornamental metal or other mailboxes that do not conform to these regulations are prohibited inside the right of way.
3. In the event that an existing mailbox is damaged by Public Works crews, the County will replace the damaged mailbox with a standard United States Postal Service approved mailbox on a light weight bendable or break-away pole, regardless of the original construction design.
4. Roadway maintenance or improvements may require the relocation of existing mailboxes within the County right of way.

F. Roadway Drainage and Driveway Culverts

Refer to Collin County Drainage Design Manual.

1.07 MISCELLANEOUS

A. Signs

1. For installation of regulatory, warning signs and other traffic control devices, Public Works utilizes the most recently adopted versions of the FHWA Manual on Uniform Traffic Control Devices (MUTCD) and the TxDOT Texas Manual on Uniform Traffic Control Devices (TMUTCD).
2. Commissioners Court Order Number 2002-247-04-08 Section B was amended regarding signage (both Regulatory and warning) placed adjacent to County roadways November 9th, 2004 to read as follows:
 - a. All roadway signs shall meet the specifications of Public Works. Private roadway signs are the responsibility of the property owner. The property owner shall pay for fabrication and installation, and any necessary future maintenance of the sign. All signs must meet Collin County standards.
 - b. Collin County does not authorize the use or installation any private signs on County Road right of way. This includes, but is not limited to:
 - i. Business Advertisements
 - ii. Real estate signs (house for sale, open house, etc.)
 - iii. Personal signs (garage sale, puppies for sale, etc.)
 - iv. Political signs

In addition it has been proven in courts of law throughout the country that the below signs provide a false sense of security to those the signs are intended to benefit. As such, these signs become a liability. Additional signs not allowed on County roadways or their respective right of way include but are not limited to the following:

- v. Children At Play
- vi. Watch For Children
- vii. Cattle Crossing
- viii. Deaf Child

B. Striping

1. The Director of Public Works will determine if a roadway requires striping.
2. Roadway striping shall be installed as per the most recently adopted versions of the FHWA Manual on Uniform Traffic Control Devices (MUTCD) and the TxDOT Texas Manual on Uniform Traffic Control Devices (TMUTCD).

C. Guard Rail

1. Requests for guardrail installation to be performed by the County are considered on a case-by-case basis. Determining factors for installation depend upon traffic studies, evaluation of the area requested, and availability of applicable warning signs in lieu of guardrail.

D. Speed Bumps

1. Speed bumps are not allowed on any County roadway.

E. Parking

1. Parking is not allowed within County right of way unless the roadway is designed to include a parking lane.

F. Historical Markers

1. Historic persons must be deceased for at least 10 years in order to qualify, unless they are of statewide or national significance. Historic events that changed the course of state or local history must have occurred at least 30 years ago. Most other topics, including institutions, organizations and businesses must date back to at least 50 years in order to qualify. For the Recorded Texas Historic Landmark designation, buildings and structures need to be at least 50 years of age. The topic must also have demonstrated historical significance and, in the case of buildings and structures, possess architectural significance as well.
2. Collin County must receive a written request detailing the historical site and marker specifications and logistics. A request must be made and placed on Commissioners Court. Upon receipt of a signed Court Order, the Marker can be made or received and placed at the site.

G. Inclement Weather

1. County forces will apply sand at the discretion of the Director of Public Works.



CITY OF LAVON Agenda Brief

MEETING: May 17, 2022

ITEM: 8 - C

Item:

CONSENT AGENDA

Approve and accept the dedication of a turn around easement on Block A, Lot 3 of the Bordeaux Addition at 325 Gracy, Lavon, Texas.

Background:

On October 16, 2018, the City Council approved the Bordeaux Addition, a residential development consisting of three lots on 4.91 acres. The development is east of the intersection of Main Street (Business 78) and FM 2755. Lot 3 at 325 Gracy is being developed with a single-family residence.

When the connection of Gracy to FM 2755 was closed in 2012, a dead-end without a turn around resulted. There is presently no room for vehicles to turn around in the street right of way. The plat provides for a hammerhead turnaround at the south end of Gracy to be installed on Lot 3. As the lot layout, storm drainage and driveway access were contemplated, the city engineer and property owner determined the intention of the turn around could be best accomplished by using the driveway to the residence rather than installing a second drive into the lot.

The turn around easement is a public access easement and dedicates to the public the use of the turnaround. It is anticipated that the turnaround will be primarily used by the mail carrier, garbage truck, school bus and emergency vehicles; however, it will be available for use by the general public.

Financial Consideration:

There is no specific financial implication.

Staff Notes:

Approval is recommended.

Attachments:

- 1) Proposed Easement
- 2) Bordeaux Final Plat

CITY OF LAVON TURN AROUND EASEMENT DEDICATION INSTRUMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

For and in consideration of the sum of ten dollars (\$10.00) in hand paid by the City of Lavon (**GRANTEE**), Texas, the receipt of which is hereby acknowledged, and other good and valuable consideration, including the benefits that will accrue to my property, Pilikia 'Aina LLC, through Choya Tapp, President, (**GRANTOR**), of Collin County, Texas, as the owner of that certain tract of land in Collin County, Texas depicted by metes and bounds description in Exhibit "A", attached hereto and incorporated herein for all purposes of this dedication, do hereby dedicate same to the City of Lavon, Collin County, Texas for the use and benefit of the public as a perpetual access and turn around easement for the passage and accommodation of vehicular and pedestrian traffic, and including but not limited to all such uses permitted by the Laws of the State of Texas and the Ordinances of the City of Lavon, Texas.

TO HAVE AND TO HOLD said easement unto the City of Lavon, its successors and assigns, and **GRANTOR(S)** hereby bind(s) itself (themselves), its (their) successors and assigns to warrant and forever defend, all and singular, said premises unto the City of Lavon, its successor: and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

GRANTOR covenants and agrees that **GRANTOR** and **GRANTOR'S** heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under any easements granted herein any temporary or permanent structures, and it is further agreed that the City of Lavon shall have the right to remove upon said permanent easement, any fences, buildings or other obstructions as may be found upon said permanent easement.

IN ADDITION, the existing turn around easement as dedicated on Lot 3 of the Bordeaux Addition Plat shall be abandoned upon execution of this agreement.

It is further intended that the permanent easement herein granted to the City of Lavon shall run with the land and forever be a right in and to the land belonging to **GRANTOR**, and **GRANTOR'S** successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in **GRANTOR'S** chain of title. The permanent easement rights and privileges granted therein are exclusive, and **GRANTOR** covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

IN WITNESS WHEREOF, this dedication instrument is executed this _____ day of _____, 2022.

BY: _____
PILIKIA 'AINA, LLC
CHOYA TAPP (PRESIDENT)
GRANTOR

THE STATE OF TEXAS, COUNTY OF _____ BEFORE ME, on this day personally appeared _____ known to me or proved to me through _____ (description of identity card or other document) to be the same person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2022.

NOTARY SEAL

Notary Public, State of Texas

Notary's Name (Printed) _____

Notary's Commission Expires _____

BY: _____
CITY OF LAVON
VICKI SANSON (MAYOR)
GRANTEE

THE STATE OF TEXAS, COUNTY OF _____ BEFORE ME, on this day personally appeared _____ known to me or proved to me through _____ (description of identity card or other document) to be the same person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2022.

NOTARY SEAL

Notary Public, State of Texas

Notary's Name (Printed) _____

Notary's Commission Expires _____

**EXHIBIT A
LEGAL DESCRIPTION**

**PILIKIA 'AINA LLC
LAVON EASEMENT**

Being a 0.05-acre (2293.4634 square foot) tract of land, situated in the S.M. Rainer Survey, Abstract 740 in Collin County, Texas, and being a part of Lot 3 of the Bordeaux Addition as recorded in Document Number 20181213010005600 of the Official Public Records of Collin County, being more particularly described by metes and bounds as follows:

COMMENCING at a point located at the southeast corner of said Lot 3, said point also located in the centerline of Gracy Rd;

THENCE N01°38'13"E, along the eastern line of Lot 3 and said centerline, 88.31 feet to the **POINT OF BEGINNING**;

THENCE, N88°21'47"W, 9.95 feet to a point;

THENCE, Northwesterly, 44.00 feet along a non-tangent curve to the left having a central angle of 90°, a radius of 28 feet, and a chord bearing N43°25'06"W, 39.64 feet to a point;

THENCE, N88°21'47"W, 32.00 feet to a point for corner;

THENCE, N01°38'13"E, 20.00 feet to a point for corner;

THENCE, S88°21'47"E, 32.00 feet to a point for corner;

THENCE, Northeasterly, 44.00 feet along a non-tangent curve to the left having a central angle of 90°, a radius of 28 feet, and a chord bearing N46°41'32"E, 39.64 feet to a point;

THENCE, S88°21'47"E, 9.95 feet to a point, said point being the eastern property line of Lot 3 and centerline of Gracy Rd;

THENCE, S01°38'13"W, along the eastern line of Lot 3 and said centerline, 76.00 feet to the **POINT OF BEGINNING**; containing 0.05 acres more or less.

BASIS OF BEARINGS:

FINAL PLAT:

BORDEAUX ADDITION, Document Number 20181213010005600

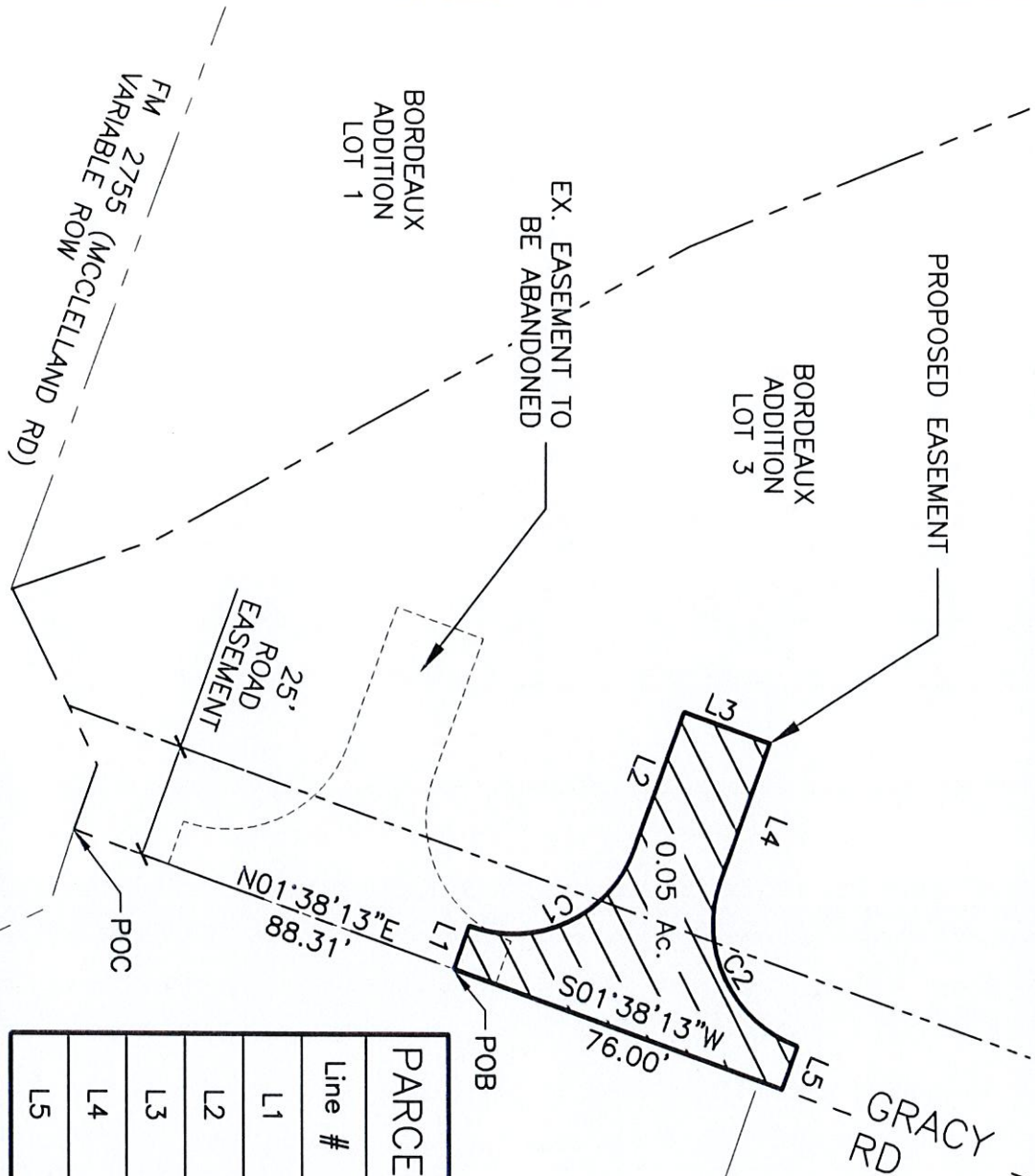
PREPARED UNDER MY PERSONAL SUPERVISION



LARRY J. FREEMAN, R.P.L.S. NO. 3239

DATE: 05.10.2022





THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY LARRY J. FREEMAN, R.P.L.S. NO. 3239 ON 05/10/2022



PARCEL LINE TABLE

Line #	Length	Bearing
L1	9.95'	N88°21'47"W
L2	32.00'	N88°21'47"W
L3	20.00'	N01°38'13"E
L4	32.00'	S88°21'47"E
L5	9.95'	S88°21'47"E

CURVE TABLE

Curve #	Radius	Arc Length	Chord Bearing	Length
C1	28.00'	44.00'	N43°25'06"W	39.64'
C2	28.00'	44.00'	N46°41'32"E	39.64'

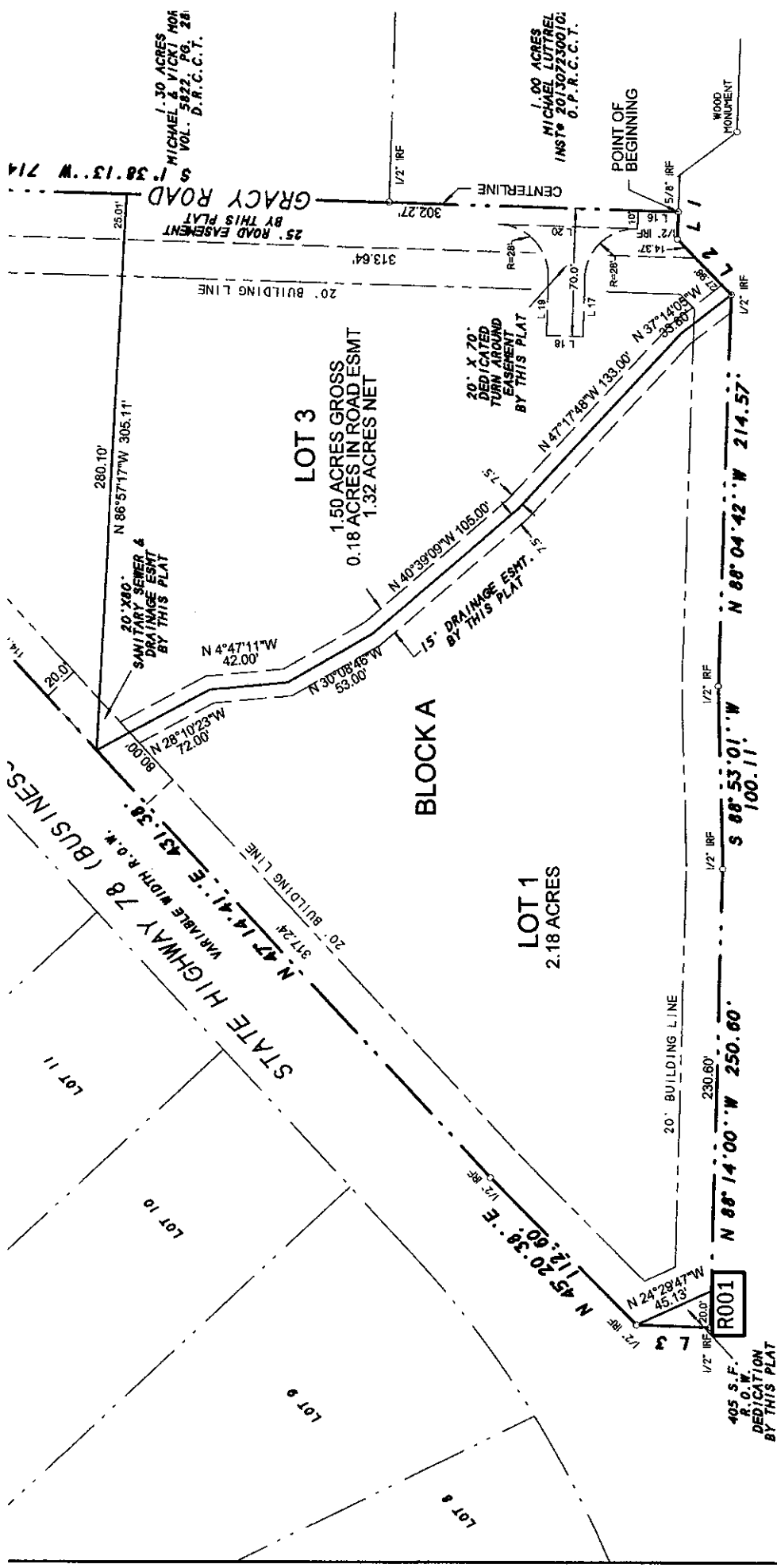
BASIS OF BEARINGS:
DEED:
BORDEAUX ADDITION (DOC NO 201812130005600 OPRCC)
PREPARED UNDER MY PERSONAL SUPERVISION

LARRY J. FREEMAN, R.P.L.S. NO. 3239

DATE: 05/10/2022

EXHIBIT B

CITY OF LAVON
BORDEAUX ADDITION
PILIKIA 'AINA, LLC
LAVON EASEMENT





CITY OF LAVON

Agenda Brief

MEETING: May 17, 2022

ITEM: 9 - A

Item:

Receive report, discussion, and action regarding the Fire Department and Public Works Department facilities expansion projects (CIP-9).

Background:

Last month Eikon Consulting Group provided a presentation on the status of the capital improvements plan (CIP) project for the expansion of the Fire Department and Public Works facility. The presentation included a draft lot layout and building footprint concepts.

The next step in the project process is for the City Council to provide direction regarding the proposed elevations of the buildings. The Fire Chief and Director of Public Works participated in the development of the elevations and support the proposed concepts.

Eikon Consulting Group and/or AGCM will attend the City Council meeting to present a report and the elevations.

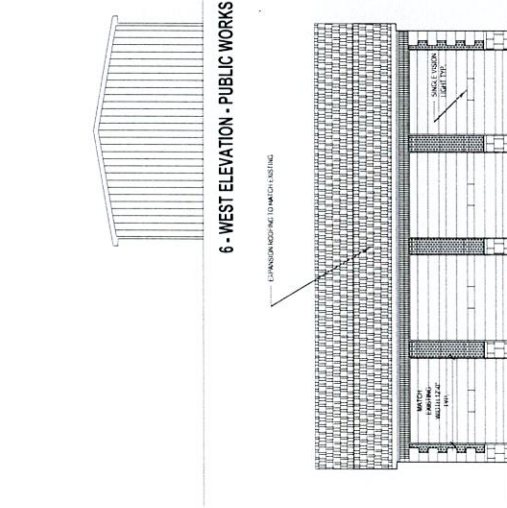
Financial Consideration:

Any implications may be provided within the report and presentation.

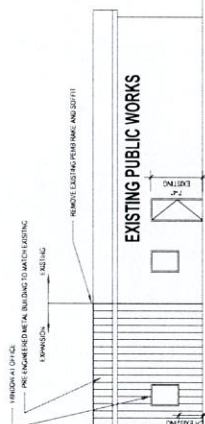
Staff Notes:

Approval of elevations will keep the project on schedule and is recommended.

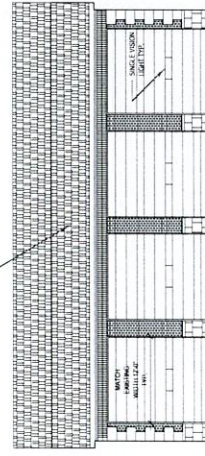
Attachments: 1) Draft Elevations



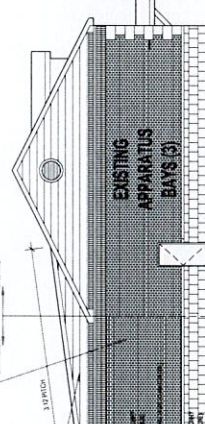
6 - WEST ELEVATION - PUBLIC WORKS



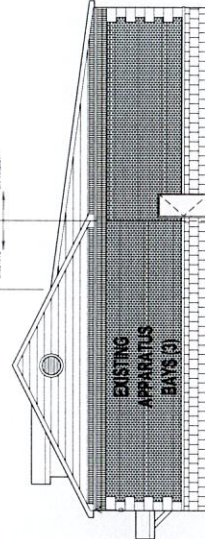
5 - SOUTH ELEVATION - PUBLIC WORKS



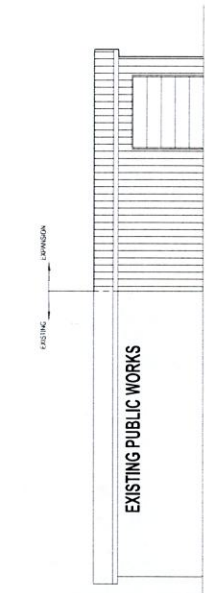
3 - WEST ELEVATION - APPARATUS BAYS EXPANSION



2 - SOUTH ELEVATION - APPARATUS BAYS EXPANSION



1 - NORTH ELEVATION - APPARATUS BAYS EXPANSION



4 - NORTH ELEVATION - PUBLIC WORKS





CITY OF LAVON

Agenda Brief

MEETING: May 17, 2022

ITEM: 9 - B

Item:

Discussion and action regarding the contemplated annexation of a portion of State Highway 205 adjacent to Boyd Farm and a portion of FM 2755 adjacent to Elevon Future Business Park.

Background:

The City Council recently approved the voluntary annexations of areas that abut and are adjacent to state roadways, specifically Boyd Farm and State Highway 205 (SH 205) and Elevon Future Business Park and Farm to Market Road 2755 (FM 2755). The annexation proceedings were done in accordance with the Texas Local Government Code Subchapter C-3. Annexation of Area on Request of Owners.

Unlike Texas Local Government Code, Section 43.106 that requires the annexation of county roads with abutting property, there is not a similar provision relating to the annexation of abutting state-owned roadways. The Texas Local Government Code, Section 43.1056 provides direction for the annexation of roadways other than county roads.

Code Excerpt:

TEXAS LOCAL GOVERNMENT CODE

**SUBCHAPTER E. ANNEXATION PROVISIONS RELATING TO RESERVOIRS,
AIRPORTS, STREETS, AND CERTAIN OTHER AREAS**

Sec. 43.1056. ANNEXATION OF CONTIGUOUS OR CONNECTING RIGHTS-OF-WAY

- (a) Notwithstanding any other law, a municipality that is annexing an area under Subchapter C-3, C-4, C-5, or D may also annex with the area the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed, that is:
 - (1) contiguous and runs parallel to the municipality's boundaries; and
 - (2) contiguous to the area being annexed under Subchapter C-3, C-4, C-5, or D.
- (b) A municipality may annex a right-of-way under this section only if:
 - (1) the municipality provides written notice of the annexation to the owner of the right-of-way, through the owner's registered agent, if applicable, not later than the 61st day before the date of the proposed annexation; and
 - (2) the owner of the right-of-way does not submit a written objection to the municipality before the date of the proposed annexation.
- (c) If the owner of a right-of-way proposed to be annexed under this section is a governmental entity, the entity may specify the location at which a municipality must deliver notice under Subsection (b).
- (d) Section 43.054 does not apply to the annexation of a right-of-way under this section.

For purposes of the delivery of public safety services, the staff recommends that the City annex SH 205 and FM 2755 where adjacent to the city's corporate limits.

If desired, the timeline to accomplish the annexations would be no less than 60 days away.

Financial Implication:

SH 205 and FM 2755 are owned by the State of Texas and maintained by the Texas Department of Transportation (TxDOT). The costs associated with the delivery of other municipal services can be accomplished within current budget levels. It is anticipated that there will be efficiencies realized for public safety service delivery in the time that is not expended with mutual aid involvement.

Staff Notes:

The staff is seeking direction from the City Council to proceed with the annexation process or not.

Attachments: Location Exhibit

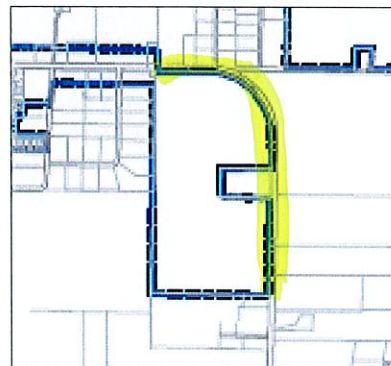
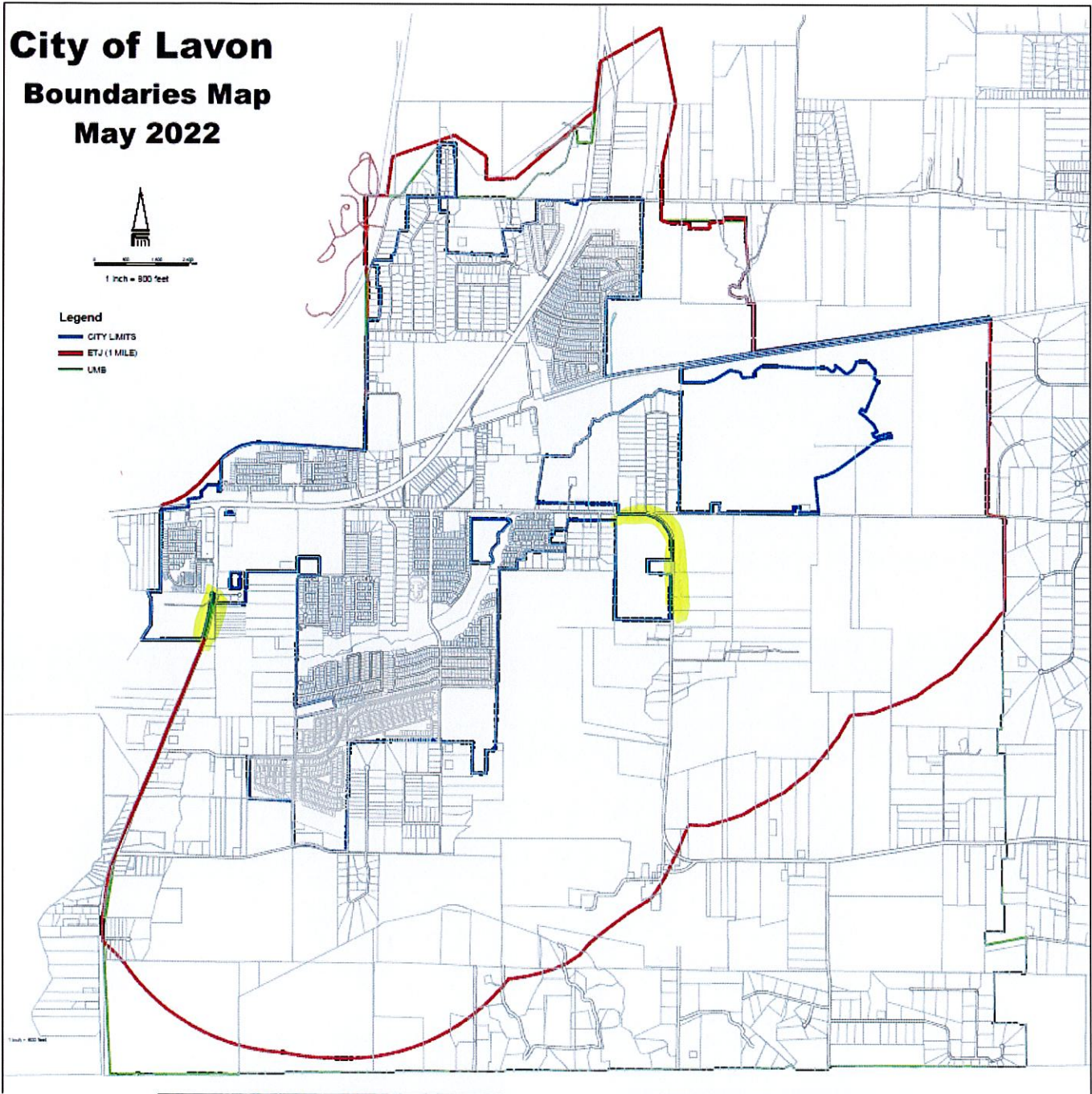
ANNEXATION LOCATION EXHIBIT

City of Lavon Boundaries Map May 2022



Legend

- CITY LIMITS
- ETJ (1 MILE)
- UMS





CITY OF LAVON

Agenda Brief

MEETING: May 17, 2022

ITEM: 9 – C

Item:

Discussion and action regarding Ordinance No. 2022-05-04 amending the fee schedule approved and adopted by Ordinance No. 2021-09-05 for the fiscal year October 1, 2021 through September 30, 2022 to remove garage sale permit fees; and providing an effective date.

Background:

The City of Lavon currently issues a permit to hold a garage sale. The permit fee is \$1.00 and there is no penalty established for failure to obtain a garage sale permit. The permits are intended to track garage sales and to discourage or prevent repeated garage sales at the same property that become disruptive to neighboring property owners.

As the City has streamlined the permitting process online with MyGov, obtaining a garage sale permit has become somewhat challenging for residents and issuing the permit cumbersome and time-consuming for staff.

The benefits derived from requiring the garage sale permits is far outweighed by the staff time and effort associated with the issuance of the permits combined with the inconvenience for residents. To establish the fee at a level that would minimally cover the cost of the permit process would be unreasonable.

Other tools are available to address the issues if repeated garage sales should become a problem or nuisance as a result of discontinuing the permit requirement.

Financial Implications:

The financial implication is positive as discontinuing the garage sale permit process will enable a better allocation of staff resources.

Staff Notes:

Approval is recommended.

Attachments: 1) Proposed Ordinance

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-05-04

Amendment to Fee Schedule – Fiscal Year 2021-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS AMENDING THE FEE SCHEDULE APPROVED AND ADOPTED BY ORDINANCE NO. 2021-09-05 FOR THE FISCAL YEAR OCTOBER 1, 2021, THROUGH SEPTEMBER 30, 2022 TO REMOVE GARAGE SALE PERMIT FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has authority to establish fees relating to City applications, permits and services; and

WHEREAS, the City Council has determined that it is no longer necessary to issue permits for garage sales; and

WHEREAS, the City Council finds it is in the best interest of the residents of the City to make changes to the fee schedule to directly reflect the cost of certain services required and provided to process certain applications.

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

SECTION 1. That the Fee Schedule for fiscal year October 1, 2021, through September 30, 2022, be amended, as shown in “Exhibit A”.

SECTION 2. That this ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 17th day of May 2022.

Vicki Sanson
Mayor

ATTEST:

Rae Norton
City Secretary

CITY OF LAVON, TEXAS
ORDINANCE NO. 2022-05-04

EXHIBIT A

FEE SCHEDULE

	APPROVED	PROPOSED
Miscellaneous		
Garage Sale Permit (no inspection)	\$1.00	\$0

“Garage Sale Permit” will be removed from the Fee Schedule.



CITY OF LAVON

Agenda Brief

MEETING: May 17, 2022

ITEM: 9 - D

Item:

Discussion regarding regulations relating to the sale of alcoholic beverages.

Background:

With the voters' passage of the expansion of the local option on May 7, 2022, an expansion of regulations relating to land use and alcoholic beverages are necessary. The Texas Alcoholic Beverage Code (TABC) provides the guidelines for the local regulation of alcoholic beverages.

A wide variety of regulations exist across Texas municipalities. Issues/notes for consideration as the city develops regulations include but are not limited to:

1. Amend Lavon Zoning Code 9.03.131. CUP requirement for Main Street (M)
2. TABC Sec 109.57(d) A city is allowed to be more prohibitive when regulating the location of alcoholic beverage establishments that derive 75% or more of its gross revenue for on-premise sale (or consumption per AG Opinion DM-289)
3. Per AG Opinion DM-289 a bar can be further regulated, but a liquor store cannot
4. TABC Sec 105.01 Hours of Sale and Consumption - for various licenses
5. TABC Sec 109.31 A city by charter may prohibit the sale of liquor in all or part of residential areas
6. TABC Sec 109.32 A city by charter or ordinance may prohibit the sale of malt beverages in a residential area; and regulate the sale of and hours when malt beverages may be sold
7. TABC Sec 109.33 and 109.331 – set out in Sec. 5-04-002
8. TABC Sec 109.35 – enact open container prohibitions
9. Require a professional survey with permits to prove distance requirements are met
10. TABC Sec 109.33 (e) add variance language to Art 5 code
11. Research further the relationship between alcohol and food and beverage certificates.
12. Update Permit Application
13. Review signs regulations
14. Consider convenience store and drive-thru provisions
15. Gross revenue reporting and regulations related to the percentage of gross revenue
16. Timetable to adopt regulations

Staff have reviewed several codes and selected two examples in the metro-area for discussion McKinney and Colleyville. If there are other cities codes that you would like to review, please notify the staff.

Financial Implication:

It is important that the City provides a framework to encourage investment in the City while at the same time preserving existing investment.

Staff Notes:

The staff is seeking direction from the City Council.

- Attachments:**
- 1) TABC Regulations
 - 2) City of Lavon Code of Ordinance References
 - 3) Top Ten Questions article
 - 4) Sample Codes – McKinney and Colleyville

TEXAS
ALCOHOLIC BEVERAGE CODE

TITLE 4. REGULATORY AND PENAL PROVISIONS

CHAPTER 109. MISCELLANEOUS REGULATORY PROVISIONS

SUBCHAPTER C. LOCAL REGULATION OF ALCOHOLIC BEVERAGES

Sec. 109.31. MUNICIPAL REGULATION OF LIQUOR. A city by charter may prohibit the sale of liquor in all or part of the residential sections of the city.

Sec. 109.32. MUNICIPAL AND COUNTY REGULATION OF MALT BEVERAGES. (a) An incorporated city or town by charter or ordinance may:

- (1) prohibit the sale of malt beverages in a residential area; and
- (2) regulate the sale of malt beverages and prescribe the hours when malt beverages may be sold, except the city or town may not permit the sale of malt beverages when the sale of malt beverages is prohibited by this code.

(b) In a county that has only one incorporated city or town that has a majority of the population of the county, according to the most recent federal census, and where the city or town has shortened the hours of sale for malt beverages on Sundays by a valid charter amendment or ordinance before January 1, 1957, the commissioners court may enter an order prohibiting the sale of malt beverages on Sundays during the hours the sale of malt beverages is prohibited in the city or town. The order may apply to all or part of the area of the county located outside the city or town. The commissioners court may not adopt the order unless it first publishes notice for four consecutive weeks in a newspaper of general circulation in the county published in the county or a nearby county.

(c) In exercising the authority granted by this section, the city, town, or county may distinguish between retailers selling malt beverages for on-premises consumption and retailers, brewers, or distributors who do not sell malt beverages for on-premises consumption.

Sec. 109.33. SALES NEAR SCHOOL, CHURCH, OR HOSPITAL. (a) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

- (1) 300 feet of a church, public or private school, or public hospital;
- (2) 1,000 feet of a public school, if the commissioners court or the governing body receives a request from the board of trustees of a school district under Section [38.007](#), Education Code; or
- (3) 1,000 feet of a private school if the commissioners court or the governing body receives a request from the governing body of the private school.

NOTE: Section 38.007, Education Code. Alcohol-free School Zones reads as follows:

(a) The board of trustees of a school district shall prohibit the use of alcoholic beverages at a school-related or school-sanctioned activity on or off school property.

(b) The board of trustees of a school district shall attempt to provide a safe alcohol-free environment to students coming to or going from school. The board of trustees may cooperate with local law enforcement officials and the Texas Alcoholic Beverage Commission in attempting to provide this environment and in enforcing Sections 101.75, 109.33, and 109.59, Alcoholic Beverage Code. Additionally, the board, if a majority of the area of a district is located in a municipality of a population of 900,000 or more, may petition the commissioners court of the county in which the district is located or

the governing board of an incorporated city or town in which the district is located to adopt a 1,000-foot zone under Section 109.33, Alcoholic Beverage Code.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

- (1) in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
- (2) if the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

(c) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with the commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premise where minors are prohibited from entering the premises under Section [109.53](#).

(d) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of Subsection (a), but not Subsection (c), of this section, the measurement of the distance between the place of business of the dealer and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

(e) The commissioners court of a county or the governing board of a city or town that has enacted a regulation under Subsection (a) of this section may also allow variances to the regulation if the commissioners court or governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the court or governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(f) Subsections (a)(2) and (3) do not apply to the holder of:

- (1) a retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;
- (2) a retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or
- (3) a wholesaler's, distributor's, brewer's, distiller's and rectifier's, or winery permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in Chapter [102](#).

(f-1) Subsections (a)(2) and (3) do not apply to a performing arts facility leased to a nonprofit organization under a policy adopted under Section [11.179](#), Education Code.

(g) Subsection (a)(3) does not apply to the holder of:

- (1) a permit issued under Chapter [30](#) who is operating on the premises of a private school; or
- (2) a license or permit covering a premise where minors are prohibited from entering under Section [109.53](#) and that is located within 1,000 feet of a private school.

(h) Subsection (a)(1) does not apply to the holder of:

- (1) a license or permit who also holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or

- (2) a license or permit covering a premise where minors are prohibited from entering under Section [109.53](#) and that is located within 300 feet of a private school.
- (i) In this section, "private school" means a private school, including a parochial school, that:
 - (1) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
 - (2) has more than 100 students enrolled and attending courses at a single location.

Sec. 109.331. SALES NEAR DAY-CARE CENTER OR CHILD-CARE FACILITY. (a) This section applies only to a permit or license holder under Chapter [25](#), [28](#), [32](#), [69](#), or [74](#) who does not hold a food and beverage certificate.

(b) Except as provided by this subsection, the provisions of Section [109.33](#) relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by Section [42.002](#), Human Resources Code. Sections [109.33](#)(a)(2) and (c) do not apply to a day-care center or child-care facility.

- (c) This section does not apply to a permit or license holder who sells alcoholic beverages if:
- (1) the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
 - (2) the permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.

(d) This section does not apply to a family home, specialized child-care home, or agency foster home as those terms are defined by Section [42.002](#), Human Resources Code.

Sec. 109.35. ORDERS FOR PROHIBITION ON CONSUMPTION. (a) If the governing body of a municipality determines that the possession of an open container or the public consumption of alcoholic beverages in the central business district of the municipality is a risk to the health and safety of the citizens of the municipality, the governing body may by charter or ordinance prohibit the possession of an open container or the public consumption of alcoholic beverages in that central business district.

(b) If a municipality prohibits the possession of an open container or the public consumption of alcoholic beverages in the central business district of the city, the municipality must adopt a map, plat, or diagram showing the central business district that is covered by the prohibition.

(c) The municipality's charter or ordinance may not prohibit the possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the municipality, residential structures, or licensed premises located in the area of prohibition.

(c-1) In accordance with Section [1.06](#), this section does not authorize municipal regulation of the possession of an open container or the public consumption of alcoholic beverages except as expressly provided by this section.

(d) In this section, "central business district" means a compact and contiguous geographical area of a municipality in which at least 90 percent of the land is used or zoned for commercial purposes and that is the area that has historically been the primary location in the municipality where business has been transacted.

(e) In this section, "open container" means a container that is no longer sealed.

Sec. 109.36. CONSUMPTION OF ALCOHOLIC BEVERAGES NEAR HOMELESS SHELTER OR SUBSTANCE ABUSE TREATMENT CENTER. (a) In this section:

- (1) "Central business district" means a compact and contiguous geographical area of a municipality used for commercial purposes that has historically been the primary location in the municipality where business has been transacted.
- (2) "Homeless shelter" means a supervised publicly or privately operated shelter or other facility that is designed to provide temporary living accommodations to individuals who lack a fixed regular and adequate residence.

(3) "Open container" has the meaning assigned by Section 109.35.

(b) The commissioners court of a county may enact regulations applicable in areas in the county outside an incorporated city or town, and the governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the possession of an open container or the consumption of an alcoholic beverage on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a homeless shelter that is not located in a central business district or a substance abuse treatment center that is not located in a central business district.

(c) If the commissioners court of a county or the governing board of an incorporated city or town enacts a prohibition under Subsection (b), the commissioners court or the governing board may enact regulations allowing special temporary events for which Subsection (b) may be suspended.

Alcohol-To-Go Is Now Permanent Law of the Land in Texas

AUSTIN — Texas law now lets customers and businesses safely enjoy [alcohol-to-go options](#). Temporary waivers to provide relief to businesses during the COVID-19 pandemic have been updated and made permanent, thanks to recent action by Texas Gov. Greg Abbott and the Texas Legislature.

The change comes as part of House Bill 1024, which was approved by the Legislature on April 28 and signed into law by Gov. Abbott on May 12. The law, which took effect immediately after it was signed by the governor, authorizes Mixed Beverage and Private Club permittees to sell alcohol — including mixed drinks — for pickup by customers or delivery, [as long as they meet the requirements in the law](#). Certain other permittees, such as Wine and Beer Retailers, already had authority to send alcohol to go.

“This new law will help businesses keep their doors open and ensure Texans keep their jobs,” said TABC Executive Director Bentley Nettles. “TABC is grateful to Governor Abbott and members of the Texas Legislature for their leadership on this critically important measure. And a big thank you goes out to the efforts of alcohol retailers who have been safely and responsibly selling alcohol to go under last year’s waiver.”

Under the new law, Mixed Beverage and Private Club permittees may:

- Allow customers to pick up alcohol (i.e., mixed drinks, wine and malt beverages, which will include both beer and ale starting Sept. 1) with food orders.
- Deliver alcohol with food orders to customers.
- Use third parties, including agents of the retailer or contractors holding a Consumer Delivery Permit (CD), to make deliveries on their behalf.

Alcoholic beverages such as wine or malt beverages must be in their original containers or tamper-proof containers sealed by the retailer and properly labeled when sold for pickup or delivery. Distilled spirits should be sold in an original single-serving container of 375 milliliters maximum. Mixed drinks that contain distilled spirits must be in a tamper-proof container sealed by the retailer with a label that includes the retailer’s business name and the words “alcoholic beverage.” Permit holders must follow all requirements in the law, including holding a [Food and Beverage Certificate \(FB\)](#).

Alcoholic beverages picked up or delivered under this authority may not be transported in the passenger area of a motor vehicle.

TABC also offers the [Texas Responsible Alcohol Delivery Training](#) course specifically for drivers who will be delivering alcoholic beverages directly to consumers.

For more information, including guidelines on alcohol delivery, visit tabc.texas.gov.

[View TABC Alcohol Delivery and Pickup webpage.](#)

Media Contact:

Chris Porter

Public Information Officer

media@tabc.texas.gov



CITY OF LAVON
CODE OF ORDINANCES
May 13, 2022

ARTICLE 5.04 ALCOHOLIC BEVERAGES*

Sec. 5.04.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Beer means a malt beverage containing one-half of one percent or more of alcohol by volume and not more than four percent of alcohol by weight, and does not include a beverage designated by label or otherwise by a name other than beer.

Child care facility means a facility licensed, certified, or registered by the department to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Day care center means a child care facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day.

Dealer means the same as that term is used in V.T.C.A., Alcoholic Beverage Code section 109.33, and shall include "person" as that term is defined in this section.

Open container means a container that is no longer sealed.

Person means a natural person or association of natural persons, trustee, receiver, partnership, corporation, organization, or the manager, agent, servant, or employee of any of them.

Private school means a private school, including a parochial school that offers a course of instruction for students in one or more grades from kindergarten through grade 12 and has more than 100 students enrolled and attending courses at a single location.

(Ordinance 2018-03-04, sec. 1, adopted 3/20/18)

Sec. 5.04.002 Locations where sale of alcoholic beverages is prohibited

(a) It shall be unlawful for any dealer to sell alcoholic beverages unless properly authorized and licensed to do so by the Texas Alcoholic Beverage Commission.

(b) It shall be unlawful for any dealer to sell alcoholic beverages from or at a place of business within this city within 300 feet of a church, public school, private school, or public hospital.

(c) Subsection (b) does not apply to the holder of:

(1) A license or permit who also holds a food and beverage certificate covering premises that is located within 300 feet of a private school; or

(2) A license or permit covering premises where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code section 109.53 and that is located within 300 feet of a private school.

- (d) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- (e) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
- (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (f) It shall be unlawful for any holder of a wine and beer retailer's permit, mixed beverage permit, private club registration permit, retail dealer's on-premises license, or brewpub license who does not hold a food and beverage certificate to sell alcoholic beverages from or at a place of business within this city within 300 feet of a day care center or child care facility.
- (g) Subsection (f) does not apply to a permit or license holder who sells alcoholic beverages if:
- (1) The permit or license holder and the day care center or child care facility are located on different stories of a multistory building; or
 - (2) The permit or license holder and the day care center or child care facility are located in separate buildings and either the permit or license holder or the day care center or child care facility is located on the second story or higher of a multistory building.
- (h) Subsection (f) does not apply to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by V.T.C.A., Human Resources Code section 42.002.
- (i) The measurement of the distance between the place of business where alcoholic beverages are sold and the day care center or child care facility shall be:
- (1) In a direct line from the property line of the day care center or child care facility to the property line of the place of business, and in a direct line across intersections; or
 - (2) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the day care center or child care facility to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (j) It shall be unlawful for any person or dealer to sell beer in any residential areas within the city.
- (Ordinance 2018-03-04, sec. 2, adopted 3/20/18)

Sec. 5.04.003 Permits for sale of alcoholic beverages required

- (a) Unless state law exempts a permittee or licensee from payment of a fee established by this section, a permittee or licensee must pay the city:
- (1) An administrative processing fee.
 - (2) An annual permit or license fee of one-half (1/2) the amount of the state fee for each permit and license authorizing the sale of alcoholic beverages.
- (b) An applicant shall pay the fees established under subsection (a) to the city no later than the 30th day after the date the applicant's payment of a state permit or license fee is due.

(c) A permittee and licensee who sells an alcoholic beverage at a business location before the applicant pays the fees established by this section commits a class C misdemeanor punishable by a fine in accordance with the general penalty provided in [section 1.01.009](#) of this code.

(d) The city secretary shall issue and deliver a receipt under this section to the permittee or licensee authorizing the sale of alcoholic beverages under this article and a state permit or license, if the permittee or licensee:

- (1) Pays the fees established by subsection (a); and
- (2) Exhibits a valid permit or license issued by the state.

(Ordinance 2018-03-04, sec. 3, adopted 3/20/18; Ordinance adopting 2018 Code)

Sec. 5.04.004 Wet/dry certification

Prior to issuing a city permit to applicant for the proposed location, the city secretary shall certify whether the location is located in an area that is wet and that the sale of alcoholic beverages at this location is not prohibited by charter or ordinance. The city secretary shall keep a record of all permits and certificates issued under this article. (Ordinance 2018-03-04, sec. 4, adopted 3/20/18)

ARTICLE 9.03 ZONING ORDINANCE*

Division 1. General Authority

Sec. 9.03.002 Purpose

Regulations in this zoning ordinance are established in accordance with the comprehensive master plan for the purpose of promoting the health, safety, morals, and general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significances for and of the citizens of the city. All of the zoning regulations are designed to:

- (1) Implement the city's comprehensive master plan;
- (2) Lessen congestion on streets, roads and highways;
- (3) Secure safety from fire, panic and other dangers;
- (4) Promote health and the general welfare;
- (5) Provide adequate light and air;
- (6) Prevent the overcrowding of land;
- (7) Avoid undue concentration of population; and
- (8) Facilitate adequate provision of transportation, water, sanitary and storm sewers, schools, parks and other public requirements facilities.

Sec. 9.03.032 Permitted use table

Figure 9.1.2.2

ZONING USE SUMMARY TABLE

Permitted Use Table

P = Permitted Use

C = Conditional Use

-- = Not Permitted

	RESIDENTIAL DISTRICTS				NONRESIDENTIAL & SPECIAL DISTRICTS			
RETAIL, COMMERCIAL, PERSONAL SERVICE USES	A	SF-1	SF-2	SF-4	R	M	B	PD
Establishments > 75% revenue from alcohol sales	--	--	--	--	C	--	--	C

Division 6. Regulations Applicable to Mixed Use and Nonresidential Districts

Sec. 9.03.131 Retail district (R)

(c) Conditional uses.

- (17) Establishments that derive more than seventy-five (75) percent of its revenue from the sale of alcoholic beverages

Division 10. Use Regulations

Sec. 9.03.211 Conditional use

(a) The purpose of a conditional use permit provides a means for developing certain uses in a manner in which the proposed use will be compatible with adjacent property and consistent with the character of the neighborhood.

(b) The uses listed in each district as "conditional use" are prohibited in the district unless and until a conditional use permit is granted for such use by the city council in accordance with the requirements and procedures set forth in this section. Conditional use requirements as to number, area, location, duration or relationship to the neighborhood and adequate development standards and safeguards established for such use are intended to promote the health, safety and welfare of the neighborhood and the city.

(c) Each conditional use permit shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate in the discretion of the city council.

(d) Conditional use permit application. An application for a conditional use permit shall be submitted to the planning and zoning commission and shall include the following:

- (1) A written description of the proposed use.
- (2) A plan showing the location of the proposed use on the site.
- (3) Any additional information required by the zoning administrator.

(e) Review by the planning and zoning commission and the city council of a conditional use permit application.

- (1) The planning and zoning commission shall hold a public hearing after proper

advertisement and make a recommendation to the city council.

(2) The city council shall hold a public hearing and approve, approve with conditions, or deny the conditional use permit based on the review criteria below[.]

(f) Conditional use permit review criteria. In evaluating a conditional use permit application, the planning and zoning commission and the city council shall consider whether the proposed use:

- (1) Compliments or is compatible with the surrounding uses and community facilities;
- (2) Contributes to, enhances, or promotes the welfare of the area of request and adjacent properties;
- (3) Is not detrimental to the public health, safety, or general welfare;
- (4) Conforms in all other respects to all applicable zoning regulations and standards; and
- (5) Is in conformance with the comprehensive plan.

(g) Additional conditions on a conditional use permit.

(1) As a condition of approval, the planning and zoning commission and city council may impose reasonable conditions upon the conditional use permit consistent with the comprehensive plan, other stated development goals and objectives of the city and the requirements of other city regulations.

(2) Such conditions may include, but are not limited to the location, health, safety, arrangement, operation, duration, traffic, parking, and type and manner of construction of any use for which a conditional use permit is requested.

(h) Effect of conditional use permit.

(1) The granting of a conditional use permit has no effect on the uses permitted by right and does not waive the regulations of the underlying zoning district.

(2) A conditional use permit runs with the land; therefore, a new owner is not required to reapply for a conditional use permit unless a time limit that has been established terminates.



**CITY OF LAVON, TEXAS
APPLICATION
WINE AND BEER RETAILER'S OFF-PREMISE PERMIT (BQ)**

Date: _____

Applicant or Applicant's Representative: _____

Applicant Address: _____
Street Address City, State, Zip

Applicant Phone: _____ Email: _____

Business Name: _____

Business Known As (if different): _____

Business Location: _____
Street Address City, State, Zip

Business Owner: _____

Property Legal Description: _____

Property Owner Address: _____
Street Address City, State, Zip

Owner Phone: _____ Email: _____

Application: _____ New Original Permit
_____ Permit Renewal (Bi-Annual)

_____ Survey provided; prepared and sealed by a Texas Registered Professional Land Surveyor
showing property lines, buildings, measurements and 300 foot buffer

_____ Texas Alcoholic Beverage Commission Off-Premise Prequalification Packet Attached

_____ Non-refundable Administrative Processing Fee paid at the time of application.

_____ Copy of the Texas Alcoholic Beverage Commission (TABC) Certificate along with applicable
permit fees (see "Fee Schedule") must be submitted prior to issuance of a City of Lavon Wine and Beer
Retailer's Off-Premise Permit Certificate. Received: date

Submit Application to: City Secretary
P.O. Box 340
Lavon, Texas 75166

FOR OFFICIAL OFFICE USE ONLY:

Application Fee Paid: \$ _____

Date: _____

Permit Fee Paid: \$ _____

Date: _____

APPLICATION ROUTING and REVIEW FOR OFFICIAL INTERNAL OFFICE USE ONLY

A. City Secretary

_____ INITIAL APPLICATION _____ RENEWAL APPLICATION (*skip to D*)

_____ Application Filed *date* _____
_____ Application Fee Paid
_____ Application is Complete
_____ Survey is Provided
_____ TABC Prequalification Packet is Provided
_____ Business is located within corporate limits as of 11/02/2010.

SIGNED: City Secretary _____

Application referred to Public Works *date & Initial* _____

B. Public Works - Inspection

Application Referred by City Secretary on *date* _____

_____ Survey is Complete

Verify the statement. If statement is true, check the blank.

- _____ 1. Residential Area: Business is not located in a residential area.
- _____ 2. Church: Business is not located within 300' (front door to front door).
- _____ 3. Public Hospital: Business is not located within 300' (front door to front door).
- _____ 4. Public School: Business is not located within 300' (property line to property line).
- _____ 5. Private School: Business is not located within 300' (property line to property line).
- _____ 6. Day-Care/Child-Care Facility: Business is not located within 300' (property line to property line).

SIGNED: PW Representative _____

Application Referred back to City Secretary on: *date & Initial* _____

C. City Secretary

Application Referred by Public Works on *date* _____

* If any of the above statements are not true AND a variance has not been obtained, the permit application shall be denied. Notify Applicant of Variance Procedures.

_____ Sign Packet and prepare file copy

Return TABC Prequalification Packet to Applicant *date & Initial* _____

D. City Secretary

TABC Certificate Provided by Applicant *date* _____

_____ Permit Fee Paid

Provide Certificate to Applicant *date & Initial* _____

E. City Secretary

Mark Up Renewal Certificate Date

Top Ten Questions on Alcohol Regulations

Claire E. Swann¹



QUESTION 1

Can city ordinances be more prohibitive than the Texas Alcoholic Beverage Code?

Municipal regulations are preempted by the Texas Alcoholic Beverage Code (the "Code").² A municipality, whether general law or home-rule, will look to the legislature for a grant of authority to regulate businesses selling alcohol ("alcoholic beverage establishments").³ This has been interpreted to mean that a city generally may not be more prohibitive than the Code.⁴

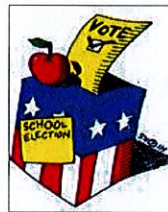
There are, however, some exceptions to this general rule. A zoning regulation formally adopted by the municipality prior to June 11, 1987 and which is otherwise valid, is NOT preempted by the Code.⁵ For example, if a Planned Development District adopted prior to June 11, 1987 requires 1,200-foot spacing between alcoholic beverage establishments, the City can continue to enforce this requirement even though it is more prohibitive than the Code.

But even with zoning regulations adopted before June 11, 1987, municipalities can only amend such zoning regulations if the amendment lessens the restrictions on the alcoholic beverage establishment or does not impose additional restrictions on the alcoholic beverage establishment.⁶ A zoning regulation is defined broadly in this context as "any charter provision, rule, regulation, or other enactment governing the location and use of buildings, other structures, and land."⁷

A city is also allowed to be more prohibitive when regulating the location of alcoholic beverage establishments that derive 75% or more of its revenue from the sale of alcohol for on-premise

consumption.⁸ This means a bar could be further regulated, but a liquor store could not.⁹

Furthermore, Dallas and Houston are permitted to be more prohibitive than the Code when regulating the location of private clubs if 35% or more of the revenue comes from alcohol sales.¹⁰



QUESTION 2

What is a local option election and how does it affect the city?

The local option provision of the Code gives voters the ability to determine whether the sale of specific types of alcoholic beverages will be prohibited or allowed within an area.¹¹ An area is "dry" as to a particular type of alcoholic beverage if the sale is prohibited.¹² An area is "wet" as to a particular type of alcoholic beverage if the sale of alcohol is allowed.¹³ An area retains its wet or dry status until changed by local option election in the same authorized voting unit.¹⁴

A local option status of a city controls over the local option status of a justice precinct if only part of the justice precinct is in the city limits.¹⁵ The local option status of a justice precinct controls over the local option status of a city if the justice of the peace precinct is wholly within the city limits.¹⁶

A local option election may only be held in the same political subdivision boundaries that originally determined the wet or dry status, but may include any area added to the political subdivision after its creation.¹⁷

If the boundaries of the justice of the peace precinct have changed since the local option status was

established, the county commissioners court must define the original precinct boundaries.¹⁸

The city must certify the wet or dry status on permit applications and whether sale of alcohol is prohibited by charter or ordinance.¹⁹ Note: an application for a permit or license should not be certified by the city unless sale of alcohol is permitted by the zoning regulations.



QUESTION 3

Does the Code allow cities to prohibit alcohol sales and/or expand distance requirements?

Cities may prohibit the sale of liquor in residential areas only by charter.²⁰ A city may prohibit the sale of beer in residential areas by ordinance or charter²¹ and may distinguish between on-premise and off-premise sales of beer.²²

Cities can adopt distance requirements for alcoholic beverage establishments.²³ Sale of alcohol within 300 feet of a church, public or private school, or public hospital is prohibited.²⁴ Note that the definition of "public school" is a school supported with public funds.²⁵ The definition of "private school" means a private school, including a parochial school, that: (1) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and (2) has more than 100 students enrolled and attending courses at a single location.²⁶

The 300 foot spacing requirement does not apply to a holder of a food and beverage certificate within 300 feet of a private school.²⁷ It also does not apply to a liquor store where minors are prohibited from entering within 300 feet of a private school.²⁸

Sale of alcohol within 300 feet of a day-care center or child-care facility is prohibited.²⁹ This restriction only applied to permits or licenses under TABC Chapter 25 (beer and wine retailer), 28 (mixed beverage), 32 (private club), 69 (retail dealer's on-premise license) and 74 (brewpub license).³⁰ The

restriction does not apply to the holder of a food and beverage certificate.³¹

The restriction does not apply if the alcohol business and the child-care facility are on different floors of a multi-story building.³² Also, this restriction does not apply if the alcohol beverage establishment and the child-care facility are in separate buildings and the child-care facility is not on the ground floor.³³ Further, this restriction does not apply to foster homes.³⁴



QUESTION 4

How does a city measure distance requirements?

The Code establishes the method of measurement for the distance requirements.³⁵ A city ordinance cannot require a different method of measurement than the Code.³⁶

Church and public hospital: Along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.³⁷ The measurement is from the nearest point of the door, then to the property line of the street front, then to the nearest point of the other door.³⁸ Front door means any outside entrance facing or fronting a public street. A premise may have more than one front door.³⁹ An alcoholic beverage establishment may move its front door and in turn, evade the 300 foot distance requirement.⁴⁰

Schools, day-care centers, and child care facilities: In a direct line from the property line of the public school/day-care/child care facility to the property line of the alcohol beverage establishment, and in a direct line across intersections.⁴¹

General Rules on Measurements. Measurements can be across street in the middle of the block. You don't have to measure to the intersection.⁴² The measurement across intersections is diagonally, not corner to corner. The distance is in a straight line,

not the usually traveled route.⁴³ The shortest possible distance is the one that controls.⁴⁴

Please note that some large Texas cities require (or are considering requiring) that a permit for an alcoholic beverage establishment be submitted along with a professional survey showing that they meet the distance requirements. This is an attempt to avoid potential measurement errors made by city staff.



QUESTION 5

Do alcohol establishments have vested rights?

An alcoholic beverage establishment is grandfathered with regard to the distance requirements if at the time an original alcoholic beverage permit or license is granted for a premises, the premises satisfies the distance requirements from schools, churches, etc....⁴⁵

On a sale or transfer of the business in which a new original license or permit is required for the premises, the premises shall be deemed to satisfy any distance requirements as if the issuance of the new original permit or license were a renewal of a previously held permit or license.⁴⁶

That being said, the grandfathering of the distance from a public school will be lost if the business violates certain provisions of the Code.⁴⁷ A business also can only retain its grandfathering rights from a public school if it is sold to a surviving spouse or child.⁴⁸

Although the Code clearly states that an alcoholic beverage establishment is grandfathered at the time the alcoholic beverage license or permit is issued by the TABC, the following situation may arise. A developer submits a plat to the city for approval. The developer intends to develop the property as a liquor store. At the time the plat was filed, the property meets the alcohol spacing requirements.

Then, before the applicant receives its alcohol permit or license, a church is built within 300 feet of the location where the liquor store will be located. Under the Code, they would not be grandfathered.

Regardless of the Code's express provision, developers will likely try to argue that their rights vested under Chapter 245 when they submitted their initial municipal permit application with the city.

It is this author's opinion that an alcoholic beverage establishment will "vest" with regard to distance requirements only at the time when the alcohol permit/license is granted by the TABC – not when the original permit is filed with the City. I have come to this conclusion for several reasons, two of which are provided below

First, municipalities are preempted by the Code, and the Code explicitly calls out the limited circumstances in which grandfathering rights apply. NOTE: The vested rights issue may ultimately be moot anyway. To operate an alcoholic beverage establishment requires not only city approval, but also TABC approval. Regardless of whether the city recognizes vested rights at an earlier date, the TABC is not bound by Chapter 245, but rather the Code. This means the TABC cannot grant a permit and/or license unless the alcohol beverage establishment meets all of the distance requirements *at the time the TABC grants the permit and/or license*.

Second, Under Chapter 245 of the Texas Local Government Code, submitting a permit application locks in those regulations that are in place at the time the permit application is filed with the city. An argument can be made that even if a developer has to comply with the distance requirements due to intervening development, those are the same distance requirements that were in effect at the time the developer filed its permit application with the city. The city has no control over whether the distance requirements have been triggered by intervening private development.



QUESTION 6

Does a food and beverage certificate affect the city's ability to regulate?

To obtain a food and beverage certificate, food service must be the primary business being operated on the premises, the holder must have food service facilities for the preparation and service of multiple entrees, and alcohol sales may not exceed 50 percent of gross receipts.⁴⁹ To renew a food and beverage certificate, the comptroller must certify that alcohol sales do not exceed 50 percent of gross receipts.⁵⁰

When first authorized in 1995, food and beverage certificates originally allowed alcohol sales up to 75 percent.⁵¹ At that time, municipalities were allowed to regulate the location of establishments that derived more than 75 percent of their gross income from on-premise sales.⁵² In 2001, the food and beverage certificate was amended to 50 percent,⁵³ but a coordinating amendment to municipal authority was not made.⁵⁴

If a business has a food and beverage certificate, they are exempt from the 300 foot spacing from private schools, day-care centers and child-care facilities.⁵⁵ They are also exempt from municipal regulation of the location of private clubs.⁵⁶



QUESTION 7

Can a city create exemptions to its alcohol spacing requirements?

Variances. The Code states that a city council may allow variances to their alcohol spacing requirements if the city council determines that "Enforcement of the regulation in particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a

license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reasons the city council determines is in the best interest of the community."⁵⁷

Although an argument can be made that a city's zoning ordinance does not need to create a variance process since it is already provided for by state statute, in an abundance of caution, this author recommends that a municipality adopt an ordinance that grants the city council the authority to grant variances before actually issuing variances.

This author also recommends that a municipality not only adopt the variance standard provided by the Code, but also delineate those additional findings that would make up the Code's broad "best-interest" standard. By creating specific parameters as to when a variance can be granted, the ordinance would provide better notice of what standards apply, and the municipality can better ensure that the same standard will apply to all variance applications. This will create an easier administrative process, perhaps cut down on due process and equal protection challenges, and provide a more defensible ordinance.

Waivers by Adjacent Triggering Use. Some cities will allow an alcoholic beverage establishment to invade the 300 foot spacing requirement, if a church, school, hospital or other triggering use signs a waiver of the 300 foot spacing requirement. Waivers, however, are not expressly provided for under the Code. Also, such waivers may be viewed as an unlawful delegation of legislative authority. Waivers may also create future problems for a municipality if the triggering use later wants to revoke its waiver. A municipality also must pay particular attention to whether the individual who signed the waiver actually has the legal authority to bind the triggering use. This would require an individual assessment for each use signing a waiver. For example, there are different execution rules for different religious establishments. Some require the vote of the congregation, some just the signature of the minister, some the signature of the president of the board of directors, and some require approval by

a regional religious figure. A municipality does not want to approve a certificate of occupancy for an alcoholic beverage establishment (pursuant to a waiver), only to find out later that the waiver is not enforceable.

Exempting Certain Areas from spacing requirements. Some cities have exempted their downtown districts from the 300 foot spacing requirements. There is no case law addressing whether a city can apply the 300 foot spacing requirement to one part of the city and not to others. But, this author believes that a city can exempt certain areas from the 300 foot spacing requirement because it operates similar to a large-scale variance.

If a city exempts a certain area from the 300 foot spacing requirements, this author recommends that the ordinance creating the exemption addresses the variance findings. Furthermore, there must be a valid land-use rationale for the exemption of a particular area. It should be consistent with and promote the comprehensive plan and land use studies for the area. For example, a valid rationale may include the city's attempt to create a mixed use, pedestrian-friendly, and densely-populated urban center. Please contact legal counsel if your city wants to exempt a certain area from the 300-foot spacing requirement. It requires additional legal considerations when drafting the ordinance.



QUESTION 8

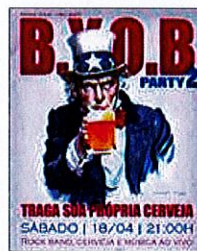
How can cities regulate an alcoholic beverage establishment, if it is permitted under the zoning regulations?

In addition to general code enforcement rights, the mayor, city council member, chief of police, city marshal, or city attorney may file a protest with the TABC requesting that a license or permit be denied, suspended, or canceled.⁵⁸

The protest must show that the place or manner in which the business is being conducted warrants the cancellation based on the general welfare, health, peace, safety, or public sense of decency.⁵⁹

The TABC must set a cancellation or suspension hearing on the petition of the mayor, chief of police, city marshal, or city attorney supported by the sworn statement of one credible person.⁶⁰

Before considering filing a protest with the TABC, please contact your city attorney.



QUESTION 9

Can cities regulate BYOB establishments?

BYOB establishments are not referenced in the Code, and are, therefore, not regulated by it. BYOB establishments are not required to get a permit or license from the TABC.⁶¹ Furthermore, municipalities may not regulate the possession or consumption of alcoholic beverages within a use if that use operates on a BYOB basis.⁶² But, if the establishment holds itself out to be a "private club", it may be regulated under Chapter 32 of the Code.⁶³



QUESTION 10

What are alcohol-free school zones?

Sales of alcohol within 1,000 feet of an alcohol-free school zone is prohibited.⁶⁴ The alcohol free school zone must be initiated by the public school district (see limitation below) or board of a private school and created by city council resolution.⁶⁵ Please note that a public school district may only petition for an alcohol-free school zone if the majority of the area of

the district is located in a municipality of a population of 900,000 or more.⁶⁶

The alcohol-free school zone does not apply to restaurants (50% or less revenue from on-premise sales), manufacturers, or wholesalers.⁶⁷ The restriction does not apply to a caterer's license or permit issued for a private school.⁶⁸ The restriction does not apply to a liquor store where minors are prohibited from entering within 1,000 feet of a private school.⁶⁹

A municipality can arguably grant a variance to allow an alcoholic beverage establishment to locate within the alcohol-free school zone. The municipality should have already adopted the variance standard, set forth in the Code. The municipality can also add additional findings for granting a variance to an alcohol-free school zone if the city council determines (when adopting their variance standard) that the additional findings are necessary to ensure that the variance was in the "best interest of the community."

¹ Claire Swann is an attorney at Abernathy, Roeder, Boyd & Joplin P.C. She specializes in municipal zoning and land use law. She can be reached at 214.544.4041 or cswann@abernathy-law.com. I would like to thank Richard Abernathy, Rebecca Brewer, and John Rogers for their help in developing this paper and presentation. They have all been incredible mentors.

² Tex. Alco. Bev. Code Ann §1.06, §11.38(c), §61.36(c), and §109.57(b); and *Dallas Merchants and Concessionaire's Association v. City of Dallas*, 852 S.W.2d 489 (Tex. 1993).

³ *Dallas Merchants and Concessionaire's Association v. City of Dallas*, 852 S.W.2d 489 (Tex. 1993).
⁴ *Id.*

⁵ Tex. Alco. Bev. Code Ann. §109.57(c).

⁶ Tex. Alco. Bev. Code Ann. §109.57(c).

⁷ *Id.*

⁸ Tex. Alco. Bev. Code Ann. §109.57(d). The Code actually states that a city may regulate the location of a business that derives 75% or ore of its revenue from on-premise sale of alcohol. The Texas Attorney General's office has interpreted "on-premise sale" to mean the sale of alcohol for on-premise consumption. Op. Tex. Att'y Gen. No. DM-289 (1994).

⁹ Op. Tex. Att'y Gen. No. DM-289 (1994).

¹⁰ Tex. Alco. Bev. Code Ann. §109.57(e).

¹¹ Tex. Const. Art. 16 §20; Tex. Alco. Bev. Code Title 6, Chapter 251; Tex. Elec. Code Chapter 501.

¹² Tex. Alco. Bev. Code §251.71(a).

¹³ *Id.*

¹⁴ Tex. Alco. Bev. Code §251.71(b) and §251.72.

¹⁵ Tex. Alco. Bev. Code §251.73(1).

¹⁶ Tex. Alco. Bev. Code §251.73(2).

¹⁷ Tex. Alco. Bev. Code §251.80(a). Tex. Elec. Code §501.022(b).

¹⁸ Tex. Alco. Bev. Code §251.80(a).

¹⁹ Tex. Alco. Bev. Code §11.37 (permit) and §61.37 (license).

²⁰ Tex. Alco. Bev. Code Ann. §109.31.

²¹ Tex. Alco. Bev. Code Ann. §109.32(a)(1).

²² Tex. Alco. Bev. Code Ann. §109.32(c).

²³ *See* Tex. Alco. Bev. Code Ann. §109.33.

²⁴ Tex. Alco. Bev. Code Ann. §109.33(a)(1).

²⁵ Op. Tex. Att'y Gen. 96-134 (1996).

²⁶ Tex. Alco. Bev. Code Ann. §109.33(h)(2).

²⁷ Tex. Alco. Bev. Code Ann. §109.33(h)(1).

²⁸ Tex. Alco. Bev. Code Ann. §109.33(h)(2).

²⁹ Tex. Alco. Bev. Code Ann. §109.331.

Tex. Alco. Bev. Code Ann. §109.331(a).
 Tex. Alco. Bev. Code Ann. §109.331(a).
 Tex. Alco. Bev. Code Ann. §109.331(c)(1).
 Tex. Alco. Bev. Code Ann. §109.331(c)(2).
 Tex. Alco. Bev. Code Ann. §109.331(d).
 See Texas Alco. Bev. Code Ann. §109.33.
 Tex. Alco. Bev. Code Ann. §1.06, §11.38(c), §61.36(c), and §109.57(b); and *Dallas Merchants and Concessionaire's Association v. City of Dallas*, 852 S.W.2d 489 (Tex. 1993).
 Tex. Alco. Bev. Code Ann. §109.33(b).
Ezell v. TABC, 528 S.W.2d 888 (Tex. Civ. App. - Ft. Worth 1975, no writ).
 Op. Tex. Att'y Gen. No. O-2062 (1940).
 Op. Tex. Att'y Gen. No. O-2156 (1940).
 Tex. Alco. Bev. Code Ann. §109.33(b) and §109.331.
Robinson v. Dallas, 193 S.W.2d 821 (Tex. Civ. App. - Austin 1946, writ ref'd.).
Hallum v. Texas Liquor Control Board, 166 S.W.2d 175 (Tex. Civ. App. - Dallas 1942 writ ref'd.).
 Op. Tex. Att'y Gen. No. O-7528 (1946).
 Tex. Alco. Bev. Code Ann. §109.59(a).
 Tex. Alco. Bev. Code Ann. §109.59(b).
 Tex. Alco. Bev. Code Ann. §109.59(d). These provisions are:
 Tex. Alco. Bev. Code Ann. §11.61(b)(1) (violation of TABC).
 Tex. Alco. Bev. Code Ann. §11.61(b)(6) (permittee is not of good moral character).
 Tex. Alco. Bev. Code Ann. §11.61(b)(7) (place or manner is detrimental to general welfare).
 Tex. Alco. Bev. Code Ann. §11.61(b)(8) (did not maintain bond).
 Tex. Alco. Bev. Code Ann. §11.61(b)(9) (noisy, lewd, disorderly or unsanitary premises).
 Tex. Alco. Bev. Code Ann. §11.61(b)(10) (permittee mentally or physically unable).
 Tex. Alco. Bev. Code Ann. §11.61(b)(11) (permittee uses alcohol in excess).
 Tex. Alco. Bev. Code Ann. §11.61(b)(13) (permittee is intoxicated on premises).
 Tex. Alco. Bev. Code Ann. §11.61(b)(14) (sale to intoxicated persons).
 Tex. Alco. Bev. Code Ann. §11.61(b)(20) (open container on premises).
 Tex. Alco. Bev. Code Ann. §61.71(a)(5) (sale to minors).
 Tex. Alco. Bev. Code Ann. §61.71(a)(6) (sale to intoxicated persons).
 Tex. Alco. Bev. Code Ann. §61.71(a)(7) (sale at time when prohibited).
 Tex. Alco. Bev. Code Ann. §61.71(a)(8) (sale or possession of alcohol on consignment).
 Tex. Alco. Bev. Code Ann. §61.71(a)(11) (lewd, immoral, or offensive conduct on premises).
 Tex. Alco. Bev. Code Ann. §61.71(a)(12) (employee under 18 years old).
 Tex. Alco. Bev. Code Ann. §61.71(a)(14) (refused to allow TABC inspection).
 Tex. Alco. Bev. Code Ann. §61.71(a)(17) (place or manner is detrimental to general welfare).
 Tex. Alco. Bev. Code Ann. §61.71(a)(18) (consumption at time when prohibited).
 Tex. Alco. Bev. Code Ann. §61.71(a)(22) (sale when license was suspended).
 Tex. Alco. Bev. Code Ann. §61.71(a)(24) (physically or mentally incompetent or intoxicated).
 Tex. Alco. Bev. Code Ann. §109.59(c).
 Tex. Alco. Bev. Code Ann. §25.13 (wine and beer retailer's permit), §28.18 (mixed beverage permit), and §32.23 (private club permit), and §69.16 (retail dealer's on-premise license).
 Tex. Alco. Bev. Code Ann. §28.18(d) (mixed beverage permit) and §32.23 (private club permit).
 See the historical and statutory notes to Tex. Alco. Bev. Code Ann. §25.13 (wine and beer retailer's permit), §28.18 (mixed beverage permit), and §32.23 (private club permit), and §69.16 (retail dealer's on-premise license).
 See the historical and statutory notes to Tex. Alco. Bev. Code Ann. §109.57(d).
 See the historical and statutory notes to Tex. Alco. Bev. Code Ann. §25.13 (wine and beer retailer's permit), §28.18 (mixed beverage permit), and §32.23 (private club permit), and §69.16 (retail dealer's on-premise license).
 See the historical and statutory notes to Tex. Alco. Bev. Code Ann. §109.57(d).
 Tex. Alco. Bev. Code Ann. §109.33(h)(1) (private schools) and §109.331(a) (day-care centers and child-care facilities).
 Tex. Alco. Bev. Code Ann. §109.57(c)(2).
 Tex. Alco. Bev. Code Ann. §109.33 (e).

58 Tex. Alco. Bev. Code §11.41 (deny a permit), §11.46 (deny a permit), §11.61 (suspend or cancel a permit), §11.612
(cancel a private club permit), §61.32(deny a license), §61.71 (suspended or cancel a license), and §61.721 (cancel a
59 wine and beer retailer permit or a retail dealer's on-premise license).
Tex. Alco. Bev. Code §11.46(a)(8) (deny a permit), §11.61(a)(7) (cancel or suspend a permit), §11.612(a) (cancel a
private club permit), §61.42(a)(3) (deny a license), §61.71(a)(17) (cancel or suspend a license), and §61.721 (cancel
60 a wine and beer retailer permit or a retail dealer's on-premise license).
Tex. Alco. Bev. Code §11.62 (permit) and §61.80 (license).
61 Tex. Atty. Gen. Op. GA-0561 (2007).
62 *Id.*
63 *Id.*
64 Tex. Alco. Bev. Code Ann. §109.33(a).
65 Tex. Alco. Bev. Code Ann. §109.33(a).
66 Tex. Alco. Bev. Code Ann. §109.33 (a)(2) and Tex.Edu.Code §38.007(b)
67 Tex. Alco. Bev. Code Ann. §109.33(f).
68 Tex. Alco. Bev. Code Ann. §109.33(g)(1).
69 Tex. Alco. Bev. Code Ann. §109.33(g)(2).



APPLICATION FOR ALCOHOL BEVERAGE PERMIT CITY OF MCKINNEY, TEXAS

Date: _____

- ☐ ORIGINAL / NEW
☐ ANNUAL RENEWAL

Business Known As: _____

Business Location (include City, State, Zip): _____

Applicant or Representative: _____

Business Name: _____

Mailing Address (include City, State, Zip): _____

Contact Phone No.: _____ Email: _____

Applying for (choose all that apply):

- | | | |
|--------------------------|----------------|----------------------------------------------|
| <input type="checkbox"/> | BQ | WINE AND BEER RETAILER OFF PREMISE |
| <input type="checkbox"/> | RM | MIXED BEVERAGE RESTAURANT |
| <input type="checkbox"/> | LB | MIXED BEVERAGE LATE HOURS |
| <input type="checkbox"/> | BG | WINE AND BEER RETAILER ON AND OFF PREMISE |
| <input type="checkbox"/> | BL | WINE AND BEER RETAILER ON PREMISE LATE HOURS |
| <input type="checkbox"/> | BE | BEER RETAILER ON OR OFF PREMISE |
| <input type="checkbox"/> | PE | BEVERAGE CARTAGE |
| <input type="checkbox"/> | BA | MANUFACTURER |
| <input type="checkbox"/> | B | BREWER |
| <input type="checkbox"/> | BP | BREW PUB |
| <input type="checkbox"/> | DA | BREWER SELF DISTRIBUTION |
| <input type="checkbox"/> | G | WINERY |
| <input type="checkbox"/> | GF | WINERY FESTIVAL |
| <input type="checkbox"/> | BF | BEER RETAILER OFF PREMISE |
| <input type="checkbox"/> | Q | WINE ONLY PACKAGE STORE |
| <input type="checkbox"/> | E | LOCAL CARTAGE |
| <input type="checkbox"/> | CB | CATERER |
| <input type="checkbox"/> | O | BREWER PRIVATE CARRIER |
| <input type="checkbox"/> | C | CARRIER |
| <input type="checkbox"/> | N/NE/NB | PRIVATE CLUB |
| <input type="checkbox"/> | NL | PRIVATE CLUB LATE HOURS |
| <input type="checkbox"/> | PS | PACKAGE STORE TASTING |

Completed applications are filed with the City Secretary's Office at 222 North Tennessee, McKinney, Texas 75069 or mailed to the same address. A copy of Texas Alcoholic Beverage Commission (TABC) license must be submitted with applicable permit fees prior to issuance of City of McKinney Alcohol Beverage Permit.

CITY OF MCKINNEY
Subpart A - GENERAL ORDINANCES
Chapter 14 - ALCOHOLIC BEVERAGES
ARTICLE III. LAWFUL SALE OF ALCOHOLIC BEVERAGES

ARTICLE III. LAWFUL SALE OF ALCOHOLIC BEVERAGES

Sec. 14-50. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Ale means a malt beverage containing more than four percent of alcohol by weight.

Beer means a malt beverage containing one-half of one percent or more of alcohol by volume and not more than four percent of alcohol by weight, and does not include a beverage designated by label or otherwise by a name other than beer.

Malt liquor means a malt beverage containing more than four percent of alcohol by weight.

Mixed beverage means one or more servings of a beverage composed in whole or in part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit, the holder of a daily temporary mixed beverage permit, the holder of a caterer's permit, the holder of a mixed beverage late hours permit, the holder of a private club registration permit, or the holder of a private club late hours permit.

Off-premises means locations other than those described in the definition of "premises" in this section.

Premises means the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Wine and vinous liquor means the product obtained from the alcoholic fermentation of juice of sound ripe grapes, fruits, berries or honey, and includes wine coolers.

(Code 1982, § 4-45; Ord. No. 2004-05-046, § 2, 5-4-2004)

Sec. 14-51. Permit required; procedures.

- (a) It shall be unlawful for any person to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any beer, wine or mixed beverages within the city unless such person has obtained a city permit from the office of the city secretary.
- (b) Any person wishing to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any beer, wine or mixed beverages must complete a city permit application.

-
- (c) The city secretary shall submit each application to the appropriate city departments, as determined by the city manager, to ensure that the application complies with all city ordinances and regulations, including this article.
 - (d) After approval by all necessary city departments, the application shall be deemed approved and the city secretary shall issue a city permit.
 - (e) Applications and permits shall be kept on file in the city secretary's office.
- (Code 1982, § 4-46; Ord. No. 2004-05-046, § 2, 5-4-2004; Ord. No. 2018-09-069, § 2, 9-17-2018)

Sec. 14-52. Permit; permit fee.

- (a) All permits shall be issued on an annual basis. All permits shall terminate at midnight on the day before the anniversary date of their issuance and no permit shall be issued covering a term longer than one year.
- (b) The city shall require payment of an annual permit fee by all establishments selling alcoholic beverages within the city. This fee shall be equal to one-half of the state fee required by the state alcoholic beverage commission of every person that may be issued any state permit or license for the manufacture, distilling, brewing, importing, transporting, storing, distributing or sale of any beer, wine or mixed beverage, unless a different fee is allowed or required by state law.
- (c) The city secretary may cancel a permit if a permittee fails to pay the permit fee. The city secretary shall send notice of such cancellation to the address on file with the permit application.
- (d) A permittee who sells an alcoholic beverage without first having paid the permit fee under this section commits a misdemeanor punishable by a fine of up to \$200.00.

(Code 1982, § 4-48; Ord. No. 2004-05-046, § 2, 5-4-2004; Ord. No. 2018-02-014, § 2, 3-6-2018; Ord. No. 2018-09-069, § 3, 9-17-2018)

Editor's note(s)—Ord. No. 2018-09-069, §§ 3 and 4, adopted September 17, 2018, repealed § 14-52 and renumbered §§ 14-53—14-56 as §§ 14-52—14-55. Former § 14-52 pertained to application fee, initial permit fee and derived from the Code of 1982, Ord. No. 2004-05-046, adopted May 4, 2004; Ord. No. 2005-11-112, adopted November 1, 2005 and Ord. No. 2008-08-078, adopted August 19, 2008.

Sec. 14-53. Hours of operation.

- (a) The hours of sales of alcoholic beverages in the city shall comply with state law provisions regarding the sale of alcoholic beverages.
- (b) *Wine and beer late hours.* The holder of a retail dealer's on-premise late hours license issued by the State of Texas may sell and offer to sell and serve beer and wine in a restaurant with a food and beverage certificate between the hours of 1:00 a.m. and 2:00 a.m. on Sunday and between 12:00 p.m. and 2:00 a.m. on any other day, provided that the holder complies with the Texas Alcoholic Beverage Code, as it exists or may be amended.
- (c) *Mixed beverage late hours.* The holder of a mixed beverage late hours permit issued by the State of Texas may sell and offer for sale mixed beverages in a restaurant with a food and beverage

certificate between the hours of midnight and 2:00 a.m. on any day, provided that the holder complies with the Texas Alcoholic Beverage Code, as it exists or may be amended.

(Code 1982, § 4-49; Ord. No. 2004-05-046, § 2, 5-4-2004; Ord. No. 2018-02-014, § 3, 3-6-2018; Ord. No. 2018-09-069, § 3, 9-17-2018)

Editor's note(s)—See editor's note, § 14-52.

Sec. 14-54. Development standards.

- (a) *Beer and wine for off-premises consumption only.* The sale of beer and wine is permitted only in a zoning district where retail sales are allowed. The minimum distance between retail stores that offer the sale of beer and wine for off-premises consumption and the following uses are:
- (1) *Schools (public and private):* 300 feet. As allowed by state law, a school may petition for 1,000 feet. All measurements of distances are as provided for in state law (property line to property line and in a direct line across intersections). Day cares, universities and colleges are not included in the definition of schools.
 - (2) *Churches:* 300 feet. All measurements of distances are as provided for in state law (along the property lines of the street fronts and from front door to front door, and in a direct line across intersections).
 - (3) *Hospitals:* 300 feet. All measurements of distances are as provided for in state law (along the property lines of the street fronts and from front door to front door, and in a direct line across intersections).
- (b) *Mixed beverages in a restaurant by food and beverage certificate holders only.* The sale of mixed beverages in a restaurant by food and beverage certificate holders is allowed in any zoning district where restaurants are allowed. The holder of a permit under this subsection shall not be required to meet distance requirements as set forth in subsection (a) of this section.

(Code 1982, § 4-50; Ord. No. 2004-05-046, § 2, 5-4-2004; Ord. No. 2005-05-51, § 1, 5-3-2005; Ord. No. 2018-09-069, § 3, 9-17-2018)

Editor's note(s)—See editor's note, § 14-52.

Sec. 14-55. Exemption.

- (a) Specific events approved by the administrator of the McKinney Performing Arts Center at the Historic Collin County Courthouse shall be exempt from the permit provisions of this article.
- (b) Specific events or programming activities not requiring a special event permit and approved by the director of the parks and recreation department, or his/her designee, to be held on city-controlled parkland or within recreation centers, identified hereinabove, shall be exempt from the permit provisions of this article.

(Code 1982, § 4-51; Ord. No. 2005-11-112, § 2, 11-1-2005; Ord. No. 2018-09-069, § 3, 9-17-2018; Ord. No. 2019-05-031, § 3, 5-7-2019)

Editor's note(s)—See editor's note, § 14-52.

CITY OF COLLEYVILLE
CODE OF ORDINANCES
Chapter 6 - ALCOHOLIC BEVERAGES¹¹

Footnotes:

--- (1) ---

Cross reference— Amusements and entertainments, ch. 10; businesses, ch. 22; health and sanitation, ch. 54; offenses and miscellaneous provisions, ch. 62; traffic and vehicles, ch. 94.

State Law reference— Local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code §§ 11.38–61.36, 108.55, 109.31 et seq.; local option elections, V.T.C.A., Alcoholic Beverage Code § 251.01 et seq.

ARTICLE I. - IN GENERAL¹²

Footnotes:

--- (2) ---

Editor's note— Ord. No. O-01-1300, § 1, adopted Sept. 11, 2001, provided for the amendment of art. I, §§ 6-1—6-5, in their entirety. Formerly, said sections pertained to similar subject matter, as adopted by the 1980 Code. See the Code Comparative Table.

Sec. 6-1. - Applicability of chapter.

The storage, sale, possession or serving of any alcoholic beverages, when permitted by the laws of the state, shall be regulated and governed as provided herein.

(Ord. No. O-01-1300, § 1, 9-11-01)

Sec. 6-2. - Compliance with zoning and Land Development Code.

- (a) The storage, possession, sale or serving of alcoholic beverages by anyone for the consumption, either on or off the premises, shall be prohibited unless on land zoned specifically for that purpose with a special use permit in accordance with the Colleyville Land Development Code.
- (b) For any area of the city that was granted a special use permit for alcoholic beverage sales, for either on-premises or off-premises consumption, prior to October 1, 2001, the premises shall be deemed to satisfy the requirements as established by this Code regarding distance from schools, churches, and other types of premises for all new and subsequent renewals of a license or permit.

(Ord. No. O-01-1300, § 1, 9-11-01)

Sec. 6-3. - Restrictions on sales within prescribed distances of public and private schools, churches and public hospitals.

- (a) It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages where the place of business of any such person is within 300 feet of any church, public or private school, or public hospital.
- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- (c) The measurement of the distance between the place of business where alcoholic beverages are sold and a public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business and in a direct line across intersections.
- (d) The city council may allow a variance to this section if it determines that the enforcement of the regulation in a particular instance is not in the best interests of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, or is not effective or necessary, or for any other reason the city council determines, after consideration of the health, safety and welfare of the public and the equities of the situation, that the variance is in the best interest of the community.
- (e) The term "private school", including a parochial school, means a school offering a course of instruction for students in one or more grades from kindergarten through grade 12, and has more than 100 students enrolled and attending courses at a single location.

(Ord. No. O-01-1300, § 1, 9-11-01)

Sec. 6-4. - Hours of sale and consumption.

The hours of sale and consumption shall be as required by the Texas Alcoholic Beverage Commission.

(Ord. No. O-01-1300, § 1, 9-11-01)

Sec. 6-5. - Alcoholic beverage sales for on-premises consumption must be incidental to hotel, motel, or restaurant.

No person shall sell, store dispense, or otherwise handle for the purpose of sale, or engage in the business of selling, storing, dispensing, or otherwise handling for sale, any alcoholic beverage in the city for on-premises consumption, except in a location where such activity is either incidental and secondary to use on the same premises for hotel or motel purposes, or where incidental and secondary to the sale of food for human consumption, which shall be construed to mean that at least 40 percent of the gross receipts of such business shall be from non-alcohol and food sales.

(Ord. No. O-01-1300, § 1, 9-11-01; [O-19-2084](#), § 2, 7-2-19)

Sec. 6-6. - Temporary alcohol sales in conjunction with a mass gathering permit.

Provided all requirements of the state alcoholic beverage commission are met, the city council may permit the temporary sale of alcoholic beverages for on-premise consumption for a time period not to exceed the length of time approved for the event granted under the mass

gathering permit. A temporary alcohol sales permit may only be granted in conjunction with a mass gathering permit. The restrictions on alcohol sales within prescribed distances of public and private schools, churches and public hospitals as well as the compliance requirements with the zoning and Land Development Code provisions of this chapter shall not apply to a temporary alcohol sales permit permitted under this section.

(Ord. No. O-09-1710, § 2, 2-17-09)

Secs. 6-7—6-25. - Reserved.

ARTICLE II. - BUSINESS LICENSES AND PERMITS

Sec. 6-26. - Application; contents.

Any person applying for a permit or license issued by authority of the Texas Alcoholic Beverage Code or a renewal of such permit or license or to change the location of the place of business designated in such permit or license shall deliver to the city secretary, for filing, one copy of the appropriate forms prescribed by the state alcoholic beverage commission, together with scale drawings showing the proposed location of the applicant's business in relation to streets, property lines and the nearest church, public school, or public hospital. Such person shall also provide a statement of his name, current address, addresses for the previous ten years, age, all other city permits or licenses held, and the names and addresses of all persons with an interest in such business, which statement shall include an affidavit that the information given is true and correct. The applicant shall give permission for his fingerprints, height, weight, race and other description to be obtained by the police department.

(Code 1980, ch. 4, § 14(A))

State Law reference— Alcoholic beverage commission, V.T.C.A., Alcoholic Beverage Code ch. 5.

Sec. 6-27. - Reserved.

Editor's note— Section 1 of Ord. No. O-96-1015, adopted Jan. 16, 1996, repealed § 6-27 in its entirety. Formerly, said section pertained to investigation of applicant by chief of police and derived from § 14(B) of ch. 4 of the 1980 Code.

Sec. 6-28. - Review of application by city secretary; certification as to zoning; objections to issuance.

The city secretary shall review the application as submitted by the applicant, verify zoning and approval of a special use permit by the city council. If, from the city secretary's examination, it appears that the applicant is disqualified, or that the applicant's place of business is inadequate, unsafe, unsanitary or does not comply with all the terms of the ordinance and the Texas Liquor Control Act, or that any lawful reason exists why the permit or license should not be issued, it shall be the duty of the city secretary to file objections to the issuance of the permit or license with the alcoholic beverage commission or with the county judge.

(Code 1980, ch. 4, § 14(C); Ord. No. O-96-1015, § 2, 1-16-96)

Sec. 6-29. - Fees generally.

- (a) No permittee or licensee under this article shall engage in the business authorized by his permit or license without first having paid to the city the permit or license fee levied by this section. It shall be the duty of the city attorney to petition the state alcoholic beverage commission to cancel the permit or license of any permittee or licensee who shall engage in the business authorized by the permit or license of such person without first having paid the fees levied by this section.
- (b) There is hereby levied on each person granted and holding a license or permit under this article and engaged in the business authorized by such license or permit in the city an annual fee in an amount equal to one-half of the amount charged or taxed by the state pursuant to the Alcoholic Beverage Code for each type of business or occupation.

(Code 1980, ch. 4, § 14(D), (E))

Sec. 6-30. - Fees to be paid in advance; separate license or permit required for each place of business.

The fees required for licenses and permits as required by section 6-29 shall be paid in advance for one year. A separate license or permit, as required by this article, shall be obtained for every place of business where the business of alcoholic beverage manufacture, distribution, or sale is conducted, and fees for each such license or permit shall be paid.

(Code 1980, ch. 4, § 14(F))

Sec. 6-31. - Issuance; contents.

Upon approval by the city attorney and payment of the required fees, the city secretary shall issue a license or permit in the name of the city, which shall acknowledge receipt of such amount and shall contain the number, name, and expiration date of the state permit or license; the name of the permittee or licensee; the trade name of such permittee or licensee; the address of the business; and the date of issuance.

(Code 1980, ch. 4, § 14(G))

Sec. 6-32. - Display of license or permit.

The license or permit issued by the city secretary under this article shall be displayed at all times in a conspicuous place within the licensed or permitted place of business.

(Code 1980, ch. 4, § 14(H))

Sec. 6-33. - Refund of fees.

No refund of a fee paid the city under the terms of this article shall be made for any reason except when the permittee or licensee is prevented from continuing in business by reason of the result of a local option election or an amendment of the zoning regulations of the city concerning the property on which the place of business is situated.

(Code 1980, ch. 4, § 14(I))

Sec. 6-34. - Records.

All persons operating establishments engaging in the sale of alcoholic beverages within the city shall comply with the reporting requirements of this section.

- (1) During the first year of any license for on-premises alcoholic beverage consumption issued to a new license-holder, the owner, operator or person in control of an establishment licensed by the state for on-premises alcoholic beverage consumption shall, on a quarterly basis with the quarters ending March 31, June 30, September 30 and December 31, file with the building official an affidavit, on an officially approved form provided by the building official, that reflects gross sales for the preceding three months, indicating the sales of non-alcoholic items and alcoholic beverages. The quarterly reports for the previous three-month period shall be due on or before the 25th day of April, July, October and January. In the event that no violation occurs during the first year, then the business will only be required to report on an annual basis, thereafter.
- (2) The party shall also file on a quarterly basis, at the same time the affidavit on sales is filed, a copy of the filing(s) supplied to the state for sales tax and alcoholic beverage tax purposes for the previous three-month period.
- (3) Such affidavit and copies of filing(s) supplied to the state for sales tax and alcoholic beverage tax purposes shall be reviewed by the city manager or designee for compliance with the provisions of section 6-5 regarding the ratio of non-alcohol items to alcohol beverage sales.
- (4) If a quarterly report submitted indicates that the filing establishment does not comply with the percentage requirements of section 6-5, the establishment shall have until the next due date of a quarterly report to bring the establishment into compliance with city ordinances. The licensee shall be notified by certified mail by the building official that a violation of this Section has occurred. Such notification shall specify the date by which the licensee must be in compliance with section 6-5. A report containing the same information as the quarterly report must be filed with the building official on or before the date required for compliance, as stated in the letter of notification of violation.
- (5) If a quarterly report is not submitted to the building official on or before the 25th day of April, July, October and January, the building official shall notify the licensee by certified mail that a quarterly report has not been submitted. The licensee shall have a period of ten days after the date of delivery marked on the certified mail return receipt to file the quarterly report.
- (6) Failure to file a quarterly report or failure to bring the establishment into compliance by the next due date of a quarterly report shall constitute a violation of this section. The city attorney may inform the Texas Alcoholic Beverage Commission that the establishment is no longer in compliance with the city ordinances as previously certified to by the building official and request that the Texas Alcoholic Beverage Commission take whatever action is available under the Texas Alcoholic Beverage Code to revoke the state license.
- (7) The person operating an establishment subject to the reporting requirements of this article shall permit the city manager or a designated agent to view and copy the books, records and receipts relative to sales of non-alcohol items and alcoholic beverages at any time after 24 hours notice. In the any event the city manager finds a violation, then the business will be required to comply with section 1.a for the succeeding 12 months.
- (8) The city shall have the right to request the establishment to provide a prior quarters report in order to determine the business has remained in compliance. In the event the

establishment fails to be in compliance then in that event the business will be subject to the quarterly reporting requirements for another year.

(Code 1980, ch. 4, § 14(N); Ord. No. O-03-1398, § 1, 4-15-03)

State Law reference— Taxation, Alcoholic Beverage Code ch. 201 et seq.

Sec. 6-35. - License and permit renewals.

No license or permit issued under this article shall be renewed for any location where the records required by section 6-34 indicate that gross receipts from sales of food are less than gross receipts from alcoholic beverage sales. No new license or permit shall be granted for alcoholic beverage sales at such location for a period of six months.

(Code 1980, ch. 4, § 14(O))

Sec. 6-36. - Application to private clubs.

Sections 6-1—6-5, 6-26, 6-28 and 6-34 are the only sections of this chapter which shall apply to private clubs, and this chapter shall not apply to private clubs incidental to a hotel or motel, as defined in the zoning ordinance; nor to private clubs licensed by the state which are owned and operated by nonprofit service organizations, such as Veterans of Foreign Wars and the American Legion.

(Code 1980, ch. 4, § 14(P))

State Law reference— Private club registration permit, V.T.C.A., Alcoholic Beverage Code ch. 32.



CITY OF LAVON

Agenda Brief

MEETING: May 17, 2022

ITEM: 9 - E

Item:

Discussion and action regarding the Home Rule Charter process and appointment of a Charter Commission.

Background:

With the adoption of Resolution No. **2021-08-08** declaring the number of inhabitants of the City of Lavon to be greater than 5,000, the first step in the home rule charter process was completed. The City Council has provided direction to begin the process for the development and adoption of a home rule charter.

The City of Lavon is currently a Type-A general law city. The main distinction between and the reason why general law cities typically change to home rule is this:

A home rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law. A general law city has no charter and may only exercise those powers that are specifically granted or implied by statute.

A home rule charter is predicated upon the belief that governance issues should be managed at the level closest to the people. A home rule charter is developed in meetings that are open to the public and eventually put to the voters.

The home rule charter process is set out in Chapter 9 of the Texas Local Government Code.

There is not a set amount of time, a set number of meetings or time-sensitive steps involved in the development of a charter. The city attorney has advised that although calling a November 2022 election might be possible, setting a goal to call a May election might be more reasonable. To guide the process, the City Council should determine if there is a preference to work towards calling the election for the charter in November 2022 or May 2023.

To recap what was discussed at the May 3rd meeting, the appointment of a 15-member charter commission kicks off the process. Examples of items that the voters of the city will be able to decide about in the chart include but are not limited to the type of government structure, the number of council members, how council members are elected, length of terms of office, powers and duties of the mayor and council, term limits, departments of the city, initiative and referendum powers, and qualifications to volunteer or be elected.

The state law requires that at least thirty days prior to the election, a copy of the charter is to be mailed to every registered voter. The citizens of the City of Farmersville approved a home rule charter on May 7, 2022. A newspaper article regarding the successful election is enclosed.

Additional resource materials regarding the home rule charter process and sample charters from other cities can be provided upon request.

Financial Consideration:

The city attorney normally attends charter commission meetings. Funding for the city attorney's work on the charter process was included in the FY 2021-22 budget and will be proposed for continuation in the FY 2022-23 budget.

Staff Notes:

Determination of a process and/or qualifications for appointment, potential appointees, preferred meeting schedules would be in order at this point.

Attachments:

- 1) Resolution No. **2021-08-08**
- 2) Texas Municipal League Article and Legal Q&A
- 2) City of Farmersville article
- 3) Sample FAQ's – City of Oak Point

CITY OF LAVON, TEXAS
RESOLUTION NO. 2021-08-08

Population 5,000 Declaration

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAVON,
TEXAS, DECLARING THAT THE CURRENT NUMBER OF
INHABITANTS OF THE CITY OF LAVON EXCEEDS FIVE
THOUSAND AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the development of an accurate estimate of the number of inhabitants of the City of Lavon ("City") is essential to assist in the economic forecasts and in planning for the development and installation of public works infrastructure to meet the needs of the City; and

WHEREAS, various governmental entities need accurate population information in order to correctly allocate services and resources to the Lavon area; and

WHEREAS, the City Council of the City of Lavon ("City Council") after due and careful consideration has determined that it is necessary and appropriate to develop an accurate current figure regarding the number of inhabitants of the City; and

WHEREAS, in order to develop a count of the City's inhabitants that is reasonable and accurate based upon the historic size of the City and the recent period of growth, the City has conducted a detailed study and analysis to determine the number of inhabitants of the City; and

WHEREAS, in furtherance of this study and analysis, the City Staff of the City of Lavon has carefully reviewed the population estimates, forecasts, counts and analysis from various sources including the City's Utility Department, City's Building Inspection Department and the U.S. Census Bureau; and

WHEREAS, on January 1, 2021, the North Central Texas Council of Governments (NCTCOG) estimated the total population in the City of Lavon, Texas to be 4,400; and

WHEREAS, the Collin County Central Appraisal District certified that as of January 1, 2021, there were 1,630 single-family residences and 64 multi-family residences established within the corporate limits of the City of Lavon; and

WHEREAS, on July 20, 2021, the City of Lavon Utility Billing System contained trash accounts for 1,720 unique residential addresses; and

WHEREAS, from January 1, 2021 to August 1, 2021, the City approved 234 Certificates of Occupancy for new homes and approved 251 Applications for New Home Permits; and

WHEREAS, in January 2021, the United States Census Bureau estimated there to be an average of 3.015 persons per household in Lavon; and

WHEREAS, as of August 1, 2021 the City Staff calculates that the actual number of inhabitants of the City of Lavon, Texas is greater than 5,000; and

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


Section 1. The findings set forth above are incorporated into the body of this resolution as if fully set forth herein.

Section 2. The City of Lavon, Texas had, on August 1, 2021, and now has a population of more than 5,000 inhabitants and the City Council further finds, determines, and declares that the City of Lavon, Texas is a city of more than 5,000 inhabitants.


Section 3. That the extraterritorial jurisdiction (ETJ) of the City of Lavon shall extend one (1) mile from its current corporate limits pursuant to Section 42.021 of the Texas Local Government Code that provides in part, that the ETJ of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located within one (1) mile of those boundaries in the case of a municipality with 5,000 to 24,999 inhabitants.

Section 4. This resolution shall be in full force and effect immediately from and after the date of its passage.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas on the 17th day of August, 2021.


Vicki Sanson, Mayor

ATTEST:


Rae Norton, City Secretary



ALPHABET SOUP: TYPES OF TEXAS CITIES



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Introduction

Cities are formed for the purpose of managing the needs of people who live and work in close quarters. Cities provide basic services, such as streets, law enforcement, and utilities, and enact and enforce ordinances to protect citizens and foster a better city environment. City government in Texas, as in most of the United States, was founded on, and continues to evolve from, the premise that local communities know best how to run their local affairs. The following is a brief introduction to the types of cities in Texas and the power granted to them/taken away from them by the state to enact ordinances. As this is a brief overview of the area, and not intended as legal advice, local counsel should always be consulted prior to adopting any ordinance.

A Brief History of Texas Cities¹

The evolution of the statutes that authorize the incorporation of a Texas city is somewhat convoluted. From 1836 (during the Republic of Texas period) through 1845 (when Texas was annexed into the United States), and continuing until 1858, the only way to incorporate a city was by a special act of the Congress of the Republic of Texas or the State Legislature.

After 1836, the Republic of Texas Congress began incorporating towns by special acts of legislation. Nacogdoches was the first town incorporated by virtue of a law approved June 5, 1837. In addition to incorporating Nacogdoches, the 1837 law incorporated San Augustine, Richmond, Columbus, San Antonio, and Houston, in addition to twelve others. The special act, which resembled a very basic city charter, contained only ten sections, and was less than two pages long. It expressly spelled out the duties and powers, including ordinance-making power, of the cities it governed. Under the special act, a city could only exercise those powers expressly granted in the text of the act, or those necessary or implied from the express powers. Over the next ten years, the Congress of the Republic of Texas incorporated more than fifty towns in this manner, each of which had only the powers granted to it in the special act that created it.

After Texas became a state in 1845, the State Legislature continued incorporating cities by special act until the passage of the Home Rule Amendment of 1912. Also, the Legislature frequently amended or repealed the acts that governed the cities it created.

In 1858, the first statute was passed allowing incorporation under the general laws of Texas. From 1858 to 1913, communities could incorporate either by special law or under the general laws. In 1874, the Legislature passed a short law allowing voters to amend the special acts passed by the legislature. In 1912, Texas voters passed the Home Rule Amendment, Article XI, Section 5, which prohibited the incorporation of a city by

¹ Most of the information presented in this introduction comes from D. Brooks, *Municipal Law and Practice*, 22 Texas Practice Ch. 1 & T. O'Quinn, *History, Status, and Function*, Introduction to Title 28 of the TEX. REV. CIV. STAT. (Vernon 1963).

special act. The Home Rule Amendment gave cities with over 5,000 inhabitants the power to adopt their own charter after an election, thereby giving them the power of self-government. Presently, with very few exceptions, cities in Texas are classified as general law or home rule.

The 1858 statute is the foundation for the Texas Local Government Code provisions relating to incorporation, powers, and duties of general law cities, and the present Local Government Code provisions are remarkably similar to the original language. The statute allowed for the inhabitants of an area to petition the "Chief Justice of the County" for incorporation as a town or village. If the petition met the prescribed requirements, the chief justice ordered an election. If the results of the election were favorable, the chief justice ordered a subsequent election for a mayor and aldermen. The 1858 statute was amended in 1873 to reduce the number of inhabitants necessary to incorporate a community. Today, towns or villages incorporated under the 1858 statute and the 1873 amendment are classified as Type B cities.

In 1875, the Legislature passed a second law that allowed for incorporation under the general laws. The 1875 statute allowed a city or town operating under a special law charter to adopt the general law form of government, setting the stage for what are now referred to as Type A general law cities. Another statute, passed in 1909, allowed a city to adopt the commission form of government consisting of a mayor and two commissioners, which is the precursor to a Type C city. In 1911, another statute was passed that allowed any city, town, or village to change to a "city" (what we now know as a Type A city) if it met certain requirements.

Finally, in 1925, the Legislature melded most of the laws relating to cities into Title 28 of the Texas Revised Civil Statutes. Title 28, entitled *Cities, Towns, and Villages*, evolved from the 1858 and 1875 statutes, as well as from various other statutes, including Title 17 (1879), Title 18 (1895), and Title 22 (1911). The Local Government Code, codified in 1987, did away with the distinction of city, town, or village and loosely replaced those terms with type A, B, or C cities. Many minor differences, such as the method of filling vacancies and quorum requirements, exist in the operation of the different types of general law cities.

Limits on the amount of ad valorem tax that may be levied, however, remains one of the most notable distinctions between the different types of cities. A Type B city is limited to twenty five cents per hundred dollar valuation, a Type A city is limited to \$1.50 per hundred, a Type C city is limited to twenty five cents or \$1.50 depending on population, and a home rule city is limited to \$2.50 per one hundred dollar valuation.² Another important distinction is the ordinance-making authority of the different types of cities.

² See TEX. TAX CODE § 302.001, TEX. LOC. GOV'T CODE § 51.051, TEX. CONST. Art. XI, §§ 4, 5. Tex. Atty. Gen. Op. KP-0028 (stating that a type C can levy a property tax).

The Power to Enact and Enforce Ordinances

The authority of a Texas city to enact and enforce ordinances is conditioned on the type of city. An ordinance is defined as “a local law of a municipal corporation, duly enacted by the proper authorities, prescribing general, uniform, and permanent rules of conduct relating the corporate affairs of the municipality.”³ In other words, an ordinance is the equivalent of a municipal statute, passed by the city council, governing matters not already covered by federal or state law.

The Tenth Amendment to the United States Constitution reserves to the states “The powers not delegated to the United States by the Constitution.” The powers reserved to the states include “police powers,” which are those powers necessary to protect the public health, safety, and welfare of the citizens. Most states, including Texas, delegate part of their police power to their cities.

In the past, specific police powers were delegated to individual cities through special acts of the Legislature. The acts exclusively dictated the ordinance-making powers of cities they created. In 1858, many cities began operating under the general laws. A general law city has no specific act that governs it, nor does it have an individual charter. Rather, the duties and powers of a general law city are governed by statutes, otherwise known as “general laws.” A community that meets the population and area requirements of the Local Government Code submits a petition to the county judge, who orders an election on the question of incorporation. Once the city is incorporated, it must look to the general laws of the state for any authority to act and any grant of power from the state. Chapter 51 of the Local Government Code, as well as many other more specific statutes, gives general law cities their basic ordinance-making power. Section 51.012 states that a Type A general law city “may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic,” section 51.032 states that the “governing body of [a Type B] municipality may adopt an ordinance or bylaw, not inconsistent with state law, that the governing body considers proper for the government of the municipal corporation,” and Section 51.051 makes one or the other of those provisions applicable to Type C cities, depending on population.

Once a general law city reaches the 5,001 inhabitants mark, it is authorized by Article XI, section 5 of the Texas Constitution to hold an election to adopt a home rule charter. Once a home rule charter is adopted, a city thereafter has the full power of local self-government, the power to govern itself so long as charter provisions or ordinances are not inconsistent with state or federal law. TEX. LOC. GOV'T CODE § 51.072. Home rule cities derive their power from the Constitution and look to the Legislature only as a limit on that authority and may do anything that is not specifically prohibited by state law.

Both general law and home rule cities are granted implied powers under the Local Government Code. Section 51.001 states that “the governing body of a municipality may

³ BLACK'S LAW DICTIONARY 1097 (6th ed. 1990).

adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for the good government, peace, or order of the municipality...and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.”

Some complex topics are not included in this paper, but please contact the Texas Municipal League legal department if you need assistance with these or other issues.

Determining City Type

To determine which state statutes apply to a certain city, it is necessary to know what type of city it is. The city’s “order of incorporation” will determine what type the city is and it should be on file at the county clerk’s office and is the only place to locate the information since there is no statewide database.

Differences in the types of cities include the manner of filling vacancies and the length of the term of an alderman appointed to fill a vacancy. However, the only reliable method for determining the difference is to examine the city’s articles or order of incorporation. For a city incorporated between 1925 and 1987, an order stating that the city incorporated pursuant to Title 28, Chapters 1 through 10, is a Type A city, whereas a city that incorporated pursuant to Title 28, Chapter 11, is a Type B city. A city that incorporated after September 1, 1987, pursuant to Chapter 6, Local Government Code, is a Type A city, whereas a city that incorporated pursuant to Chapter 7, Local Government Code, is a Type B city. Having determined that a city incorporated as Type B, however, it is still necessary to ascertain whether the city council subsequently adopted Type A status, which was allowed by law if the city’s number of inhabitants ever exceeded 600 or it had a manufacturing establishment. For a city incorporated before 1925, the determination of type requires more extensive research. Those cities may call the TML Legal Department at 512-231-7400 for assistance.

The Different Forms of Government in Texas Cities – General Law Cities

Type A General Law Cities

Type A general law cities operate under the aldermanic form of government. The term “alderman” is often used interchangeably with the term city council, and the modern name of the board of aldermen is the city council. The size of the council is determined by whether the city is divided into wards (e.g., special districts). *See* TEX. LOC. GOV’T CODE § 22.031. In cities where there are no wards (which includes most Type A cities), the council is made up of the mayor and five councilmembers. If the city has been divided into wards, the council is made up of a mayor and two councilmembers from each ward. In either case, the mayor does not vote except in the case that his/her vote is needed to break a tie (except in elections). *Id.* § 22.037. A quorum consists of a majority of councilmembers for general business (e.g., three councilmembers if city does not have wards), and two-thirds of the council for a special or called meeting or a meeting

concerning taxation (e.g., four councilmembers if the city does not have wards). *Id.* § 22.039. The mayor does not count toward a quorum in either case. Type A city councilmembers have a two-year term of office unless a longer term of office is adopted under the Constitution. *Id.* § 22.035; TEX. CONST. art. XI, section 11. At each new governing body's first meeting or as soon as possible, the council must elect one of its members to be the mayor pro tem for a term of one year. TEX. LOC. GOV'T CODE § 22.037. The mayor pro tem continues to vote, but fills in for the mayor if the mayor refuses or is unable to act.

Type B General Law Cities

Type B general law cities operate under the aldermanic form of government in which the "board of aldermen" is the governing body of the city. The board contains a mayor and five aldermen, all of whom are elected at-large. *Id.* § 23.021. A quorum consists of either the mayor and three aldermen or, if the mayor is absent, four aldermen. *Id.* § 23.028. The governing body must elect one alderman to serve as mayor pro tem for a term of one year at the first meeting of each new governing body. The mayor is the president of the governing body. *Id.* § 23.027. The aldermen, mayor, and marshal serve one year terms unless the governing body passes an ordinance allowing for staggered two year terms. *Id.* § 23.026.

Can the mayor of a Type B city vote? There are two schools of thought: (1) that, because the mayor in a Type B city counts towards a quorum, he or she votes; and (2) that, because there is no specific provision governing the issue, Local Government Code Section 51.035 "borrows" the applicable Type A city provision, and the mayor does not vote. Because there is no definitive answer, our advice is to follow prior practice and/or to consult with your city attorney in making a final decision.

The election for the aldermen is held annually on a uniform election date and is ordered by the mayor or two aldermen. *Id.* § 23.023. To be an alderman or mayor, the candidate must be a qualified voter and must have resided within the city for at least six months prior to the election date. *Id.* § 23.024; *see also* TEX. ELEC. CODE § 141.001 (providing eligibility requirements for public office in Texas). Generally, the terms of office for the aldermen are one year, unless two-year staggered terms are provided for by ordinance. TEX. LOC. GOV'T CODE § 23.026.

Type C General Law Cities

Type C general law cities operate under the commission form of government and the governing body is known as the "commission." The commission always consists of a mayor and two commissioners. TEX. LOC. GOV'T CODE § 24.021. The commissioners and the mayor have a two-year term of office unless a longer term of office of up to four years is adopted by election under the Texas Constitution. *Id.* § 24.023. The election for mayor and commissioners is held on an authorized uniform election date. The city commission shall hold at least one regular monthly meeting, but may call special meetings as necessary to attend to city business. *Id.* § 24.025.

The Place System

Any general law city that is not divided into wards and elects its aldermen at large may provide by ordinance for the election of aldermen under a place system, if the ordinance is adopted at least 60 days before the regular election. TEX. LOC. GOV'T CODE § 21.001. Once the place system is adopted, the city should assign place numbers to each alderman's office and candidates for each office should file an application for a specific place on the governing body, such as "Alderman, Place No. 1." *Id.* § 21.001.

The City Manager Form of Government - Chapter 25

Any general law city with less than 5,000 in population may adopt the city manager form of government under Chapter 25 of the Local Government Code. Upon presentation of a petition signed by at least 20 percent of the number of voters for mayor in the last preceding city election, the mayor must call an election on the question of adopting the city manager plan. *Id.* §§ 25.022; 25.023; 25.025. If a majority of the votes cast at the election favor adoption of the city manager plan, the council must, within 60 days after the election, appoint a city manager and fix his or her salary by ordinance. *Id.* § 25.026. Procedures for repealing the city manager plan are essentially the same as for adopting it. *Id.* § 25.071.

If a general law city adopts the city manager form of government under the procedural requirements of Chapter 25, the administration of the city is to be placed in the hands of the city manager, who serves at the pleasure of the city council. *Id.* § 25.028. In any city where the city manager plan has been approved by a Chapter 25 election, all officers of the city, except members of the governing body, thereafter are appointed as provided by ordinance. *Id.* § 25.051. The city manager administers the city business and the governing body of the city ensures that the administration is efficient. *Id.* § 25.029. The city manager is the budget officer for the city. *Id.* § 102.001. The governing body by ordinance may delegate to the city manager any additional powers or duties the governing body considers proper for the efficient administration of city affairs. Adopting the city manager plan does not change the basic governmental framework of a city operating under the commission or aldermanic form of government. Rather, it is an administrative mechanism added to the basic structure. However, any city can appoint a city manager, city administrator, or other managerial employee, regardless of whether the city has adopted Chapter 25 of the Local Government Code. *Id.* § 25.051.

General Law Cities: The "Borrowing Provisions"

While some differences currently exist in the authority of the different types of general law cities, most of the differences in power are largely of historical, academic interest today. The reason is that Texas law now allows general cities to "borrow" the power of a different type of city in many cases. Specifically, Type B cities have the same authority, duties, and privileges as a Type A city, unless there is a conflicting state provision regarding only Type B cities. TEX. LOC. GOV'T CODE § 51.035.

Depending on the number of inhabitants, a Type C city has either the same powers as a Type B city or a Type A city. In a Type C general law city with inhabitants between 201 and 500, the city commission has the same powers and duties as the board of aldermen in a Type B city, except where the law specifically provides otherwise. *Id.* § 51.051. Where the inhabitants are between 501 and 4,999, the commissioners must follow the requirements of the governing body of a Type A city, except where specifically provided otherwise by statute. A Type C city that has \$500,000 or more of assessed valuation for tax purposes, may adopt the powers, privileges, immunities, and franchises of a Type A city regardless of any limitation prescribed by Section 51.051. *Id.* § 51.052.

The Different Forms of Government in Texas Cities – Home Rule Cities

A home rule city may adopt and operate under any form of government, including aldermanic or commission form. *Id.* § 26.021. The city may create officers, determine the method of selecting officers, and prescribe qualifications, duties, and tenure of office for officers. *Id.* § 26.041. Home rule cities can extend an officer's term from two to four years with a charter amendment. TEX. CONST. Art. XI, section 11.

A city charter may authorize nominations of partisan candidates for elected offices in the city. TEX. ELEC. CODE § 143.003. City charters in home rule cities supersede state statutory provisions for withdrawal, death, or ineligibility of city candidates. *Id.* § 145.097. A home rule city may prescribe its own age and residency requirements for city office, but the minimum age may not be more than 21 years and the minimum residency may not be more than 12 months preceding election day. *Id.* § 141.003. Home rule cities may charge filing fees for office, which must be refunded to a candidate or his family if the candidate dies, is declared ineligible, or his forms are incorrect. *Id.* § 141.038. Also, there must be an alternative procedure to paying the fee, and both the fee amount and alternative procedure must be in the city charter.

A home rule city may prescribe eligibility requirements or grounds of ineligibility for election officers by city charter. TEX. ELEC. CODE § 32.056. A city charter may prescribe requirements, additional to Section 141.031(a)(4)(L), for a candidate's application for a place on the ballot. *Id.* § 143.005. The city charter can designate who may accept a candidate's application if it is not the city secretary. *Id.* § 143.006.

Changing City Type

Changing to Type A

A Type B or C city may change to a Type A city once it has reached 600 inhabitants or gains a manufacturing facility. TEX. LOC. GOV'T CODE § 6.011. To change to a Type A city, a city must follow Section 6.012 of the Local Government

Code, which provides that: (1) there must be an affirmative vote of two-thirds of the city council; (2) a record taken and signed by the mayor; and (3) the record must be filed and recorded in the county clerk's office. A city can change its designation from "town" to "city" by ordinance once it becomes Type A. *Id.* § 5.902. Once a city changes to Type A it continues to retain its powers, rights, immunities, privileges and franchises, as well as any rights it had to impose fines, penalties or be involved in causes of action, it had before the change. *Id.* § 51.017. The boundaries of the city also remain the same after changing to Type A. *Id.* § 41.004.

Changing from General Law to Home Rule

Once general law cities gain an inhabitants number of over 5,000, many change to the home rule form of government by adopting a charter through an election. *See* TEX. CONST. art. XI, section 5. The city governing body, through a two-thirds vote, may order an election to create a charter commission to write a charter, or the governing body must create a charter commission if asked to do so by at least ten percent of the city's qualified voters. TEX. LOC. GOV'T CODE § 9.002. The city's residents can vote on whether to elect a charter commission of fifteen members to draft a charter or the mayor can select the members of the charter commission at a mass meeting. After the charter commission is selected and finishes the charter, the city's residents must vote on the proposed charter. *Id.* § 9.003. The election is on the next uniform election date. Thirty days before the election a copy of the proposed charter has to be mailed to each registered voter. A proposed charter is adopted if approved by a majority of the voters at the charter election and the city enters an order recognizing the adoption of the charter. *Id.* § 9.005. The new governing body under the charter may be elected at the same time as the election for the charter. *Id.* § 9.006. As soon as practicable after the charter is adopted the mayor of the city must certify and send an authenticated copy of the charter to the secretary of state. *Id.* § 9.007.

Differences Between Home Rule and General Law Powers

Introduction – What's the Difference?

By way of a very brief introduction, it is important to understand the fundamental difference between a general law city and a home rule city. Volumes have been written on the differences between the two. For purposes of brevity, and as a basic rule of thumb, the following statement will suffice:

A home rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law. A general law city has no charter and may only exercise those powers that are specifically granted or implied by statute.

The previous statement is very generalized, but it serves to illustrate the fundamental difference between the two types of cities for all purposes. Several

examples follow illustrating areas of regulation in which the authority of home rule and general law cities differ.

Mandatory Fees on Utility Bills

A general law city has no authority to add mandatory non-related fees to its utility or other bills. The authority of a home rule city is not clear, but many cities have nonetheless imposed such fees.

In Texas Attorney General Opinion No. JM-338 (1985), the Texas Attorney General was asked whether a *general law* city may assess a six dollar charge against all home owners and business owners in the city. The charge would appear on monthly utility bills, and the proceeds would be used to finance the city's police department. The facts made it clear that the six dollar charge was intended to raise revenue, not to cover the expenses of administering utility services. Concluding that the additional fee was unconstitutional, the Attorney General stated that:

any charge or fee imposed by a municipality for the purpose of raising revenue is considered a 'tax.' *Municipalities functioning under the general laws* have no inherent power to tax. They possess only those taxing powers that the legislature or the Constitution expressly grants them. We find no statutory authority...for the method of taxation that you describe in your letter. Thus, the \$6 charge against all home owners and business owners is not a proper method for raising revenue to support the police department.

Tex. Att'y Gen. Op. No. JM-338 at 1 (1985) (emphasis added). The above opinion is not controlling on home rule cities because home rule cities have full power of self-government, and may enact any ordinance that the legislature could have authorized. TEX. CONST. art. XI, § 5; TEX. LOC. GOV'T CODE § 51.072; *Forwood v. City of Taylor*, 214 S.W.2d 282, 286 (Tex. 1948). The issue for home rule cities is making sure each ordinance is not inconsistent, or in conflict, with law.

A home rule city is given broad powers under the Texas Constitution and statutes. *Jones v. City of Houston*, 907 S.W.2d 871, 876 (Tex. App.—Houston [1st Dist.] 1995, writ denied). Under article XI, § 5 of the Texas Constitution, a home rule city has the full power of local self-government:

It was the purpose of the Home-Rule Amendment [to the Texas Constitution] ... to bestow upon accepting cities and towns of more than 5000 population full power of self-government, that is, full authority to do anything the legislature could theretofore have authorized them to do. The result is that now it is necessary to look to the acts of the legislature not for grants of power to such cities but only for limitations on their powers.

Lipscomb v. Randall, 985 S.W.2d 601, 605 (Tex. App.—Fort Worth 1999, pet. dism'd)(citing *Forwood*, 214 S.W.2d at 286). In addition, Texas Local Government Code section 51.072 states that a home rule city has the “full power of local self-government.” See also *City of Houston v. State ex. rel City of West University Place*, 176 S.W.2d 928, 929 (Tex. 1943). Pursuant to the full power of self-government, a home rule city may exercise any governmental power that the legislature has not withheld from it. *Proctor v. Andrews*, 972 S.W.2d 729, 733 (Tex. 1998).

Under the grant of authority from article XI, section 5, “the power of the city to act is as general and broad as is the power of the Legislature to act.” *Le Gois v. State*, 190 S.W. 724, 725 (1916). In other words, “[state] legislation is not required for home rule cities to act.” D. Brooks, *Municipal Law and Practice*, 22 Texas Practice § 1.17. Under the theory of home rule, if state law and the charter are both silent as to a particular action, a city may undertake a wide range of actions by ordinance. TERRELL BLODGETT, *TEXAS HOME RULE CHARTERS* 18 (2010). A home rule city may pass any ordinance so long as the ordinance does not “contain any provision inconsistent with...the general laws enacted by the Legislature of this State.” TEX. CONST. art. XI, § 5; *MJR's Fare, Inc. v. City of Dallas*, 792 S.W.2d 569, 573 (Tex. App.—Dallas 1990, writ denied). Of course, an ordinance that attempts to regulate a subject matter preempted by a state statute is unenforceable to the extent it conflicts with the state statute. *Dallas Merchant's & Concessionaire's Assoc. v. City of Dallas*, 852 S.W.2d 489, 491 (Tex. 1993). Otherwise, a city ordinance is presumed valid, and courts have no authority to interfere with the authority of a home rule city unless an ordinance is unreasonable and arbitrary, amounting to a clear abuse of discretion. *City of Brookside Village v. Comeau*, 633 S.W.2d 790, 796 (Tex. 1982); *Barnett v. City of Plainview*, 848 S.W.2d 334, 338 (Tex. App.—Amarillo 1993, no writ). The test for determining whether the legislature has intended to remove a field of regulation from a home rule city's authority is whether it has spoken with “unmistakable clarity” to that effect. See *Dallas Merchant's & Concessionaire's Assoc.*, 852 S.W.2d at 490-91; *City of Beaumont v. Fall*, 291 S.W. 202, 206 (Tex. 1927); *City of Sweetwater v. Geron*, 380 S.W.2d 550, 552 (Tex. 1964). The Texas Constitution and statutes are silent as to utility bill fees. As such, many argue that the language of most charters allows an unrelated fee to be added to a utility bill. The authority to adopt a utility bill fee may be implied by some home rule charters, but the issue has never been definitively decided. See, e.g., *City of Arlington v. Scalf*, 117 S.W.3d 345 (Tex. App.—Fort Worth 2003, pet. denied).

Annexation

Annexation law seems to get more complicated every legislative session, and 2017 was no exception. On December 1, 2017, municipal annexation as it existed for over a century in populous counties changed dramatically. On that date, Senate Bill 6 became effective. Tex. S.B. 6, 85th Leg., 1st C.S. (2017). The bill requires landowner or voter approval of annexations in the state's largest counties (those with 500,000 population or more) and in counties that opt-in to the bill through a petition and election process. These are “Tier 2” annexations under the bill. Tier 2 annexation authority and procedures are the same for both general law and home rule cities.

Cities not subject to S.B. 6 (i.e., those in counties with a population of less than 500,000 that are not annexing into such a county and those in a county that has not held an election to become subject to the bill) may generally continue to annex under laws not affected by S.B. 6. These are “Tier 1” annexations under the bill. Tier 1 cities are subject to the more traditional annexation laws, which differentiate the authority of general law and home rule cities. In a Tier 1 county, once a city decides it wants to annex property, the first step is to determine whether it has the *authority* to annex. If authorized by charter, a home rule city in a Tier 1 county can annex surrounding area without consent. A general law city in a Tier 1 county can annex only in accordance with a grant of power in Chapter 43 of the Local Government Code. Chapter 43 severely limits the authority of Tier 1 general law cities to annex. With few exceptions, a general law city can annex only on the request of landowners or voters in an area. Once a city has determined whether it has the authority to annex, it must follow procedures applicable to both general law and home rule cities to complete the annexation process.

For a much more detailed explanation of annexation in Texas, including sample forms and calendars, please go to the Texas Municipal League’s website at www.tml.org.

Initiative and Referendum

Citizen initiative and referendum are powers that only home rule cities possess, and then only if the city’s charter provides for it. Thus, a city council of a home rule city would have the authority to call a referendum on an issue, including an ordinance, if the city’s charter allowed for such an election. *See Quick v. City of Austin*, 7 S.W.3d 109, 123 (Tex. 1998); *Glass v. Smith*, 244 S.W. 2d 645, 648-49 (Tex. 1951); Tex. Att’y Gen. Op. No. GA-0222 (2004).

For general law cities, the answer is different because the calling of an election is something that must be authorized by a particular state statute. *See Countz v. Mitchell*, 38 S.W.2d 770, 774 (Tex. 1931) (“[t]he right to hold an election cannot exist or be lawfully exercised without express grant of power by the Constitution or Legislature”); *Ellis v. Hanks*, 478 S.W.2d 172, 176 (Tex. Civ. App.—Dallas 1972, writ ref’d n.r.e.) (stating that the right to hold an election “must be derived from the law”); Tex. Att’y Gen. Op. No. GA-0001 (2002) at 3 (“generally the right to hold an election depends upon statutory authorization”).

Because there is no state statute or Election Code provision that authorizes general law city councils to submit general ordinances to the electorate through a referendum election, a general law city may not do so.

A general law city is free to conduct a poll or hold a public hearing to gauge the preferences of the voters. The results of such a poll or hearing are not binding on the council, nor could the council make it binding on itself.

Cities sometimes ask whether a non-binding election referenda may be placed on an official election ballot. The Secretary of State believes the answer is no, and cites attorney general opinions LO-94-091 and H-425 (1974) for that conclusion. In fact, placing an unauthorized proposition on a ballot may be considered a misappropriation of public funds.

In 2015, the Texas Legislature considered legislation that would have taken away a city's authority to have these types of elections on certain topics. These bills, H.B. 540, H.B. 2762, and H.B. 2595, did not pass. In 2017, the Texas Legislature considered legislation that would trump a city charter in regard to certain aspects of an initiative or referendum election, including the petition process. These bills, H.B. 3332 and S.B. 488, did not pass.

Removal of Councilmembers

A home rule city's charter may provide for a "recall" provision under which citizens can petition the city council to order an election to recall members of the council. Each home rule city's recall procedure is unique, and is governed by its charter.

As with initiative and referendum, Texas law does not provide for recall in most general law cities. In other words, a citizen's petition is not binding on the city council, regardless of how many signatures it contains. If a general law city resident wants to remove an officer, he must do so through Chapter 21 of the Local Government Code by filing a petition in district court. TEX. LOC. GOV'T CODE § 21.023. An officer of a city may be removed through a petition process in the district court for: (1) incompetency; (2) official misconduct; or (3) intoxication on or off duty caused by drinking an alcoholic beverage. *Id.* §§ 21.025; 21.026. Any resident who has lived in the city for at least six months may file a petition in district court to have the officer removed. *Id.* § 21.026. The officer who is the subject of the petition must be given notice of the petition and has a right to a jury trial.

A bill passed in 2013, H.B. 3015 (Moody) allows recall of general law city councilmembers, but only in certain border cities. These include any city that has 5,000 or less in population, that is on the Mexican border, where the county it is located in has more than 800,000 in population. TEX. LOC. GOV'T CODE § 21.101.

Term Limits

No state law provision exists that authorizes a general law city to impose term limits, but a home rule charter may provide for them.

In 2017, the Texas Legislature considered legislation that would have authorized or required term limits in all cities. These bills and resolutions, S.B. 110, H.B. 1185, and S.J.R. 13, did not pass.

Preemption

In the context of intergovernmental relations, preemption is a term involving the action of one government to limit or prohibit the actions of another. As to state and local government, preemption refers to action by the state to limit or prohibit the power of local government (city, county, school district, etc.). State preemption laws have long been used to set minimum standards on local activity by setting a floor on local responsibilities and regulations. But in recent years, state Legislatures have used such laws to thwart cities in a variety of ways, both large and small. This trend is reflected in legislation preempting local fracking bans, targeting sanctuary city policies, overturning LGBT policies (e.g., “bathroom bills”), and limiting/prohibiting a whole host of regulations including those dealing with plastic bags, trees, short-term rentals, payday lenders, and transportation network companies. According to the National League of Cities, some 37 states have laws restricting local measures regulating ridesharing and 17 states blocked cities from establishing broadband service. Some of the most high-profile fights over state legislation in recent years have been over preemption laws.

Several examples follow illustrating areas in which city authority has been limited or prohibited by the Texas Legislature.

Breed Specific Dog Bans

Pit Bulls are a common topic of preemption. In the 1980s, the City of Richardson enacted an ordinance regulating certain breeds. A dog owner group sued the city, and the case went all the way to the Texas Supreme Court. The court ultimately upheld the city’s ordinance in the case of *City of Richardson v. Responsible Dog Owners of Tex.*, 794 S.W.2d 17, 19 (Tex.1990). The very next year, the dog owners successfully lobbied the legislature to overturn the court’s ruling. The Texas Legislature passed a comprehensive dangerous dog statute that included Texas Health and Safety Code Section 822.047, which provides that:

§ 822.047. LOCAL REGULATION OF DANGEROUS DOGS. A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:

- (1) are not specific to one breed or several breeds of dogs; and
- (2) are more stringent than restrictions provided by this subchapter.

This is specific statutory preemption that makes it clear that neither home rule, nor general law cities, can pass these types of ordinances.

Oil and Gas Regulation

Many cities have oil and gas regulations, usually in the form of buffer zone ordinances. A buffer zone is where a city has prohibited oil or gas wells within a certain number of feet of certain uses, such as residential or schools. In 2015, there were 322 cities that regulated oil and gas drilling within the city. In one such city, the City of

Denton, the city regulated aspects of oil and gas drilling and fracking, which is a particular type of oil and gas drilling that some consider hazardous to surface property owners. In Denton, the citizens called for an initiative election to completely prohibit fracking in the city. The election was a success for the citizens who voted to ban fracking. This ban drew the attention of the oil and gas industry and numerous bills were filed in the 84th Legislative Session in 2015. Many of these bills would have completely preempted all city authority to regulate oil and gas uses, even so far as preempting the basic safety and zoning regulations with which all other businesses have to comply. In the end, House Bill 40 passed with input from the Texas Municipal League. This law makes various findings related to the benefits of oil and gas operations in the state and provides that:

1. An “oil and gas operation” means an activity associated with the exploration, development, production, processing, and transportation of oil and gas, including drilling, hydraulic fracture stimulation, completion, maintenance, reworking, recompletion, disposal, plugging and abandonment, secondary and tertiary recovery, and remediation activities.
2. An oil and gas operation is subject to the exclusive jurisdiction of this state.
3. Except as provided by (4), below, a city may not enact or enforce an ordinance or other measure, or an amendment or revision of an ordinance or other measure, that bans, limits, or otherwise regulates an oil and gas operation within the boundaries or extraterritorial jurisdiction of the city.
4. The authority of a city to regulate an oil and gas operation is expressly preempted, except that a city may enact, amend, or enforce an ordinance or other measure that: (a) regulates only aboveground activity related to an oil and gas operation that occurs at or above the surface of the ground, including a regulation governing fire and emergency response, traffic, lights, or noise, or imposing notice or reasonable setback requirements; (b) is commercially reasonable; (c) does not effectively prohibit an oil and gas operation conducted by a reasonably prudent operator; and (d) is not otherwise preempted by state or federal law.
5. “Commercially reasonable” for purposes of (4)(b), above, means a condition that would allow a reasonably prudent operator to fully, effectively, and economically exploit, develop, produce, process, and transport oil and gas, as determined based on the objective standard of a reasonably prudent operator and not on an individualized assessment of an actual operator's capacity to act.
6. An ordinance or other measure is considered prima facie to be commercially reasonable if the ordinance or other measure has been in effect for at least five years and has allowed the oil and gas operations at issue to continue during that period.

Thus, city ordinances related to oil and gas regulation need to be reviewed for preemption, but the authority to have setbacks, buffer zones, and other safety regulations appears to have been retained.

Cell Phone Bans

The Texas Legislature passed H.B. 55 in 2009, making it a state offense to use a cell phone in a school zone under some circumstances. The bill makes the use of a wireless communication device while operating a motor vehicle within a school crossing zone a class C misdemeanor, unless the vehicle is stopped or the device is being used in a hands-free mode. In other words, the bill preempts city ordinances governing cell phone use in school zones.

In the 2017 legislative session, H.B. 62 passed. The bill prohibits a motor vehicle operator from using a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped (i.e., a texting while driving ban) and thus, preempts city ordinances in that regard.

Several cities in Texas have adopted even more stringent ordinances, referred to as “hands free ordinances.” These city-wide ordinances prohibit the use of handheld mobile communication devices while operating a motor vehicle or bicycle. It remains to be seen whether the legislature will try to preempt cities from having these tougher regulations.

Streets

The regulation of streets is ripe with state preemption, including the state regulation of towing, red light cameras, and the example of cell phone bans given above. Another example of preemption of city authority comes in the regulation of speed limits on city streets. Speed limits on state highways and city streets are generally set by state law under Transportation Code section 545.352. Cities have some authority to regulate speed on highways; however, the state requires that a city perform a traffic study before it alters a speed limit on a street. *Id.* § 545.356. There are some streets that are exempt from this preemption under Section 545.356:

The governing body of a municipality, for a highway or a part of a highway in the municipality that is not an officially designated or marked highway or road of the state highway system, may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe.

Id. § 545.356(b-1). The state added some limitation on this grant of authority by also requiring:

(d) The governing body of a municipality that declares a lower speed limit on a highway or part of a highway under Subsection (b-1), not later than February 1 of each year, shall publish on its Internet website and

submit to the department a report that compares for each of the two previous calendar years:

- (1) the number of traffic citations issued by peace officers of the municipality and the alleged speed of the vehicles, for speed limit violations on the highway or part of the highway;
- (2) the number of warning citations issued by peace officers of the municipality on the highway or part of the highway; and
- (3) the number of vehicular accidents that resulted in injury or death and were attributable to speed limit violations on the highway or part of the highway.

Id. § 545.356(d).

A recent example of preemption regarding city streets is H.B. 100, passed during the 2017 legislative session and codified as Chapter 2402 of the Texas Occupations Code. It preempts city ordinances relating to transportation network companies (TNCs such as Uber and Lyft for instance). It provides, among other things, that the regulation of TNCs is an exclusive power and function of the State of Texas and that a city is prohibited from (in relation to a TNC): (a) imposing a tax; (b) requiring an additional license of permit; (c) setting rates; (d) imposing operational or entry requirements, or (e) imposing other requirements. While House Bill 100 transfers the power to regulate TNCs almost exclusively to the State of Texas, it does leave some regulatory authority with airport owners/operators and governmental entities with jurisdiction over cruise ship terminals. Thus, cities with airports and cruise ship terminals have some authority to regulate TNCs.

Conclusion & Other Resources

This paper is meant to provide an introduction to the types of cities in Texas and their powers. Remember that there are a multitude of tools available to Texas cities to protect, preserve, and revitalize their communities. There are numerous city, federal, state, and private organizations that are excited and willing to share their knowledge and experience. Any city wishing to implement or enforce ordinances should take full advantage of the wide range of resources that are available, including the Texas Municipal League Legal Department.

Updated December 2017

Legal Q & A

By Evelyn Njuguna, TML Assistant General Counsel

Q What is a home-rule city charter?

A A home-rule city charter is the fundamental law of a home-rule city. Its relationship to the city is similar to the Constitution and the laws of the State. However, a city charter may not contain any provision inconsistent with the Texas Constitution or state law. Tex. Const. Art. XI, §5.

Q Why would a city want to become home-rule?

A The Texas Constitution, in Article XI, Section 5, grants the power of local self-government to a home-rule city. A home-rule city may act in a way that is authorized by its charter and not prohibited by state or federal law. This is the opposite of a general law city, which must look to state law for the authority to act. A Home rule-city has broad powers, and its city charter is interpreted by reading it as a whole and harmonizing its various provisions as far as possible, considering every word, phrase, and expression as if each had been deliberately chosen and used for a purpose. *Hammond v. City of Dallas*, 712 S.W.2d 496, 498 (Tex. 1986). A court will presume a city charter provision valid, and courts will not interfere unless the provision is unreasonable and arbitrary, amounting to a clear abuse of municipal discretion. See *City of Brookside Village v. Comeau*, 633 S.W. 2d 790, 792 (Tex. 1982). However, if a city charter provision attempts to regulate a subject matter that has been preempted by state law, the charter provision is unenforceable to the extent it conflicts with the state law. See *Dallas Merchant's & Concessionaire's Ass'n*, 852 S.W. 2d 489, 491 (Tex. 1993). To preempt a subject matter, the Legislature must do so with "unmistakable clarity." *Id.* Additionally, a court will not hold a state law and a city charter provision repugnant to each other if the court can reach a reasonable construction leaving both in effect. *Id.* The attorney general has opined that a city attorney bears primary responsibility for interpreting a city's charter. See Tex. Att'y Gen. Op. No. JM-805 (1987), at 1 n.1.

Q When can a general law city become a home-rule city?

A Once a general law city has more than 5,000 inhabitants, it is authorized to hold an election to adopt a home-rule city charter. Tex. Const. Art. XI, §5. Although the Texas Constitution and state law do not define the term "inhabitants," the Texas Supreme Court has determined that the governing body has the authority to determine the number of inhabitants in a city and that the census count does not necessarily control the determination of population for the purpose of adopting a home-rule charter. *State v. City of La Porte*, 386 S.W.2d 782, 785 (Tex. 1965). Absent proof of fraud, bad faith or abuse of discretion, the governing body's ascertainment of the number of inhabitants in the city is presumed to be valid. *Id.*; but see *City of Granite Shoals v. Winder*, 280 S.W. 3d 550, 554 (Tex. App.—Austin 2009, pet. denied) (finding that the city failed to make a good-faith effort to comply with the inhabitancy requirement when it willfully manipulated its "water tap" calculation in order to produce the desired figure and its determination of inhabitancy was reached despite - or in conscious disregard of - evidence that the city's actual inhabitancy figure was far below 5,000). As such, a city with a population, according to the federal census, that is less than 5,000 should consult with a population expert to help the city determine the number

of inhabitants in the city. Nonetheless, a city that has adopted a home-rule city charter does not lose its home-rule status and may still amend its charter if the number of inhabitants in the city falls below 5,000. Tex. Const. Art. XI, §5.

Q What is the procedure for adopting an initial city charter?

A A city charter is adopted when it is approved by a majority of the qualified voters of the city who voted at the charter election. Tex. Local Gov't Code §9.005. The first step to adopting an initial home-rule city charter is the selection of a charter commission to draft a proposed charter. *Id.* §9.002. There are four distinct ways in which a charter commission may be selected. First, city council may select the charter commission. *Id.* §9.002(d). Second, the charter commission may be selected at a mass meeting. *Id.* Third, the mayor may appoint the charter commission. *Id.* Fourth, a charter commission may be selected by voters at an election. *Id.* §9.002(a).

This last method requires the city council, by a two-thirds vote of its membership, to adopt an ordinance that provides for the submission to the voters the question of whether a commission to frame a new charter should be formed. *Id.* If the city council does not pass such ordinance voluntarily, it may be required to do so if it receives a petition signed by at least 10 percent of the qualified voters of the city. *Id.* At the same election, the ballot must also provide for the election of a charter commission from the city at large to draft the charter if the majority of the qualified voters approve the question of choosing a charter commission. *Id.* §9.002(c). The charter commission must consist of at least 15 members, but if the commission is made up of more than 15 members, it may not have more than one member for each 3,000 inhabitants of the city. *Id.* Additionally, the ballot to elect city charter commissioners may not contain any party designation. *Id.*

Q When is an election to select a charter commission held?

A The election to select the charter commission must be held on the city's next general election (must be on an authorized uniform election date) scheduled after the 30th day but on or before the 90th day after council adopts the ordinance ordering the election. *Id.* §9.002(b). If no general election is scheduled during that time period that allows sufficient time to comply with other requirements of the law, the election shall be ordered for the first authorized uniform election date that allows sufficient time to comply with other requirements of the law and that occurs after the 30th day after the date the ordinance is adopted and published in a newspaper that is published in the city. *Id.*; Tex. Elec. Code §41.001.

Q What happens after a charter commission is selected?

A After the charter commission is selected, the charter commission must prepare a charter, and to the extent practicable, the charter shall be prepared so that each subject may be voted on separately. *Id.* §9.003(c). Once the proposed charter is prepared, city council must then submit it to the qualified voters of the city for a vote. *Id.* §9.003(a). City council shall also order the city clerk or city secretary to mail a copy of the proposed charter to each registered voter of the city before the 30th day before the date of the charter election. *Id.* §9.003(b).

Q When is an election to vote on a charter held?

A An election to vote on the charter must be held on the first authorized uniform election date that allows sufficient time to comply with other requirements of law and that occurs on or after the 40th day after the date the charter commission completes its work. *Id.* Additionally, before the 30th day before the election date, city council shall order the municipal clerk or the city secretary to mail a copy of the proposed charter to each registered voter of the city. *Id.* §9.003. Voters may simultaneously elect persons to hold office under the new charter while also voting on the charter election. *Id.* §9.006. A city charter is adopted when it is approved by a majority of the qualified voters of the city who voted at the charter election. *Id.* §9.005.

Q Can a city amend its charter?

A Yes. The Texas Constitution empowers a city to amend its charter in any manner which it may desire, so long as it does not conflict with the Constitution and state law. Tex. Const. Art. XI, §5; *Davis v. City of Taylor*, 67 S.W. 2d 1033 (1934). Approval of a charter amendment requires approval by a majority of the qualified voters of the city who vote at an election held for that purpose. Tex. Local Gov't Code §9.005(a). Additionally, the attorney general has opined that a home-rule charter cannot provide that it may be amended by an ordinance alone rather than by voter approval. Tex. Att'y Gen. Op. No. GA-433 (2006).

Q How is a charter amendment initiated?

A A charter amendment may be initiated by city council, which, on its own motion, may order an election for the purpose of submitting a proposed charter amendment to the qualified voters of the city for a vote. *Id.* §9.004(a). Conversely, city council is required to order such an election if it receives a proposed charter amendment that is supported by a petition signed by at least five percent of the qualified voters of the city or 20,000 qualified voters, whichever number is less. *Id.*; *But see, City of Galena Park v. Ponder*, 503 S.W. 3d 625, (Tex. App. – Houston [14th Dist.] 2016) (the manner of submission of the election petition materials must conclusively demonstrate that the petition submitted was the one supported by the signatories). When the requirements of a petition are met, the proposed amendments must be put to a vote, and the duty of the members of city council to do so is a ministerial one. *See Coalson v. City Council of Victoria*, 610 S.W. 2d, 744, 747 (Tex. 1980); *Green v. City of Lubbock*, 627 S.W. 2d 868, 872 (Tex. App. – Amarillo 1981); *In re Roof*, 130 S.W. 3d 414 (Tex. App. – Houston [14th Dist.] 2004) (city secretary cannot refuse to submit petition to city council because of alleged conflict with state law). Further, State law provides that the proposed amendment may not contain more than one subject. *Id.* §9.004(d). However, one court has determined that this provision does not expressly prohibit a charter amendment petition from proposing more than one amendment, finding that the language of the ballot proposition is not the responsibility of the petitioner. *See City of Galena Park*, 503 S.W.3d at 634-35.

The city is also required to prepare the ballot in such a way that a voter may approve or disapprove any one or more amendments without having to approve or disapprove all of the amendments. *Id.* §9.006(e); Tex. Election Code §52.072(a).

Q Is a city required to appoint or elect a charter review commission to prepare a charter amendment?

A State law does not require that a charter review commission be appointed or elected to prepare a charter amendment. *Id.* §9.004(a). Additionally, the Texas Supreme Court has concluded that charter amendments do not require the appointment or reelection of a city charter commission. *Yett v. Cook*, 281 S.W. 837, 838 (Tex. 1926). But, some charters require the selection of a charter review commission, and most cities prefer to utilize one. If the charter contains provisions for utilizing a charter review commission, the city must follow those provisions. Otherwise, city council may establish a charter review commission, determine the size of such a commission, and is free to accept, reject, or modify any and all recommendations made by the commission.

Q When can a city hold a charter amendment election?

A City council must order a charter amendment election be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election. *Id.* §9.004. The election date must allow sufficient time to comply with other requirements of law and must occur on or after the 30th day after the date the ordinance ordering the election is adopted. *Id.*

Q What notice must the city provide regarding a charter amendment election?

A The city must publish a notice of a charter amendment election in a newspaper of general circulation that is published in the city. *Id.* The notice must: (1) include a substantial copy of the proposed amendment; (2) include an estimate of the anticipated fiscal impact to the city if the proposed amendment is approved at the election; and (3) be published on the same day in each of two successive weeks, with the first publication occurring before the 14th day before the date of the election. *Id.*

Q When does a charter or charter amendment go into effect?

A A charter or charter amendment goes into effect when the city council enters an order in the records of the city declaring that the charter or charter amendment is adopted. *Id.* §9.005. As soon as practicable after the city adopts a charter or amendment, the mayor or the chief executive officer of the city shall certify to the secretary of state an authenticated copy of the charter under the city's seal showing the approval of the charter or amendment by the voters of the city. *Id.* §9.007. One court has determined that the mayor's role in certifying the charter election is ministerial and not dependent on whether the governing body has entered an order declaring that the charter is adopted. *In re Robinson*, 175 S.W. 3d 821 (Tex. App. – Houston [1st Dist.] 2005, no pet.).

The secretary of state is required to file and record the certification in the secretary of state's office in a book kept for that purpose. *Id.* §9.007. Also, the city secretary or another officer performing similar functions to those of a city secretary shall record the adopted charter or amendment in the city secretary's or officer's office. *Id.* §9.008. If the charter or amendment is not recorded on microfilm, it must be recorded in a book kept for that purpose. *Id.* Recorded charters or

amendments are public acts, and a court is required to take judicial notice of such charter or amendment without requiring proof of their provisions. *Id.*

Q How often may a city amend its charter?

A The Texas Constitution provides that a city charter shall not be altered, amended or repealed more often than every two years. Tex. Const. Art. XI, §5; *Berka v. City of Lewisville*, 818 S.W. 2d 891, 892 (Tex. App. – Ft. Worth 1991) (plain language the Constitution prohibits the holding of an election to amend the city charter within a two year period after last charter election irrespective of whether the amendment would be effective outside the two-year period). The term “year” refers to a calendar year, which equals 365 days or 366 days in a leap year. Tex. Att’y Gen. Op. No. JM-466 (1986).

Q Must a city charter commission be selected if a city wants to adopt a completely new charter?

A Yes. When a city that has previously adopted a charter decides to completely rewrite its charter and adopt a new charter, a charter commission must be elected. Tex. Local Gov’t Code §9.002(a). The definition of a “completely new charter” (as opposed to the city’s first charter) has not been litigated, but various cases have concluded that the amendment of some charter provisions, but not all, constitutes a charter amendment as distinguished from a new charter. See *Ex rel City of West Orange City v. City of Orange*, 300 S.W. 2d 706, 711 (Tex. App. – Beaumont 1957); *Yett*, 281 S.W. 837 at 838.

The Farmersville Times

• Farmersville, Texas, Thursday, May 12, 2022

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It's a home run for home rule

By John Kanelis
news@farmersvilletimes.com

Farmersville voters, apparently believing it is time for their city to take the next step toward municipal adulthood, said "yes" to a request on Saturday that City Hall will use to govern its affairs while also endorsing the re-election of Bryon Wiebold to a second term as mayor.

Now that the charter has been approved, Wiebold will serve

for the next three years instead of the two-year term mandated by the general law rules under which the city governed itself. Moreover, city councilmen Mike Henry and Terry Williams were unopposed in their bids for re-election. Wiebold defeated challenger Denise Kelly in final unofficial returns provided by City Hall. Williams was re-elected to his seat in Place 2, while Henry returns for a second term in Place 4.

Wiebold cruised to re-election

tion for a second term, garnering 181 votes to Kelly's 49 votes, according to returns released by City Secretary Tabatha Monk.

"I am honored and humbled to be able to serve as mayor," Wiebold said in reaction to his re-election.

"I am excited to work with this city council and to continue to move the city forward as it con-

tinues to grow," he added.

The home rule charter measure also passed by a similarly decisive margin, with 174 "yes" votes compared to just 59 votes against the charter proposal.

Monk had distributed copies of the proposed charter to all 2,122 registered voters living in Farmersville

prior to the election, as required by state law. The results, though, showed a voter turnout on Election Day of slightly more than 11% of all registered voters.

Wiebold expressed disappointment in the lack of voter interest in the election, but suggested that "when people are happy, they just don't tend to vote."

City councilman Craig Overstreet, who co-chaired the committee that drafted the home rule charter that was put before voters in a citywide election,

expressed gratitude for the voters' decision.

"Based on the expanded provisions for local governance that the charter contains," Overstreet said, "I am excited for the community as Farmersville continues to grow. Thank you to our citizens for their support."

Overstreet expressed some concern prior to Election Day about some chatter he had heard around the community from

See MAYOR page 5A



Bryon Wiebold

Mayor re-elected; amendments approved

continued from 1A

those who thought the ballot measure called for creation of charter schools, which Overstreet thought might inhibit support for the home rule charter on the ballot. There apparently was little opposition to the home rule charter to be found.

The city had been governed under general law, meaning statutes approved by the Legislature. Farmersville needed to be home to at least 5,000 inhabitants to enable the city to call for a charter election; the city passed that threshold after the 2020 Census was completed.

What happens now that the home rule measure has received the endorsement of most of the voters? The Texas Local Government Code states: "A charter or charter amendment goes into effect when the city council enters an order in the records of the city that the charter or ... amendment is adopted." The code also stipulates that the "mayor or the chief executive officer of the city shall certify to the secretary of state an authenticated copy of the charter ... showing the approval of the charter or the amendment by the voters." The Local Government Code also goes into meticulous detail about the filing and recording of the certification by the city secretary or someone on city staff who performs "similar functions" of the city secretary.

The Texas Election Code further compels the city to canvass the election results no later than 11 days after Election Day and no earlier than three days after an election.

Council will simply approve a resolution finalizing approval of the home rule charter. City Attorney Alan Lathrom said that there is no public hearing required and that there will not be an ordinance approved by council.

Texas voters also approved two amendments to the Texas Constitution, both of which concerned property taxes.

Proposition 1 was approved with 1,118,313 voting in favor and 168,398 voting against the measure.

The proposition would lower the tax rates for homeowners who are elderly or disabled to reflect tax rate decreases enacted by the Legislature in 2019.

Proposition 2 was approved with 1,102,907 votes in favor and 197,254 against. The measure increased the exemption of a home's value for school tax purposes, which was previously \$25,000, to \$40,000.

State legislators outlined a plan to reimburse school districts across the state a total of \$4.4 billion for any lost revenues because of the tax changes but the plan only runs through 2026. It is unclear if lawmakers have a plan to cover any lost funding after 2026.

All election results are unofficial until canvassed by the city and state.

OAK POINT - SAMPLE FAQs

In June, 2021, the City Council appointed a Home Rule Charter Commission to draft a proposed City Charter and thereby allow the voters to consider becoming a Home Rule Municipality.

What is a Home Rule Municipality?

There are two classes of municipalities in Texas – General Law Municipalities and Home Rule Municipalities. A city may become a Home Rule Municipality when its population reaches 5000. Oak Point recently reached a population of 5000. General Law Municipalities are structured by state law and are limited by state law as to the ordinances they may adopt. Home Rule Municipalities may select their own governing structure and may adopt ordinances as allowed by the Charter adopted by their citizens. To become a Home Rule Municipality, a City Charter must be created and approved by citizens at an election. A City Charter is the governing document of the City.

Do citizens get to participate in the process of Charter approval?

Yes. The meetings of the Charter Commission are open to the public and the Commission welcomes public participation. Once drafted, the proposed charter will be on the ballot at the following municipal election. All future amendments to the Charter will be voted on by the citizens of Oak Point.

What kinds of things can be included in a Home Rule Charter?

A proposed Home Rule Charter allows the voters of the community to decide on the government structure and laws that are appropriate for their community. Some of the things that may be included in a Home Rule Charter include the number of council members, their terms of office, the powers and duties of the mayor and the council members, the departments of the City, the future ability to hold recall elections for the mayor and council members, the ability to submit propositions directly to the voters for approval, the powers of the city manager, and so on. As a General Law Municipality, these matters are decided by the state legislature rather than the members of the community.

What will change if the City becomes a Home Rule Municipality?

If the voters adopt a Home Rule Charter, the City will be governed by the Charter as approved by the voters rather than the laws adopted in Austin. Thereafter, the City will be run in accordance with the City Charter.

Who is working on this charter?

A Home Rule Charter Commission of 15 volunteer citizens, as prescribed by state law, was appointed by the Council. Meetings are held on the first Wednesday of the month and are open to the public. If the Home Rule Charter Commission can complete the creation of a proposed charter by February, then the proposed charter will be on the May 2022 ballot. If not, a special election will be held in November 2022.

Will citizens be able to read and vote on the proposed Charter?

Of course! By law, every registered voter will receive a copy of the proposed Home Rule Charter by mail before the election. The City will make every effort to see that every household receives a copy of the proposed Charter by mail. Also, the proposed charter will be available on the City's website, Facebook page, and copies will be available at City Hall. This is a very important step in Oak Point's future, and it is important that we get it right! City leaders want to ensure every Oak Point resident has the opportunity to understand and participate in this next step of becoming a Home Rule City.

Contact the City Staff or City Council for more information.



CITY OF LAVON

Agenda Brief

MEETING: May 17, 2022

ITEM: 10

Item:

BUDGET WORK SESSION

Discussion regarding the regulatory requirements, financial status for current fiscal year, budget calendar, anticipated commitments, departmental service levels, fee schedule, and projected needs for FY 2022-23

- Attachments:
- 1) 2022 Certified Estimate of Taxable Value
 - 2) 2022 Countywide Certified Estimate of Taxable Value
 - 3) 2019-2021 Strategic Plan
 - 4) Tax and Budget Deadlines
 - 5) Notice and Truth in Taxation Information
 - 6) Article – Wylie News re Appraisals



Collin Central Appraisal District

April 29, 2022

Vicki Sanson, Mayor
City of Lavon
P.O. Box 340
Lavon, TX 75166

Re: 2022 Certified Estimate of Taxable Value

Dear Mayor Sanson:

As provided in Section 26.01(e) of the Texas Property Tax Code I, Bo Daffin, Chief Appraiser for the Collin Central Appraisal District, hereby certify that the preliminary estimate of all taxable property in City of Lavon for 2022 is as follows:

Certified Estimate of Net Taxable (Before Freeze)*	\$	637,000,000
Less Value of 65&Over or Disabled with Tax Freeze	\$	64,394,905
Freeze Adjusted Taxable (rounded)	\$	572,000,000
 Average Market Value of Homes	 \$	 357,200
New Construction (Included in Taxable Value Above)	\$	97,643,000

The Appraisal Records from which this estimate was derived will be submitted to the Appraisal Review Board on May 23, 2022, for review and determination of protests as required by Section 25.22 of the Texas Property Tax Code.

WITNESS by hand this 29th day of April 2022.

Bo Daffin, Chief Appraiser

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CITY OF LAVON

***School Districts:** The "Net Taxable (before freeze)" above is calculated using the current \$25,000 homestead exemption amount, since the election to increase to \$40,000 has not occurred. I will provide the estimated "Net Taxable (before freeze)" with the impact of the anticipated \$40,000 exemption in place via a spreadsheet report.

**COLLIN CENTRAL APPRAISAL DISTRICT
2022 CERTIFIED ESTIMATE OF TAXABLE VALUE**

TAXING ENTITY NAME	2021 CERTIFIED TAXABLE VALUE, SUPP # 15, March 3, 2022	2022 NEW PROPERTY ESTIMATED TAXABLE VALUE	2022 NEW ANNEX ESTIMATED TAXABLE VALUE	2022 CERTIFIED ESTIMATE OF TAXABLE VALUE (ROUNDED), APRIL 29, 2022	2022 ESTIMATED TAXABLE VALUE COMPARED TO 2021 SUPP #15	2022 ESTIMATED TAXABLE VALUE CHANGE DUE TO NEW PROPERTY & ANNEXATIONS	2021 AVG MARKET VALUE OF HOMES, AS OF MARCH 3, 2022 SUPP #15	2022 AVG MARKET VALUE OF HOMES, AS OF 4-15-2022	2022 PRELIMINARY OVER-45 TAXABLE LOSS, APRIL 26, 2022 PRELIMINARY TOTALS, TIMES 1.02	2022 ESTIMATED FREEZE ADJUSTED TAXABLE VALUE (ROUNDED), (Based on April 26, 2022 Preliminary Totals) B4 MAY 7TH VOTE	2022 ADJUSTED ESTIMATED TAXABLE (CERTIFIED EST TAXABLE, MINUS ADDITIONAL \$15K HS LOSS)	2022 PRELIMINARY FREEZE ADJUSTED TAXABLE VALUE AFTER ADDITIONAL \$15K HS LOSS (ROUNDED)
SCHOOLS												
ALLEN ISD	\$16,876,023,352	\$593,815,000	\$0	\$18,860,000,000	11.76%	3.52%	\$337,162	\$512,500	\$1,809,026,641	\$17,050,000,000	\$18,487,607,000	\$16,670,000,000
ANNA ISD	\$2,059,769,554	\$276,966,000	\$0	\$2,510,000,000	21.86%	13.45%	\$256,972	\$333,400	\$247,608,621	\$2,260,000,000	\$2,439,046,250	\$2,190,000,000
BLAND ISD	\$22,126,274	\$879,000	\$0	\$24,800,000	12.08%	3.97%	\$257,491	\$329,200	\$3,662,591	\$21,100,000	\$23,902,250	\$20,200,000
BLUE RIDGE ISD	\$384,095,302	\$19,605,000	\$0	\$457,000,000	18.98%	5.10%	\$240,696	\$308,300	\$58,848,655	\$398,000,000	\$441,470,500	\$15,000,000
CELINA ISD	\$2,132,561,728	\$362,622,000	\$0	\$2,620,000,000	22.86%	17.00%	\$370,779	\$509,800	\$300,160,695	\$2,310,000,000	\$2,685,111,250	\$2,260,000,000
COMMUNITY ISD	\$1,552,691,542	\$245,669,000	\$0	\$1,970,000,000	26.88%	15.82%	\$263,195	\$332,800	\$223,502,402	\$1,740,000,000	\$1,908,685,250	\$1,680,000,000
FARMERSVILLE ISD	\$922,664,403	\$59,277,000	\$0	\$1,080,000,000	17.05%	6.42%	\$239,688	\$314,200	\$150,284,464	\$929,000,000	\$1,046,736,000	\$33,000,000
FRISCO ISD	\$35,257,372,112	\$1,292,000,000	\$0	\$39,700,000,000	12.60%	3.66%	\$445,050	\$586,700	\$2,396,413,398	\$37,300,000,000	\$39,166,516,000	\$36,770,000,000
GUNTER ISD	\$739,984	\$0	\$0	\$773,000	4.46%	0.00%	\$451,282	\$663,100	\$470,638	\$302,000	\$757,250	\$286,000
LEONARD ISD	\$22,137,022	\$1,237,000	\$0	\$24,400,000	10.22%	5.59%	\$215,022	\$274,200	\$3,111,773	\$21,200,000	\$23,344,750	\$20,200,000
LOVEJOY ISD	\$3,328,151,256	\$88,560,000	\$0	\$3,740,000,000	12.37%	2.66%	\$646,719	\$826,900	\$884,248,064	\$2,850,000,000	\$3,665,266,250	\$2,780,000,000
MCKINNEY ISD	\$19,274,208,794	\$693,657,000	\$0	\$21,600,000,000	12.07%	3.60%	\$378,284	\$490,400	\$2,897,341,273	\$18,700,000,000	\$21,163,723,750	\$18,250,000,000
MELISSA ISD	\$2,183,892,391	\$308,326,000	\$0	\$2,740,000,000	25.46%	14.12%	\$332,414	\$442,000	\$239,103,442	\$2,500,000,000	\$2,670,574,000	\$2,430,000,000
PLANO ISD	\$61,729,605,935	\$688,636,000	\$0	\$67,600,000,000	9.51%	1.08%	\$408,433	\$504,100	\$9,841,477,508	\$57,750,000,000	\$66,475,339,750	\$56,630,000,000
PRINCETON ISD	\$2,242,560,755	\$453,287,000	\$0	\$2,900,000,000	29.32%	20.21%	\$226,199	\$295,000	\$227,788,452	\$2,670,000,000	\$2,814,603,500	\$2,580,000,000
PROSPER ISD	\$11,045,091,623	\$1,214,725,000	\$0	\$13,250,000,000	19.96%	11.00%	\$473,565	\$649,800	\$1,097,071,213	\$12,150,000,000	\$12,998,850,500	\$11,900,000,000
ROCKWALL ISD	\$1,057,652	\$0	\$0	\$1,120,000	5.89%	0.00%	\$568,496	\$713,000	\$417,656	\$702,000	\$1,088,500	\$670,000
ROYSE CITY ISD	\$244,492,647	\$9,299,000	\$0	\$280,000,000	14.52%	3.80%	\$241,336	\$304,800	\$35,567,911	\$244,000,000	\$269,290,000	\$10,000,000
TRENTON ISD	\$18,913,694	\$505,000	\$0	\$20,900,000	10.50%	2.67%	\$271,415	\$394,900	\$1,914,056	\$18,900,000	\$20,411,750	\$18,400,000
VAN ALSTYNE ISD	\$73,170,845	\$7,703,000	\$0	\$83,400,000	13.98%	10.53%	\$353,860	\$424,600	\$13,434,623	\$69,900,000	\$80,895,750	\$67,400,000
WHITEWRIGHT ISD	\$8,797,315	\$519,000	\$0	\$9,860,000	12.08%	5.90%	\$252,400	\$300,000	\$2,322,227	\$7,530,000	\$9,466,250	\$7,140,000
WYLIE ISD	\$8,219,220,378	\$295,948,000	\$0	\$9,380,000,000	14.12%	3.60%	\$320,776	\$410,100	\$1,014,824,014	\$8,360,000,000	\$9,095,161,250	\$8,080,000,000

**COLLIN CENTRAL APPRAISAL DISTRICT
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CITIES & TOWNS												
CITY OF ALLEN	\$15,747,712,777	\$419,791,000	\$0	\$17,610,000,000	11.83%	2.67%	\$391,555	\$501,000	N/A	N/A		
CITY OF ANNA	\$1,771,378,020	\$262,548,000	\$3,267,170	\$2,210,000,000	24.76%	15.01%	\$246,398	\$327,800	N/A	N/A		
CITY OF BLUE RIDGE	\$61,546,546	\$2,894,000	\$0	\$71,900,000	16.82%	4.70%	\$145,555	\$181,600	N/A	N/A		
CITY OF CARROLLTON	\$135,151,432	\$3,064,000	\$0	\$144,000,000	6.55%	2.27%	N/A	N/A	N/A	N/A		
CITY OF CELINA	\$2,613,469,141	\$542,294,000	\$7,741,672	\$3,330,000,000	27.42%	21.05%	\$402,725	\$558,800	\$262,521,178	\$3,060,000,000		
CITY OF DALLAS	\$5,973,873,701	\$11,882,000	\$0	\$6,340,000,000	6.13%	0.20%	\$454,379	\$545,500	N/A	N/A		
TOWN OF FAIRVIEW	\$2,235,069,460	\$74,065,000	\$0	\$2,610,000,000	12.30%	3.31%	\$572,721	\$719,800	N/A	N/A		
CITY OF FARMERSVILLE	\$325,967,840	\$28,268,000	\$0	\$389,000,000	19.34%	8.67%	\$190,530	\$248,400	N/A	N/A		
CITY OF FRISCO	\$22,794,726,093	\$1,174,028,000	\$0	\$25,780,000,000	13.10%	5.15%	\$476,939	\$633,300	N/A	N/A		
CITY OF GARLAND	\$29,829,034	\$0	\$0	\$32,200,000	7.95%	0.00%	\$375,187	\$477,600	N/A	N/A		
CITY OF JOSEPHINE	\$157,975,436	\$9,930,000	\$0	\$189,000,000	19.64%	6.29%	\$213,038	\$291,900	\$22,501,516	\$166,000,000		
CITY OF LAVON	\$488,773,781	\$97,643,000	\$0	\$637,000,000	30.33%	19.98%	\$283,969	\$357,200	\$64,394,905	\$572,000,000		
LOWRY CROSSING	\$192,901,278	\$1,626,000	\$0	\$212,000,000	9.90%	0.84%	\$301,709	\$377,800	\$45,586,740	\$166,000,000		
CITY OF LUCAS	\$1,617,642,165	\$84,117,000	\$0	\$1,830,000,000	13.13%	5.20%	\$692,061	\$908,900	\$251,514,918	\$1,570,000,000		
CITY OF MCKINNEY	\$27,028,141,358	\$667,394,000	\$13,398,627	\$30,570,000,000	13.10%	3.26%	\$374,415	\$492,000	N/A	N/A		
CITY OF MELISSA	\$1,750,407,852	\$255,162,000	\$0	\$2,210,000,000	26.26%	14.58%	\$322,755	\$427,600	N/A	N/A		
CITY OF MURPHY	\$2,732,247,218	\$11,275,000	\$0	\$3,040,000,000	11.26%	0.41%	\$405,025	\$523,700	N/A	N/A		
CITY OF NEVADA	\$137,621,434	\$2,439,000	\$0	\$157,000,000	14.08%	1.77%	\$270,974	\$343,100	N/A	N/A		
TOWN OF NEW HOPE	\$73,081,137	\$714,000	\$0	\$79,600,000	8.92%	0.98%	\$298,118	\$358,300	N/A	N/A		
CITY OF PARKER	\$1,225,946,892	\$60,530,000	\$0	\$1,400,000,000	14.20%	4.94%	\$684,385	\$916,100	N/A	N/A		
CITY OF PLANO	\$46,051,317,401	\$625,727,000	\$0	\$50,000,000,000	8.57%	1.36%	\$396,882	\$489,800	\$5,213,284,665	\$44,780,000,000		
CITY OF PRINCETON	\$1,650,403,211	\$344,901,000	\$0	\$2,150,000,000	30.27%	20.90%	\$230,899	\$306,700	\$121,880,733	\$2,020,000,000		
TOWN OF PROSPER	\$4,768,786,786	\$376,858,000	\$0	\$5,460,000,000	14.49%	7.90%	\$581,653	\$795,900	\$501,633,216	\$4,950,000,000		

**COLLIN CENTRAL APPRAISAL DISTRICT
2022 CERTIFIED ESTIMATE OF TAXABLE VALUE**

TAXING ENTITY NAME	2021 CERTIFIED TAXABLE VALUE, SUPP # 15, March 3, 2022	2022 NEW PROPERTY ESTIMATED TAXABLE VALUE	2022 NEW ANNEX ESTIMATED TAXABLE VALUE	2022 CERTIFIED ESTIMATE OF TAXABLE VALUE (ROUNDED), APRIL 29, 2022	2022 ESTIMATED TAXABLE VALUE COMPARED TO 2021 SUPP #15	2022 ESTIMATED TAXABLE VALUE CHANGE DUE TO NEW PROPERTY & ANNEXATIONS	2021 AVG MARKET VALUE OF HOMES, AS OF MARCH 3, 2022 SUPP #15	2022 AVG MARKET VALUE OF HOMES, AS OF 2022 NOTICES, 4-15-2022	2022 PRELIMINARY OVER-48 TAXABLE LOSS, APRIL 26, 2022 PRELIMINARY TOTALS, TIMES 1.02	2022 ESTIMATED FREEZE ADJUSTED TAXABLE VALUE (ROUNDED), (Based on April 26, 2022 Preliminary Totals) B4 MAY 7TH VOTE	2022 ADJUSTED ESTIMATED TAXABLE (CERTIFIED EST TAXABLE, MINUS ADDITIONAL \$16K HS LOSS)	2022 PRELIMINARY FREEZE ADJUSTED TAXABLE VALUE AFTER ADDITIONAL \$15K HS LOSS (ROUNDED)
CITIES & TOWNS												
CITY OF RICHARDSON	\$8,453,641,197	\$155,861,000	\$0	\$9,200,000,000	8.83%	1.84%	\$401,401	\$496,700	N/A	N/A		
CITY OF ROYSE CITY	\$228,146,621	\$7,758,000	\$0	\$263,000,000	15.28%	3.40%	\$246,388	\$316,300	\$34,411,368	\$228,000,000		
CITY OF SACHSE	\$1,134,704,685	\$78,039,000	\$0	\$1,310,000,000	15.45%	6.88%	\$348,752	\$446,700	\$135,504,443	\$1,170,000,000		
CITY OF ST. PAUL	\$135,047,919	\$2,796,000	\$0	\$151,000,000	11.81%	2.07%	\$372,617	\$489,400	N/A	N/A		
CITY OF VAN ALSTYNE	\$1,133	\$0	\$0	\$1,150	1.50%	N/A	\$0	\$0	N/A	N/A		
CITY OF WESTON	\$65,417,604	\$11,756,000	\$0	\$80,500,000	23.06%	17.97%	\$209,312	\$348,900	\$9,282,765	\$71,200,000		
CITY OF WYLE	\$5,602,318,017	\$140,725,000	\$0	\$6,340,000,000	13.17%	2.51%	\$299,367	\$380,100	\$566,523,906	\$5,770,000,000		
COUNTY & COLLEGE												
COLLIN COUNTY	\$167,087,004,367	\$6,550,696,000	\$0	\$188,500,000,000	12.82%	3.92%	\$396,572	\$509,500	\$19,975,596,548	\$168,500,000,000		
COLLIN CO. COLLEGE	\$170,402,481,898	\$6,550,696,000	\$0	\$192,300,000,000	12.85%	3.84%	\$396,572	\$509,500	\$21,026,844,789	\$171,200,000,000		
SPECIAL DISTRICTS												
COLLIN CO. WCID#3 (INSPIRATION) WCCW3	\$466,879,626	\$69,266,000	\$0	\$579,000,000	24.01%	14.84%	\$389,010	\$504,200	N/A	N/A		
COLLIN COUNTY MUD#1 WCCM1	\$836,927,455	\$104,742,000	\$0	\$1,030,000,000	23.07%	12.52%	\$432,773	\$599,600	N/A	N/A		
COLLIN COUNTY MUD#2 WCCM2	\$64,105,936	\$66,116,000	\$2,000,513	\$202,000,000	215.10%	106.26%	\$199,134	\$254,600	N/A	N/A		
MAGNOLIA POINTE MUD #1 WDRM1	\$151,856,047	\$98,833,000	\$2,730,510	\$269,000,000	77.14%	66.88%	\$204,224	\$262,200	N/A	N/A		
MCKINNEY MUD#1 WMM1	\$602,413,388	\$119,881,000	\$0	\$770,000,000	27.82%	19.90%	\$404,724	\$519,600	N/A	N/A		
MCKINNEY MUD#2 WMM2	\$93,504,583	\$10,411,000	\$0	\$100,000,000	6.95%	11.13%	\$300,336	\$335,600	N/A	N/A		
SEIS LAGOS UTILITY DIST WSE	\$284,405,427	\$14,944,000	\$0	\$318,000,000	11.81%	5.25%	\$555,020	\$723,900	N/A	N/A		
TRAILS OF BLUE RIDGE ROTBR.	\$40,447,561	\$4,200,000	\$0	\$47,300,000	16.94%	10.38%	\$421,579	\$531,200	N/A	N/A		
VAN ALSTYNE MUD#2 WVAM2	\$46,087,148	\$2,778,000	\$0	\$9,850,000	-78.63%	N/A	\$0	N/A	N/A	N/A		



2019-2021 LAVON STRATEGIC PLAN

OUR WHY

The time is right for Lavon to capitalize on the opportunity to have a competitive edge and unique identity in the region. Our Core Purpose and Core Values were developed by City Staff and City Council during the City Leadership Retreat through a series of meetings and workshops. The Core Purpose and Core Values represent our highest aspirations, our moral code, and what we are deeply passionate about. We truly believe that these are present in our organization and should remain present throughout everything we do.

Core Purpose

The City organization exists to:

- Ensure a safe and secure community;
- Serve as stewards of planning, infrastructure, and investment;
- Provide a family-oriented place for generations to stay and grow;
- Establish and foster relationships within the community; and
- Continuously improve the quality of life in Lavon.

Core Values

COMMUNICATION & TRANSPARENCY

We believe in proactively engaging and communicating with the community to be transparent and understand issues. Communication, to us, is about timely listening and sharing, in addition to forging and maintaining partnerships and relationships for our community.

SAFETY

We believe that providing a safe community, with high-quality infrastructure and services, is one of the primary purposes of our City government, and maintaining safety as a strength of Lavon is extremely important.

INTEGRITY

We believe in doing the right thing, regardless of whether someone is or is not looking. We are ethical, honest, and trustworthy. Even in tough times or with tough decisions, we stick to our Core Values and keep the people of the community at top of mind.

FAMILY-ORIENTED

We are a city that supports current and future generations of individuals and families to cultivate a sense of community. Making investments in family-friendly amenities, such as parks and recreation, is essential to improving quality of life in Lavon.

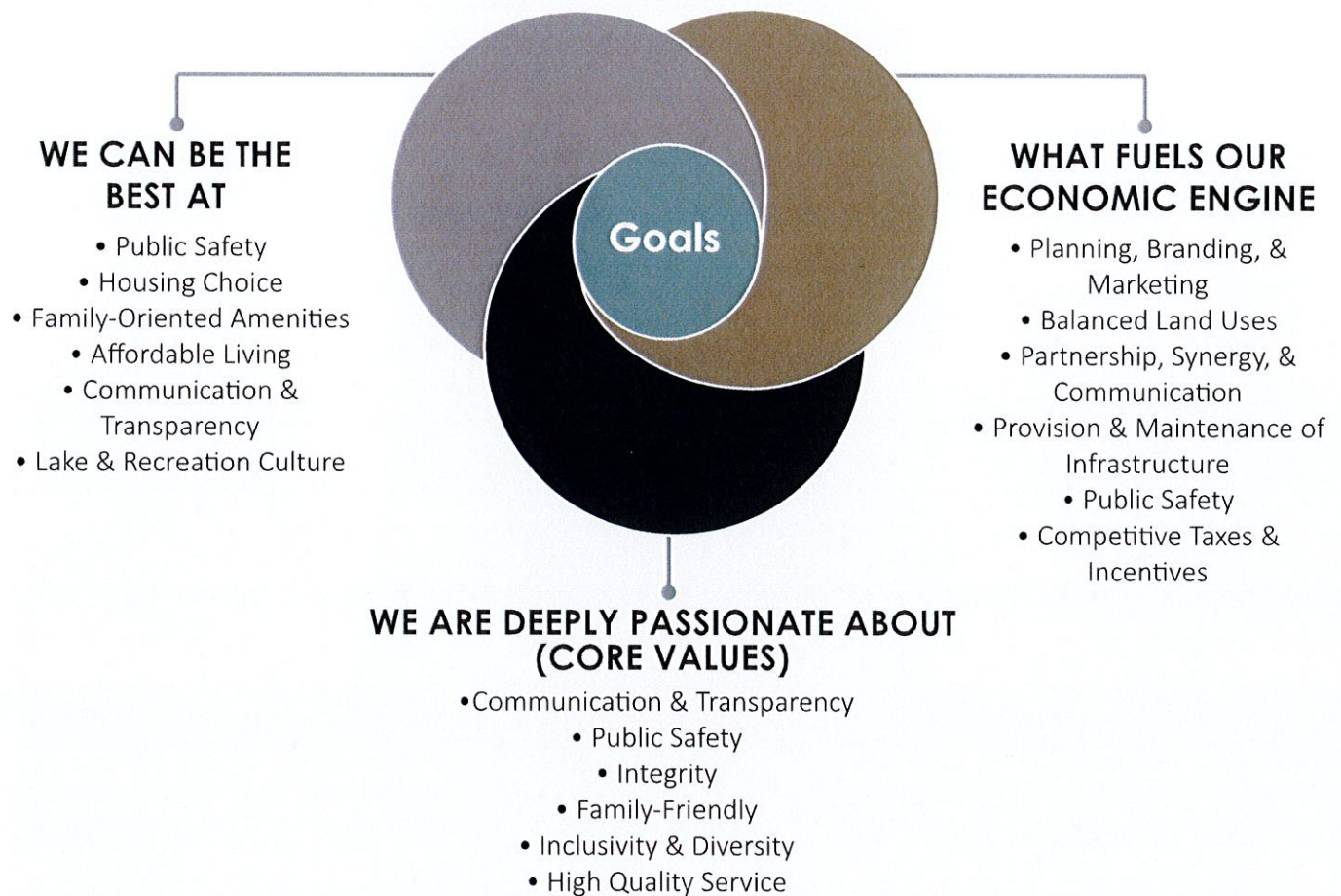
INCLUSIVITY & DIVERSITY

Lavon is a diverse and inclusive place that welcomes people and families of all ages and stages. We believe in treating everyone equally and respectfully, and our inclusive nature and affordable cost of living are part of what makes us unique.

HIGH-QUALITY SERVICE

We support our fellow community members by volunteering, holding each other accountable, and by always keeping the people of the community first. We are leaders in service, and we truly care about making Lavon the best it can be.

VISION FRAMEWORK



Our goals are what is going to make us truly great, and we considered a number of things to turn those goals into a reality. The Vision Framework not only gives us a glimpse of what we can be in the future but also shows the various considerations that go into the Vision. It takes more than economic development to reflect the community, and the Vision Framework taps into the areas that are not always easily noticed. We want the community Vision to not only reflect the physical wants of the community, but also what we are deeply passionate about and what we can truly be the best at.

25-Year Goal: Our Mission

The City of Lavon will be a quaint and walkable, lake-oriented destination, full of vibrant neighborhoods and complemented by shopping and dining opportunities and family-oriented amenities. Our community's safety is our top priority and will continue to be the city's biggest strength. Our brand will be communicated through what we say, the actions we take, the relationships we build, and our city's physical design—all reflecting Lavon as the place anyone would want to live, work, invest, and visit and the place where your neighbors are your friends.

2019-2021 Strategic Plan

TWO-YEAR GOALS

These goals were created through collaboration with the community. Goals were identified by evaluating where the three spheres of the Vision Framework intersect: what we are deeply passionate about, what we can be the best at, and what fuels our economic engine.

Provided on the following pages are summaries of each goal which will be further developed administratively to ensure they are achieved. These two-year goals should guide City actions, both in workflow and in budgeting.

1

Draft an Outline and Preliminary Content for a Communications Strategy

6

Process Development Code Amendments to Conform to Updated Comprehensive Plan and Legislative Mandates

2

Research Pricing and Prepare a Scope for a Capital Improvements Program (CIP)

7

Partner and Collaborate with Other Entities and Individuals for Quality of Life and Economic Development

3

Identify Future City Personnel and Facilities Needed for the Growing Population

8

Explore Parks and Recreation Needs and Opportunities

4

Develop a Risk Management Strategy

9

Create a Preliminary Branding and Marketing Strategy


5

Adopt an Update(s) to the Comprehensive Plan

10

Update Economic Development Tools and Strategies

TWO-YEAR GOALS



Goal 1:

Draft an outline and preliminary content for a Communications Strategy.

Technology is always changing, and it's paramount that the City reach out through multiple avenues to communicate. Part of making a Communications Strategy means outlining what needs to be communicated, to who, when, why, etc., but part of the Communications Strategy will be about collaboration. The Strategy will serve the community and promote inclusive and transparent communications to and from the City by distributing information through relevant sources in a timely manner. City Leadership wants to foster meaningful relationships between the community, elected officials, and Staff by coordinating proactive policies for topics such as:

- Social Media and City Website
- Community Signage
- Awareness and Participation in Meetings



Goal 2:

Research pricing and prepare a scope for a Capital Improvements Program (CIP).

As Lavon continues to grow, major improvements and additional amenities need to be planned for and purchased. Throughout the Lavon 2019 Community Survey, Envision Lavon, stakeholder interviews, and other feedback sources, numerous areas were identified as needing upgrades, including roadways, utilities, and parks and community facilities. Identifying funding strategies will be crucial to the CIP's success.

With a CIP, the City will be able to identify and prioritize the necessary improvements and purchases that will improve the quality of life in Lavon and maintain the safe community. A CIP can include items such as:

- Infrastructure (Including Drainage and Storm Sewer, Sidewalks, and Trails)
- Streets/Mobility
- City Facilities & Amenities (Including Parks)

TWO-YEAR GOALS



Goal 3:

Identify future City personnel and facilities needed for the growing population.

With an increase in population, comes the need for an increase in city services. As reflected in the Community Survey, safety and emergency services are top strengths and the community would like to keep them as assets. Adequately preparing for and expanding staffing and services to provide not only emergency services, but also positions for operational functions, such as administration, communications, and code enforcement will be important to Lavon's quality of life moving forward. This goal can be accomplished by beginning to look at the following:

- Peer City Research (to Compare Staffing and Facilities of Other Cities)
- Capacity/Population Assessments (to Evaluate What May be Needed and When)
- Future Program Identification (to Establish What Programs and Services should be Planned for)



Goal 4:

Develop a Risk Management Strategy.

Safety remains a top priority in the community, and residents want to ensure that it remains that way. A Strategy will be created to consider what should be done to prepare Lavon for before, during, and after an emergency to increase resiliency to disruptions, disasters, and other events. The right services and programs, plans for typical situations, and Staff or partners to help guide Lavon will be identified. Prevention will be the top priority through all topics in the Risk Management Strategy. The Strategy will ensure that Lavon remains strong and prepared by thinking through and setting standards for:

- Emergency Services (Police, Fire, and Emergency Medical Services)
- Natural Disasters (ex. Flooding, Tornadoes, Wildfires, etc.)
- Technology and Cyber Attacks
- Responses/Protocols

TWO-YEAR GOALS

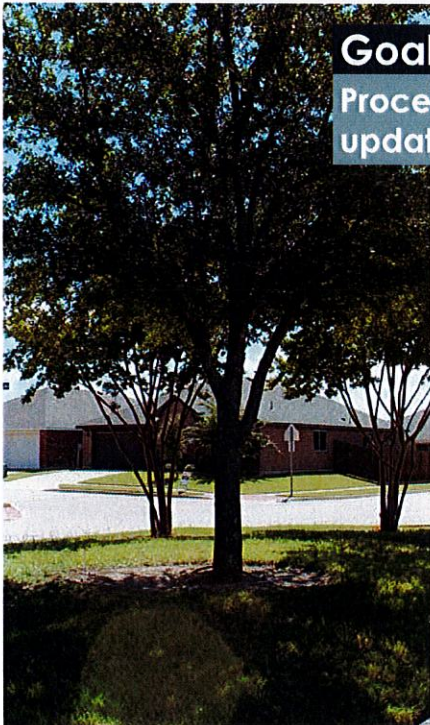


Goal 5:

Adopt an update(s) to the Comprehensive Plan.

This Assessment contains “Comprehensive Plan Foundations,” such as a Future Land Use Plan and Mobility Framework, that should be utilized to build and finalize a complete update to the Comprehensive Plan. That update can take the shape of one large project/amendment or several smaller projects/amendments. Ensuring planned and quality growth by reviewing and updating the Comprehensive Plan on a regular basis will need to continue to be a priority every three to five years. Community input is important in updates and should be utilized in strategies for the Plan. Completing the update process will include:

- Finishing the Community Vision Assessment (this Document)
- Identifying Workflow and Resources to Complete the Comprehensive Plan
- Preparing Content for the Update(s)
- Reviewing & Approving the Update(s)



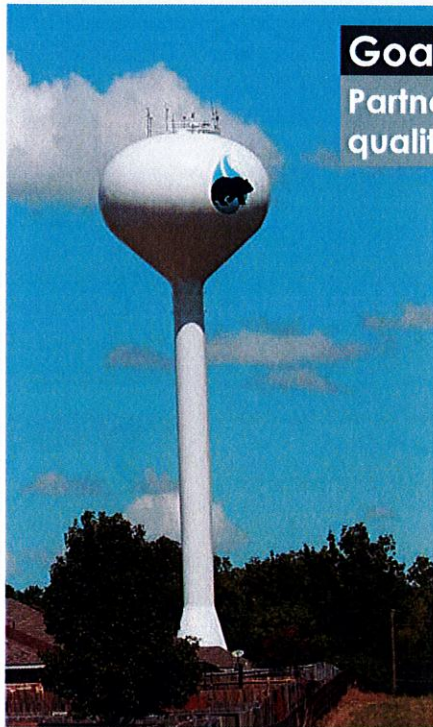
Goal 6:

Process Development Code amendments to conform to updated Comprehensive Plan and Legislative Mandates.

The Comprehensive Plan is a powerful tool that helps reflect the community’s Vision of how future growth and development in the city should occur. The most critical action to implementing the Vision is updating zoning and subdivision regulations (i.e. the Development Code). Strategic administration of the Vision includes adopting urban design standards, adequately reviewing each new development, and collaborating with property owners, developers, and builders. The Development Code should be a living, breathing document and kept fresh to always be in line with the community’s evolving Vision. Keeping in constant compliance with frequent legislative mandates from the State also necessitates frequent revisions to the Development Code.

It’s important to recognize that the number and frequency of updates required, and the administration of Lavon’s growth and development over the coming years, will require additional Staff to be added to the City team.

TWO-YEAR GOALS



Goal 7:

Partner and collaborate with other entities and individuals for quality of life and economic development.

There are numerous groups that help make Lavon what it is today. Strengthening these partnerships and improving the success of Lavon, by working together to carry out the goals and Vision of the community, is what is needed to be most efficient and effective. Improving economic development, parks and recreation, infrastructure, and the brand of Lavon should be a structured and collaborative effort. Relevant parties to structure collaboration with include, but are not limited to:

- Community Members
- Community Independent School District
- Bear Creek Special Utility District
- Lavon Boards
- Collin County
- Texas Department of Transportation



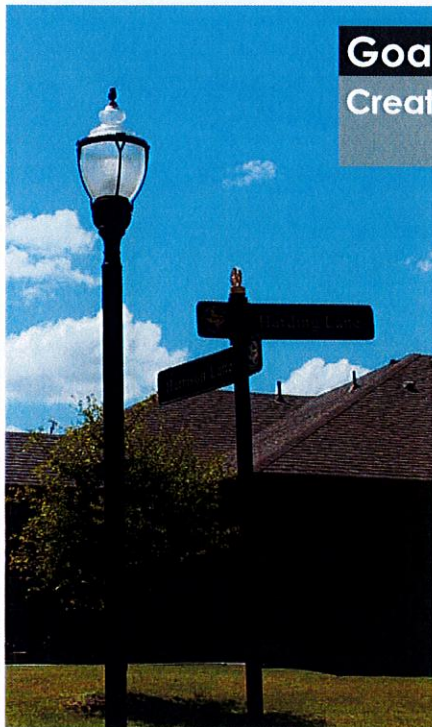
Goal 8:

Explore parks and recreation needs and opportunities.

Parks and Recreation was the number two opportunity reflected in the Community Survey, in addition to walking and biking trails being the number two *mobility* priority during Envision Lavon. Throughout the planning process, family-friendly amenities and programming were frequently emphasized and requested. Identifying the needs of the community and exploring the creation of a Parks and Recreation Master Plan should be prioritized. Planning and improvements should be directly linked to the Vision and to branding Lavon. On the list to consider, in future study(s), as they relate to what is best for Lavon, include:

- Trails
- Parks (Regional, Community, and Neighborhood)
- Programming & Events/Festivals
- Community Facilities

TWO-YEAR GOALS



Goal 9:

Create a preliminary Branding and Marketing Strategy.

Lavon has an opportunity to formalize how it is presented to community members, visitors, and potential economic development leads. Creating an outline and preliminary bullet points for how to present Lavon, in words, visuals, and physical improvements within the city, can be a very effective component to implementing the Vision created by the community. Tying in feedback and the Vision to date will be crucial to the success of a Branding and Marketing Strategy. Essential components should relate to:

- Strategic Plan (Vision Framework)
- Future Land Use Plan
- Existing Brand Assets
- Competitive Market Positioning (ex. Lake Proximity, Arts, etc.)



Goal 10:

Update economic development tools and strategies.

Economic development was, by far, the top theme of feedback throughout the planning process. Community members like the new businesses and roadway improvements coming in, but they want more. The community also recognizes that economic development can be a threat if proper planning and analysis is not done to ensure that Lavon is in the most competitive position to diversify the tax base as possible. The Lavon Economic Development Corporation has a Strategic Plan with priorities, which is a great step in establishing a “game plan” to attract desired development. Similar to the Development Code updates referred to above, economic development priorities should frequently evolve to match the Vision of the community and to reflect current market trends and opportunities. Updates to reflect attraction of walkable, city center-type development and to rebrand Lavon should be complemented with identification of appropriate tools and incentives to further ripen Lavon for desired development.

2022 TAX AND BUDGET DEADLINES FOR CITIES WITH POPULATIONS OF LESS THAN 30,000¹

A city that is considered to have a “low tax levy” under Tax Code Section 26.052 (a city that levies under \$500,000 in total property taxes and levies a tax rate under \$.50 per \$100) may choose to provide notice of its tax rate under that section of the Tax Code instead of Sections 26.04(e) and 26.06 of the Tax Code. A “low tax levy” city that chooses to provide notice under Section 26.052 of the Tax Code need not hold a public hearing on the tax rate, and is required to provide mailed or published notice of the tax rate no later than seven days before the date the city adopts the tax rate. If the city chooses to publish notice of the tax rate in the newspaper, the city must also provide public notice of its proposed tax rate by posting notice of the proposed tax rate, along with the information in Tax Code Sec. 26.052(e), prominently on the home page of the city’s website. The budget deadlines listed below still apply to “low tax levy” cities.

These are absolute deadlines, and assume the city waits until the last minute for each step. In most cases the city would be wise to act well in advance when possible.

<u>Adopted Rate Exceeds Voter-Approval Tax Rate</u>	<u>Adopted Rate Doesn’t Exceed Voter-Approval Tax Rate</u>
<p>July 22– last day for budget officer to file proposed budget with municipal clerk if the city plans to wait until August 22 to adopt the tax rate. TEX. LOC. GOV’T CODE § 102.005 (<i>before 30th day before tax rate adopted</i> – thus, if a city plans to adopt tax rate before August 22, the proposed budget must be filed sooner). The proposed budget must contain a special cover page if the budget will raise more total property taxes than the previous year. The city secretary must post the proposed budget on the city’s website if the city maintains one. Additionally, the proposed budget must include a line item comparing expenditures in the proposed budget and actual expenditures in the preceding year for: (1) notices required to be published in the newspaper; and (2) directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Government Code Sec. 305.002. TEX. LOC. GOV’T CODE § 140.0045.</p>	<p>July 25 – Chief appraiser must deliver certified appraisal roll or certified estimate of taxable value to assessor. TEX. TAX CODE § 26.01(a). A chief appraiser may submit a certified estimate of taxable value in lieu of a certified appraisal roll if the appraisal review board for the appraisal district does not approve the appraisal records for the district by July 20. TEX. TAX CODE § 26.01(a-1). If the assessor receives a certified estimate of taxable values, the officer or employee designated by the city council must calculate the no-new-revenue tax rate and voter-approval tax rate using the estimate. TEX. TAX CODE § 26.04(c-2).</p>

July 25 – Chief appraiser must deliver certified appraisal roll or certified estimate of taxable value to assessor. TEX. TAX CODE § 26.01(a). A chief appraiser may submit a certified estimate of taxable value in lieu of a certified appraisal roll if the appraisal review board for the appraisal district does not approve the appraisal records for the district by July 20. TEX. TAX CODE § 26.01(a-1). If the assessor receives a certified estimate of taxable values, the officer or employee designated by the city council must calculate the no-new-revenue tax rate and voter-approval tax rate using the estimate. TEX. TAX CODE § 26.04(c-2).

August 7 – The designated officer or employee must submit the no-new-revenue and voter-approval tax rates to the city council by this date, or as soon thereafter as practicable. TEX. TAX CODE § 26.04(e). (Note: nothing in the Tax Code requires the designated officer or employee to calculate the de minimis rate for a city under 30,000 in population. Cities are encouraged to communicate with their designated officer or employee in advance of this date to confirm the calculation of the de minimis rate.) Additionally, the designated officer or employee must post the calculated no-new-revenue tax rate and voter-approval tax rates, along with certain debt information, on the home page of the city's website in the form prescribed by the comptroller. *Id.* The designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller in calculating the no-new-revenue and voter-approval tax rates, and may not submit the rates to the city council, and the city council may not adopt a tax rate, until the designated officer or employee certifies on the tax rate calculation forms that the person has accurately calculated the tax rates and used values from the city's certified appraisal roll in performing the calculations. TEX. TAX CODE § 26.04(d-1) and (d-2). As soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the city, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the city is located. TEX. TAX CODE § 26.04(d-3).

August 11 – last day to publish notice of budget hearing. TEX. LOC. GOV'T CODE § 102.0065 (not later than 10th day before the budget hearing). Note that the notice may not be published earlier than the 30th day before the hearing. The budget hearing notice must contain specific information about property tax increases. TEX. LOC. GOV'T CODE § 102.0065(d).

August 7 – The designated officer or employee must submit the no-new-revenue and voter-approval tax rates to the city council by this date, or as soon thereafter as practicable. TEX. TAX CODE § 26.04(e). (Note: nothing in the Tax Code requires the designated officer or employee to calculate the de minimis rate for a city under 30,000 in population. Cities are encouraged to communicate with their designated officer or employee in advance of this date to confirm the calculation of the de minimis rate.) Additionally, the designated officer or employee must post the calculated no-new-revenue tax rate and voter-approval tax rates, along with certain debt information, on the home page of the city's website in the form prescribed by the comptroller. *Id.* The designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller in calculating the no-new-revenue and voter-approval tax rates, and may not submit the rates to the city council, and the city council may not adopt a tax rate, until the designated officer or employee certifies on the tax rate calculation forms that the person has accurately calculated the tax rates and used values from the city's certified appraisal roll in performing the calculations. TEX. TAX CODE § 26.04(d-1) and (d-2). As soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the city, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the city is located. TEX. TAX CODE § 26.04(d-3).

August 29 – last day for budget officer to file proposed budget with municipal clerk if the city plans to wait until September 29 to adopt the tax rate. TEX. LOC. GOV'T CODE § 102.005 (*before 30th day before tax rate adopted* – thus, if a city plans to adopt tax rate before September 29, the proposed budget must be filed sooner). The proposed budget must contain a special cover page if the budget will raise more total property taxes than the previous year. The city secretary must post the proposed budget on the city's website if the city maintains one. Additionally, the proposed budget must include a line item comparing expenditures in the proposed budget and actual expenditures in the preceding year for: (1) notices required to be published in the newspaper; and (2) directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Government Code Sec. 305.002. TEX. LOC. GOV'T CODE § 140.0045.

August 15– City council should **hold a record vote approving proposed tax rate**. Although there is not statutorily-defined procedure for the city council to follow in determining the proposed tax rate, this date effectively serves as the deadline, as the required notices of the tax rate hearing include the proposed tax rate (see below). Also, the required notice of the tax rate hearing requires the names of all members of the governing body, showing how each voted on the proposed tax rate and indicating the absences, if any, during the vote on the proposed tax rate. TEX. TAX CODE § 26.06(c) and 26.061.

August 15– Continuous **Internet and T.V. notice of tax rate public hearing** begins, if applicable. TEX. TAX CODE § 26.065. The notice must be posted continuously for at least seven days immediately before the public hearing on the proposed tax rate increase and at least seven days immediately before the date of the vote proposing the increase in the tax rate. *Id.* For content of published notice and Internet and T.V. notice, see Tax Code Sections 26.06(b-1), (b-2), and (b-3).

August 17 – Last day to **publish notice of tax rate hearing**. TEX. TAX CODE § 26.06(a) (the public hearing may not be held before the fifth day after the date the notice of the public hearing is given). The notice may be delivered by mail to each property owner, or may be published in a newspaper. TEX. TAX CODE § 26.06(c). If the notice is published in the newspaper, the city must also post the notice prominently on the home page of the city's website from the date the notice is first published until the public hearing is concluded. *Id.* The notice must be in the form prescribed by Tax Code Section 26.06 or 26.061, and must include the table described in Tax Code Section 26.062. A city adopting a rate triggering an automatic election or the right to petition for an election must modify the notice in accordance with Tax Code Section 26.063.

August 21 – last day for **hearing on budget**. TEX. LOC. GOV'T CODE § 102.006(b) (hearing shall be before the date of the tax levy). Note that the hearing must be after the 15th day after the proposed budget is filed with the clerk. Also, the city must take some sort of **action on the budget** at conclusion of hearing. TEX. LOC. GOV'T CODE § 102.007. This action could be the adoption of the budget, or else a vote to postpone the final budget vote. It is generally accepted that the city need not adopt the budget at the end of the hearing.

September 18 – last day to **publish notice of budget hearing**. TEX. LOC. GOV'T CODE § 102.0065 (not later than 10th day before the budget hearing). Note that the notice may not be published earlier than the 30th day before the hearing. The budget hearing notice must contain specific information about property tax increases. TEX. LOC. GOV'T CODE § 102.0065(d).

September 22 – City council should **hold a record vote approving proposed tax rate**. Although there is not statutorily-defined procedure for the city council to follow in determining the proposed tax rate, this date effectively serves as the deadline, as the required notices of the tax rate hearing include the proposed tax rate (see below). Also, the required notice of the tax rate hearing requires the names of all members of the governing body, showing how each voted on the proposed tax rate and indicating the absences, if any, during the vote on the proposed tax rate. TEX. TAX CODE § 26.06(c) and 26.061.

September 22 – Continuous **Internet and T.V. notice of tax rate public hearing** begins, if applicable, and if the proposed tax rate will exceed the no-new-revenue rate. TEX. TAX CODE § 26.065. The notice must be posted continuously for at least seven days immediately before the public hearing on the proposed tax rate increase and at least seven days immediately before the date of the vote proposing the increase in the tax rate. *Id.* For content of published notice and Internet and T.V. notice, see Tax Code Sections 26.06(b-1), (b-2), and (b-3).

September 24 – Last day to **publish notice of tax rate hearing**, if the proposed tax rate will exceed the no-new-revenue rate, **or the meeting to adopt the tax rate**, if the tax rate does not exceed the no-new-revenue rate. TEX. TAX CODE § 26.06(a) (the public hearing may not be held before the fifth day after the date the notice of the public hearing is given). The notice may be delivered by mail to each property owner, or may be published in a newspaper. TEX. TAX CODE § 26.06(c). If the notice is published in the newspaper, the city must also post the notice prominently on the home page of the city's website from the date the notice is first published until the public hearing is concluded. *Id.* The notice must be in the form prescribed by Tax Code Section 26.06 or 26.061, and must include the table described in Tax Code Section 26.062. A city adopting a rate triggering an automatic election or the right to petition for an election must modify the notice in accordance with Tax Code Section 26.063.

August 22 – city should **adopt the budget** no later than this date. TEX. LOC. GOV'T CODE § 102.009 (city may only levy taxes in accordance with budget, and because levy cannot take place later than August 22 (see below), this is the effective deadline for property taxing cities). The city council must take a separate ratification vote to adopt any budget that will raise total property tax revenue. TEX. LOC. GOV'T CODE § 102.007(c). The budget must contain a special cover page that includes: (a) a specific statement on the whether the budget raises more, less, or the same amount of property tax revenue compared to the previous year's budget; (b) the record vote of each member of the city council by name voting on the adoption of the budget; (c) the city property tax rates for the preceding and current fiscal years, including the adopted rate, no-new-revenue tax rate, no-new-revenue maintenance and operations tax rate, voter-approval tax rate, and debt rate; and (d) the total amount of city debt obligations secured by property taxes. TEX. LOC. GOV'T CODE § 102.007(d). The adopted budget, including the cover page, must be posted on the city's website if the city has one. The city council shall include as an appendix to the city's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee to calculate the city's no-new-revenue tax rate and the voter-approval tax rate for the tax year in which the fiscal year begins. TEX. TAX CODE § 26.04(e-5).

September 28 – last day for **hearing on budget**. TEX. LOC. GOV'T CODE § 102.006(b) (hearing shall be before the date of the tax levy). Note that the hearing must be after the 15th day after the proposed budget is filed with the clerk. Also, the city must take some sort of **action on the budget** at conclusion of hearing. TEX. LOC. GOV'T CODE § 102.007. This action could be the adoption of the budget, or else a vote to postpone the final budget vote. It is generally accepted that the city need not adopt the budget at the end of the hearing.

September 29 – city should **adopt the budget** no later than this date. TEX. LOC. GOV'T CODE § 102.009 (city may only levy taxes in accordance with budget, and because levy cannot take place later than September 29 (see below), this is the effective deadline for property taxing cities). The city council must take a separate ratification vote to adopt any budget that will raise total property tax revenue. TEX. LOC. GOV'T CODE § 102.007(c). The budget must contain a special cover page that includes: (a) a specific statement on the whether the budget raises more, less, or the same amount of property tax revenue compared to the previous year's budget; (b) the record vote of each member of the city council by name voting on the adoption of the budget; (c) the city property tax rates for the preceding and current fiscal years, including the adopted rate, no-new-revenue tax rate, no-new-revenue maintenance and operations tax rate, voter-approval tax rate, and debt rate; and (d) the total amount of city debt obligations secured by property taxes. TEX. LOC. GOV'T CODE § 102.007(d). The adopted budget, including the cover page, must be posted on the city's website if the city has one. The city council shall include as an appendix to the city's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee to calculate the city's no-new-revenue tax rate and the voter-approval tax for rate the tax year in which the fiscal year begins. TEX. TAX CODE § 26.04(e-5).

August 22 – Must hold tax rate hearing and adopt a tax rate exceeding the greater of the taxing unit's voter-approval tax rate or de minimis tax rate no later than this date. TEX. TAX CODE § 26.05(a) (city council must adopt a tax rate that exceeds the voter-approval tax rate not later than the 71st day before the November uniform election date; however, the city council must order the automatic election by no later than the 78th day before the November election date under Election Code Section 3.005(c), effectively making the deadline to adopt the tax rate the 78th day before the November uniform election date). The hearing must be held on a weekday that is not a public holiday. TEX. TAX CODE § 26.06(a). The city council may vote on the proposed tax rate at the public hearing. If the city council does not vote on the proposed tax rate at the public hearing, the city council shall announce at the public hearing the date, time, and place of the meeting at which it will vote on the proposed tax rate, and that meeting may not be held later than the seventh day after the date of the public hearing. TEX. TAX CODE § 26.06(e). The city council must separately approve the maintenance and operations component and the debt service component of the tax rate. TEX. TAX CODE § 26.05(a). The motion to adopt a tax rate that exceeds the no-new-revenue rate must be made precisely as follows: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate." If the tax rate will exceed the no-new-revenue tax rate, the vote on the ordinance setting the tax rate must be a record vote and must be approved by at least 60 percent of the members of the city council. TEX. TAX CODE § 26.05(b). Tax Code Section 26.05 contains several other precise requirements regarding notice in the tax rate ordinance itself that must be complied with if the city adopts a rate exceeding the no-new-revenue tax rate. The city council may not hold its public hearing or public meeting to adopt a tax rate until the fifth day after the date the chief appraiser of each appraisal district in which the city participates has delivered its tax estimate notice under Tax Code Sec. 26.04(e-2) and made various types of tax rate information and the tax rate calculation forms available on to the public via the property tax database under Tax Code Sec. 26.17(f). TEX. TAX CODE. § 26.05(d-1).

September 29 – Must hold tax rate hearing (if applicable) and **adopt tax rate** no later than this date. TEX. TAX CODE § 26.05 (or 60th day after receipt of appraisal roll, whichever is later. If the city uses the 60 day rule, almost every date in this memo would need to be recalculated). The hearing must be held on a weekday that is not a public holiday. TEX. TAX CODE § 26.06(a). The city council may vote on the proposed tax rate at the public hearing. If the city council does not vote on the proposed tax rate at the public hearing, the city council shall announce at the public hearing the date, time, and place of the meeting at which it will vote on the proposed tax rate, and that meeting may not be held later than the seventh day after the date of the public hearing. TEX. TAX CODE § 26.06(e). The city council must separately approve the maintenance and operations component and the debt service component of the tax rate. TEX. TAX CODE § 26.05(a). The motion to adopt a tax rate that exceeds the no-new-revenue rate must be made precisely as follows: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate." If the tax rate will exceed the no-new-revenue tax rate, the vote on the ordinance setting the tax rate must be a record vote and must be approved by at least 60 percent of the members of the city council. TEX. TAX CODE § 26.05(b). Tax Code Section 26.05 contains several other precise requirements regarding notice in the tax rate ordinance itself that must be complied with if the city adopts a rate exceeding the no-new-revenue tax rate. The city council may not hold its public hearing or public meeting to adopt a tax rate until the fifth day after the date the chief appraiser of each appraisal district in which the city participates has delivered its tax estimate notice under Tax Code Sec. 26.04(e-2) and made various types of tax rate information and the tax rate calculation forms available on to the public via the property tax database under Tax Code Sec. 26.17(f). TEX. TAX CODE. § 26.05(d-1).

August 22 – If the city adopts a rate exceeding the greater of the taxing unit's voter-approval tax rate or de minimis tax rate, the city must **order the automatic election** to approve the tax rate no later than the 78th day before the November uniform election date. TEX. ELEC. CODE § 3.005(c). At the election, the ballots shall be prepared to permit voting for or against the proposition: "Approving the ad valorem tax rate of \$_____ per \$100 valuation in (name of city) for the current year, a rate that is \$_____ higher per \$100 valuation than the voter-approval tax rate of (name of city), for the purpose of (description of purpose of increase). Last year, the ad valorem tax rate in (name of city) was \$_____ per \$100 valuation." The ballot proposition must include the adopted tax rate, the difference between the adopted tax rate and the voter-approval tax rate, and the city's tax rate for the preceding tax year in the appropriate places. TEX. TAX CODE § 26.07(c).

August 29 – A city adopting a tax rate that exceeds the voter-approval tax rate, but is less than the de minimis tax rate, must **adopt its tax rate** no later than this day. TEX. TAX CODE § 26.05(a) (city council must adopt a tax rate that exceeds the voter-approval tax rate not later than the 71st day before the November uniform election date). The city council must separately approve the maintenance and operations component and the debt service component of the tax rate. TEX. TAX CODE § 26.05(a). The motion to adopt a tax rate that exceeds the no-new-revenue rate must be made precisely as follows: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate." If the tax rate will exceed the no-new-revenue tax rate, the vote on the ordinance setting the tax rate must be a record vote and must be approved by at least 60 percent of the members of the city council. TEX. TAX CODE § 26.05(b). Tax Code Section 26.05 contains several other precise requirements regarding notice in the tax rate ordinance itself that must be complied with if the city adopts a rate exceeding the no-new-revenue tax rate.

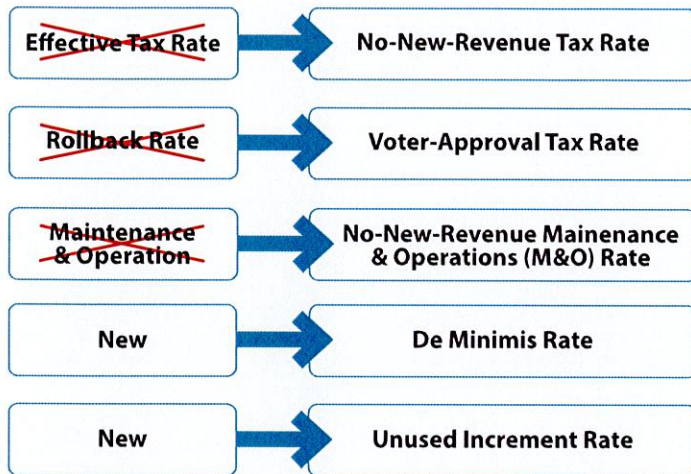
¹ This memo applies to a city of less than 30,000 only if that city's de minimis rate exceeds the city's voter-approval rate. If a city is one of the very few cities in this state with a population of less than 30,000 that has a de minimis rate that is equal to or lower than the city's voter-approval rate, the city should refer to TML's memo on tax and budget deadlines for cities with populations of 30,000 or more.

Truth-In-Taxation (TNT) Basics

(For Taxing Units Other Than School Districts)

Terminology and Calculations for Taxing Units

Senate Bill 2, 86th Legislative Session made several significant changes to the truth-in-taxation process. Below is new terminology and calculations from this legislation.



The calculations are:

(1) "No-New-Revenue Tax Rate"

means a rate expressed in dollars per \$100 of taxable value calculated to the following formula:

$$\text{NO-NEW-REVENUE} = \frac{(\text{LAST YEAR'S LEVY} - \text{LOST PROPERTY LEVY})}{(\text{CURRENT TOTAL VALUE} - \text{NEW PROPERTY VALUE})}$$

(2) "Voter-Approval Tax Rate"

means a rate expressed in dollars per \$100 of taxable value calculated to one of the following applicable formulas:

(A) For a special taxing unit:

$$\text{VOTER-APPROVAL TAX RATE} = (\text{NO-NEW-REVENUE M\&O RATE} \times 1.08) + \text{CURRENT DEBT}$$

(B) For a taxing unit other than a special taxing unit:

$$\text{VOTER-APPROVAL TAX RATE} = (\text{NO-NEW-REVENUE M\&O RATE} \times 1.035) + \text{CURRENT DEBT RATE} + \text{UNUSED INCREMENT RATE}$$

What adopted tax rates trigger an election or petition

ADOPTED TAX RATE IS:

BELOW voter-approval tax rate	No election required
ABOVE voter-approval tax rate but BELOW de minimis rate	Voters may petition for an election*
ABOVE voter-approval tax rate; Taxing unit does not calculate a de minimis rate	Election required**
ABOVE voter-approval tax rate and ABOVE the de minimis rate	Election required

* The election trigger in a municipality with a population of less than 30,000 that does not meet the definition of a special taxing unit may differ. See Tax Code Secs. 26.063 and 26.075 for details on when voters may petition for an election.

** See Water Code Secs. 49.23601, 49.23602, and 49.23603 for details on election requirements for water districts.

Revenue Threshold in Voter-Approval Tax Rate

(or threshold over which voters must approve tax increases)

Taxing Unit	Voter-Approval Tax Rate
Cities / Counties	3.5%
Special Taxing Units*	8%

* Hospitals, Junior Colleges and Special Districts with M&O tax rate of 2.5 cents or less

Where can I find more information?

Information is typically obtained from the resources below, but may be different for your taxing unit.

What information is available from my appraisal district?

1. Certified taxable values
2. Property value under protest
3. New real property and improvement value
4. Value of property lost
5. Captured appraisal values for tax increment financing (TIFs)
6. Property known, but not certified
7. Property with tax ceiling

What information is available from my governing body?

1. Debt information
2. Unencumbered fund balance
3. TIF payments
4. Amount if transferring a function
5. Sales tax spent for no-new-revenue maintenance and operations
6. Enhanced indigent health care information
7. Criminal justice mandate information

What information is available from Texas Comptroller of Public Accounts?

1. Railroad rolling stock value
2. Sales tax information (if applicable)

What information is available from collectors?

1. Refund information
2. Excess collections

Terms and Definitions

No-new-revenue tax rate

(Last year's levy minus lost property levy) divided by (current total value minus new property value).

Voter-approval tax rate for a special taxing unit

Voter-approval tax rate equals (no-new-revenue maintenance and operations tax rate times 1.08) plus current debt rate.

Voter-approval tax rate for a taxing unit other than a special taxing unit

(No-new-revenue maintenance and operations tax rate times 1.035) plus current debt plus unused increment rate.

No-new-revenue maintenance and operations rate

(Last year's levy minus last year's debt minus last year's junior college levy) divided by (current total value minus new property value).

De minimis rate

The rate is equal to the sum of:

- (A) a taxing unit's no-new-revenue maintenance and operations rate;
- (B) the rate that when applied to a taxing current total value, will impose an amount of taxes equal to \$500,000, and
- (C) a taxing unit's current debt rate.

Unused increment rate

A taxing unit that did not use all of its revenue growth may bank that unused growth as long as the taxing unit averaged below 3.5 percent of the voter-approval rate over three years.

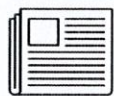
For more information, visit our website:
comptroller.texas.gov/taxes/property-tax

Texas Comptroller of Public Accounts
Publication #98-1080
March 2022

Notice of Public Hearings on Tax Increases

Tax Increases for all taxing units OTHER than School Districts, Small Taxing Units and Water Districts

Notice in Newspaper or Mail



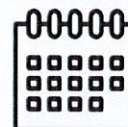
- Notice of public hearing required by Tax Code Section 26.05 – may not be held before the 5th day (not ISDs) after the chief appraiser of each CAD in which the taxing unit participates has delivered the notice by Section 26.04 (e-2) and complied with Section 26.17(f).

Public Hearing



- Governing body holds public hearing.
- Announces the date, time and place of vote (7th day deadline).

Meeting to Adopt Tax Rate



- Governing body holds meeting to adopt tax rate
- Must not be held later than the 7th day after the public hearing.

Tax Increases for School Districts, Small Taxing Units and Water Districts

School Districts

Education Code Section 44.004



- Publishes one notice the *Notice of Public Meeting to Discuss Budget and Proposed Tax Rate*.
- In local newspaper no later than 10 days or earlier than 30 days before the date of the public meeting

Small Taxing Units

Tax Code Section 26.052



- Small taxing unit tax rate of .50 cents or less raising \$500,000 or less.
- Small notice in newspaper but also post on website homepage.

Water Districts

Water Code Section 49.107



- Publishes *Notice of Public Hearing on Tax Rate* and *Notice of Vote on Tax Rate*.
- Publish in newspaper or by mail.

Formula (Cities and Counties)	Automatic Ratification	No Election
Proposed Tax Rate > No-New-Revenue Rate > Voter-Approval Rate	✓	
Proposed Tax Rate ≤ No-New-Revenue Rate > Voter-Approval Rate	✓	
Proposed Tax Rate > No-New-Revenue Rate ≤ Voter-Approval Rate		X
Proposed Tax Rate < No-New-Revenue Rate < Voter-Approval Rate		X
Note	> Means greater than < Means less than ≤ Means less than or equal to	

Taxing Units	Newspaper	Internet	Hearing	Meeting
Cities and Counties	Any Section (except the section in which legal notices and classified ads appear)	✓	✓	✓
School Districts	Any Section	Not Required Under Tax Code Section 26.06(g)	✓	✓
Small Taxing Districts	Legal Section or by Mail	✓	✓	✓
Water Districts	Any Section	Not Required Under Water Code Section 49.107	✓	✓

Truth-in-Taxation Important Dates

Date	Action
April 1 ¹	Chief appraisers send notices of appraised value on single family residences by this date or as soon thereafter as practicable.
April 30 ²	Chief appraisers prepare and certify the estimate of the taxable value of property in counties, cities and school districts to tax assessors.
May 1 ³	Chief appraisers send notices of appraised value on all other property by this date or as soon thereafter as practicable.
July 20 ⁴	Appraisal review boards approve the appraisal records. This date may extend to Aug. 30 for certain larger counties.
July 25 ⁵	Chief appraisers certify the approved appraisal roll to the taxing units.
Aug. 7 ⁶	Certain taxing units publish notice of no-new-revenue and voter-approval tax rates by this date or as soon thereafter as practicable.
August – September ⁷	Taxing units adopt their budgets according to their fiscal years. School districts must publish a <i>Notice of Public Meeting to Discuss Budget and Proposed Tax Rate</i> 10 to 30 days before the public meeting date. (School districts with a July 1 fiscal year adopt budgets in June and follow a different schedule). Most taxing units adopt a tax rate after adopting their budgets.
Before Sept. 30 ⁸	Taxing units other than water districts must adopt their tax rate before this date or 60 days after receiving the appraisal roll, whichever date is later. The governing body must adopt a tax rate that exceeds the voter-approval tax rate no later than the 71 st day before the next uniform election date that occurs in November of that year.
Oct. 1 ⁹	Tax assessors prepare and mail tax bills by this date or as soon thereafter as practicable.

¹ Tex. Tax Code § 25.19(a)

² Tex. Tax Code § 26.01(e)

³ Tex. Tax Code § 25.19(a)

⁴ Tex. Tax Code § 41.12(a)

⁵ Tex. Tax Code § 26.01(a)

⁶ Tex. Tax Code § 26.04(e)

⁷ Tex. Ed. Code § 44.004(b)

⁸ Tex. Tax Code § 26.05(a) and Tex. Election Code § 3.005(c)

⁹ Tex. Tax Code § 31.01(a)

THE WYLIE NEWS

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Collin County values continue to climb



Dustin Butler/The Wylie News

Wylie had a 13% increase in taxable value, with \$295 million in new construction added to the tax roll. The average price of a home in 2022 was \$380,100 compared to \$299,367 in 2021.

By Dustin Butler
dbutler@csmediatexas.com

Collin County property values once again are showing a significant increase, according to figures released by Collin Central Appraisal District (CCAD).

The CCAD mailed the 2022 real property appraisal notices to property owners on April 15. Business personal property mailings are scheduled for mid-May.

According to Chief Appraiser Bo Daffin there are several factors for the value increases.

"It is my opinion that limited supply and heavy demand are the primary factors leading to increased appraisals," Daffin said.

The chief appraiser said the supply impact includes rising construction costs for labor and construction materials. The demand impact includes the state's population and job growth and historically low mortgage rates.

Property values in the county increased by 12.82% to \$188 billion with \$6.5 billion in new property added to the tax roll.

CCAD reported the average cost of a Collin County home in

2022 was \$509,500, compared to \$396,572 in 2021.

In the city of Wylie, CCAD data shows a 13% increase in taxable value, from \$5.6 billion to \$6.3 billion with \$140 million in new construction.

The average price of a home in Wylie is \$380,100. Last year's figures showed the price of a home at \$299,367.

Wylie Independent School District had a 14% increase in taxable value to \$9.3 billion. Of the increase, \$295 million was in new construction. The

See WYLIE page 3A

Property value estimates show 13% increase

continued from 1A

average price of a home with-in WISD came in at \$410,100, compared to \$320,776 in 2021.

The numbers for Collin College show a 12% increase to \$192 billion with \$6.5 billion added to the tax roll.

Wylie residents pay property taxes to the city, county, school district and Collin College.

In Collin County Water Control and Improvement District Number 3, the Inspiration community, values increased 24% to \$579 million with \$69 million added to the tax roll. The average cost of a home is \$504,200 compared to \$389,010 reported last year. The Seis Lagos Utility District had an increase of 11% to \$318 million with \$14

million in new construction and an average price of a home at \$723,900.

In St. Paul, values increased to \$6.3 billion, a 13% increase from last year and \$2.7 million added to the tax rolls. The average cost of a home was \$489,400, compared to \$372,617.

In nearby Parker, the reported property taxable value was \$1.4

billion, a 14% increase with \$60 million added to the tax rolls. The cost of a home in Parker was reported as \$916,100, compared to \$684,385.

Values in Nevada increased by 14% to \$157 million with nearly \$2.5 million in new construction. The of a home in Nevada increased from \$270,974 to \$343,100.

Community ISD increased

to \$1.9 billion, a 26% increase with \$245 million added to the tax rolls. The cost of a home in Community ISD increased to \$332,800 from \$263,195.

Property owners have until Monday, May 16 to file a tax protest. Residents can file online at efileprotest.collincad.org, by mail or by dropping off their form at the CCAD customer service counter.

Collin Central Appraisal District

2022 Preliminary Estimate of Taxable Value

Taxing Entity Name	2021 Certified Taxable Value, Supp #11, March 4, 2021	2022 Estimated New Construction (Included in Estimated Taxable)	2022 Annexations Taxable (Included in Estimated Taxable)	2022 Certified Estimate of Taxable Value	2022 Est. Taxable Value Change Compared to 2020	2022 Avg. Home Market Value
Schools						
Community ISD	\$1,552,691,542	\$245,669,000	\$0	\$1,970,000,000	26.88%	\$332,800
Farmersville ISD	\$922,664,403	\$59,277,000	\$0	\$1,080,000,000	17.05%	\$314,200
Lovejoy ISD	\$3,328,151,256	\$88,560,000	\$0	\$3,740,000,000	12.37%	\$826,900
Plano ISD	\$61,729,605,935	\$66,863,600	\$0	\$67,600,000,000	9.51%	\$504,100
Princeton ISD	\$2,242,560,755	\$453,287,000	\$0	\$2,900,000,000	29.32%	\$295,000
Wylie ISD	\$8,219,220,378	\$295,948,000	\$0	\$9,380,000,000	14.12%	\$410,100
Cities & Towns						
City of Farmersville	\$325,967,840	\$28,268,000	\$0	\$389,000,000	19.34%	\$248,400
City of Lavin	\$488,773,781	\$97,643,000	\$0	\$637,000,000	30.33%	\$357,200
Lowry Crossing	\$192,901,278	\$1,626,000	\$0	\$212,000,000	9.90%	\$377,800
City of Lucas	\$1,617,642,165	\$84,117,000	\$0	\$1,830,000,000	13.13%	\$908,900
City of Murphy	\$2,732,247,218	\$11,275,000	\$0	\$3,040,000,000	11.26%	\$523,700
City of Nevada	\$137,621,434	\$2,439,000	\$0	\$157,000,000	14.08%	\$343,100
City of Parker	\$1,225,946,892	\$60,530,000	\$0	\$1,400,000,000	14.20%	\$916,100
City of Princeton	\$1,650,403,211	\$376,858,000	\$0	\$2,150,000,000	30.27%	\$306,700
City of Sachse*	\$1,134,704,685	\$78,039,000	\$0	\$1,310,000,000	15.45%	\$446,700
City of St. Paul	\$135,047,919	\$2,796,000	\$0	\$151,000,000	11.81%	\$489,400
City of Wylie	\$5,602,318,017	\$140,725,000	\$0	\$6,340,000,000	13.17%	\$380,100
Collin County	\$167,087,004,367	\$6,550,696,000	\$0	\$188,500,000,000	12.82%	\$509,500
Collin College	\$170,402,481,898	\$6,550,696,000	\$0	\$192,300,000,000	12.85%	\$509,500
Collin County WCID#3**	\$466,879,626	\$69,266,000	\$0	\$579,000,000	24.01%	\$504,200
Seis Lagos SUD	\$284,405,427	\$14,944,000	\$0	\$318,000,000	11.81%	\$723,900

* Collin County portion. ** Inspiration.

Preliminary taxable totals as of April 28, 2022



CITY OF LAVON

Agenda Brief

MEETING: May 17, 2022

ITEM: 11

Item:

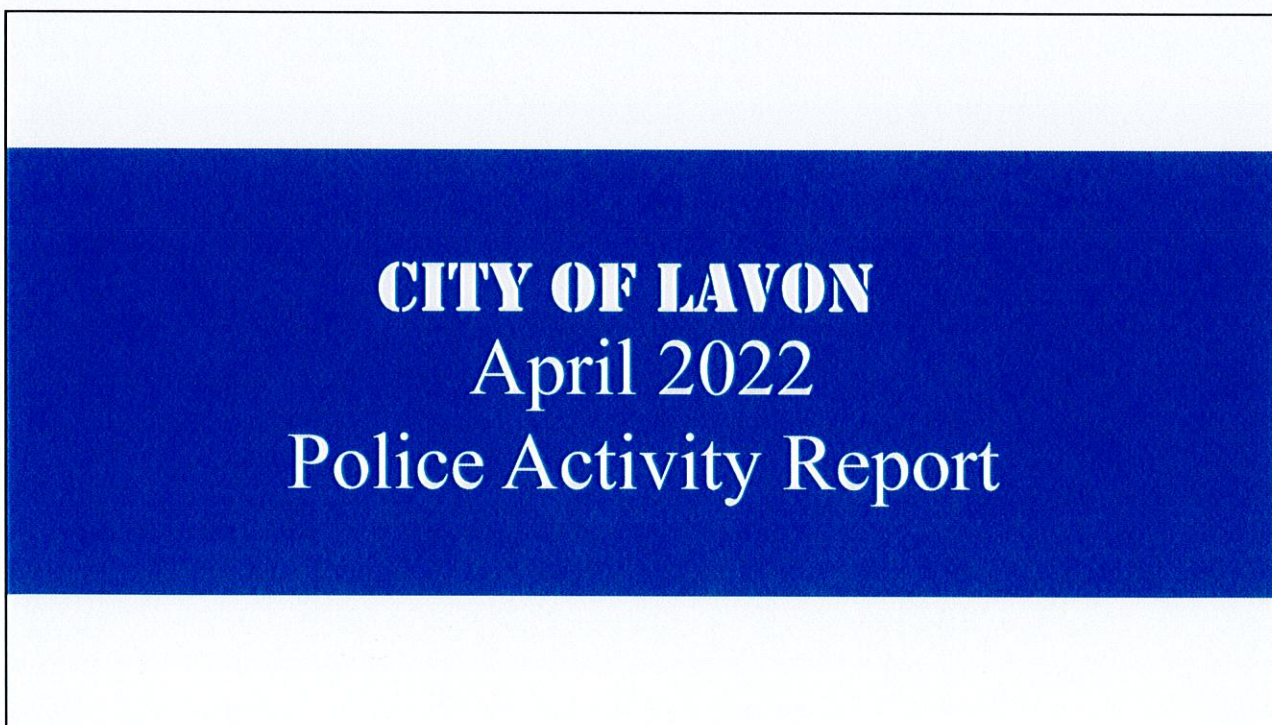
DEPARTMENT REPORTS

Members may receive and discuss the reports.

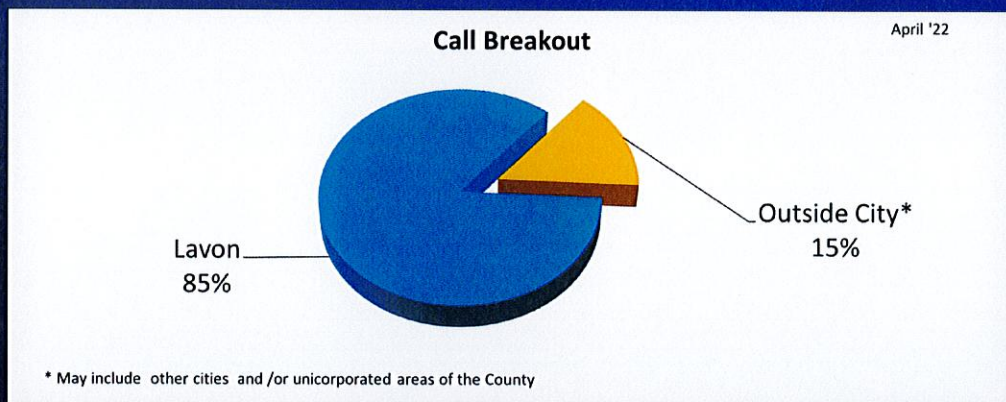
- A.** Police Services – Service, activity, programs, and administration report
- B.** Fire Services – Service, activity, programs, and administration report
- C.** Public Works Services – Utilities, capital projects, public works, and street maintenance report
- D.** Administration Services – Building Permits; CWD Service; Collin County Tax Collection; Sales Tax; Financial Report, Quarterly Investment Report, SH 205 Widening Report; and administration and staff reports



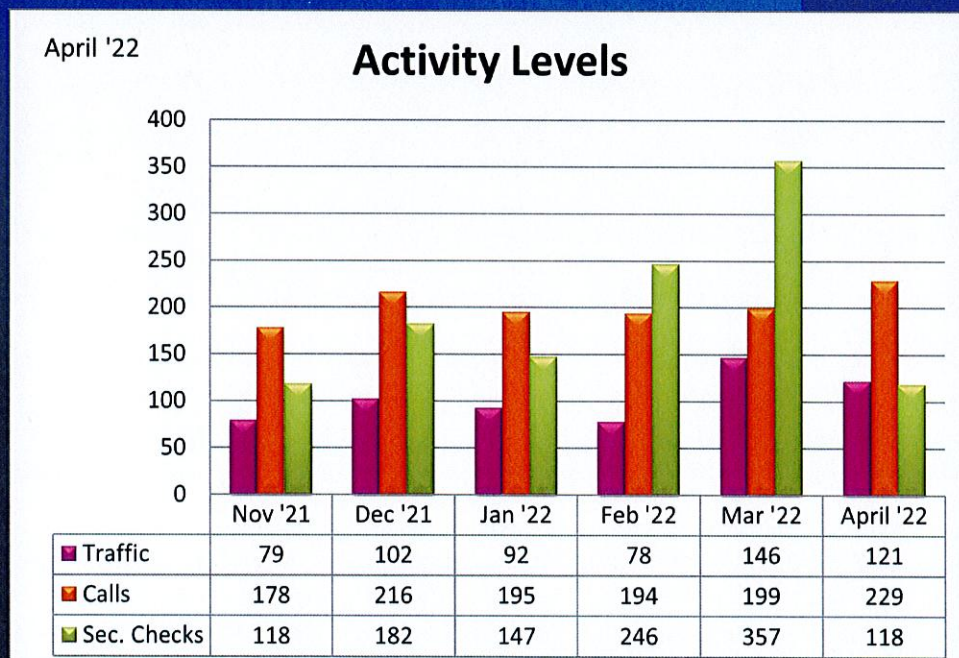
1



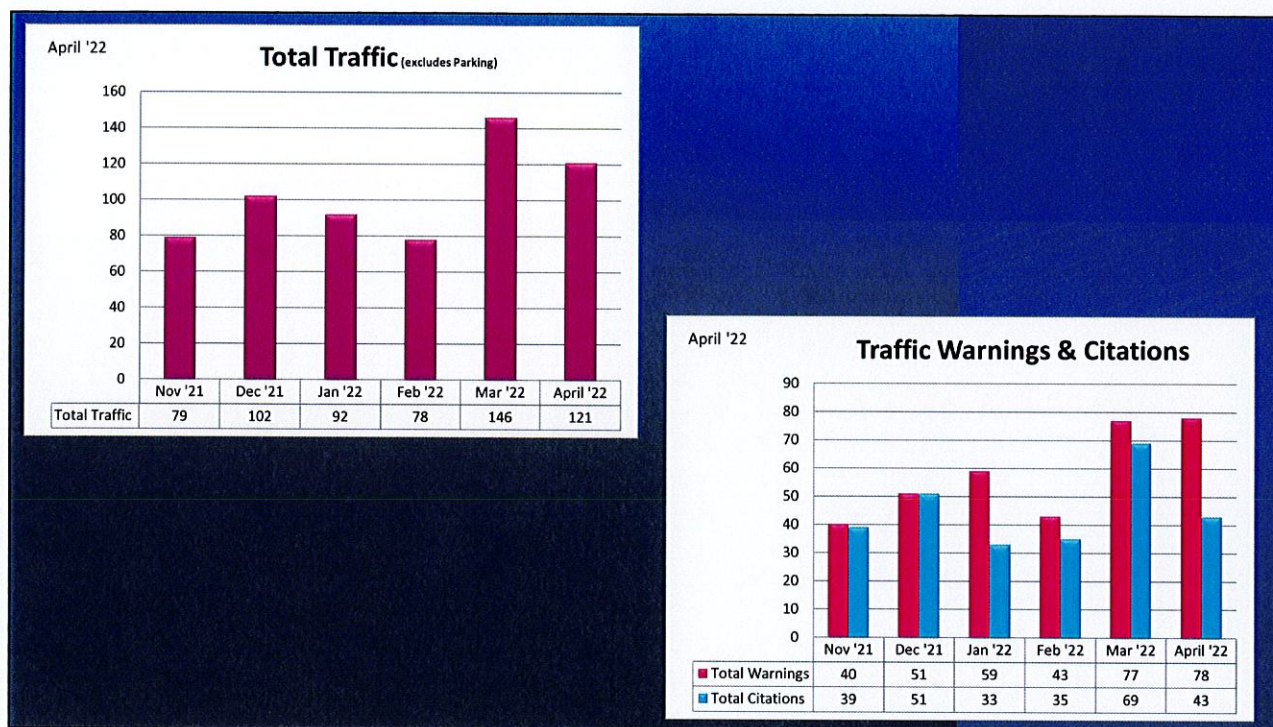
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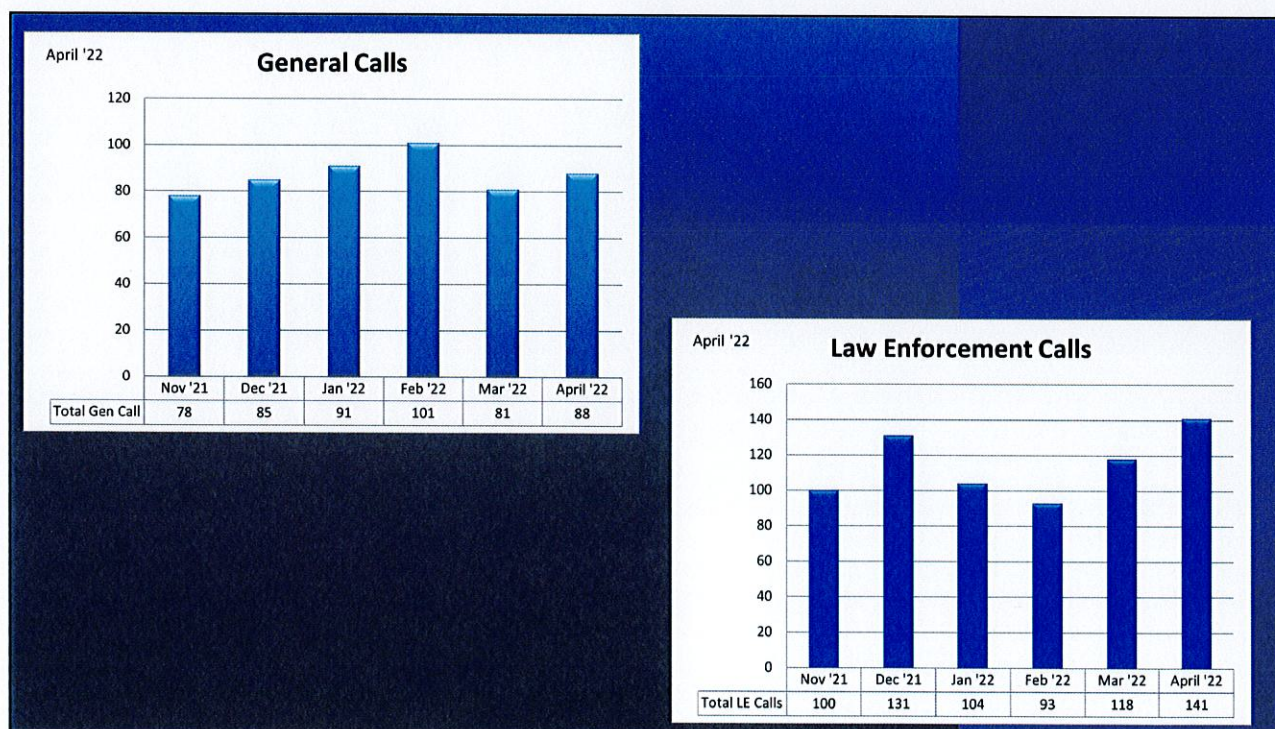
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4

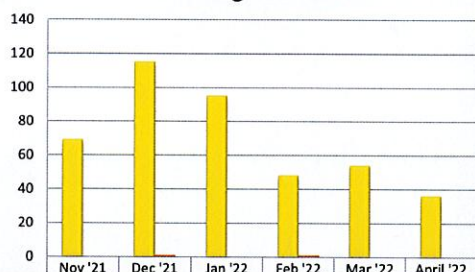


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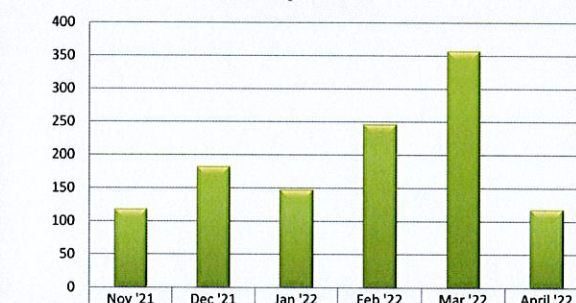
6

April '22

Parking Violations

	Nov '21	Dec '21	Jan '22	Feb '22	Mar '22	April '22
Parking Warning	69	115	95	48	54	36
Parking Citations	0	1	0	1	0	0

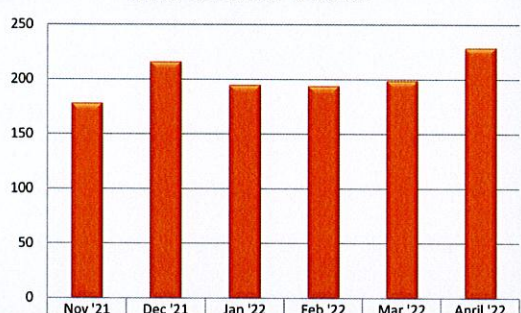
April '22

Security Checks

	Nov '21	Dec '21	Jan '22	Feb '22	Mar '22	April '22
Sec. Checks	118	182	147	246	357	118

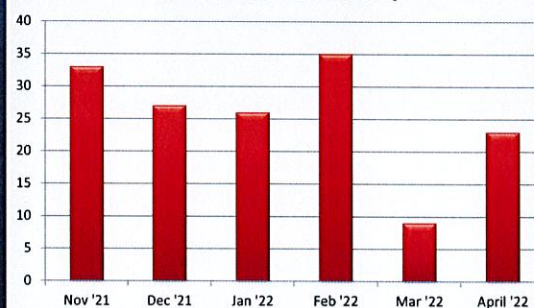
7

April '22

Total Calls For Service

	Nov '21	Dec '21	Jan '22	Feb '22	Mar '22	April '22
Total CFS	178	216	195	194	199	229

April '22

**Criminal Offenses
(excludes "C" Traffic)**

8



Previous Month ▾

Apr 1, 2022 - Apr 30, 2022 ▾

35%

FIRE

Percentage of Total Incidents

56%

EMS

Percentage of Total Incidents

52

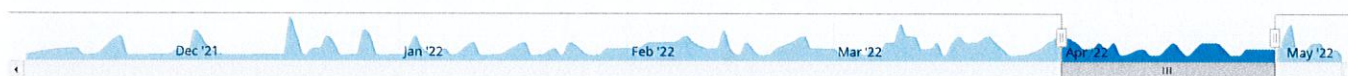
INCIDENTS

In Selected Time Slice

30

DAYS

In Selected Time Slice



Counts

% Rows

% Columns

% All

Week Ending	4/3/22	4/10/22	4/17/22	4/24/22	5/1/22	5/8/22	5/15/22	5/22/22	5/29/22	6/5/22	6/12/22	6/19/22	6/26/22	Total
(11) Structure Fire	1				1									2
(13) Mobile property (vehicle) fire		1												1
(15) Outside rubbish fire		1												1
(31) Medical assist		1												1
(32) Emergency medical service (EMS) incident	5	4	5	8	6									28
(41) Combustible/f., spills & leaks			1											1
(44) Electrical wiring/equipm. problem			1											1
(46) Accident, potential accident		1												1
(48) Attempted burning, illegal action			1											1
(51) Person in distress		1												1
(53) Smoke, odor problem				1										1
(55) Public service assistance		1	1											2
(61) Dispatched and canceled en route				1	1									2
(67) HazMat release investigation w/no HazMat		1												1
(70) False alarm and false call, other				1										1

Week Ending	4/3/22	4/10/22	4/17/22	4/24/22	5/1/22	5/8/22	5/15/22	5/22/22	5/29/22	6/5/22	6/12/22	6/19/22	6/26/22	Total
(73) System or detector malfunction	1													1
(90) Special type of incident, other		1												1
NULL		1		1	3									5
Total	7	13	9	12	11									52

CITY OF LAVON
BUILDING PERMITS
CALENDAR YEAR 2021-2022

PERMITS	April - 22	Calendar Year 2022	Permit Valuations	April - 21	Calendar Year 2021	Permit Valuations
	NUMBER	NUMBER	Permit Fee's	NUMBER	NUMBER	Permit Fee's
COMMERCIAL	9	21	\$775.00	7	12	\$20,609.00
SINGLE FAMILY	38	155	\$501,098.36	63	167	\$500,764.29
POOLS	1	2	\$800.00	0	0	\$0.00
OTHERS	106	308	\$35,217.53	40	245	\$30,188.07
TOTAL	154	486	\$537,890.89	110	424	\$551,561.36



ABERNATHY ROEDER
BOYD HULLETT

EST. 1876

1700 Redbud Boulevard, Suite 300 | McKinney, Texas 75069

April 30, 2022

Kim Dobbs
City Administrator
The City of Lavon
PO Box 340
Lavon, TX 75166
Via eMail: kim.dobbs@cityoflavon.org

RE: Delinquent Tax Collections, July, 2021 through March, 2022

Dear Kim,

Thank you for letting us help the City of Lavon collect its delinquent property taxes this last quarter. This memorandum provides you with information about changes in your delinquent tax roll made during the July, 2021 through March, 2022 time period. This information is based on data provided to us by the Collin County Tax Office on April 8, 2022, and other internal account data maintained by our office.

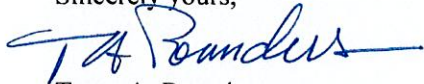
Since July 1, 2021, 9 of your delinquent accounts now have a \$0.00 balance as of March 31, 2022, representing a decrease of \$1,894.99 in base tax levy due; they are broken out for you by tax account categories and amounts (base taxes only):

NOTES	Count	Sum
Agricultural-	2	\$4.20
Bankruptcy	1	\$17.92
Bus. Personal Property-2020	1	\$282.11
Deferred	1	\$553.61
Disabled Person	1	\$0.01
Real Property-	1	\$1,025.10
Real Property-2020	2	\$12.04
	-----	-----
	9	\$1,894.99

As of March 31, 2022 we are prosecuting on your behalf 2 lawsuits; and defending your collection rights to 7 accounts in bankruptcy (combined, delinquent and non-delinquent accounts). All of these services are being provided for you at no cost to the City of Lavon.

Please let us know if you have any questions about this data, or if you need additional details. You may call me directly at (214) 544-4061. It is an honor to serve you and the City of Lavon.

Sincerely yours,

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

Tracy A. Pounders
Director, Tax Collection Section

2833 - Lavon, City of (General Obligation Debt)
Report - Lavon, City of (General Obligation Debt) / Sales Tax Data

The charts below contain sales tax revenue allocated each month by the Texas State Comptroller. Please contact and search the Texas Comptroller's website if you notice an incorrect amount.
For example, the February allocations reflect December sales, collected in January and allocated in February.

*Excludes any sales tax retained by the municipality and not remitted to the Comptroller.

- View Grid Based on Calendar Year
- View Grid With All Years

Download to Excel

Change Fiscal Year End

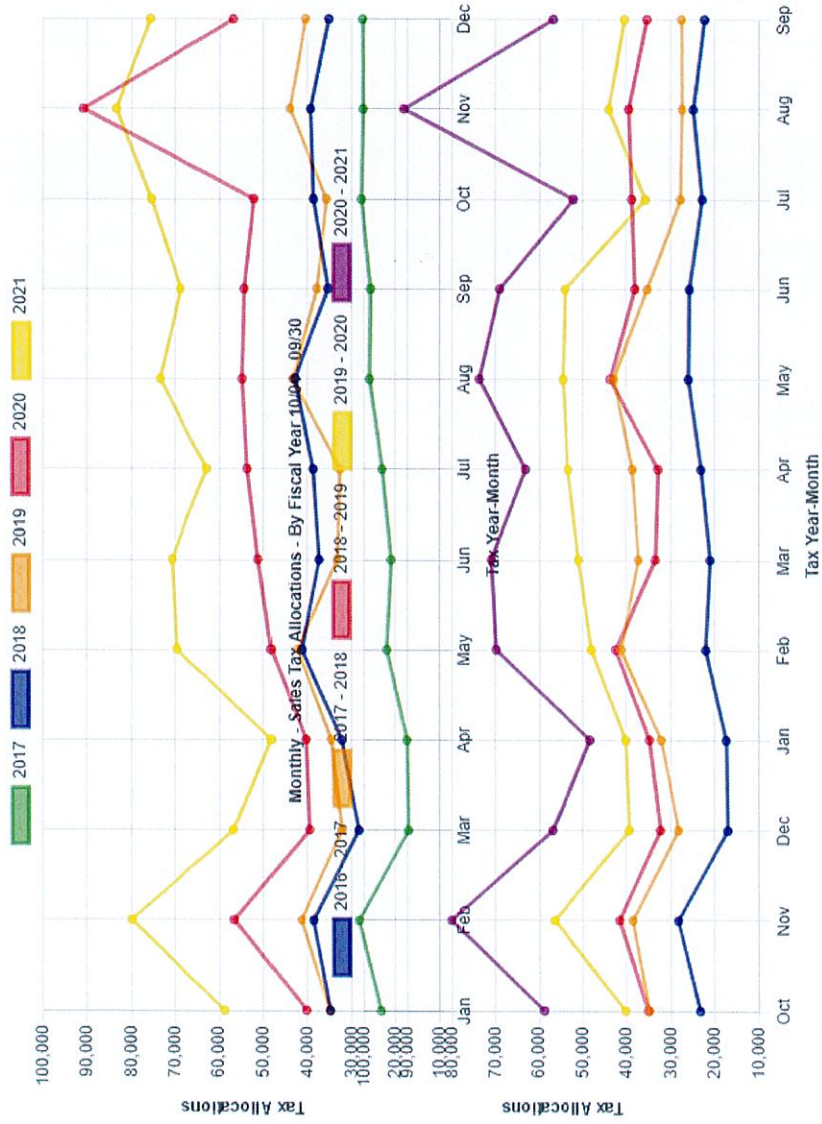
09/30/2023



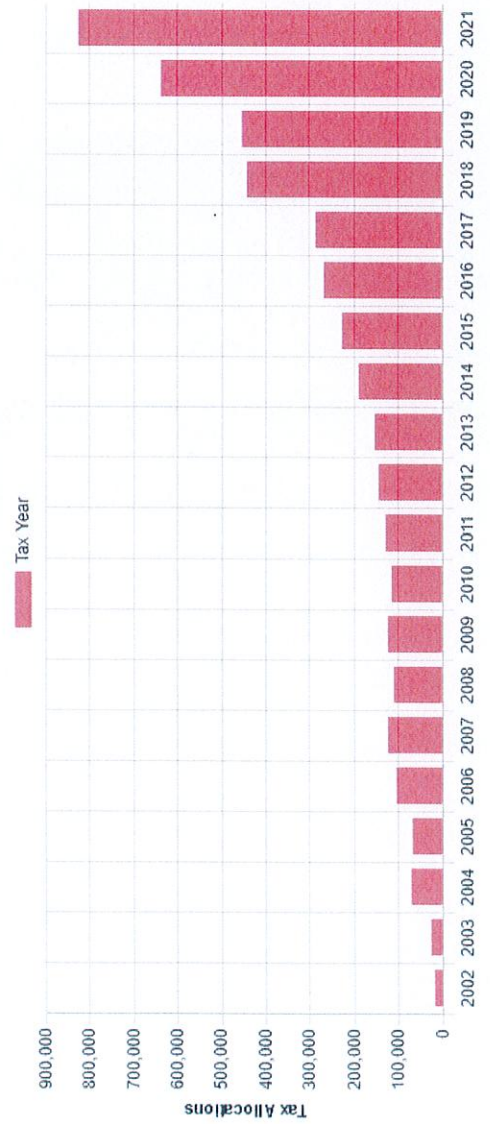
Submit

Year	October	November	December	January	February	March	April	May	June	July	August	September	Total
2022	\$75,699	\$83,649	\$75,926	\$87,161	\$91,220	\$82,408	\$68,743	\$91,544	\$0	\$0	\$0	\$0	\$656,351
2021	\$52,096	\$90,909	\$56,718	\$58,898	\$80,039	\$56,878	\$48,350	\$69,834	\$70,944	\$63,068	\$73,676	\$68,987	\$790,396
2020	\$35,846	\$44,260	\$40,667	\$40,349	\$56,602	\$39,533	\$40,351	\$48,207	\$51,191	\$53,631	\$54,745	\$54,314	\$559,696
2019	\$38,730	\$39,419	\$35,260	\$35,116	\$41,596	\$32,296	\$34,749	\$42,410	\$33,403	\$32,771	\$43,642	\$37,975	\$447,367
2018	\$27,837	\$27,458	\$27,603	\$34,883	\$38,663	\$28,296	\$32,210	\$41,357	\$37,397	\$38,763	\$43,030	\$35,374	\$412,870
2017	\$22,849	\$24,877	\$22,304	\$23,334	\$28,270	\$17,054	\$17,410	\$22,051	\$21,074	\$23,146	\$25,990	\$25,733	\$274,094
2016	\$18,554	\$24,151	\$17,624	\$16,738	\$23,265	\$18,517	\$17,691	\$24,381	\$25,242	\$24,250	\$25,789	\$22,468	\$258,670
2015	\$16,213	\$17,336	\$16,025	\$15,458	\$20,264	\$16,418	\$15,845	\$20,890	\$16,999	\$18,497	\$23,514	\$20,100	\$217,559
2014	\$12,032	\$14,975	\$11,935	\$11,898	\$19,981	\$12,109	\$11,920	\$21,846	\$14,703	\$14,625	\$18,397	\$14,846	\$179,266
2013	\$11,166	\$15,054	\$12,518	\$10,998	\$14,996	\$8,945	\$11,649	\$14,195	\$13,186	\$13,097	\$14,801	\$13,139	\$153,743
2012	\$9,075	\$15,224	\$9,414	\$10,525	\$12,667	\$8,695	\$11,343	\$13,292	\$12,186	\$12,749	\$13,134	\$11,847	\$140,152
2011	\$8,990	\$10,146	\$10,217	\$8,568	\$12,089	\$7,877	\$8,777	\$13,275	\$11,177	\$9,920	\$13,226	\$10,718	\$124,980
2010	\$11,983	\$12,813	\$9,335	\$8,985	\$9,570	\$8,152	\$7,584	\$10,791	\$10,820	\$10,174	\$12,293	\$8,167	\$120,668
2009	\$10,655	\$14,185	\$10,830	\$7,074	\$12,022	\$7,044	\$7,416	\$13,001	\$9,537	\$9,769	\$10,693	\$13,639	\$125,864
2008	\$9,001	\$13,869	\$10,505	\$6,439	\$15,097	\$6,019	\$3,917	\$10,012	\$5,481	\$7,609	\$13,184	\$7,853	\$108,986
2007	\$10,725	\$14,759	\$7,398	\$6,567	\$11,434	\$7,902	\$8,989	\$13,114	\$8,797	\$7,037	\$16,120	\$10,821	\$123,662
2006	\$8,371	\$10,348	\$7,185	\$6,940	\$10,522	\$7,581	\$4,398	\$10,629	\$8,192	\$7,183	\$10,029	\$6,573	\$97,950
2005	\$5,168	\$5,637	\$4,324	\$3,686	\$4,729	\$3,046	\$3,680	\$5,722	\$5,214	\$3,911	\$6,051	\$7,280	\$58,448
2004	\$3,584	\$3,394	\$3,786	\$3,514	\$6,693	\$3,724	\$4,356	\$5,415	\$15,931	\$4,471	\$8,017	\$4,952	\$67,838
2003	\$1,877	\$1,687	\$1,281	\$1,278	\$2,106	\$1,441	\$918	\$2,203	\$1,877	\$1,825	\$3,033	\$2,150	\$21,676

Monthly - Sales Tax Allocations - By Calendar Year



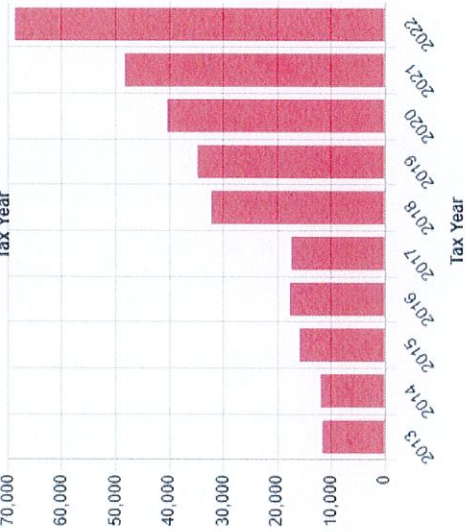
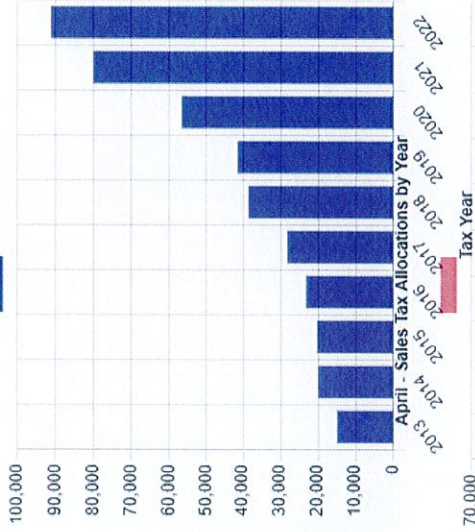
Yearly - Sales Tax Allocations - Past 20 Years



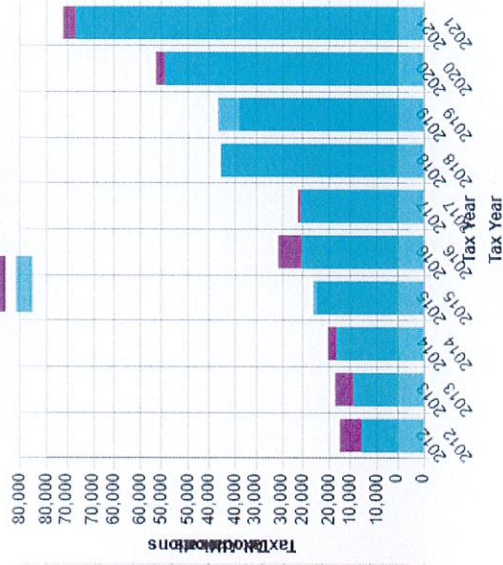
January - Sales Tax Allocations by Year



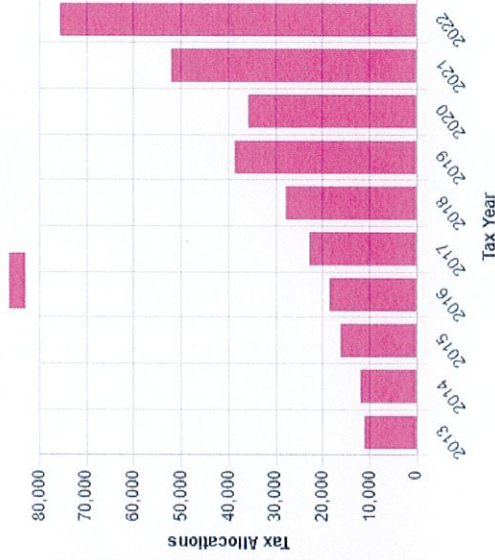
February - Sales Tax Allocations by Year



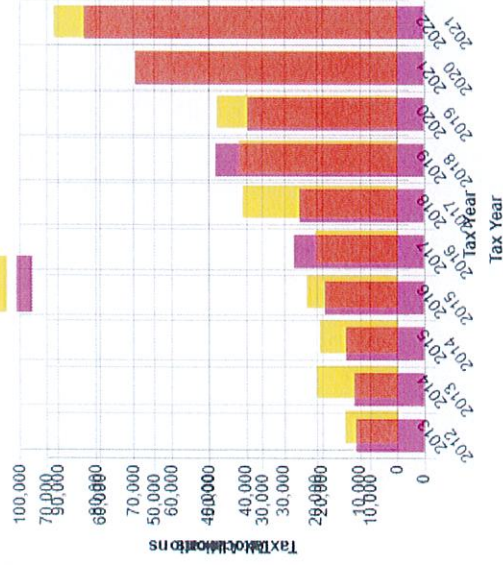
June - Sales Tax Allocations by Year
August - Sales Tax Allocations by Year



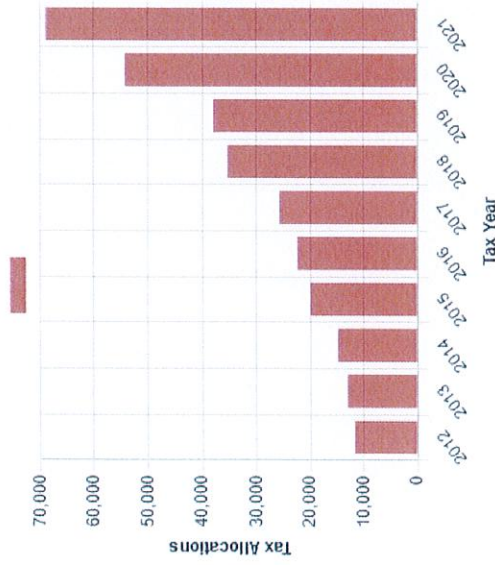
October - Sales Tax Allocations by Year



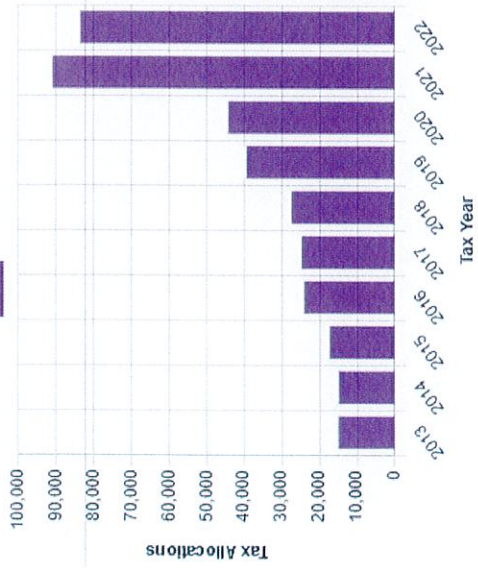
May - Sales Tax Allocations by Year
July - Sales Tax Allocations by Year



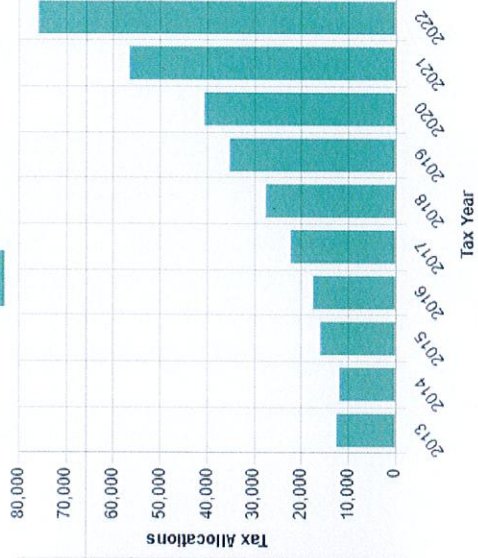
September - Sales Tax Allocations by Year



November - Sales Tax Allocations by Year



December - Sales Tax Allocations by Year



CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

GENERAL FUND		ADOPTED / AMENDED 2021-22	YTD	REMAINING BUDGET	% of BUDGET
SOURCE OF FUNDS					
	Estimated Beginning Resources	1,876,500	1,876,500	-	100.00%
	Bond Proceeds for Professional Serv	75,000	75,000		
REVENUE - CURRENT					
Taxes					
10-00-4200	Property Tax	1,219,047	1,221,900	(2,853)	100.23%
10-00-4205	Franchise	160,000	144,478	15,522	90.30%
10-00-4206	Sales & Use Tax	390,000	282,404	107,596	72.41%
10-00-4208	Penalty & Interest	500	-	500	0.00%
10-00-4209	Ad Valorem Delinquent Taxes	1,000	-	1,000	0.00%
	Total Taxes	1,770,547	1,648,782	121,765	93.12%
Transfers to Reimburse GF					
10-00-4900	Solid Waste for admin svc	172,000	100,333	71,667	58.33%
10-00-4901	Sewer for admin svc	120,000	70,000	50,000	58.33%
10-00-4907	Transfer from Sewer for I&S	500,000	291,667	208,333	58.33%
	Total Transfers	792,000	462,000	330,000	58.33%
Municipal Court					
10-00-4501	Court Fees	2,000	-	2,000	0.00%
	Total Municipal Court	2,000	-	2,000	0.00%
Administration					
10-00-4004	Administrative Fee	25,000	10,400	14,600	41.60%
10-00-4010	Banking Interest	12,500	12,260	240	98.08%
10-00-4122	Utility Late Fees	12,500	6,984		55.87%
	Total Administration	50,000	29,644	20,356	59.29%
Operations					
10-00-4324	Land Use Application Fees	50,000	86,850	(36,850)	173.70%
10-00-4325	Food Serv Insp Permits	6,500	3,475	3,025	53.46%
10-00-4326	General Permit Fees	225,000	85,384	139,616	37.95%
10-00-4327	Bldg Permit Fees	975,000	876,219	98,781	89.87%
10-00-4328	OSSF Permit Fees	500	800	(300)	160.00%
10-00-4329	Infrastructure Inspection Fees	350,000	140,832	209,168	40.24%
10-00-4332	Building Rent - LEDC	6,000	6,000	-	100.00%
10-00-4503	PD Fines/Fees	40,000	21,219	18,781	53.05%
10-00-4504	PD Warrant Fines / Fees	5,000	1,075	3,925	21.50%
10-00-4509	FD Services Contract	15,000	20,324	(5,324)	135.49%
10-00-4700	Comm Ctr/Pav Rent Fees	4,000	4,213	(213)	105.31%
10-00-4800	Sale of Property	-	120	(120)	0.00%
	Total Operations	1,677,000	1,246,510	430,490	74.33%
	Total General Fund Revenues	4,291,547	3,386,935	904,612	78.92%
	Total Source of Funds	6,168,047	5,263,435	904,612	85.33%
EXPENDITURES					
Municipal Court Services					
10-25-5000	Payroll	59,759	36,793	22,966	62%
10-25-5015	Health Insurance	8,800	4,425	4,375	50%
10-25-8501	FICA & Medicare	4,572	2,649	1,922	58%
10-25-8502	Retirement	9,112	3,644	5,468	40%
10-25-8503	TWC	1,673	95	1,579	6%
10-24-5005	Credit Card Fees	1,250	-	1,250	0%
10-24-5010	Jury Panel	250	60	190	24%
10-25-5016	Judge / Prosecutor Contract Labor	7,500	5,438	2,063	73%
10-24-5400	Postal Fees	500	116	384	23%
10-24-5800	Training	1,000	530	470	53%

CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

GENERAL FUND		ADOPTED / AMENDED 2021-22	YTD	REMAINING BUDGET	% of BUDGET
10-24-6250	Office Supplies	1,500	641	859	43%
	Total Municipal Court	95,916	54,389	41,526	57%
Administration Services					
10-00-5000	Payroll - Admin Staff	372,200	174,396	197,804	47%
10-00-5015	Health Insurance	35,200	13,274	21,926	38%
10-00-8501	FICA & Medicare	28,473	13,271	15,202	47%
10-00-8502	Retirement	56,751	22,293	34,459	39%
10-00-8503	TWC	10,422	3	10,419	0%
10-21-6010	Adv, Notices & Pubs	10,000	6,618	3,382	66%
10-21-6014	Building Supplies	2,000	1,124	876	56%
10-21-6020	Cell Phone	500	287	213	57%
10-21-6060	Computer Software (comb w 10-21-65	20,000	11,513	8,487	58%
10-21-6065	Council Supplies	1,500	144	1,356	10%
10-21-6070	Cleaning	7,500	2,605	4,895	35%
10-21-6080	CPA	1,000	-	1,000	0%
10-21-6100	Dues & Fees	5,000	4,768	232	95%
10-21-6101	Elections	12,000	2,813	9,187	23%
10-21-6104	Community Events	7,500	3,106	4,394	41%
10-21-6250	Office Supplies	3,000	1,502	1,498	50%
10-21-6251	Drinking Water All Depts	1,000	301	699	30%
10-21-6252	Office Furniture	2,500	1,190	1,310	48%
10-21-6253	Office Equipment	4,000	678	3,322	17%
10-21-6264	Sales Tax Grant	45,000	17,656	27,344	39%
10-21-6304	Comm Events Monitors	1,000	60	940	6%
10-21-6400	Postal Fees	250	27	223	11%
10-21-6800	Training	7,500	4,166	3,334	56%
10-21-6802	Staff Development	3,500	625	2,875	18%
10-21-7000	Electric	5,000	2,290	2,710	46%
10-21-7002	Natural Gas	4,500	5,027	(527)	112%
10-21-7003	Telephone	4,000	1,770	2,230	44%
10-21-7004	Water	1,000	319	681	32%
10-21-8419	Mileage & Meals	1,500	1,099	401	73%
	Total Administration Operations	653,796	292,925	360,871	45%
Admin Capital Outlay					
10-29-8150	City Hall improvements	1,500	-	1,500	0%
	Total Admin Capital Outlay	1,500	-	1,500	0%
	Total Admin Services	655,296	292,925	362,371	45%
Fire Services					
10-48-5000	Payroll	245,000	43,774	201,226	18%
10-48-5015	Health Insurance	35,200	4,425	30,775	13%
10-48-8501	FICA & Medicare	18,743	3,349	15,394	18%
10-48-8502	Retirement	37,356	5,689	31,667	15%
10-48-8503	TWC	6,860	96	6,764	1%
10-25-7002	Storm Siren and Maint	1,000	-	1,000	0%
10-48-5002	Asset Tags/Metal	300	-	300	0%
10-48-5604	Postage	75	16	59	22%
10-48-6002	Equipment Maint Rep	4,500	405	4,095	9%
10-48-6003	Internet/Wifi Utility	18,000	7,398	10,602	41%
10-48-6005	NFPA Pump/Ladder Test	5,000	2,595	2,406	52%
10-25-6008	Stipend	80,000	37,750	42,250	47%
10-48-6011	Office Supplies	2,000	1,454	546	73%
10-48-6012	Travel/ Conf / Meals	10,000	(4,220)	14,220	-42%
10-48-6102	Dues & Fees	5,500	2,804	2,696	0%
10-48-6145	Medical Services	2,000	92	1,908	5%
10-48-6160	Mobile Technology	2,500	2,348	152	94%
10-48-6200	Safety/Fire Equipment	30,000	5,916	24,084	20%

CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

GENERAL FUND		ADOPTED / AMENDED 2021-22	YTD	REMAINING BUDGET	% of BUDGET
10-48-6201	Fire Hose	1,000	-	1,000	0%
10-48-7000	Electricity	8,000	4,775	3,225	60%
10-48-7002	Natural Gas	3,000	1,367	1,633	46%
10-48-7004	Water	3,500	674	2,826	19%
10-48-7006	PPE/ Bunker Gear & Maint	20,000	553	19,447	3%
10-48-7009	Apparatus Maintenance	35,000	9,980	25,020	29%
10-48-7010	ALS Med Supplies	10,000	8,706	1,294	87%
10-48-7011	EOC Fire Alarm Mon	1,000	-	1,000	0%
10-48-7014	IT / Software	27,500	26,536	964	96%
10-48-7024	Graphics/Uniforms	7,000	5,991	1,009	86%
10-48-7030	Fuel	7,000	6,317	683	90%
10-48-7031	Cleaning	3,900	2,280	1,620	58%
	Total Fire Operations	630,934	181,069	449,865	29%
	Fire Capital Outlay				
10-48-6550	FD-EOC-PD Signage	2,500	-	2,500	0%
10-48-7036	FD furn and EOC tech	15,000	11,872	3,129	79%
10-48-8118	Fire Radios	29,565	29,535	30	100%
10-48-8117	Fire Apparatus	200,000	-	200,000	0%
	Total Fire Capital Outlay	247,065	41,406	203,159	17%
	Total Fire Services	877,999	222,475	653,024	25%
Police Services					
10-45-5000	Payroll	781,671	462,203	319,468	59%
10-45-5015	Health Insurance	105,600	47,304	58,296	45%
10-45-8501	FICA & Medicare	59,798	32,443	27,355	54%
10-45-8502	Retirement	119,185	55,063	64,123	46%
10-45-8503	TWC	21,887	182	21,705	1%
10-29-6015	Audio Visual	2,500	1,763	737	71%
10-29-6018	Protective Gear	5,500	1,042	4,458	19%
10-29-6050	Child Abuse Interlocal	1,500	1,500	-	100%
10-29-6055	Cleaning	5,000	2,605	2,395	52%
10-29-6061	Computers	5,000	1,119	3,881	22%
10-29-6070	Crime Prev / Community Policing	9,000	2,382	6,618	26%
10-29-6071	Database Services	4,000	330	3,670	8%
10-29-6072	Dispatch	54,711	39,656	15,055	72%
10-29-6102	Dues & Fees	1,000	98	902	10%
10-29-6140	Emergency Equipment	6,000	1,677	4,323	28%
10-29-6145	Medical Services	1,500	75	1,425	5%
10-29-6146	Travel / Meals	1,000	61	939	6%
10-29-6150	Inmate Boarding	15,000	3,750	11,250	25%
10-29-6160	Mobile Technology	16,000	13,071	2,929	82%
10-29-6253	Office Supplies	4,000	2,048	1,952	51%
10-29-6254	Patrol Rifle / Firearms	6,000	3,676	2,324	61%
10-29-6350	Police Equipment Mtnc.	2,500	143	2,357	6%
10-29-6351	Office Equipment	1,500	976	524	65%
10-29-6400	Postal Fees	750	269	481	36%
10-29-6401	Radio Maintenance	2,500	16	2,484	1%
10-29-6403	Report Mgt System	9,500	8,951	549	94%
10-29-6500	Software	3,000	815	2,186	27%
10-29-6502	Tazers (3)	10,000	-	10,000	0%
10-29-6550	TLETS Management	11,000	9,600	1,400	87%
10-29-6751	Operational Supplies	8,500	508	7,992	6%
10-29-6800	Training	6,000	1,121	4,879	19%
10-29-6850	Uniform	6,500	3,987	2,513	61%
10-29-6900	Vehicle Cleaning	1,000	284	716	28%
10-29-6903	Vehicle Fuel	23,000	17,758	5,242	77%
10-29-6904	Vehicle Mtnc.	15,000	12,423	2,577	83%

CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

GENERAL FUND		ADOPTED / AMENDED 2021-22	YTD	REMAINING BUDGET	% of BUDGET
10-29-7025	Electricity	6,000	3,445	2,555	57%
10-29-7027	Telephone	6,500	1,023	5,477	16%
10-29-7028	Water	1,000	303	697	30%
10-45-6017	Body Cams and video storage	15,000	10,641	4,359	71%
10-50-8305	Law Enforcement Liability	8,295	6,120	2,175	74%
	Total Police Operations	1,363,397	750,430	612,966	55%
	Police Capital Outlay				
10-29-7509	Police remodel	3,000	-	3,000	0%
10-29-7515	Police Vehicles Total	132,210	-	132,210	0%
	Total Police Capital Outlay	135,210	-	135,210	0%
	Total Police Services	1,498,607	750,430	748,176	50%
Public Works Services					
10-40-5000	Payroll	189,675	90,829	98,846	48%
10-40-5015	Health Insurance	35,200	14,222	20,978	40%
10-40-8501	FICA & Medicare	14,510	6,941	7,569	48%
10-40-8502	Retirement	28,921	11,929	16,991	41%
10-40-8503	TWC	5,311	120	5,191	2%
10-40-5999	Computer & Equip	1,000	-	1,000	0%
10-40-6022	Cell Phone	2,400	1,683	717	70%
10-40-6024	Meals & Travel	1,000	42	958	4%
10-40-6025	MS4 Supplies	1,000	-	1,000	0%
10-40-6026	PW Office Supplies	500	157	343	31%
10-40-6027	Postage	75	-	75	0%
10-40-6104	Code Enforcement	10,000	-	10,000	0%
10-40-6105	Food Service Inspector	7,000	300	6,700	4%
10-40-6145	Medical Services	1,000	45	955	5%
10-40-6155	Grounds Mtnc	18,000	2,827	15,173	16%
10-40-6156	Heavy Equipment Maintenance	10,000	-	10,000	0%
10-40-6550	Signage	11,600	4,008	7,592	35%
10-40-6700	State OSSF Fees	300	-	300	0%
10-40-6701	Street Lights	65,000	31,000	34,000	48%
10-40-6703	Street Repair/Maintenance	10,000	397	9,604	4%
10-40-6749	Mosquito Spraying	12,000	1,480	10,520	12%
10-40-6750	Tools	5,000	112	4,888	2%
10-40-6751	Operational Supplies	4,500	259	4,241	6%
10-40-6800	Training	3,500	-	3,500	0%
10-40-6850	Uniform	5,000	1,554	3,446	31%
10-40-6905	Vehicle Fuel	7,000	3,542	3,458	51%
10-40-6906	Vehicle Maintenance	7,000	184	6,816	3%
10-40-7004	Water	1,000	248	752	25%
10-40-7512	Lightbars	6,000	-	6,000	0%
	Total Public Works Operations	463,492	171,880	291,611	37%
	Public Works Capital Outlay				
10-40-6352	PW Heavy Equip	235,000	102,229	132,771	44%
10-40-6910	PW Truck	-	43,442	(43,442)	200%
10-40-7511	Mower	9,000	17,743	(8,743)	197%
10-40-8023	CIP Prep & Admin	2,000	-	2,000	0%
	Total Capital Outlay	246,000	163,414	82,586	66%
	Total Public Works Services	709,492	335,295	374,197	47%
Facilities - Multi-Department					
10-40-6907	Bldg Mtnc - PW	2,500	-	2,500	0%
10-40-8116	Demolition - Forder	16,000	16,000	-	100%
10-50-8011	Copier Service Contract	8,000	4,400	3,600	55%
10-50-8012	Postage Service Contract	6,500	1,095	5,405	17%
10-50-8100	Bldg Mtnc. - City Hall	45,000	36,289	8,711	81%
10-50-8101	Bldg Mtnc - PD/FD	7,500	1,402	6,098	19%

CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

GENERAL FUND		ADOPTED / AMENDED 2021-22	YTD	REMAINING BUDGET	% of BUDGET
10-50-8151	Parks Improvements	75,000	30,593	44,407	0%
	Total Facilities	160,500	89,779	70,721	56%
Insurance					
10-50-8300	Auto Liability	6,771	4,114	2,656	61%
10-50-8301	Auto Phys. Damage	4,410	5,377	(967)	122%
10-50-8302	Errors & Omissions	1,838	1,241	597	68%
10-50-8303	General Liability	840	562	278	67%
10-50-8306	Mobile Equipment	2,000	407	1,593	20%
10-50-8307	Real & Personal Property	14,700	8,210	6,490	56%
10-50-8308	Workers Compensation	34,000	25,598	8,402	75%
	Total Insurance	64,558	45,508	19,050	70%
Outsourcing					
10-40-6051	Building Inspection & Plan Review	245,000	91,281	153,719	37%
10-50-8400	Ambulance Service	13,500	9,837	3,663	73%
10-50-8401	Animal Control	6,250	4,688	1,563	75%
10-50-8402	Auditor	16,000	-	16,000	0%
10-50-8403	Central Appr District	14,260	7,811	6,450	55%
10-50-8404	City Attorney	48,000	30,236	17,764	63%
10-50-8405	City Engineer	35,000	8,220	26,780	23%
10-50-8406	Fidelity Bonding	200	194	6	97%
10-50-8407	Information Tech	30,000	11,940	18,060	40%
10-50-8408	Tax Assessor/Collector	2,500	1,800	700	72%
10-50-8410	Shredding Services	2,000	531	1,469	27%
10-50-8411	MS4 Execution	10,000	1,241	8,759	12%
10-50-8412	Consulting/Prof Serv	67,500	45,174	22,326	67%
10-50-8413	Codification	4,000	-	4,000	0%
10-50-8414	Drainage / Prelim Eng	10,000	43,750	(33,750)	438%
10-50-8417	Infrastructure Inspection	175,000	46,565	128,435	27%
10-50-8418	Fire Inspection Services	5,000	2,126	2,874	43%
	Total Outsourcing	684,210	305,392	378,818	45%
Total General Fund Expenditures		4,746,577	2,096,193	2,647,884	44%
ENDING RESOURCES (Net)		1,421,470	3,167,242		
		30%	151%		
		1,186,644	524,048		
		234,825	2,643,193		

CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

DEBT SERVICE (I&S) FUND		ADOPTED/ AMENDED 2021-22	YTD	REMAINING BUDGET	% OF BUDGET
Beginning Resources		148,083	148,083	-	100%
REVENUE					
10-00-4375	Property Tax	1,027,387	1,028,569	(1,182)	100%
10-00-4376	Penalty & Interest	500	-	500	0%
10-00-4377	Ad Valorem Delinquent Taxes	1,000	-	1,000	0%
10-00-4907	Utility Fund Contrib to I&S (Ser 18, 20)	115,000	67,083	47,917	58%
Total Revenues		1,143,887	1,095,652	48,235	
EXPENDITURES					
10-00-8654	2020 GO Ref Bonds (2018) Principal	465,000	465,000	-	100%
10-00-8655	2020 GO Ref Bonds (2018) Interest	33,450	19,050	14,400	57%
10-00-8656	2020 CO Principal	105,000	105,000	-	100%
10-00-8657	2020 CO Interest	490,650	245,850	244,800	50%
10-00-8658	Miscellaneous Expenditures	5,000	27	4,973	1%
10-48-8512	Fire Truck Principal & Interest	22,501	22,501	-	100%
Total Expenditures		1,121,601	857,428	264,173	
Ending Resources		170,369	386,307		

CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

STREET FUND	Maintenance/Construction	ADOPTED / AMENDED 2021-2022	YTD	REMAINING BUDGET	% OF BUDGET
Funded by Street Maintenance Sales Tax					
Beginning Resources		302,752	302,752	-	100%
	Street Repair Fund Revenue				
17-00-4204	Street Maint Sales Tax	175,000	141,202	33,798	81%
	Total Street Repair Fund Revenue	175,000	141,202	33,798	
	Street Repair Fund Expenditure				
10-40-8483	Street Project Maint	350,000	-	350,000	0%
	Total Street Repair Expenditure	350,000	-	350,000	
Ending Resources		127,752	443,954		
Funded by Capital Recovery Fees for CR 483					
Beginning Resources		182,659	188,856	(6,197)	103%
	Street Repair Revenue				
10-40-4615	Lavon Farms CRF	26,707	17,184	9,523	64%
	Total Street Repair Revenue	26,707	17,184	9,523	
	Street Repair Fund Expenditure				
10-40-4616	CR 483 Maintenance	40,000	-	40,000	0%
	Total Street Repair Expenditure	40,000	-	40,000	
Ending Resources		169,366	206,040		

CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

UTILITY FUND	ADOPTED 2021-2022	YTD	REMAINING BUDGET	% OF BUDGET
Beginning Resources	586,429	586,429	-	100%
UTILITY FUND REVENUE				
Solid Waste				
20-21-4119 Solid Waste Income	663,600	409,804	253,796	62%
Total Solid Waste	663,600	409,804	253,796	62%
Sanitary Sewer				
20-00-4120 San Sewer Income	828,000	515,495	312,505	62%
Total Sanitary Sewer	828,000	515,495	312,505	62%
Total Revenue	1,491,600	925,299	566,301	62%
UTILITY FUND EXPENDITURES				
Solid Waste				
20-00-5255 Utility Billing Cost	3,000	602	2,398	20%
20-21-6400 Postal Fees	8,500	5,506	2,994	65%
20-21-6990 Credit Card Fees	3,500	(358)	3,858	-10%
20-21-7015 Sales Tax	48,000	25,223	22,777	53%
20-21-7016 Utility Billing Software	3,500	2,537	963	72%
20-21-7018 Office Equipment	500	240	260	48%
20-21-7020 Solid Waste Contract	482,236	232,611	249,626	48%
20-21-9010 Gen Fund Transfer Admin	172,000	86,000	86,000	50%
Total Solid Waste	721,236	352,361	368,875	49%
Sanitary Sewer				
20-34-5614 Transfer to I&S	115,000	67,083	47,917	58%
20-34-9010 Gen Fund Transfer Admin	120,000	70,000	50,000	58%
Total Sanitary Sewer	235,000	137,083	97,917	
Total Expenditure	956,236	489,444	466,792	

CITY OF LAVON
REVENUE AND EXPENSE REPORT
AS OF APRIL 30, 2022

SEWER TAP FUND		ADOPTED/ AMENDED 2021-2022	YTD	REMAINING BUDGET	% OF BUDGET
Beginning Resources		697,411	697,411	-	100%
Transfer In for Expansion/Maint		575,000	262,575	312,425	
SEWER TAP FUND REVENUE					
22-00-4123	Sewer Tap Fees	900,000	874,650	25,350	97%
22-00-4125	Interest	500	4,540	-	908%
22-34-4128	Sewer Service transfer from Utility	-	-	-	
22-34-4877	Bear Creek Trunk Cap Recovery	35,000	63,518	(28,518)	181%
Total Sewer Tap Fund Revenue		935,500	942,708	(7,208)	101%
SEWER TAP FUND EXPENDITURES					
22-34-5605	General Maint & Equip	40,000	5,892	34,108	15%
22-34-5608	Elevon WWTP Construction	-	262,575	(262,575)	
22-34-5609	System Expansion/Improvement	275,000	810	274,190	
22-34-5610	NTMWD - WWTP Operation	482,675	311,751	170,924	65%
22-34-5612	WWTP Ph 3 Expansion	300,000	-	300,000	
22-34-5614	Transfer to GF for I&S	500,000	250,000	250,000	50%
22-34-7000	Electric	64,000	30,751	33,249	48%
22-34-7950	Developer Reimbursement	20,000	46,394	(26,394)	
Total Sewer Tap Fund Expenditures		1,681,675	908,174	773,501	54%

CITY OF LAVON
QUARTERLY INVESTMENT REPORT
SECOND QUARTER
FY 2021-22

This quarterly report is prepared in compliance with the City of Lavon Investment Policy and the Texas Public Funds Investment Act (TX Gov Code, Ch. 2256)

Independent Bank

	Savings Jan-Mar	Dedicated Jan-Mar	Sewer Tap Jan-Mar	Interest & Sinking Jan-Mar
Beginning Balance	\$ 2,512,906	\$ 967,480	\$ 1,245,140	\$ 1,482,199
Deposits	\$ 504,452	\$ 2,294,348	\$ 450,299	\$ 309,457
Withdrawals	\$ -	\$ 1,009,816	\$ 136,451	\$ -
Interest Earned	\$ 5,034	\$ 1,774	\$ 2,423	\$ 42
Ending Balance	\$ 3,022,391	\$ 2,253,786	\$ 1,561,411	\$ 1,791,698

TexStar Investment Pool

	Ser 2018 - Tax Note Jan-Mar	CARES Act Funding Jan-Mar	Ser 2020 - COs Jan-Mar	Heritage PID - Zone 1 Jan-Mar
Beginning Balance	\$ 317,479	\$ 53	\$ 12,690,113	\$ 420,508
Deposits	\$ -	\$ -	\$ -	\$ 115,649
Withdrawals	\$ -	\$ -	\$ 138,620	\$ 503,133
Interest Earned	\$ 34	\$ -	\$ 1,353	\$ 13
Ending Balance	\$ 317,513	\$ 53	\$ 12,552,845	\$ 33,038

TexStar Investment Pool

	Heritage PID - Zone 2 Jan-Mar	Heritage PID - Zone 3 Jan-Mar	Heritage PID - Zone 4 Jan-Mar	LOGIC ARPA-CLRF Jan-Mar
Beginning Balance	\$ 420,064	\$ 129,008	\$ 31,361	\$ 461,435
Deposits	\$ 14,933	\$ 3,096	\$ 516,620	\$ -
Withdrawals	\$ 1,144	\$ 721	\$ 5,175	\$ -
Interest Earned	\$ 47	\$ 14	\$ 56	\$ 170
Ending Balance	\$ 433,900	\$ 131,397	\$ 542,861	\$ 461,605

CITY OF LAVON
QUARTERLY INVESTMENT REPORT
SECOND QUARTER
FY 2021-22

page 2

SUMMARY STATEMENT OF POSITION - 2nd QUARTER

Beginning Balance	\$ 20,677,746
Deposits	\$ 4,208,855
Withdrawals	\$ 1,795,060
Interest Earned	\$ 10,960
Ending Balance	<u>\$ 23,102,500</u>

The figures included in this report represent the beginning balance at the beginning of the quarter; deposits, withdrawals and interest earned during the quarter and the ending balance at the end of the quarter for each investment account.
The Summary Statement of Position represents the total of all investment accounts for the quarter.

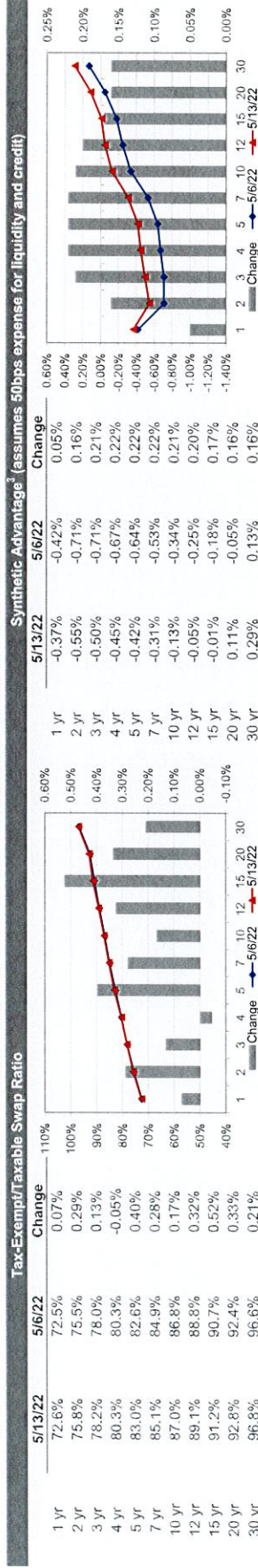
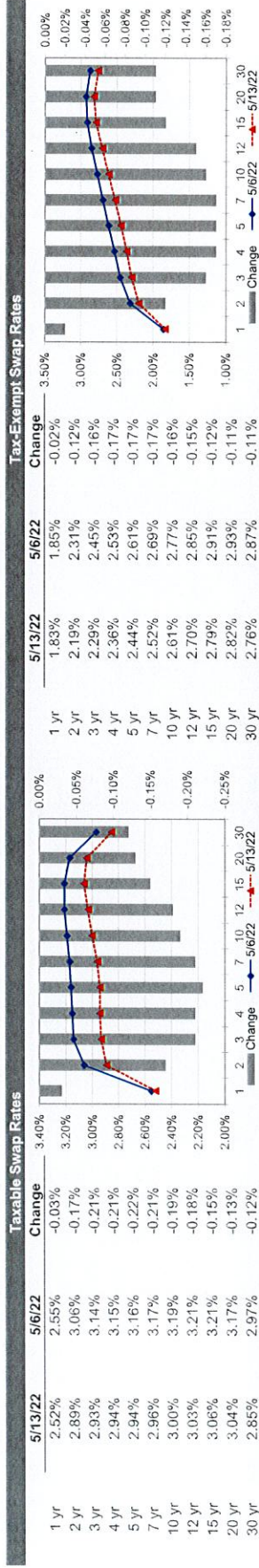
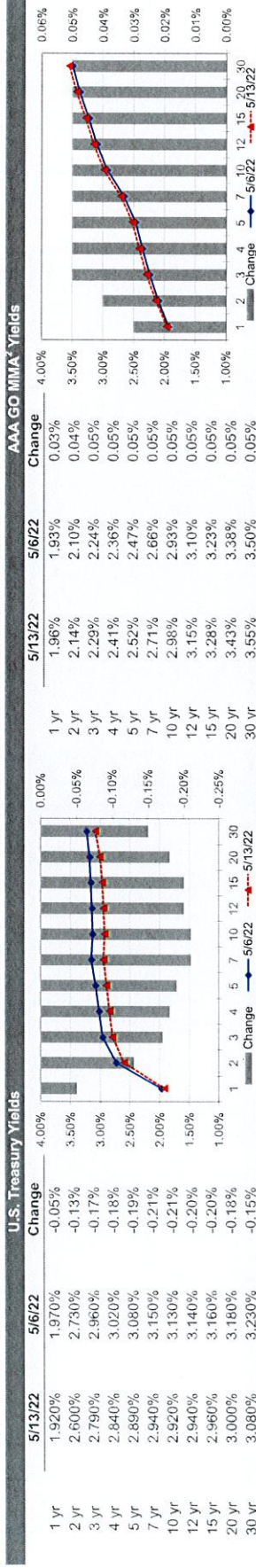
Diana C. Currier
Accounting Administrator

5-6-22
Date

Ki Datta
City Administrator

05-06-2022
Date

	Short-Term Interest Rates				Interest Rate Forecast ¹						
	5/13/22	5/6/22	Change	5/13/21	Annual Change	Current	Q222	Q322	Q422	Q123	Q223
SIFMA	0.76%	0.60%	0.16%	0.07%	0.69%	1.00%	1.50%	2.25%	2.65%	3.00%	3.15%
1-month LIBOR	0.887%	0.842%	0.045%	0.101%	0.786%	1.44%	1.36%	2.06%	2.45%	2.79%	2.91%
3-month LIBOR	1.44%	1.402%	0.042%	0.156%	1.288%	2.60%	2.75%	2.92%	2.99%	3.10%	3.11%
Fed Funds Target Rate	1.00%	1.00%	0.00%	0.25%	0.75%	2.92%	2.99%	3.09%	3.11%	3.19%	3.24%
SIFMA/1-month LIBOR	85.71%	71.25%	14.46%	69.39%	16.32%	3.08%	2.28%	2.39%	2.50%	2.59%	2.70%
SIFMA/3-month LIBOR	52.64%	42.80%	9.84%	44.91%	7.74%						



(1) Source: Bloomberg Survey of Interest Rate Forecasts (as of 5/13/2022 2:00PM ET)

(2) MMA - Municipal Market Advisors' Consensus Scale

(3) Calculated by subtracting Tax-Exempt Swap Rates from AAA GO MMA Yields

The data underlying the information has been obtained from Bloomberg. HilltopSecurities does not guarantee the accuracy of the underlying data or computations based thereon. The data is intended for informational purposes only and does not constitute legal or investment advice, nor is it an offer or a solicitation of an offer to buy or sell any investment or other specific product. This material has not been prepared in accordance with the guidelines or requirements to promote investment research, it is not a research report and is not intended as such.

Weekly Commodity Sheet - Energy: May 13, 2022

HTS Commodities

Active Commodity Contracts

Source: Bloomberg

	5/13/22	5/6/22	Net Chg	5/13/21	YoY Net Chg	YoY %Chg
RBOB Gasoline NYMEX (\$/gal)	3.944	3.759	0.185	2.095	1.849	+88.24%
ULSD NYMEX (HO) (\$/gal)	3.924	3.954	-0.030	2.001	1.923	+96.12%
Natural Gas NYMEX (\$/mmbtu)	7.683	8.043	-0.360	2.973	4.710	+158.43%
Crude Oil NYMEX (\$/barrel)	110.350	109.770	0.580	63.820	46.530	+72.91%

Fixed Price Projection¹

Source: Bloomberg

	2Q22	3Q22	4Q22	1Q23	2Q23
RBOB Gasoline NYMEX (\$/gal)	3.399	2.933	2.817	2.817	2.683
ULSD NYMEX (HO) (\$/gal)	3.591	3.398	3.204	3.204	2.923
Natural Gas NYMEX (\$/mmbtu)	7.760	7.806	7.410	7.410	4.621
Crude Oil NYMEX (\$/barrel)	103.050	97.280	92.910	92.910	86.960

Commentary

Oil markets remain highly volatile amid inflation fears, Fed tightening, slower growth in the US and EU, and concerns about the Chinese economy. NYMEX futures remain rangebound with prices currently trading slightly above last week's settlement of \$109.77 a barrel for WTI. However, this is very misleading as the volatility remains extreme for anyone managing a position. Dollar moves in crude historically would take days, but currently are only taking an hour. Both sides of the trade are getting pushed throughout the day. Intraday moves nearly touched \$10.00 a barrel on Tuesday with the smallest session move on Thursday ranging just under \$5.00 per barrel. A possible EU embargo on Russian crude continues to be highly bullish for oil, but the market is still facing downward pressure as Chinese economic indicators show deceleration from their zero-Covid policy. Kuwait cut official selling prices (OSP) this week to Asia, following Saudi Arabia who cut its OSP for the first time in four months. The global prices seem a little disconnected from fundamentals as crude inventories and new loadings seem to suggest oversupply, but products like diesel and gasoline remain tight. This week in the US the DOE printed a large +8.48 million barrel build in US total crude stocks, yet stocks still remain below the 5-year average. The current forward strip is pricing the next 12 months at an average of \$99.50 a barrel.

US natural gas prices are trading 40 cents lower than last week's settlement of \$8.04 at \$7.66 per mmBtu. Another market with large volatility as Monday saw a 12.6% move down to \$7.02 to start the week off amid a broader selloff of commodities with the overall market. A heat wave that swept southern states looks to ease into the weekend allowing prices to slip as power-generation demand potentially is reduced. Current US inventories are 16% below the 5-year average for the current period despite the +75 Bcf build from last week. LNG markets remain somewhat strong with estimated gas flows on Friday to be 11.8 bcf/day just down 1.2% week on week. The current forward strip is pricing the next 12 months at an average of \$7.140 per mmBtu.

(1) Indications only, valuation as of 5/13/2022; includes \$0.00 in customary and transaction expenses; assumes equal monthly volumes.

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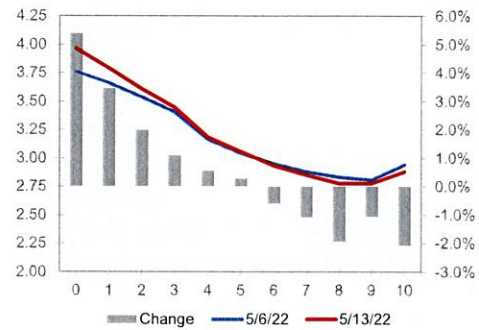
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RBOB Gasoline NYMEX

	5/13/22	5/6/22	Net Chg	%Change
JUN 22	3.96	3.76	0.20	+5.40%
JUL 22	3.79	3.66	0.13	+3.46%
AUG 22	3.61	3.54	0.07	+2.00%
SEP 22	3.44	3.41	0.04	+1.09%
OCT 22	3.18	3.17	0.02	+0.55%
NOV 22	3.05	3.05	0.01	+0.29%
DEC 22	2.93	2.95	-0.02	-0.60%
JAN 23	2.85	2.88	-0.03	-1.09%
FEB 23	2.78	2.83	-0.05	-1.94%
MAR 23	2.78	2.81	-0.03	-1.05%
APR 23	2.88	2.94	-0.06	-2.07%

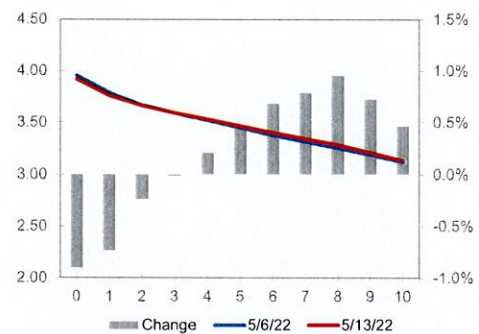
Source: Bloomberg



ULSD NYMEX (formerly Heating Oil)

	5/13/22	5/6/22	Net Chg	%Change
JUN 22	3.92	3.95	-0.04	-0.90%
JUL 22	3.76	3.79	-0.03	-0.74%
AUG 22	3.66	3.67	-0.01	-0.24%
SEP 22	3.59	3.59	0.00	-0.01%
OCT 22	3.53	3.52	0.01	+0.21%
NOV 22	3.47	3.45	0.02	+0.46%
DEC 22	3.40	3.38	0.02	+0.69%
JAN 23	3.34	3.32	0.03	+0.79%
FEB 23	3.28	3.25	0.03	+0.95%
MAR 23	3.21	3.19	0.02	+0.73%
APR 23	3.13	3.12	0.01	+0.47%

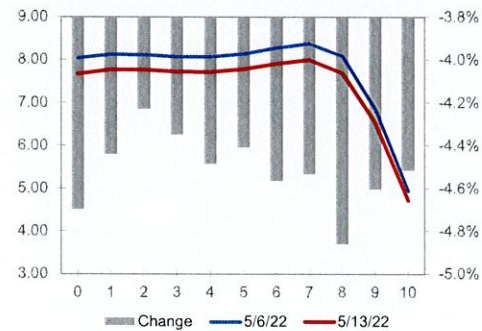
Source: Bloomberg



Natural Gas NYMEX

	5/13/22	5/6/22	Net Chg	%Change
JUN 22	7.67	8.04	-0.38	-4.70%
JUL 22	7.77	8.13	-0.36	-4.44%
AUG 22	7.77	8.11	-0.34	-4.23%
SEP 22	7.72	8.07	-0.35	-4.35%
OCT 22	7.71	8.07	-0.36	-4.49%
NOV 22	7.78	8.14	-0.36	-4.41%
DEC 22	7.90	8.28	-0.38	-4.57%
JAN 23	8.00	8.38	-0.38	-4.53%
FEB 23	7.69	8.08	-0.39	-4.86%
MAR 23	6.55	6.86	-0.32	-4.61%
APR 23	4.71	4.94	-0.22	-4.52%

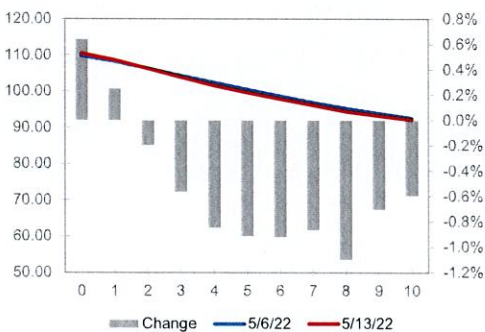
Source: Bloomberg



Crude Oil NYMEX

	5/13/22	5/6/22	Net Chg	%Change
JUN 22	110.47	109.77	0.70	+0.64%
JUL 22	108.60	108.33	0.27	+0.25%
AUG 22	106.27	106.48	-0.21	-0.20%
SEP 22	103.86	104.45	-0.59	-0.56%
OCT 22	101.60	102.47	-0.87	-0.85%
NOV 22	99.65	100.57	-0.92	-0.91%
DEC 22	97.82	98.73	-0.91	-0.92%
JAN 23	96.16	97.00	-0.84	-0.87%
FEB 23	94.34	95.39	-1.05	-1.10%
MAR 23	93.25	93.91	-0.66	-0.70%
APR 23	92.00	92.55	-0.55	-0.59%

Source: Bloomberg



(1) Indications only, valuation as of 5/13/2022; includes \$0.00 in customary and transaction expenses; assumes equal monthly volumes.

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STATE HIGHWAY 205

WIDENING PROJECT

UPDATE 05-13-2022

According to the Texas Department of Transportation (TxDOT):

- 1) The R.O.W. acquisition is complete.
- 2) The Draft Utility Certifications show the latest clearance date to be 6/30/2022, but it is anticipated that NTMWD may take up until September.
- 3) The 100% plans were submitted to Austin and everything is going up-to-speed.
- 4) The project is scheduled to let on 6/29/2022.
- 5) The construction is anticipated to start in September and take roughly 17-18 months. This is subject to change.
- 6) They will notify of any delays but think it unlikely at this point.