



**AGENDA
WATAUGA CITY COUNCIL
SPECIAL TELECONFERENCE MEETING
MONDAY, APRIL 20, 2020
5:45 PM**

The meeting will be held via videoconference using WEBEX.

If you wish to view-only, the meeting will be streamed "live" on our web-site at the normal location: <https://www.cowtx.org/1403/Agendas-and-Minutes>

If you wish to comment during the meeting, you may do so by registering using the form located at: <https://www.cowtx.org/comments>. You will have the option to join the virtual meeting and comment "live" at the appropriate time using a computer, Android device, iOS device and/or a phone. Or, you can provide your comments at the time of registration and they will be read into the record for you.

Notice is hereby given that a **Special City Council Meeting** of the City of Watauga, Texas will be held by Teleconference at which time the following subjects will be discussed and may be acted upon.

Agendas and Minutes

Archives

City Charter

Contact City Council

Council Interview Committee

Council Place 1

Council Place 2

Council Place 3

Council Place 4

Council Place 5

Council Place 6

Council Place 7

Mayor

Proclamations / Certificates

Strategic Plan

View Meetings

Home > Government > City Council > Meeting Registration

Meeting Registration

Members of the public are invited and encouraged to attend all public meetings that are not closed to the public in accordance with the Texas Open Meetings Act. Public input is encouraged during Public Testimony, Public Hearings or Action sections of a meeting agenda. As authorized by the Executive Orders issued by the Texas Governor, the City is making special provisions to allow the public to comment at this meeting. The meeting will be hosted using WEBEX. "Live" participation is limited. A person desiring to comment "live," during the meeting must register in advance using this form. Once registered, citizens will be provided with the meeting link information on a first come, first served basis until all slots have been filled.

Select an upcoming meeting to register for:

WATAUGA

T E X A S

Special City Council Meeting
April 20, 2020 @ 5:45 p.m.

OR

WATAUGA

ECONOMIC DEVELOPMENT

CORPORATION

Watauga Economic Development Corporation Meeting
April 21, 2020 @ 6:00 p.m.

Comprehensive Plan Update
Conducting Elections
Welcome Info
Transparency
Forms
Mobile Apps
On-line Payment Center
Public Works Construction Updates
Rufe Snow Improvement Project
Strategic Planning
Street Sweeper Schedule
West Nile Virus
Disclaimers

Home > Form Center


Form Center

Search Forms:

Word or Phrase

Select a Category



By [signing in or creating an account](#), some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

Special City Council - April 20, 2020 Comment Registration

Sign in to Save Progress

Members of the public are invited and encouraged to attend all public meetings that are not closed to the public in accordance with the Texas Open Meetings Act. Public input is encouraged during Public Testimony, Public Hearings or Action sections of a meeting agenda. As authorized by the Executive Orders issued by the Texas Governor, the City is making special provisions to allow the public to comment at this meeting. The meeting will be hosted using WEBEX. "Live" participation is limited. A person desiring to comment "live," during the meeting must register in advance using this form. Once registered, citizens will be provided with the meeting link information on a first come, first served basis until all slots have been filled.

Citizens may also provide their comments in writing. ALL COMMENTS MUST BE RECEIVED NO LATER THAN 1 HOUR PRIOR TO THE MEETING. All written comments must comply with applicable decorum rules for comments made during a public meeting of the Watauga City Council to be read into the record. Up to three minutes shall be allotted for each written comment to be read into the record of the meeting. All timely comments will be read into the record of the meeting at the appropriate time during the meeting.

While reasonable efforts will be taken to gather comments received within the hour prior to the meeting or received during the meeting, all such comments are considered untimely and may not be recognized and read during the meeting.

First Name*

Last Name*

“Live” meeting space is limited and will be provided on a first come, first served basis. If you select the “live” meeting option, the WEBEX meeting details will be emailed to you at the e-mail address you provide during registration. You will be responsible for ensuring that you are available in the WEBEX meeting at the time public testimony is requested and that you have a microphone or have called in via telephone so that your comments can be heard.

A copy of the agenda packet for this meeting may be obtained here:

<https://www.cowtx.org/1403/Agendas-and-Minutes>. A recording of this meeting will be made available on-line at the city's website as soon as practicable after the meeting.

CALL TO ORDER

ROLL CALL

PUBLIC TESTIMONY Members of the public are invited and encouraged to attend all public meetings of the Watauga City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. As authorized by the Executive Orders issued by the Texas Governor; the City is making special provisions to allow the public to comment at this meeting. ANYONE WHO DESIRES TO MAKE A COMMENT, AT THIS MEETING, WHETHER IT PERTAINS TO ANY ITEM ON THIS AGENDA, IT IS INTENDED TO BE MADE DURING ANY PUBLIC HEARING CONDUCTED AT THIS MEETING, OR OTHERWISE, MUST EITHER SEND THEIR COMMENT IN WRITING TO "comments@cowtx.org" NO LATER THAN one (1) hour prior to the meeting or ATTEND THE MEETING USING THE INFORMATION PROVIDED ABOVE AND SPEAK WHEN CALLED UPON. All written comments must comply with applicable

decorum rules for comments made during a public meeting of the Watauga City Council to be read into the record. Up to three minutes shall be allotted for each written or oral comment to be read/spoken into the record of the meeting. All timely written comments will be read into the record of the meeting at the appropriate time during the meeting.

While reasonable efforts will be taken to gather comments received within the hour prior to the meeting or received during the meeting, all such comments are considered untimely and may not be recognized and read during the meeting. The City is further not responsible for internet connection speeds or any other technologic interference which may occur which impairs any member of the public from attending or participating in this meeting.

ACTION ITEMS

1. Discuss and consider the adoption of an Ordinance by the City Council of the City of Watauga, Texas, temporarily suspending enforcement of utility late fees on past due amounts and disconnect actions under Sections 42-85, 42-88, and 12-42(e)-(f), Watauga Code of Ordinances; providing for severability; providing an effective date
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager
2. Discuss and consider action on the Mayoral nominations for Council Liaisons appointments to the City Boards and Commissions
Council Member Mark Taylor
Mayor Arthur L. Miner
3. Discuss and provide direction to the Emergency Management Team regarding the closure of the parking lots to vehicular traffic at the various City parks
Mayor Arthur L. Miner
Andrea Gardner, City Manager
4. An Ordinance of the City of Watauga, Texas, approving an amendment to the Economic Development Capital Projects Fund budget for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020; approving supplemental appropriations; providing for repeal; providing for severability and providing an effective date.
Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager

REPORTS

1. Provide an update on the Attorney General Ruling related to Section 11.35, Tax Code, providing a property tax exemption for certain property during a declared disaster {(Tax Code 11.35(g))
George Hyde, Legal
Andrea Gardner, City Manager

ADJOURNMENT

Meeting Notices and Reservation of Rights

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of

the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

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

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, April 17, 2020 before 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

Andrea Gardner

Andrea Gardner, City Secretary





AGENDA MEMORANDUM

DATE: April 16, 2020

TO: Honorable City Council Members

FROM: Sandra Gibson, CGFO, CGFM, Director of Finance

SUBJECT: Discuss and consider the adoption of an Ordinance by the City Council of the City of Watauga, Texas, temporarily suspending enforcement of utility late fees on past due amounts and disconnect actions under Sections 42-85, 42-88, and 12-42(e)-(f), Watauga Code of Ordinances; providing for severability; providing an effective date

BACKGROUND/INFORMATION:

On March 17, 2020, the Mayor executed an Executive Order declaring a disaster. On March 23, 2020, the City Council extended the executive order indefinitely.

Since the disaster declaration, City Administration found it to be in the best interest of the City to temporarily suspend disconnection of water and sewer utility services due to the anticipated economic impact to residents and businesses and the ruling issued by the Public Utility Commission.

TML issued a legal recommendation for City to take independent action authorization changes to charges and interruption of service, thus the reason for the ordinance. In addition, the ordinance provides for the temporary suspension of penalties and late fees for accounts that became delinquent after the emergency declaration.

FINANCIAL IMPLICATIONS:

Temporary suspension of disconnections will result in the disconnect fee not being charged to the customer and late fees will not be assessed temporarily for these accounts.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the City Council take action to approve Ordinance No. 2020-016, providing for temporary suspension enforcement of late fees and disconnections for water and sewer utility accounts.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:



AGENDA MEMORANDUM

1. Ordinance Sections Regarding Utility Fees and Disconnections
2. PUC Orders Related to COVID19
3. TML GUIDANCE on Utility
4. 2020-016 Watauga Ordinance Suspending Utility Fees Disconnects 041620

REVIEWED BY:

Macy Cotton, Legal

George Hyde, Legal

Sandra Gibson, CGFO, CGFM, Director of Finance

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 4/16/2020

Approved - 4/17/2020

Approved - 4/17/2020

Final Approval - 4/17/2020

Sec. 12-42. - Chapter 42, Utilities.

(a) *Water rates.*

(1) *Billing policy where only one user or building is tied to the same meter.*

- a. The monthly bill will be computed as follows: The minimum bill taken from schedule A plus a volume charge of \$5.01 per 100 cubic feet on monthly volume greater than the minimum volume from schedule A for all customers.
- b. Residential customers who have attained the age of 65 and reside in owner-occupied or rental property within the city will be eligible for a \$5.00 discount for water service on their monthly bill when proof of eligibility is provided to the city.

SCHEDULE A WATER RATE SCHEDULE

Effective March 1,2019

Meter size (inches)	¾"	1"	1¼"	1½"	2"	3"	4"	6"/8"
Minimum bill (*)	\$15.70	\$21.26	\$28.33	\$57.76	\$75.03	\$137.16	\$227.59	\$579.99
Volume(*)	267	345	460	937	1,300	2,400	4,000	10,000

(*) Volume included in minimum bill (base charge).

- (2) *Billing policy where more than one user or building is tied onto the same meter.* It shall be the policy of the city to bill each home, homes, duplex, triplex, offices or any other buildings where more than one user is tied onto the same water meter at \$15.70 per month for each customer unit for water, plus a monthly volume charge of \$5.01 per 100 cubic feet of water used by the building.

(3) *Billing for apartment complexes and mobile home parks.*

- a. \$15.70 per month per apartment unit or each free-standing mobile home plus a monthly volume charge of \$5.01 per 100 cubic feet of water used by the apartment complex or mobile home park.
- b. Apartment or mobile home park owner shall furnish a certified statement of occupancy prior to the 10th day of each month. Failure to file occupancy statement will result in billing for 100 percent occupancy.

(b) *Sewer rates.*

(1) *Minimum monthly service charge.*

- a. The monthly bill will be computed as follows: The minimum monthly service charge will be \$17.36 for all customers.
- b. Residential customers who have attained the age of 65 and reside in owner-occupied or rental property within the city are eligible for a \$5.00 discount for sewer service on their monthly bill when proof of eligibility is provided to the city.

(2) *Volume Charge.*

- a. A monthly volume charge shall also be charged to all customers in the amount of \$2.99 per 100 cubic feet of water used or wastewater produced.
 - b. The monthly volume charge for residential customers will be based on the lesser of the calculated average monthly water consumption billed during the winter quarter months of December, January and February, or actual water usage during the month. The volumes used to compute these charges are based on the amount of water used by the residential customer as measured by a meter. Where the previous winter quarter average is not available from the records, the volume to be used for the monthly volume charge shall be 900 cubic feet.
- (3) *Determination of water use for commercial and industrial customers* . The monthly charges to commercial and industrial customers will be based on water use for each month as measured by appropriate meters, with the provision that, if a customer can show to the satisfaction of the director of public works that a significant portion of the metered water usage does not enter the sanitary sewer system, the customer will be charged only for that volume entering the wastewater system, as determined by a method approved by the director of public works.
- (4) *Industrial waste*. All industrial users: To be served on the system only by specific contract approved by the city council for the particular industrial sewage or water involved.
- (5) *Waste creating unusual conditions or problems*. In the event a commercial customer is introducing sewage into the wastewater system that creates unusual conditions or problems such as excessive oils, grease or chemicals, the director of public works shall advise the customer of options which are available to the commercial customer to remedy the existing condition. Those options include the following:
 - a. To correct at his own expense the conditions causing the excess.
 - b. To pay a monthly rate, to be determined by the director of public works, to the city equal to the expense of maintaining and/or treating the excessive waste.
- (6) *Billing policy where more than one user or building is tied to the same water meter*. It shall be the policy of the city to bill each home, homes, duplex, triplex, office, or any other buildings where more than one user is tied onto the same water meter at \$17.36 per month for each customer unit for sewer, plus a monthly charge to be calculated as set forth in subsection (2)(a) above.
- (7) *Billing for apartment and mobile home parks*.
 - a. \$17.36 per month per apartment unit or free-standing mobile home plus a monthly volume charge of \$2.99 per 100 cubic feet of water used by the apartment complex or mobile home park.
 - b. The apartment or mobile home park owner shall furnish a certified statement of occupancy prior to the 10th of each month. Failure to file the occupancy statement will result in billing for 100 percent occupancy.
- (c) *Deposits*.
 - (1) *Calculation of deposit*. The required deposit will be based on historical average consumption using not less than 12 consecutive months of data, computed using the current city water and wastewater rates. The required deposit will be 1.5 times the average bill. If no recent historical data is available the deposit will be taken from schedule B. All residential customers will use schedule B.

SCHEDULE B. WATER AND SEWER DEPOSITS
Effective October 1, 2001

Customer Type	Water	Sewer	Garbage
Renter-occupied residential	\$75.00	\$50.00	\$25.00
Owner residential	\$50.00	\$25.00	\$15.00
Commercial:			
$\frac{3}{4}$ "—1 $\frac{1}{4}$ "	\$75.00	\$50.00	
1 $\frac{1}{2}$ "—4"	\$400.00	200.00	
6"—8"	\$4,500.00	\$2,900.00	
Multifamily: All sizes/per unit (unless owner deposit on file)	\$75.00	\$50.00	
Fire hydrant meter	\$1,000.00		

(d) *Leak adjustments for hidden leaks.*

- (1) A hidden leak shall be defined as a leak that cannot be detected until a higher than normal water bill is received. A hidden leak includes water leaks in the interior plumbing of a structure such as walls, slabs, in sprinkler system heads, and other undetectable areas. A hidden leak is not defined as a leak in hot water heaters, toilets, dripping faucets or frozen plumbing. In the event of a hidden leak, the city shall share the cost up to a maximum of \$150.00 of the excess water attributable to the hidden leak that has passed through the meter. A leak adjustment will be made:
 - a. Only once in a calendar year.
 - b. Only after proof (usually a statement from a licensed plumber) has been received that the leak has been repaired.
 - c. Only to the highest month consumption affected by the leak.
- (2) The amount of adjustment, not to exceed \$150.00, is determined by the following formula:
 - a. Calculate the amount of "normal" consumption.
 1. Averaging the previous six months before the leak occurred; or
 2. Using volume from the same month of the previous year, whichever is greater.
 - b. Subtract calculated "normal" consumption from actual consumption.
 - c. Divide the difference by two.
 - d. Apply the rate to the result in subsection (d)(2)c of this section.
 - e. The resulting dollar amount, up to \$150.00, shall be the amount of credit to the customer's account.

- (3) Customer costs associated with the leak repair are not reimbursable by the city. The city will only assist with the cost of excess water flowing through the meter as a result of a hidden leak.
- (e) *Billing; delinquency penalty.* All charges for services furnished or rendered by the city under this article shall include water, wastewater, sewer surcharge, EPA, storm drain and garbage service. Payment for such services shall be due and payable 21 days from the billing date stamped on the bill. In the event the billing statement is not paid in full by the 25th day after the billing date stamped on the bill, a penalty of ten percent of the unpaid balance will be added to the next billing statement. (The minimum penalty for failure to pay in full within the 25 days after the billing date is \$2.50 for residential accounts and \$15.00 for commercial accounts.)
- (f) *Water and sewer connection fees.*
- (1) *Developed service.* A developed service is a service where the developer installed the tap, service line and meter box for water and tapping saddle and service line stub-out for wastewater service.
 - (2) *Undeveloped service.* An undeveloped service is a service where the city has to install the tap, service line, meter box and meter for water and tapping saddle and service line stub-out for wastewater service.
 - (3) *Additional services.* Additional services which are not included in the service connection fees are boring costs, service line costs in excess of 50 feet and street cut costs.
 - (4) *Special conditions taps.* Taps larger than eight inches or requiring a special tapping crew. Fee will be charged according to tap installation costs.

Size	Developed	Undeveloped
WATER SERVICE CONNECTION FEES		
5/8 " x 3/4"	\$300.00	\$500.00
1"	\$350.00	\$565.00
2"	\$550.00	\$965.00
3"	\$1,350.00	**
4"	\$1,775.00	**
SANITARY SEWER SERVICE CONNECTION FEES		
4"	\$75.00	\$305.00
6"	\$75.00	**
8"	\$75.00	**

** These service connections have to be installed by a utility contractor for the developer.

Reconnect fee. When customer water or wastewater service has been disconnected, payment must be made by cash, check, credit card, or money order to restore service. Where water service has been disconnected for failure to pay for services rendered, a charge of \$15.00 shall be made for each meter on the final disconnection report and the utility account must be paid in full before such service is restored. An additional charge of \$25.00 for each meter shall be made if service is restored after 5:00 p.m. and before 8:00 a.m. on Monday through Friday or anytime on Saturday or Sunday.

(g) *Water meters serving multiple units; fire protection system meters.*

(1) *Multifamily residential buildings.* Water meters that service a multiple-tenant residential building may have individual water meters dedicated to each individual unit to be serviced.

- a. Multifamily residential buildings where one or more residential units is serviced by one meter: If a developer/owner/manager elects not to meter each residential unit (create individual taps and install city-approved meters to be read monthly by city staff), the developer/owner/manager may post a surety bond or cash deposit in the amount equal to six times \$75.00 times the number of units, regardless of the number of meters installed to service the total complex.
- b. Multifamily residential buildings where one or more residential units is serviced by one meter: If within the specified period of time a developer/owner/manager of existing systems cannot (or elects not to) individually meter each residential unit (create individual taps and install city-approved meters to be read monthly by the city staff), such developer/owner/manager may post a surety bond or a cash deposit in the amount equal to six times the number of units times the average bill for that customer during the previous calendar year, regardless of the number of meters installed to service the total complex.
- c. Requirements for surety bond:
 1. The surety bond payable to the city shall be issued by an authorized insurance company licensed to do business in the state and approved in writing by the city attorney.
 2. A power of attorney from the insurance company must accompany the surety bond.
 3. The surety bond must be filled out completely and executed by both the surety and principal.
 4. The surety bond must be filed with the city within 30 days from the date of commencement of service.

(2) *Commercial property.* Water meters that service a multiple-tenant commercial building may have water meters dedicated to individual units to be served.

- a. Multi-unit commercial property where one or more commercial units serviced by one meter: If a developer/owner/manager elects not to meter each commercial unit (create individual taps and install city-approved meters to be read monthly by city staff), such developer/owner/manager may post a surety bond or cash deposit in the amount equal to six times the number of units times the average monthly bill of like-kind establishments, regardless of the number of meters installed to service the total complex.
- b. Multi-unit commercial property where one or more commercial units serviced by one meter: If a developer/owner/manager of existing systems cannot individually meter each commercial unit (create individual taps and install city-approved meters to be read monthly by city staff), such developer/owner/manager may post a surety bond or cash deposit in the amount equal to six times the number of units times the average monthly bill for that location during the previous calendar year, regardless of the number of meters installed to service the total complex.
- c. Requirements for surety bond:

1. The surety bond payable to the city shall be issued by an authorized insurance company licensed to do business in the state and approved in writing by the city attorney.
 2. A power of attorney from the insurance company must accompany the surety bond.
 3. The surety bond must be filled out completely and executed by both the surety and principal.
 4. The surety bond must be filed with the city within 30 days from the date of commencement of service.
- (h) *Fire protection water supply.* All water lines that supply a fire protection system shall be metered for water usage. These meters shall be installed at the point of connection from the underground to the above-ground piping.
- (i) *Existing systems.* All occupancies, residential or commercial, that are existing must be within compliance of this article within two years of its effective date or when repairs or remodels are made that would involve changing, moving, relocating or altering the metering device.
- (j) *Fee for printed account history.* There shall be a fee of \$15.00 charged to provide a printed account history of information that is available on the city's customer information system, to cover the cost of time and materials necessary to provide the information.
- (k) *Activation/transfer fee.* There shall be a nonrefundable activation/transfer fee of \$10.00 to be charged for all water/sewer accounts.
- (l) *Meter investigation fees.*
- (1) Should any customer demand that a meter investigation be performed by the city in order to read the meter, verify readings or conduct leak investigations, a fee of \$10.00 will be assessed to the customer account exceeding two times in one calendar year (January 1 to December 31) if no problem is detected by the city in the investigation.
 - (2) Upon a second trip to a location made at the request of the customer for assistance, if the customer fails to meet his responsibility in order for a city representative to complete the service request, a fee of \$10.00 will be imposed on the customer account for each additional customer assistance call or dispatch.
 - (3) Should any customer demand that a meter be tested by a third party for accuracy, he shall make a cash deposit with the city utility department of \$45.00.
- (m) *Tampering with or damaging meters.*
- | | | | | |
|-----|--------------|--------|-------|----------|
| (1) | Locking | device | | \$ 50.00 |
| | per device | | | |
| (2) | ¾-inch meter | | 75.00 | |
- Fees for larger meters will vary and shall be imposed based on cost to the city plus 20 percent for installation and purchase.
- | | | | |
|-----|--------------------------|-------|--------|
| (3) | Curb stop/cut-off valve | | 100.00 |
| (4) | Setter | | 150.00 |
| (5) | ¾-inch meter box and lid | | 85.00 |
- Fees for larger meter boxes and lids will vary and shall be imposed based on cost to the city plus 20 percent for installation and purchase.
- | | | | |
|-----|---------------------|-------|--------|
| (6) | Meter bypass/jumper | | 100.00 |
|-----|---------------------|-------|--------|
- (n) *Irrigation system fees.*
- | | | | |
|-----|-------------|-------|-------|
| (1) | Plan review | | 50.00 |
|-----|-------------|-------|-------|

- (2) Permit approval 40.00
- (3) On-site inspection 40.00

(o) *Drainage charges.*

- (1) *Basic drainage charge.* The rate set forth herein is calculated on the basis of a drainage charge of \$11.00 per ERU (equivalent residential unit) which is equal to \$118.60 per impervious acre of land. Runoff coefficients and corresponding rates per acres for various land uses may be modified by the city council from time to time by a modification of said basic drainage charge.
- (2) *Residential property.* The city council finds that the residential lots within the city based upon a runoff coefficient of 0.50 will be charged at a rate of \$11.00 per month, per platted lot, tract and parcels of land when a building exists on the platted lot, tract and parcel of land.
- (3) All other lots, tracts and parcels of land within the city shall be charged on the basis of the acreage contained in said lot, tract or parcel of land, and the use made of such property, in accordance with the following schedule of drainage charges which are hereby levied against all such remaining lots, tracts and parcels of land within the city.

Land Use	Runoff Coefficient	Rate Per Acre
Commercial	0.90	\$106.74
Industrial	0.80	94.88
School	0.50	59.30
Churches	0.65	77.09
Vacant Land	0.30	0.00

Calculation: Land use rate per acre × total acreage of property = monthly fee.

Example: A commercial property has total acreage of 1.50 acres.

Calculation: \$106.74 × 1.50 acres = \$160.11 fee per month.

- (4) *Changes to rates and charges.* The city council may later change, adjust, and readjust the rates and charges established herein for drainage services from time to time by ordinance. Prior to adjusting any drainage service rates and charges, the city council shall hold a public hearing in accordance with V.T.C.A., Local Government Code § 552.045(c), as now or hereafter amended. No action may be taken upon the proposed rate changes or adjustments by the city council until the following meeting of the city council.
- (5) *Review.* Following the initial five years of substantial continuous operations of the municipal drainage utility system, a review and public hearing (requiring notice pursuant to the Texas Open Meetings Act, V.T.C.A., Government Code ch. 551, as now or hereafter amended) shall be conducted every three years addressing revenues, necessity for increases or decreases of the schedule of charges for drainage service, facilities, costs of service, drainage system, service area, and all other aspects of the operation of the MDUS.

- (6) *Discontinuance of system.* If, after at least five years of substantially continuous operation of the municipal drainage utility system, the city council determines that the system should be discontinued, and that the provision for municipal drainage should be made by other revenues, the city council may adopt an ordinance in accordance with V.T.C.A., Local Government Code § 552.052 to that effect after providing notice and a public hearing as required by V.T.C.A., Local Government Code § 552.045.
- (7) *Disclaimer.* By the passage of this section, the city makes no representation that all of the city drainage problems will be immediately remedied, and the city council is given full discretion in establishing time and quantitative priorities in expending funds as the same become available to meet the drainage needs of the city on a reasonable basis. The passage of this section shall not be construed to relieve private landowners, developers or other individuals or entities from providing drainage improvements pursuant to the ordinances of the city and the laws of this state which relate to drainage or drainage improvements.
- (8) *Use of income.* All income from the city municipal drainage utility system shall be segregated and completely identifiable in municipal accounts. If drainage charges are solely for the cost of service, the city may transfer the charges in whole or in part to its general fund except for any part collected outside the city boundary and except for any part pledged to retire any outstanding indebtedness or obligation incurred or as a reserve for future construction, repair, or maintenance of the drainage system. Any sum levied in the drainage charges for contribution to the fundings of future system improvements including replacement, new construction, or extension of the system shall be used for such improvements and shall not be transferred to the general fund.
- (9) *Adoption of additional rules.* The city council may, by subsequent ordinance, adopt rules for the operation and conduct of the city municipal drainage utility system, including exemptions, if any, from the drainage charges levied therein, consistent with its authority and state law.
- (p) *Gas rates and charges.*
- (1) *Item A: Residential and commercial rates.*
- a. *Rate schedule.* Subject to applicable adjustments, the following rates are the maximum applicable to residential and commercial consumers per meter per month or for any part of a month for which gas service is available at the same location:
1. Residential:

Customer charge \$8.0000

All consumption @ 3.8301 per Mcf

If the service period is less than 28 days in a month the customer charge is \$0.2857 times the number of days service. If the consumption contains a portion of an Mcf, a pro-rata portion of the per Mcf charge will be made.
 2. Commercial:

Customer charge \$14.0000

First 20 Mcf @ 4.1150 per Mcf

Next 30 Mcf @ 3.8150 per Mcf

Over 50 Mcf @ 3.6650 per Mcf

If the service period is less than 28 days in a month the customer charge is \$0.5000 times the number of days service. If the consumption contains a portion of an Mcf, a pro-rata portion of the per Mcf charge will be made.

- b. *Due date.* Bills are due and payable when rendered and must be paid within 15 days from the monthly billing date.
- c. *Residential off-peak sales discount.* An off-peak sales discount of \$0.25 per Mcf will apply to residential customers' volume purchased in excess of eight Mcf for each of the billing months May through October.

(2) *Item A-1: Industrial rates.*

- a. Industrial rates-N is hereby amended and revised as follows:

Monthly rates. Subject to the company's limitation on the availability of each rate, the customer shall receive service under its choice of one of the following rates in accordance with the rate selected by customer as provided in the contract:

Rate 1

First 125 Mcf or less \$231.67

All over 125 Mcf @ 1.8142 per Mcf

Rate 2

First 600 Mcf or less \$1,045.78

All over 600 Mcf @ 1.6682 per Mcf

Rate 3

First 1,250 Mcf or less \$2,040.87

All over 1,250 Mcf @ 1.6082 per Mcf

- b. In all other respects, industrial rates-N shall remain in effect as filed with the city. 100 percent of the increase in industrial margin is to accrue to the benefit of TXU Gas Distribution.

(3) *Item A-2: Transportation rates.*

- a. The maximum fee for industrial transportation service on the city distribution system is \$0.8142 per MMBTU delivered plus applicable taxes exclusive of the backup fee.
- b. The above transportation fee includes both the fee incurred to move the gas from the receipt point on the transmission system to the city gate and the fee incurred to move the gas from the city gate to the customer's facility.
- c. If the fees for transportation service on the transmission system change, the revised fees will be included in the overall transportation rate charged to customers.
- d. 100 percent of the increase in transportation fees incurred to move the gas from the city gate to the customer's facility is to accrue the benefit of TXU Gas Distribution.

(4) *Item B: Gas cost adjustment.* Each residential and commercial monthly bill at the above rates in item A shall be adjusted for gas cost as follows:

- a. The city gate rate increase or decrease applicable to the current billing month residential and commercial sales shall be estimated to the nearest \$0.0001 per Mcf based upon:
 - 1. The city gate rate estimated to be applicable to volumes purchased during the current calendar month, expressed to the nearest \$0.0001 per Mcf (shown below as "Re"), less
 - 2. The base city gate rate of \$2.7535 per Mcf, multiplied by

3. A volume factor of 1.0216 determined in establishing the above rates for the distribution system as the ratio of adjusted purchased volumes divided by adjusted sales volumes.
- b. Correction of the estimated adjustment determined by item B.a above for the second preceding billing month shall be included as part of the adjustment. The correcting factor (shown below as "3") shall be expressed to the nearest \$0.0001 per Mcf based upon:
 1. The corrected adjustment amount based upon the actual city gate rate, less
 2. The estimated adjustment amount billed under item B.a above, divided by
 3. Distribution system residential and commercial sales Mcf recorded on the company's books during the prior year for the month that the correction is included as part of the adjustment.

In summary, the gas cost adjustment (GCA) shall be determined to the nearest \$0.0001 per Mcf by item B.a and item B.b as follows:

$$\text{GCA} = [\text{Item B.a} + \text{Item B.b}]$$

$$\text{GCA} = [(1.0216) (\text{Re} - \$2.7535) + \text{C}]$$

(5) *Item C: Weather normalization adjustment.*

- a. Effective with bills rendered during the October 2000 through May 2001 billing months, and annually thereafter for the October through May billing months, the above residential and commercial consumption rates for gas service, as adjusted, will be subject to a weather normalization adjustment each billing cycle to reflect the impact of variations in the actual heating degree days during the period included in the billing cycle from the normal level of heating degree days during the period included in the billing cycle.
- b. The weather normalization adjustment will be implemented on a per Mcf basis and will be applicable to the heating load of each customer during the period included in the billing cycle. It will be determined separately for residential and commercial customers based on heating degree data recorded by the D/FW Airport weather station. The adjustment to be made for each billing cycle will be calculated according to the following formula:

WNA	=	$\frac{\text{NDD} - \text{ADD}}{\text{ADD}}$	x M x AHL
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Where:

WNA = Weather normalization adjustment.

NDD = Normal heating degree days during the period covered by the billing cycle.

ADD = Actual heating degree days during the period covered by the billing cycle.

M = Weighted average margin per Mcf included in the commodity portion of the rates effective during the October through May billing months.

AHL = Actual heating load per customer.

- c. The heating load to which the weather normalization adjustment is to be applied for residential and commercial customers is determined by subtracting the base load for the

customer from the total volume being billed to the customer. The base load of a customer is the average level of non-heating consumption.

- d. The weather normalization adjustment is subject to a 50 percent limitation factor based on temperatures being 50 percent warmer or colder than normal. The weather normalization adjustment will be calculated to the nearest \$0.0001 per Mcf.
- (6) *Item D: Tax adjustment.* Each monthly bill at the above residential and commercial rates, as adjusted above, shall be adjusted for municipal franchise fees (street and alley rental taxes) and the state gross receipts taxes imposed by V.T.C.A., Tax Code §§ 182.021—182.024. Each monthly bill, as adjusted above, shall also be adjusted by an amount equivalent to the proportionate part of any new tax or any tax increase or decrease, or any increase or decrease of any other governmental imposition, rental fee, or charge (except state, county, city and special district ad valorem taxes and taxes on net income), levied, assessed, or imposed subsequent to December 31, 1999, upon or allocated to the company's distribution operations, by any new or amended law, ordinance or contract. Municipal franchise fees (street and alley rental taxes) and the state gross receipts taxes imposed by V.T.C.A., Tax Code §§ 182.021—182.024 shall continue to be collected pursuant to individual industrial contracts.
- (7) *Item E: Schedule of service charges.*
- a. *Connection charge.* In addition to the charges and rates set out above, the company shall charge and collect the sum of:

Schedule	Charge
Business hours	\$35.00
After hours	52.50

for each reconnection of gas service where service has been discontinued at the same premises for any reason, for the initial inauguration of service, and for each inauguration of service when the billable party has changed, with the following exceptions:

- (i) For a builder who uses gas temporarily during construction or for display purposes;
 - (ii) Whenever gas service has been temporarily interrupted because of system outage or service work done by the company; or
 - (iii) For any reason deemed necessary for company operations.
- b. *Read for change charge.* A read for change charge of \$12.00 is made when it is necessary for a company employee to read the meter at a currently served location because of a change in the billable party.
- c. *Returned check charge.* A returned check handling charge of \$16.25 is made for each check returned to the company for any reason.
- d. *Delinquent notification charge.* A charge of \$4.75 shall be made for each trip by a company employee to a customer's residence or place of business when there is an amount owed to the company that is past due. This charge shall not be made when the trip is required for safety investigations or when gas service has been temporarily interrupted because of system outage or service work done by the company.

- (8) *Item F: Main line extension rate.* The charge for extending mains beyond the free limit established by franchise for residential, commercial, and industrial customers shall be based on the actual cost per foot of the extension.

(Code 2001, app. A, §§ 4.1400, 10.300—10.700, 10.800, 10.1000—10.1200; Code 2010, §§ A10.1—A10.015; Ord. No. 1475, 10-24-2011; Ord. No. 1478, 11-21-2011; Ord. No. 1516, § I, 1-29-2013; Ord. No. [1651](#), § I, 12-18-2017; Ord. No. [1662](#), § 2, 6-15-2018; Ord. No. [1686](#), § I, 2-11-2019; Ord. No. [1708-A](#), § I, 5-13-2019)

Editor's note— Ord. No. [1662](#), § 2, adopted June 15, 2018, did not specify manner of inclusion. Therefore, at the discretion of the editor, these provisions have been included as § 12-42(a)(4) and (b)(8)

Sec. 42-85. - Billing; delinquency penalty.

All charges for services furnished or rendered by the city under this article shall include water, wastewater, sewer surcharge, EPA, storm drain and garbage service. Payment for such services shall be due and payable 21 days from the billing date stamped on the bill. In the event the billing statement is not paid in full by the 25th day after the billing date stamped on the bill, a penalty as provided for in the fee schedule in chapter 12 will be added to the next billing statement.

(Code 2001, § 13.205; Code 2010, § 13.04.045)

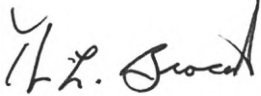
Sec. 42-88. - Discontinuance of service; reconnect fee.

When water service has been disconnected, payment must be made by cash, check, credit card, or money order to restore service. Where service has been disconnected for failure to pay for services rendered, a charge as provided for in the fee schedule in chapter 12 shall be made for each meter on final disconnection report and the utility account must be paid in full before such service is restored. An additional charge for each meter as provided for in the fee schedule in chapter 12 shall be made if service is restored after 5:00 p.m. and before 8:00 a.m. on Monday through Friday or anytime on Saturday or Sunday.

(Code 2001, § 13.208; Code 2010, § 13.04.048)

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor
Steering Committee of Cities Served by Atmos

FROM: Thomas Brocato 
Patrick Dinnin

DATE: March 30, 2020

RE: COVID-19 Update

PUC Takes Actions to Address Coronavirus Threat

The Public Utility Commission of Texas (PUC) has joined other state agencies and entities in adopting measures to address the rapidly growing threat presented by the coronavirus disease 2019 (COVID-19).

On March 16, 2020, the PUC conducted an emergency open meeting regarding Docket No. 50664, *Issues Related to the State of Disaster for Coronavirus Disease 2019*. They announced that PUC Staff would be telecommuting until further notice, and that the PUC will be suspending requirements for filings to be provided in hard copies. For now, the PUC requests electronic filings only (unless the material is confidential or voluminous).

Additionally, Chairman Walker announced that the PUC has identified three statutory waivers which will need to be made by the governor. Open meetings will not be officially cancelled—Chairman Walker specified that the PUC will be “nimble” with addressing future open meetings and will adjust to the extent necessary. Commissioner D’Andrea added that while it is the public’s right to be at an open meeting, the public should also adhere to President Trump’s recommendation to not participate in groups of ten people or greater.

The commissioners designated the coronavirus threat as a public emergency, giving the PUC the authority to suspend the rules for different filing requirements and deadlines.

On March 26, 2020, the PUC exercised its emergency authority to issue three orders. The first Order provides exceptions to existing PUC rules for electric, water, and sewer utilities, and requires electric utilities to provide eligible customers with deferred payment plans (DPPs). The second Order is an accounting order that allows regulated utilities to create a regulatory asset to track costs associated with the effects of COVID-19. The third Order establishes the COVID-19 Electricity Relief Program, which is a mechanism that will protect Texas citizens impacted by the COVID-19 emergency and provide certainty to the electric utilities and retail electric providers for recovery of unpaid utility bills.

Exceptions to PUC Rules and Requirement for REPs to Offer DPPs

Initially, at the PUC's March 16, 2020 emergency open meeting, the commissioners had asked utilities to take *voluntary* action to suspend the practice of disconnecting residential customers for non-payment of their bills. However, at the March 26, 2020 open meeting, the Commission ordered exceptions to its rules for electric, water, and sewer utilities, prohibiting the assessment of late fees and disconnection of customers when they cannot pay their utility bills.

Additionally, the Commission ordered Retail Electric Providers (REPs) to provide DPPs to customers upon request. A DPP is a mechanism that allows a customer with a past-due balance to pay that balance over the course of several months. However, when a customer enters a DPP with a REP, the customer is placed on a switch-hold, which prevents that customer from switching to different REP until that DPP is paid.

The Order does not require water utilities to offer a DPP because water utilities are already required to offer a DPP under the PUC's rules when any bill is more than three times the average bill for the customer. Water utilities are encouraged to offer a DPP to any residential customer who cannot pay all at once but is willing to pay in installments. The exceptions from the PUC's Order, however, temporarily prevents a water utility from charging interest on DPPs.

This Commission Order, featuring the exceptions to the rules and the requirement for REPs to offer DPPs, is effective until Governor Abbott's disaster declaration is terminated.

Accounting Order, Establishing a Regulatory Asset

The Commission also approved an accounting order, authorizing an accounting mechanism and subsequent process through which regulated utilities may seek future recovery of expenses resulting from the effects of COVID-19. Electric, water, and sewer utilities may record as a regulatory asset expenses resulting from the effects of COVID-19. These expenses can include non-payment of customer bills, as well as other costs, such as the cost to have facilities cleaned and disinfected. In future proceedings, the Commission will consider whether each utility's request for recovery of these regulatory assets is reasonable and necessary. The Commission will also consider other issues at a future proceeding, such as the appropriate period of recovery for approved amounts.

The COVID-19 Electricity Relief Program

The Commission's third Order issued at the March 26, 2020 open meeting establishes the COVID-19 Electricity Relief Program (CERP). CERP is a customer assistance program for residential customers that meet PUC established criteria proving that they have been affected by the COVID-19 outbreak. In addition to the protections for these customers established by the first order, CERP establishes a mechanism for Transmission and Distribution Utilities (TDUs) and REPs to recover costs from customers who cannot pay their utility bills.

This Order establishes a CERP fund, which will be funded by a rider to utilities' existing rates. Utilities are allowed to establish a regulatory asset to track the costs related to the effects of the COVID-19 outbreak, and those costs will ultimately be reimbursed by the CERP fund.

The rider will be based on \$0.33 per megawatt hour, and utilities are required to implement it within ten days of the Order, effective immediately.

Initial contributions to the CERP fund will be paid by ERCOT. Utilities are required to estimate the amount of reimbursement requests that they will receive, and ERCOT will provide that amount (up to \$15 million). If the initial amount requested is not enough to cover the TDU and REP costs, the TDU can file a request for an adjustment to the rider at any point during the CERP's existence. TDUs and REPs will be reimbursed for costs related to COVID-19 from the CERP fund.

Only certain residential customers are eligible for special treatment under CERP. A residential customer must be unable to pay the utility bill due to unemployment or low income because of the effect of the COVID-19 outbreak. When a customer informs the REP that he or she cannot pay, the REP is required to offer a DPP and direct customer to a third-party administrator, the Low-Income List Administrator (LILA). Once the customer has contacted LILA, they will have to provide attestation of unemployment (followed by documentation of unemployment within 30 days) and sufficient information to identify the customer's account (address, account number and telephone number). The LILA will compare the customer's information to the lists of customers submitted by REPs, which will deem the customer eligible for CERP funds.

Each REP will retrieve the list from LILA and request reimbursement of those customers' unpaid balances. REPs will cease submitting disconnection for non-payment orders from these eligible customers, and TDUs will cease charging REPs for delivery charges related to these customers. Additionally, the Order imposes reporting requirements on TDUs and REPs to track monthly reimbursements.

The Commissioners explained that the time period for the CERP is intended to track Governor Abbott's Executive Order GA-08, which limits social gatherings and requires the closure of certain businesses. The CERP, including the suspension on disconnections and the addition of eligible customers, will end six months after the Order. However, if the governor has not lifted GA-08 at the end of the six month period, the PUC may extend the CERP and protections.

The Order specifies that the TDUs' riders will remain in place after the CERP has ended, until the regulatory asset costs have been recovered and reimbursements are disbursed to REPs, TDUs, and ERCOT. Final claims for reimbursement must be submitted no later than 90 days after the end of CERP. If the rider over-recovers funds, those funds will be refunded to customers.

The PUC may make additional changes to these Orders, as the COVID-19 landscape changes every day. As the PUC announces anything related to the coronavirus, we will provide updates.

Railroad Commission Adopts Measures to Address Coronavirus Threat

The Railroad Commission of Texas (RRC) has joined other state agencies and entities in adopting measures to address the rapidly growing threat presented by the novel coronavirus.

The RRC's March 31, 2020 Open Meeting has been cancelled. Additionally, the RRC is no longer accepting in-person filings. Parties may submit filings via U.S. Postal Service, FedEx or United Parcel Service.

Further, on its website, the RRC has announced that most of its employees will be telecommuting, with the exception of a limited skeleton crew. This will be in effect from Tuesday, March 17 until further notice.

The RRC has also provided a link to important resources for the public and for operators at the following web address:

rrc.state.tx.us/covid19/

The public can still contact RRC Staff who are teleworking to ask questions about the energy industry. Operators can still contact the RRC about filings and processing. The RRC has also provided a 24-hour emergency number to report environmental emergencies.

The RRC has established a process for operators, utilities, and other licensed companies and individuals to request a waiver from regulatory requirements. Entities may request waivers of RRC regulations by providing justifications as to why the regulatory requirements cannot be met. The RRC will review the waiver requests on a case-by-case basis and determine whether to accept or deny the request.

As the RRC announces changes related to the coronavirus, we will provide updates.

TML GUIDANCE - Can a city postpone utility bill payments and waive disconnection of service for its municipally-owned utility (MOU) in response to COVID-19?

Yes. Cities have inherent authority to regulate their utility in “a manner that protects the interests of” the city. Tex. Loc. Gov’t Code § 552.001(b). This inherent authority arguably includes postponing utility bill payments and waiving disconnection of service and related fees. A city isn’t required by law to disconnect customers. It can choose to do so after providing due process to its customers, including notice and opportunity for a hearing, before disconnecting utility service. A city can choose to waive, terminate, or modify that process. 3 How can a city postpone utility payments and refuse to disconnect service for its MOU? A city has several options available. A city council can vote to modify existing policies and postpone payments and waive disconnection. If the council has delegated that authority to another individual, such as a mayor or city manager, that individual could postpone payments and waive disconnection. The city should check its local ordinances and policies to determine if and how authority has been delegated. Alternatively, the city could provide for postponing payments and waiving disconnection in its emergency management plan. Each city is required to maintain its own emergency management agency or participate in a local interjurisdictional emergency management agency that has an emergency management plan. See Tex. Gov’t Code § 418.106(a); 37 TAC § 7.1. The purpose of an emergency management plan is to provide for disaster mitigation, preparedness, response, and recovery. See Tex. Gov’t Code § 418.106(a). Each emergency management plan must be signed by the mayor, and must include, at a minimum: (1) wage, price, and rent controls and other economic stabilization methods; (2) curfews and other movement restrictions; (3) limitations on utility use in areas affected by a disaster; and (4) rules governing entrance to and exit from the affected area, and other security measures. Id. § 418.106(b); 37 TAC § 7.12. Under Section 418.106(b)(1), the plan could postpone utility payments and waive disconnection until the disaster has ended, for example. When the mayor declares a local disaster, it activates the appropriate provisions of the emergency management plan, including any provisions the city adopted suspending utility payments and disconnection for the duration of the disaster. Tex. Gov’t Code § 418.108(c). If a city does not have provisions for utility payment deferral and waiving disconnection in its emergency management plan, it may amend the emergency management plan to provide for it.

Did the PUC temporarily suspend rules allowing the utility industry to disconnect service for non-payment?

Yes. On March 26th, the PUC temporarily suspended a series of rules. First, the PUC ordered Retail Electric Providers (REPs) to suspend disconnections of service for non-payment. The PUC also created the COVID-19 Electricity Relief Program, a funding mechanism through which REPs may recover a reasonable portion of the cost of providing those uninterrupted services to customers facing financial hardship. The PUC ordered electricity providers outside the ERCOT grid (namely Entergy, El Paso Electric, SPS and SWEPCO) to suspend disconnections for non-payment. The commission also ordered PUC-

regulated water and sewer utilities across the state immediately to suspend disconnections for non-payment. More information about the PUC's order is available [here](#). The PUC has a Frequently Asked Questions document on its order [here](#). Note that this suspension does not apply to an MOU. An MOU can make the decision to suspend disconnections. The League has previously prepared Q&As on that subject.

CITY OF WATAUGA, TEXAS
ORDINANCE NO. 2020-016

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WATAUGA, TEXAS, TEMPORARILY SUSPENDING ENFORCEMENT OF UTILITY LATE FEES ON PAST DUE AMOUNTS AND DISCONNECT ACTIONS UNDER SECTIONS 42-85, 42-88, AND 12-42(e)-(f), WATAUGA CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, In response to the COVID-19 pandemic, on March 17, 2020, Mayor Arthur Miner proclaimed and declared, pursuant to the authority conferred upon the Mayor by the Watauga City Charter and Texas Government Code § 418.108, a local state of disaster within the City of Watauga, Texas, which was continued indefinitely by the City Council on March 23, 2020; and,

WHEREAS, on March 26, 2020, the Public Utility Commission of Texas ordered exceptions to its rules for electric, water, and sewer utilities, prohibiting the assessment of late fees and disconnection of customers when they cannot pay their utility bills; and

WHEREAS, the economic downturn that has resulted from the COVID-19 pandemic has made it difficult for many residents of Watauga to pay their bills and continue to care for themselves and their families; and

WHEREAS, the City Council finds that it has authority to temporarily postpone utility bill payments and waive disconnection of service and any related fees are under Section 552.001(b), Local Government Code, in order to protect the interests of the municipality and to ensure that residents are safe and able to maintain necessary utilities in this difficult time; and

WHEREAS, the City Council finds that temporarily suspending utility bill payments and disconnection fees established by Sections 42-85, 42-88, Watauga Code of Ordinances and their related fees found in Sections 12-42(e) and (f), Watauga Code of Ordinances, is necessary in order to protect the interests of the municipality in response to the COVID-19 disaster.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Watauga, Texas as follows:

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

II.

The City Council of the City of Watauga hereby temporarily suspends all utility late fees on past due accounts and suspends utility disconnection actions for non-payment provided for in the City of Watauga Code of Ordinances, Sections 42-85 and 42-88, and Sections 12-42(e) and (f), and consents to these suspensions continuing indefinitely, or until such time as they are terminated by order of the City Council.

III.

If any section, sub-section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

IV.

This Ordinance shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Watauga, Texas, and upon approval thereof by the Mayor of the City of Watauga, Texas, and publication hereof as prescribed by law.

PASSED AND ADOPTED by the City Council of the City of Watauga, Texas this, the ____ day of April 2020.

APPROVED:

ARTHUR L. MINER, MAYOR

ATTEST:

ANDREA GARDNER, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

GEORGE HYDE, CITY ATTORNEY
Russell Rodriguez Hyde & Bullock LLP



AGENDA MEMORANDUM

DATE: April 16, 2020

TO: Honorable City Council Members

FROM: Council Member Mark Taylor
Mayor Arthur L. Miner

SUBJECT: Discuss and consider action on the Mayoral nominations for Council Liaisons appointments to the City Boards and Commissions

BACKGROUND/INFORMATION:

In August 2019, the Mayor made Council Liaison nominations and the Council appointed as per the attached.

Per Section 5.04(b) of the Council Rules of Procedure, Council Liaisons shall be appointed by the Mayor with the approval of the City Council for a term of one year, and for other periods deemed necessary and in the best interest of the City. Appointments shall be made at the regular City Council meeting in June of each year, or any other time a liaison appointment becomes necessary and is in the best interest of the City. The City Council may, with just cause, remove a Liaison by majority vote."

Section 2.67(b) of the City's Code of Ordinances requires the following:

"The appointment of liaisons by the mayor shall be at the regular scheduled meeting in June of each year."

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the City Council discuss and take action as determined appropriate.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Aug 2019 Mayoral Appointments
2. Watauga, TX Code of Ordinances
3. 2019.12.06 Amended Council Rules of Procedure Handbook (ATF)

REVIEWED BY:



AGENDA MEMORANDUM

Macy Cotton, Legal

George Hyde, Legal

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 4/16/2020

Approved - 4/17/2020

Final Approval - 4/17/2020

City of Watauga

Mayoral Appointments for Council Liaisons to Boards, Committees & Commissions

Per Ordinance Section 2-67:

(a) In addition to regular commission members, the commission shall have two members of the City Council appointed by the mayor subject to the approval and consent of the city council to serve as liaisons to the commission. The purpose of the liaisons is to provide guidance to the commission in matters pertaining to city administration and Home Rule Charter affairs, and to provide interface with city staff, the city attorney, and the full city council in any matters that may arise. City council liaisons shall not have the right to vote in any matter before the commission, but shall have the right to fully participate in all discussions of matters that come before the commission.

(b) The appointment of liaisons by the mayor shall be at the regular meeting of the City Council in June of each year.

Board/Committee/Commission Name	Primary Liaison	Alternate Liaison
Board of Appeals	Snyder	Neal
Charter Review Commission	Miner	Taylor
Library Board	Irving	King Prescher
Planning & Zoning Commission	Taylor	Snyder
Zoning Board of Adjustment	Downey	Neal
Animal Services Advisory	Downey	Prescher King
Civil Service Commission	Miner	Downey
Watauga Economic Development Corporation	Neal	King
Parks Advisory Board	Prescher King	Snyder
Youth Advisory Council	King Prescher	Irving

Sec. 2-67. - Liaisons.

- (a) In addition to regular commission members, the commission shall have two members of the city council appointed by the mayor subject to the approval and consent of the city council to serve as liaisons to the commission. The purpose of the liaisons is to provide guidance to the commission in matters pertaining to city administration and Home Rule Charter affairs, and to provide interface with city staff, the city attorney, and the full city council in any matters that may arise. City council liaisons shall not have the right to vote in any matter before the commission, but shall have the right to fully participate in all discussions of matters that come before the commission.
- (b) The appointment of liaisons by the mayor shall be at the regular scheduled meeting of the city council in June of each year.

(Code 2001, § 9.905; Code 2010, § 1.04.035; Ord. No. 1710, § I, 6-10-2019)



CITY OF WATAUGA COUNCIL RULES OF PROCEDURE MANUAL

As Adopted by Resolution
Resolution No. 2019-025
December 9, 2019

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Section 1 – GENERAL

Parliamentary law and the rules of procedure derived from such law are essential to all deliberative organizations so that they may consider all matters before them in an effective and efficient manner and produce results that are legal and binding. Moreover, such procedural safeguards ensure due process during deliberations among members of the organization while at the same time protecting the rights of both the group and each member. **Accordingly, these rules of procedure establish guidelines to be followed by all persons attending City Council meetings, including members of the City Council, administrative staff, news media, citizens and visitors.**

Section 2 – AUTHORITY

The City Charter of Watauga, Texas [Adopted: January 19, 1980 and last amended May 9, 2015] provides in Article II (The Governing Body), Section 3.09 (Meetings and rules of procedure) that “The Council shall determine its own rules and order of business...” Thus, this Council Rules of Procedure Manual is established. This Council Rules of Procedure Manual shall be reviewed by the City Council at least every two years in an open meeting. In the event of any conflict between Texas State law, the City Charter and/or this Rules of Procedures Manual, Texas State law shall prevail and control. In the event of any conflict between the City Charter and this Rules of Procedures Manual, the City Charter shall prevail.

The parliamentary reference for the City Council is the most recent edition of *Robert’s Rules of Order Newly Revised* (RONR) (issued in odd-numbered years). When any issue concerning procedure arises that is not covered by the Rules of Procedure, the City Charter or state law, the Council will refer to RONR, which shall determine such procedural issue. RONR is merely a parliamentary reference and any failure to explicitly follow RONR shall not serve to negate any action taken by the City Council. For clarification purposes, the only way to second a motion is for a City Council Member to state “I second the motion” or a similar phrase.

Section 3 – MEETINGS

3.01. Texas Open Meetings Act

The City Council shall follow the Texas Open Meetings Act.

3.02. Regular Meetings

The City Council shall conduct regular meetings generally on the second Monday of every month. Regular meetings shall generally commence at 6:30 p.m. The regular meetings of the City Council shall be held at City Hall and are open to the public. The dress code for regular meetings is business casual.

3.03. Workshop Meetings

Workshop meetings may be scheduled by the Mayor, a minimum of three (3) Council Members or by the City Manager. Workshop meetings are normally conducted prior to

regular meetings at 5:30 p.m. but may also be conducted at other times as well. The purpose of a workshop meeting is to exchange information between Council, staff, vendors or other groups. No official action is taken by Council during these meetings, but workshops shall be posted, and are open to the public. The dress code for workshop meetings is business casual.

3.04. Special Meetings

Any additional meetings may be scheduled by the Mayor, a minimum of three (3) Council Members or by the City Manager to occur outside of the second Monday of the month. Such meetings shall be posted and are open to the public. The dress code for special meetings is business casual, subject to modification by the City Council based on the circumstances (i.e. retreat, outdoor tour, etc.).

3.05. Agenda

- a. The Mayor, each City Council Member, with the concurrence of a second Council Member, and the City Manager shall have the right to have matters of city business included on City Council meeting agendas. Agenda items, including any necessary or applicable supporting documents and materials to be included in agenda packets, shall be submitted in written form to the City Secretary at least fourteen (14) days prior to the agenda posting deadline. The agenda posting deadline for Regular City Council Meetings is the Wednesday before the Regular City Council Meeting and the agenda posting deadline for Special City Council meetings is 72 hours in advance of any Special City Council Meeting. The City Secretary will coordinate the placement of items on the agenda. Agenda items may be removed only by the person who initially placed that item on the agenda and such removal shall be made prior to the public posting of the official meeting notice. Agenda packets will be available to the City Council Members no later than 6:00 p.m. the Wednesday before each Regular City Council Meeting, and at least 72 hours in advance of any Special City Council Meeting. Amendments to items and supplemental items may be placed on the Agenda as necessary at the discretion of the City Manager if done so in accordance with the Texas Open Meetings Act
- b. Drafts of contracts, ordinances, resolutions, or other items requiring review should be submitted to the City Attorney in a manner and time sufficient to allow for their review prior to this submittal deadline.
- c. A person other than the Mayor, a Council Member or the City Manager requesting that a matter or item be included on the City Council Meeting Agenda under New Business must complete the form attached hereto as Annex D and submit the same to the office of the City Secretary at least fourteen (14) days prior to the agenda posting deadline for which the request is made. If the Mayor, a Council Member or the City Manager determines that consideration of the item or items is in the best interest of the City, those items shall be placed on the City Council meeting agenda with the Mayor, Council Member or City Manager making the determination being listed as the sponsoring official. The sponsoring official needs to ensure all relevant materials concerning the agenda item are provided to the City Secretary's office at least fourteen (14) days prior to the agenda posting deadline for the City Council Meeting.

- 1) Any person wishing to make a presentation that includes video, or another form of electronic media, must provide that information in digital format to the City Secretary's Office no later than three (3) hours prior to the scheduled starting time of the meeting for review by the staff. City staff shall review the information as to form and content. The information shall not contain any statements, graphics or pictures that are offensive or reflect personal attacks on other individuals, the City Council members or City staff. The digital format must be compatible with the City's technology equipment. The presentation will be tested prior to the meeting to ensure that it is compatible with the City's equipment.
- d. All matters of City business (agenda items), including supporting materials, shall be submitted to the City Secretary at least fourteen (14) days prior to the agenda posting deadline. The Mayor or the Mayor Pro-tem, in the Mayor's absence, may make exceptions to this requirement for Special City Council meetings, and in emergency cases, as determined by the Mayor or the Mayor Pro-tem, in the Mayor's absence.
- e. There shall be no limitation as to the number of items that may be placed on the Consent Agenda. However, any council member shall have the right, at any time to request the removal of any item or items from the Consent Agenda. Such item or items shall be moved to New Business for purposes of discussion, debate or action. The Mayor of the City of Watauga, as presiding officer of the meeting, shall honor such a request.
- f. There shall be no limitation as to the number of items under the Action Items category.

3.06. Minutes

Minutes of City Council meetings will be recorded and maintained by the City Secretary. The Minutes will include final motions with voting results. The minutes will also reflect the names of those citizens presenting public comments. Minutes of meetings will generally be submitted to the City Council for approval at the next regularly scheduled meeting.

Section 4 - STANDARDS OF CONDUCT

4.01. Mayor and City Council Members

The Mayor and Council Members shall demonstrate civility to one another as individuals, for the validity of different opinions, for the democratic process, and for the community and citizens being served. Elected officials should exhibit appropriate behavior. The Mayor and all members of the City Council when authorized to vote, have equal votes and the Mayor and all Council Members speak only for themselves.

4.02. Council Relations with the Media

All City press releases, media advisories, story suggestions, or similar items should be submitted through the Public Information Officer for distribution.

4.03. City Staff (During Meetings)

All remarks and questions addressed to the City Council by staff members may be addressed to the City Council as a whole and not to any individual member. City staff shall follow proper parliamentary procedure during meetings. The City Manager and City Attorney shall have the right to participate in all matters coming before the Council. The City Attorney and or City Secretary shall serve as the parliamentarian guide for all meetings. All department heads may take part in discussions of the Council relating to their respective offices, departments or agencies, subject to the provisions of the Texas Open Meetings Act.

4.04. Citizens and Visitors

- a. The presiding officer will ensure that the decorum of the meeting is maintained and is appropriate.
- b. No placards, banners, or signs will be permitted in the City Council chamber or in any other room in which the City Council is meeting. Exhibits, displays, and visual aids used in connection with presentations to the City Council, however, are permitted.

4.05. City Council Members Absences, Late Arrival and Conduct During Meetings and Events

- a. Each meeting shall commence with a roll call for City Council members.
- b. Notification of intent to be absent shall be provided in writing to the City Secretary, the City Manager or Presiding Officer prior to the meeting at which the Council Member will not be in attendance.
- c. Notification of a late arrival to a meeting shall be provided via City-issued devices to the City Secretary, City Manager or Presiding Officer prior to the meeting at which the Council Member will arrive late.
- d. There shall be no use of personal electronic devices by City Council Members during an official meeting of the Council.
- e. Councilmembers shall, while the council is in session, preserve order and decorum, and no member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council, or disturb any member while speaking, or refuse to obey the orders of the council or its presiding officer, except as otherwise provided in these procedures.
- f. Councilmembers shall be prohibited from using profane language during any public meeting and shall be prohibited from using profane language during any event where the Councilmember is present in any official capacity as a representative of the City of Watauga City Council.

- g. Councilmembers shall be prohibited from using misinformation, hyperbole or exaggeration during the deliberation on any matter during any public meeting.
- h. Councilmembers are expected to always be fair and courteous to fellow councilmembers, appointed officials, employees, vendors, and especially other members of the public. Councilmembers are expected to be capable of expressing themselves and their opinions without the necessity of personal attacks, the use of profanity, the use of hyperbole, and other forms of communicative expression which focus on anything other than the subject matter under deliberation. This City Council policy prohibits the use of such methods as they deteriorate the decorum during public meetings, diminish the character and reputation of the councilmember, foster bullying, and propagate misinformation which can mislead the public and which interferes with the effective and efficient operation of city government.

4.06. Use of Social Media

- a. The City Council recognizes and understands that social media is currently a widely used method to share one's life and opinions with family, friends, co-workers, citizens and around the world. However, use of social media to disseminate information related to the city also presents certain risks and carries with it, certain responsibilities. This policy is enacted to establish a set of minimum expectations regarding the behavior of City Councilmembers to serve as a standard of conduct to guide the members of City Council in making responsible decisions about its members' appropriate conduct when using social media. This policy is designed to avoid the application of arbitrary rules and to ensure protection of constitutionally protected free speech.
- b. In the rapidly expanding world of electronic communication, social media can mean many things. Examples of social media networks are Facebook, Twitter, YouTube, Instagram, Nextdoor, and many others. Social media includes all means of communicating or posting information or content of any sort made accessible to others using the Internet, i.e., this access is not limited to certain devices, accounts, or platforms. Platforms include, by way of example, a website blog, a personal web site or webpage, a social networking account or an affinity web site, web bulletin board, or a chat room, whether or not associated or affiliated with the city or a particular City Councilmember, as well as any other form of electronic communication.
- c. If a Councilmember posts statements, photographs, video, or audio, careful consideration should be had as to whether the post may reasonably be viewed by others as malicious, obscene, threatening or intimidating, whether it disparages officials, employees, members of the public, vendors, suppliers, and any other organizations associated with or doing business with the city, or whether the post might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation, or posts that could contribute to a hostile work environment on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, disability, or any other protected class status in accordance with applicable federal or state law, or posts which violate the City Charter or City policy. A Councilmember that takes an active role, rather than a legislative role, in any city matter may expose oneself to personal liability should a post result in a civil tort against a person or organization, such as tortious

interference with contractual obligation, slander, liable or other civil law violation. Such action interferes with and results in a disruption to city business and may involve the city itself in legal claims, impeding efficient and effective delivery of city services. Any post that is determined by the City Council to be reasonably viewed as malicious, obscene, threatening or intimidating or meant to intentionally harm someone's reputation, or could contribute to a hostile work environment on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, disability, or any other protected class status in accordance with applicable federal or state law, or violate the City Charter or city policy is prohibited.

- d. Councilmembers, when disseminating information related to the City are required to provide accurate and truthful information to the public. Councilmembers have access to all information necessary to carry out their duties as Councilmembers and can reasonably verify any information communicated to the public; therefore, honesty and accuracy is required when posting information related to city business. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched, located and recovered. Never post any information or rumors that you know to be false about the city, fellow elected or appointed officials, employees, members of the public, citizens, vendors, and people working on behalf of the city, as such is prohibited. Communicating misinformation, hyperbole or exaggeration causes citizen and public confusion and substantially impairs the efficient and effective operation of city government as it is obligated to investigate the statements made, correct misinformation and provide accurate and truthful information to the public.
- e. Pursuant to and in accordance with the Texas Public Information Act, and in order to allow the City Manager to fulfill duties to protect and preserve public information imposed by Texas law, any social media post made by a City Councilmember must be collected and preserved by delivering a full and complete copy of any post to the City Manager's Office immediately upon posting, if possible, and no later than 48 hours upon posting otherwise. Failing to do so places the public information at risk of loss due to theft, data corruption or device failure. Failing to notify city administration of information disseminated to the public may significantly impair city operations in the event inquiries are made to city staff without knowledge of the representations made by a Councilmember; therefore, current information is necessary for the efficient and effective operation of city government.
- f. In posting information, City Councilmembers shall maintain the confidentiality of the city and county's internal or confidential information. This may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures, or other business-related communications intended for internal use or that may contain confidential, private, or security information.
- g. Abide by all state and federal laws, including but not limited to privacy laws, personal medical/health information under the Health Insurance Portability and Accountability Act (HIPAA), attorney-client confidentiality, copyright, trade secret or other propriety rights, public records laws, retention laws, fair use laws, financial disclosure laws, and any other laws that might apply to the city in connection with any post.

- h. Knowledge of these use of social media rules are presumed. An assertion that a councilmember did not recognize any post as violative of these policies does not serve as a defense to a claim that a councilmember violated this policy. All Councilmembers are presumed to have carefully read and fully understand the policy and expectations placed upon them as elected officials of the city. All social media postings must be consistent with these policies. Inappropriate postings may include, but are not limited to, discriminatory remarks, harassment, threats of violence, bullying, misinformation and exaggeration of fact (whether known, should have been known, or reasonably ascertained by the councilmember prior to posting such information) regarding matters connected to city business, and further includes any similarly inappropriate or unlawful conduct.

4.07. Enforcement of Decorum and Procedures

The chief of police, or such member of the police department as he may designate, in attendance at a meeting shall be sergeant at arms of the council meeting. The sergeant at arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon instruction by the presiding officer, it shall be the duty of the sergeant at arms to either remove or place under arrest any person who violates the order and decorum of a meeting from the meeting place at the direction of the presiding officer.

If the Mayor or the City Council or any councilmember files a complaint that another member of the City Council violated this policy, the Mayor shall place the matter on the next City Council Agenda for consideration and action. At the City Council meeting, the matter shall be called the complaint read out loud and the Councilmember who filed the complaint shall have an opportunity to address the City Council regarding the complaint. Then, the party complained against shall have an opportunity to address the complaint. Then the remaining City Council shall deliberate on the complaint until the question is called. If the city council determines by majority vote that any member of the City Council has violated any of the rules promulgated herein, the council shall direct the City Attorney prepare a Resolution of Censure and such Resolution of Censure, which shall be read out loud for consideration, and shall be read out load again upon passage, and upon passage, shall be posted on all city social media accounts and on the landing page of the City's website where it shall remain for 60 days. Further, the Resolution shall have one final reading at the beginning of the next regular city council meeting after passage. The content of a censure resolution must be approved by a two-thirds vote of all the councilmembers unaffected by the censure. Such censure shall include public criticism and admonition for violating these rules applicable to City Councilmembers. Any action which brings cause for the City Council to reasonably believe that a violation of the Texas Public Information Act has also occurred by any City Councilmember will be submitted to the Tarrant County District Attorney's Office for review.

Section 5 - DUTIES AND PRIVILEGES OF COUNCIL MEMBERS

5.01. Seating Arrangement

The Mayor shall determine seating of the Council Members.

5.02. Conflict of Interest

A City Council Member prevented from voting by a conflict of interest, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence the Council's deliberation of the matter in any way, shall not attend executive meetings regarding the matter, and shall otherwise comply with the state law and city ordinances to include the City's Ethics Ordinance concerning conflicts of interest including Chapter 171 of the Local Government Code, as now or hereafter amended.

5.03. Voting

Voting, except on procedural motions, shall be accomplished by show of hands of members of the Council or by lighting/electronic device reflecting the ayes and nays. Tabulation of the voting by the Council vote shall be announced in open meetings by the Mayor or his or her duly appointed representative. All members of the Council may have one vote and only one vote on each item and issue. Four (4) members of the Council, excluding the mayor, shall constitute a quorum. In the event that there are vacancies on the Council, the quorum shall be reduced by the number of vacancies existing. No action by the Council shall be valid unless adopted by the affirmative vote of at least three of those members attending any meeting at which there is a quorum present. [City Charter § 3.09 (c) and as amended].

A Member of the Council may vote to abstain or refuse to vote only on an issue or matter that would create a conflict of interest for that Council Member as defined by State or Local Law(s).

5.04. City Council Liaisons

- a. The City Council may appoint its members to serve as City Council Liaisons ("Liaisons") between the City Council and the various City boards, commissions, associations, corporations, and other City related organizations and entities ("Entity"). The Liaisons will serve in an advisory capacity and provide guidance, counsel, and communication between the City Council and the Entity. Liaisons are encouraged to attend the meetings of their appointed Entity.
- b. Liaisons shall be appointed by the Mayor with the approval of the City Council for a term of one year, and for other periods deemed necessary and in the best interest of the City. Appointments shall be made at the regular City Council meeting in June of each year, or any other time a liaison appointment becomes necessary and is in the best interest of the City. The City Council may, with just cause, remove a Liaison by majority vote.

- c. In the event of a vacancy the Mayor shall appoint a new Liaison member for the unexpired term, subject to the approval of the City Council. If the Mayor fails to make an appointment to fill any vacancy within sixty (60) days from the date of the vacancy or expiration, the remaining members of the City Council may, by majority vote, make an appointment without the Mayor's recommendation.
- d. Liaisons shall not preside over the Entity meetings or vote on any matter that comes before the Entity but shall have the right to fully participate in all discussions of matters that come before the respective Entity.
- e. At no time shall the Liaison act outside the scope of the City of Watauga Home Rule Charter.

Section 6 - CHAIR AND DUTIES

6.01. Chair

The Mayor, if present, shall preside as Chair at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro-tem shall preside as Chair. In the absence of both the Mayor and Mayor Pro tem, the remaining City Council Members shall designate one member of the City Council as to act as chair and preside for that meeting.

6.02. Preservation of Order

The Chair shall preserve order and decorum, call upon the Police Chief or designated law enforcement officer, present at the meeting, as necessary to enforce compliance with the rules, and confine members in debate to the question under discussion. It is the responsibility of the Chair to keep the comments of Council Members on topic during public meetings.

Section 7 - ORDER OF BUSINESS

7.01. Regular and Special Meetings

Regular and Special meetings will generally adhere to the following agenda:

1. **Workshop Meeting** (as needed)
2. **Call to Order**
3. **Roll Call**
4. **Invocation**
5. **Pledge of Allegiance** (United States and Texas Flags)
6. **Announcements**
7. **Presentations**
8. **Public Testimony**
9. **Consent Agenda** (if necessary)
10. **Public Hearings/Action** (if necessary)
11. **Action Items** (if necessary)
12. **Reports- The Reports portion of the agenda will be for the City Council to**

receive reports from City staff, consultants, City Council Liaisons, or other individuals.

13. Items for Future City Council Meetings

14. Executive Session/Meeting (if necessary)

15. Adjournment

7.02 Announcements

The Announcements section of the agenda is to allow members of the City Staff or City Council to make a public statement about an upcoming event(s) of interest to the citizens of Watauga, or to make a statement of recognition for a person, or group, that is not the subject of a presentation. There is no discussion or action to be taken on announcements.

7.03. Addressing the City Council*

Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form attached hereto as Annex E. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the Council. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and the efficiency of the meeting. Reasonable time limitations may be placed on public input by the presiding officer in order to conduct an efficient and effective public meeting.

*Any individual who is unable to physically stand shall be provided an accommodation to be recognized by the Chair so that they may be recognized and allowed to speak.

a. Public Comments During Public Testimony and on Agenda Items

If speaking for an organization or group, the speaker should identify the group represented. If speaking during Public Testimony (for matters *not* posted on that particular meeting's agenda), members of the City Council and Staff may only provide a statement of factual information in response to the inquiry or recite existing policy in response (e.g., to correct a factual misstatement made by the citizen or provide factual information requested by the citizen). Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a future meeting. If necessary, the Chair will task the City Manager to respond to the citizen and report back to the City Council as soon as practicable. Such report to the City Council shall not constitute a meeting called by the City Council nor shall it constitute deliberation or formal action.

Individual citizens addressing the City Council during Public Testimony shall not exceed

three (3) minutes in their comments; however, the Chair may extend or reduce the speaker's allotted time in order to conduct an efficient and effective public meeting. The time allotted shall not be donated to others desiring to speak. Public Testimony is not established to engage in a conversation with the Council and no formal Council action will be taken. Citizens desiring to discuss an item with the Council not on the agenda, or to request specific Council action, should complete the form attached hereto as Annex D, for possible placement on the agenda at a future City Council Meeting.

b. Public Testimony During Action Items

Only those persons who submit a completed Request to Speak form prior to the agenda item being introduced by the Chair will be allowed to speak on the given agenda item (i.e., citizens will be allowed to speak at the beginning of each agenda item if they so desire after being recognized, then the Council will deliberate and make any necessary motions and/or votes, etc.). The Chair shall ask each person requesting to speak to come to the podium to speak in turn in an orderly manner. Speakers time shall generally not exceed three (3) minutes in their comments and all comments must be germane to the specific agenda item being discussed; however, the Chair may extend or reduce the speaker's allotted time. Speakers shall not be permitted to donate their time to other speakers. Members of the City Council may ask questions or discuss the item directly with the citizen during the citizen's comments if necessary. Any discussion between a Council member and the citizen will not count toward the time limit and Council Members are encouraged not to speak until the citizen has first utilized their allocated time.

c. Public Testimony During Public Hearings

Public Hearings by their very nature are designed for public input. When prompted by the Chair, each person requesting to speak and that submitted a completed Request to Speak form prior to the opening of the public hearing shall come to the podium to speak when called upon by the Chair. Individuals addressing the City Council shall not exceed their allotted time limit when making their comments; however, the Chair may extend or reduce the speaker's allotted time to conduct an efficient and effective public meeting. Speakers shall not be permitted to donate their time to other speakers. If an individual speaks during the public hearing on the same matter that appears on the Action Items section of the agenda, shall only provide comments not previously provided during the public hearing.

Section 8 – RULES SUSPENSION

Any provision of these rules not governed by the City Charter, City Code, or state law may be temporarily suspended by a two-thirds vote of the members of the City Council present. The vote on any such suspension shall be taken by "Aye" and "Nay" votes and entered upon the record.

ANNEX A

Fundamental Principles of Parliamentary Law

The Mayor, Council Members, City Manager, City Attorney, City Secretary, and City staff members appearing before the various meetings of the Watauga City Council should become familiar with following rules and customs:

1. All members have equal rights, privileges, and obligations; rules must be administered impartially.
2. The minority has rights, which must be protected.
3. Full and free discussions of all motions, reports, and other items of business is a right of all members.
4. In doing business the simplest and most direct procedure should be used.
5. Logical precedence governs introduction and disposition of motions.
6. Only one question can be considered at a time.
7. Members may not make a motion or speak in debate until they have been recognized by the chair and thus have obtained the floor.
8. No member may speak a second time on the same question if anyone who has not spoken on that question wishes to do so.
9. Members must not attack or question the motives of other members. Customarily, all remarks are addressed to the presiding officer.
10. In voting, members have the right to know at all times what motion is before the assembly and what affirmative and negative votes mean.
11. The majority vote decides. This is a fundamental concept of democracy.
12. All meetings will be characterized by fairness and good faith.

ANNEX B

The Chief Purposes of Motions

PURPOSE	MOTION
Present an idea for Discussion and action	Main motion Resolution Consider informally
Improve a pending motion	Amend Division of question
Regulate or cut off debate	Limit or extend debate Close debate
Delay a decision	Refer to committee Postpone to a certain time Postpone temporarily Recess Adjourn
Meet an emergency	Question of privilege Suspend rules
Gain information on a pending motion	Parliamentary inquiry Request for information Request to ask a member a question Question of privilege
Question the decision of the presiding officer	Point of order Appeal from decision of the chair
Enforce rights and privileges	Division of assembly Division of question Parliamentary inquiry Point of order Appeal from decision of the chair
Consider a question again	Resume consideration Reconsider Rescind Renew a motion Amend a previous action Ratify
Change an action already taken	Reconsider Rescind Amend a previous action
Terminate a meeting	Adjourn Recess

ANNEX C

Parliamentary Strategy

To Support a Motion	To Oppose a Motion
1. Second it promptly and enthusiastically. 2. Speak in favor of it as soon as possible. 3. Do your homework; know your facts; have handouts, charts, overhead projector slides, etc. if appropriate. 4. Move to amend motion, if necessary, to make it more acceptable to proponents. 5. Vote against motion to table or to postpone, unless delay will strengthen your position. 6. Move to recess or postpone, if you need time to marshal facts or work behind the scenes. 7. If defeat seems likely, move to refer to committee, if that would improve chances. 8. If defeat seems likely, move to divide question, if appropriate, to gain at least a partial victory. 9. Have available a copy of the rules of procedure, City Charter, and <i>Robert's Rules of Order, Newly Revised</i>, most recent edition, in case of a procedural dispute. 10. If motion is defeated, move to reconsider, if circumstances warrant it. 11. If motion is defeated, consider reintroducing it at a subsequent meeting.	1. Speak against it as soon as possible. Raise question; try to put proponents on the defensive. 2. Move to amend the motion so as to eliminate objectionable aspects. 3. Move to amend the motion to adversely encumber it. 4. Draft a more acceptable version and offer as amendment by substitution. 5. Move to postpone to a subsequent meeting. 6. Move to refer to committee. 7. Move to recess, if you need time to round up votes or obtain more facts. 8. Question the presence of quorum, if appropriate. 9. Move to adjourn 10. On a voice vote, vote emphatically. 11. If the motion is adopted, move to reconsider, if you might win a subsequent vote. 12. If the motion is adopted, consider trying to rescind it at a subsequent meeting. 13. Have available a copy of the rule of procedure, City Charter, and <i>Robert's Rules of Order, Newly Revised</i>, most recent edition, in case of a procedural dispute.

ANNEX D

REQUEST FOR A COUNCIL MEMBER TO SPONSOR AN ITEM ON A CITY COUNCIL AGENDA

Requests to have an item sponsored by a City Council Member must be submitted to the City Secretary's Office at least fourteen (14) days prior to the agenda posting deadline for the City Council Meeting for which the request is made. Such requests **MUST BE SPONSORED BY AT LEAST TWO (2) MEMBERS OF THE CITY COUNCIL** to be placed on the agenda. All relevant information concerning the matter must be provided by you or the sponsoring Council Member(s) to the City Secretary's Office not later than fourteen (14) days prior to the applicable City Council Meeting agenda posting deadline.

Name: _____

Address: _____ Phone Number: _____

Are you a Resident and/or Business Owner in Watauga? ☐ Yes ☐ No

Please put a check mark next to the name of the City Council Member(s) you would like to sponsor the item			
Mayor		Council Member, Place 4	
Council Member, Place 1		Council Member, Place 5	
Council Member, Place 2		Council Member, Place 6	
Council Member, Place 3		Council Member, Place 7	

Subject to be discussed:

Signature of Sponsor

Signature of Sponsor

OFFICE USE ONLY): Date and Time request was received: _____ Signature of person receiving request: _____ Date of City Council Meeting to be discussed: _____ Signature of Council Member sponsoring item: _____
--

City of Watauga - 7105 Whitley Road - Watauga, Texas 76148 - (817) 514-5800 - Metro: (817) 498-3408 - Fax: (817) 514-3625

ANNEX E

REQUEST TO SPEAK FORM

PUBLIC TESTIMONY:

Public Testimony during City Council Meetings and Workshops provides citizens an opportunity to make comments or present information to the City Council. All comments must be directed to the City Council and not an individual Council Member or City Staff. Council **may only provide statements of fact** on issues raised during Public Testimony and may direct the City Manager to resolve or request the matter be placed on a future agenda. Public comments shall not include any “deliberation” as defined by Chapter 551 of the Government Code, as now or hereafter amended.

Speakers are limited to three (3) minutes and time shall not be donated to other speakers.

After submitting the completed Request to Speak form and submitting to the City Administrative staff, you will be recognized by the Chair to speak. You may approach the speaker’s podium and begin comments.

Please complete the information on the form below and submit it to the City Secretary prior to the start of the Council Meeting for comments during Public Testimony or prior to the introduction of the item for comments during public hearings or on agenda items. Forms not submitted as required **will not** be accepted. (Check all that apply)

☐ Public Testimony

☐ Public Hearing

☐ Agenda Item

First Name	Last Name	
Address		Phone Number
Are you a resident and/or business owner in Watauga? ☐ Yes ☐ No		Date of Meeting

Agenda item number(s) you wish to speak about:		
No.	No.	No.
Subject to be presented to the City Council:		



AGENDA MEMORANDUM

DATE: April 16, 2020

TO: Honorable City Council Members

FROM: Mayor Arthur L. Miner

SUBJECT: Discuss and provide direction to the Emergency Management Team regarding the closure of the parking lots to vehicular traffic at the various City parks

BACKGROUND/INFORMATION:

The following decision was made and the press release was posted to the City's website:

Apr 10
Updated 04/09/2020 @ 5:00 p.m.
Posted on April 10, 2020 at 5:51 PM by Bradley Fraley

The City of Watauga will be closing all City Parks to vehicular traffic effective today, April 8, 2020 in an effort to reduce the spread of COVID-19. The closure will be in effect until April 30, 2020.

The picnic areas, workout stations, playgrounds and benches shall not be used during this closure by the public to prevent the spread of COVID-19.

During the Council Meeting on Monday, April 13, 2020, the Mayor read public testimony received as attached.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff respectfully requests direction from the City Council regarding the status of the parking lots to our City parks.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. 04132020 Public Testimony

REVIEWED BY:

Macy Cotton, Legal

Approved - 4/16/2020



AGENDA MEMORANDUM

George Hyde, Legal
Andrea Gardner, City Manager
Approved as to form for inclusion on Agenda

Approved - 4/17/2020
Final Approval - 4/17/2020

Andrea Gardner

From: noreply@civicplus.com
Sent: Monday, April 13, 2020 4:19 PM
To: Comments
Subject: Online Form Submittal: City Council - April 13, 2020 Comment Registration

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Council - April 13, 2020 Comment Registration

Members of the public are invited and encouraged to attend all public meetings that are not closed to the public in accordance with the Texas Open Meetings Act. Public input is encouraged during Public Testimony, Public Hearings or Action sections of a meeting agenda. As authorized by the Executive Orders issued by the Texas Governor; the City is making special provisions to allow the public to comment at this meeting. The meeting will be hosted using WEBEX. "Live" participation is limited. A person desiring to comment "live," during the meeting must register in advance using this form. Once registered, citizens will be provided with the meeting link information on a first come, first served basis until all slots have been filled.

Citizens may also provide their comments in writing. ALL COMMENTS MUST BE RECEIVED NO LATER THAN 1 HOUR PRIOR TO THE MEETING. All written comments must comply with applicable decorum rules for comments made during a public meeting of the Watauga City Council to be read into the record. Up to three minutes shall be allotted for each written comment to be read into the record of the meeting. All timely comments will be read into the record of the meeting at the appropriate time during the meeting.

While reasonable efforts will be taken to gather comments received within the hour prior to the meeting or received during the meeting, all such comments are considered untimely and may not be recognized and read during the meeting.

First Name	Brian
Last Name	Jennings
Address1	5940 Highcrest Dr.
Address2	Field not completed.
City	Watauga
State	TX

Zip	76148
Email	bkjennings79@gmail.com
Phone	817-881-8217
I wish to comment during (check all that apply):	Public Testimony
Select how you wish to participate: <i>If you select WEBEX, a meeting invite will be sent to the email address you provide. You will need to have internet, a device that can connect with audio and/or a phone. You will be responsible for connecting to the meeting and being available when the section you are requesting to speak during is current.</i>	
Select an option:	Having my comments read into the record
Comments - Indicate which section of the meeting your comments refer to:	Dear Members of the Watauga City Council, I urge you to adopt a resolution that will immediately open the Watauga City Park parking lots. I am sure you are aware that Mayor Miner issued an executive order last week closing the parking lots until May 1. This move corresponded with the city of Fort Worth; however, Fort Worth's closure went only through Easter Weekend. Fort Worth is a much larger community and has many more cases of Covid 19 than Watauga so Mayor Miner's order is much more restrictive than necessary. I ask you to consider that many Watauga Citizens that enjoy our parks do not live close to the parks and this is not fair to them. Secondly, this restriction places an undue burden on disabled citizens. Third, the continued closure is likely to cause citizens to park on nearby streets and this will likely displease residents that live close to the parks. Lastly, the order doesn't make any sense. There haven't been any gatherings in the city park parking lots that I am aware of. I believe that the main reason for the order was to reduce traffic in the parks during the Easter Holiday and that reason has passed. Simply put, Covid 19 is not likely to spread in the Watauga City Park Parking lots. Our parks are very important to Watauga Citizens for both mental and physical health. We need to keep them open and accessible. Regards, Brian Jennings

Email not displaying correctly? [View it in your browser.](#)



AGENDA MEMORANDUM

DATE: April 17, 2020

TO: Honorable City Council Members

FROM: Sandra Gibson, CGFO, CGFM, Director of Finance

SUBJECT: An Ordinance of the City of Watauga, Texas, approving an amendment to the Economic Development Capital Projects Fund budget for the Fiscal Year beginning October 1, 2019 and ending September 30, 2020; approving supplemental appropriations; providing for repeal; providing for severability and providing an effective date.

BACKGROUND/INFORMATION:

Article IX, Subsection 9.04A of the City Charter authorizes, upon the city manager's certification of the availability of revenues in excess of those estimated in the budget, to make supplemental appropriations towards the intended purposes for which the same were made or designated.

In the FY2019-2020 Economic Development Capital Projects Budget, appropriations were included in the amount of \$50,000 for the park bench project. This project will not expend all of the budgeted funds, and \$9,033 will be remaining after project completion. The poster sign project approved at the March WEDC meeting is estimated to cost \$13,502. A budget amendment in the amount of \$4,500 is attached that will appropriate additional funds for the completion of the poster sign project.

Revenues are available from fund balance and interest earnings to cover the remaining of this additional appropriation. With the Board's approval, a budget amendment ordinance will be presented to City Council for final approval at the next City Council meeting. A draft of the Ordinance amending the budget is attached for the Board's review.

The project implementation will help the local businesses during the recovery phase of COVID-19 and beyond the recovery phase will provide an alternate source of revenue for the Corporation that doesn't share the use restrictions as sales tax revenue.

FINANCIAL IMPLICATIONS:

The digital poster sign cost is \$13,502. If approved this project would utilize \$13,502 of the WEDC Construction Fund balance. Funds are available from the bench project savings in the amount of \$9,033. A budget amendment is needed in the amount of



AGENDA MEMORANDUM

\$4,500 to provide for the remainder of the project cost.

Expenditures can't be made for 60 days following the public hearing held by the WEDC Board on March 31, 2020.

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends approving Ordinance No. 2020-017, amending the FY 2019-20 WEDC Capital Projects Fund budget.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Exhibit A EDC Capital Projects (1)
2. L-Display Outdoor Freestanding Displays - 49 Inch (2)
3. Quote Watauga 49in Digital Poster TXMAS
4. Budget Amendment Ordinance EDC Capital Projects Fund for Final Council Approval - FY2019-2020

REVIEWED BY:

Macy Cotton, Legal

George Hyde, Legal

Sandra Gibson, CGFO, CGFM, Director of Finance

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 4/17/2020

Approved - 4/17/2020

Approved - 4/17/2020

Final Approval - 4/17/2020

The digital poster sign cost is \$13,502. If approved this project would utilize \$13,502 of the WEDC Construction Fund balance. Funds are available from the bench project savings in the amount of \$9,033. A budget amendment is needed in the amount of \$4,500 to provide for the remainder of the project

cost. Exhibit A

Budget Amendment Supplemental Appropriations Fiscal Year 2019-2020

Amount	Revenue Source	Appropriations
\$4,500	Interest Income 05-000-36600	Capital Projects 05-550-85360

49" Outdoor Freestanding Digital Posters



Direct Sunlight Readable

Designed for the challenge of direct sunlight, these displays use commercial grade ultra high brightness panels ($2,500 \text{ cd/m}^2$); up to 10 times brighter than a domestic television.



$2,500 \text{ cd/m}^2$

Weatherproof

Designed with a robust, corrosion protected, outer casing to give protection from the elements. The outer casing has an IP65 rating which means it keeps out airborne swarf, dust and other particles as well as being protected from any wet weather conditions.



*Protection from
the weather!*

Vandalproof

The enclosure is made from mild steel as well as having a thermally toughened glass front. Controls and inputs are also hidden and not accessible to passers-by to avoid tampering.



5mm Tough Glass



Advanced Temperature Control System

The internal airflow system keeps your screen running at the optimal temperature regardless of the external conditions to maximise the life of your product. Built in air-conditioning can be tailored to allow the display to work in any climate.



50°
-20°

Operating
Temperature

Other Features

IP65 Rated Sturdy Enclosure

An IP65 rating means that display is able to withstand all wet weather conditions and also keeps out airborne dust.

IP65

Dust Resistance	
6	Protected against dust that may harm equipment.
Water Resistance	
5	Protected against water spray from all directions.



Easy Maintenance

The screen is designed to allow for easy front access using hydraulic cylinders when maintenance is required.



Anti Reflective Glass

The front glass face is specially treated which helps to diffuse direct sunlight making the display easily readable in bright weather conditions.



Plug and Play

Plug and Play is the most straightforward way to upload content to the screen. Simply load images and videos onto a USB stick, insert into the display, wait for your content to copy over and then remove. Your images and videos will now play in a continuous loop.



Ambient Light Sensor

The display has a light sensor that changes the screen's brightness depending on the ambient light ensuring the most suitable brightness at any time of the day.



Internal Locker

Should you need connect the screen to an external source, like a PC or media player, you can use the HDMI input or the VGA and 3.5mm audio jack inputs and hide the player inside the internal locker.



Optional Network Upgrade

For a small charge you can upgrade your screen to be networked, allowing you to connect your screen via Wi-Fi, LAN or 4G, then remotely update it over the internet.



Hardware Modifications

These displays can be adapted in a variety of ways including a touch screen upgrade and the integration of a 4G module or camera.



Key Features



2,500 CD/M²
SUNLIGHT READABLE



WEATHER PROOF



AMBIENT LIGHT SENSOR

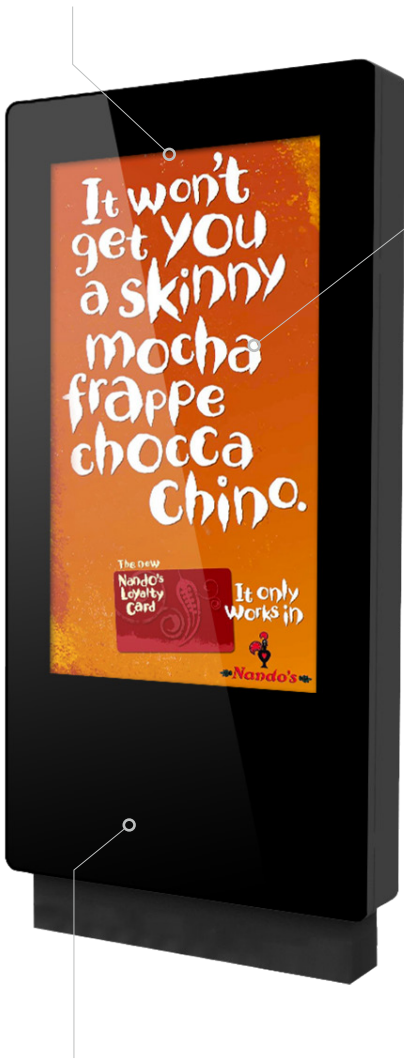


ANTI-REFLECTIVE GLASS



VANDAL PROOF

DUST TIGHT



PLUG AND PLAY

MODIFICATIONS



2,500cd/m²

DIRECT SUNLIGHT
READABLE

IP65



IP65 RATED ENCLOSURE



TEMPERATURE CONTROL



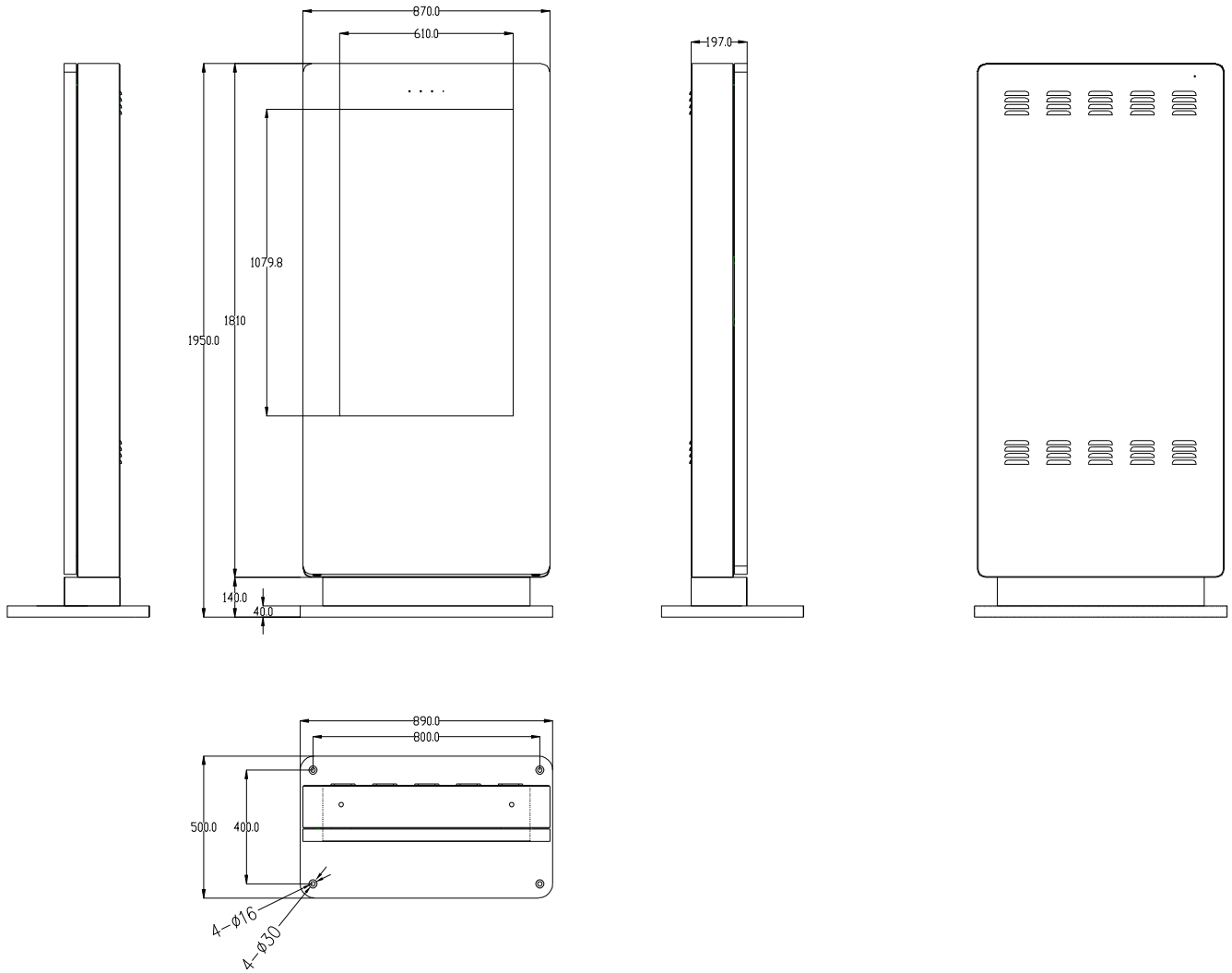
REMOVABLE BASE

Specification Table

		49 Inch
Panel	Resolution	1920x1080
	Pixel Pitch	0.5592 x 0.5592
	Display Area (mm)	610x1079.8
	Aspect Ratio	16:9
	Brightness (cd/m ²)	2,500
	Colour	1.06 B
	Viewing Angle	178°
	Contrast Ratio	8000:1
AV Inputs	Video	HDMI, VGA
Power	Power Consumption (W)	300
	Input Voltage	AC110~240V (50Hz~60Hz)
Mechanical	Unit Size (WxHxD mm)	870x1950x197
	Package Size (WxHxD mm)	2030x993x368
	Footprint (WxHxD mm)	890x500
	Net Weight (kg)	120
	Gross Weight (kg)	147
	IK Rating	IK08
Environmental	Operating Temperature:	-20 °C to 50 °C
	Operating Humidity:	10% - 80%
	Storage Temperature:	-30°C - 60°C
	Storage Humidity:	5% - 90%
	Enclosure Protection	IP65
Computer	Media Formats	Video (MPG, AVI, MP4, RM, RMVB, TS), Audio (MP3, WMA), Image (JPG, GIF, BMP, PNG)
	Media Resolution	1920x1080/1080x1920
	Internal Memory	6GB
	CPU	Quad-Core Cortex-A9 @1.6GHz
	GPU	Mali-400 MP4 @600MHz
	RAM	1GB DDR3
	ROM	8GB NAND
	USB	USB2.0 HOST (x2)
	LAN	10/100M Ethernet
	Wi-Fi	802.11b/g/n
	OS	Android 4.2.2
	Graphic Engine	OpenGL ES 1.1/2.0/3.0/3.1, OpenCL 1.1, Renderscript, Direct3D 11.1
Accessories	Included	AC Power Cable, Remote Control
	Optional	Touch Screen Upgrade, Network Upgrade, Camera
Warranty	Warranty Period	3 Year Warranty
	Technical Support	Lifetime

Errors and omissions excepted





Note: The $\varnothing 30$ holes are for access, we recommend using M10 anchor bolts that will fit into the $\varnothing 16$ holes.



Entech Signs / Alpha-LED
 Phone: (972) 641-0390
 Fax: (972) 606-0072
 www.entsigns.com

Commercial Quote (Page 1 of 2)

Project Name: Watauga Parks
 Quote No: 2-19-CSP
 Sales Rep: Jay Crumley

Created: 2/19/2020 Revised:
 Valid: 60 Days
 Payment Terms: 50% w/ Order, Balance Upon Completion

Contact Info
Chad Stephens cstephens@wataugatx.org 817-301-5604

Bill To
City of Watauga 7105 Whitley Rd Watauga, TX 76148

Ship To
Capp Smith Park 5800 Robin Dr Watauga, TX 76148

QTY	Product	Price	Net Price
1	TXMAS-6-78040		
1	EADTS46-LTD - Signage Entech Digital LED Display (customer upgrade to 49")	\$ 7,324.12	\$ 7,324.12
1	TKMSF-S - Electric Signs Entech w/ Monument	\$ 9,070.00	\$ 9,070.00
1	Customer Discount	-\$ 2,892.12	-\$ 2,892.12
	Panel Display Resolution..... 1920x1080 Pixel Pitch..... 0.5592 x 0.5592 Display Area..... 24"x42.5" Aspect Ratio..... 16:9 Brightness..... 2,500 Nits Color..... 1.06 Billion Viewing Angle..... 178° Contrast Ratio..... 8000:1 Power Requirements Power Consumption..... 300W Input Voltage..... 110~240VAC (50Hz~60Hz) Enclosure Dimensions Unit Size (WxHxD)..... 34.25"x77.75"x7.75" Footprint (WxHxD)..... 35"x20" Environmental Conditions Operating Temperature..... -4 °F to 122 °F Operating Humidity..... 10% - 80% Storage Temperature..... -22°F - 140°F Storage Humidity..... 5% - 90% Enclosure Protection..... IP65 Hardware Media Formats Video (MPG, AVI, MP4, RM, RMVB, TS), Audio (MP3, WMA), Image (JPG, GIF, BMP, PNG) Media Resolution..... 1920x1080/1080x1920 Internal Memory..... 6GB CPU..... Quad-Core Cortex-A9 @1.6GHz GPU..... Mali-400 MP4 @600MHz RAM..... 1GB DDR3 ROM..... 8GB NAND LAN..... 10/100M Ethernet Wi-Fi..... 802.11b/g/n OS Android 4.2.2 Graphic Engine..... OpenGL ES 1.1/2.0/3.0/3.1, OpenCL 1.1, Renderscript, Direct3D 11.1 Warranty Warranty Period..... 3 Years Technical Support..... Lifetime Concrete base to be installed at site. Installation and setup included. Customer to provide proper power to site. Lifetime 1-800 Technical Support Financing Options Available		
		Included	
		Subtotal	
		\$ 13,502.00	
		Tax	
		0.00%	
		\$ 0.00	
		Total	
		\$ 13,502.00	

Note: Custom made signs are non-cancellable and non-returnable. Customer to ensure proper power to site. Quote valid until June 1, except in the rare circumstance where there is a force majeure which would inhibit us from upholding the quoted price.



Acceptance

Entech Signs
Signed: _____ Date: _____

Buyer
Signed: _____ Date: _____



Entech Signs / Alpha-LED
Phone: (972) 641-0390
Fax: (972) 606-0072
www.entsigns.com

Terms and Conditions / Warranty

Terms

- This is a non-cancelable contract and cannot be terminated or cancelled except as expressly provided herein
- All measurements listed are approximate.
- Payment is due in full prior to shipment unless otherwise specified in quote.
- Entech Signs reserves the right to fulfill the order with items equivalent to or, exceeding, quoted specifications.
- Entech is not responsible for delays due to causes beyond its control and reserves the right to make partial shipments
- When custom built outdoor equipment is ready for shipment, Entech Alpha LLC (here after referred to as Entech Signs) will notify the Customer of such. If the customer cannot or will not accept delivery and/or Installation of the sign within fifteen (15) days from the date of notice of completion, Entech Signs shall still be entitled to invoice and receive payment for the balance due to Entech Signs pursuant to this Agreement
- Customer grants to Entech Signs permission to reproduce copies of renderings, licenses, photographs and videotapes of the Customer's displays for use in, but not limited to Entech Signs portfolios, brochures, videotapes or other Entech Advertising
- All artwork, renderings, proposals, and drawings produced by Entech Signs are the sole property of Entech Signs and shall not be reproduced or distributed without written permission.

Pricing

Prices do not include insurance, shipping, handling or taxes unless noted and Entech Signs reserves the right to arrange for insurance on all orders.

Installation (If Quoted)

The customer is responsible for supplying appropriate power for the sign as indicated in the sign proposal. The customer authorizes Entech, its agents, servants and employees to erect or attach a display or displays, electrical equipment and necessary structures on the building or property specified in the agreement. The customer agrees to defend, indemnify and hold harmless Entech, its agents, servants or employees from any charge, claim or cause of action for damages arising out of said attachment or erection. Entech shall not be liable for delays due to causes beyond its reasonable control, such as, but not limited to, acts of God, vandalism, accidents, acts of circumstances of the Customer, acts of civil or military authorities, fires, strikes, floods, riots, delays in transportation, and liability due to causes beyond its reasonable control to obtain the necessary labor and materials.

Reinforcement of Building, Physical Conditions

If installation is a part of this Agreement, Buyer shall be responsible and pay for all necessary reinforcements to the building or any other structures on which Display is installed, for relocating power lines or other obstacles, and for any additional installation cost incurred by Entech Signs due to adverse soil conditions, underground or other obstructions including but not limited to drilling for excavation or removal of any rock. Unless notified of sprinkler lines or private utility lines prior to drilling Entech Signs is not responsible for damage caused and shall be indemnified against claims, losses or proceedings arising by replacement, repair or diversions of such services. When pierdrilling is necessary, Entech Signs will contact Dig TESS or other agents for location of all public utilities. Location of private utilities is the sole responsibility of the Buyer. In the event rock or adverse soil conditions are encountered in the drilling process, additional monies will be requested by Entech Signs. Existing support structure is to be assumed by installer as structurally sound and adequate for reuse. Any hidden/unknown damage, corrosion, or other flaws to the existing support structure are not the liability of the installer. Any expenses necessary to bring support structure to compliance will be the responsibility of the customer.

Warranty

Per warranty period stated from the date of shipment, Entech Signs warrants each sign or display to be free from defects in materials and workmanship. As customer's sole and exclusive remedy, Entech Signs will repair, replace or, at Entech's option, refund the purchase price of any unit under the terms of this warranty provided the unit is returned to the point of original shipment prepaid. This warranty does not apply if the unit has been damaged by accident, misuse, or incorrect installation, or has been modified in any way. This warranty applied only to the original purchaser and is in lieu of all other warranties, whether expressed or implied. In no event is Entech Signs liable for damages, including consequential damages, beyond the original replacement value of the sign or display. There are no warranties which extend beyond the description on the face hereof. Entech Signs hereby excludes all implied warranties of merchantability, fitness for particular purpose, noninfringement or any other warranty other than that above written. Any phone and software support services are conditioned on and are subject to payment in full of any and all sums due by Buyer under this contract whether to Buyer or to Third Party end user of the products sold hereunder.

30 Day Return Policy

- No returns will be accepted without prior written authorization from Entech Signs. Incorrect merchandise received will receive prompt re-shipment of correct items
- Merchandise that cannot be used may be returned at a 35% restocking charge if items are shipped prepaid in the original boxes• Incorrect merchandise, other than custom items, may be returned, shipped prepaid, and will be exchanged on an equivalent basis• Non-returnable items include: custom items, multi-line indoor signs, all clocks and outdoor signs
- Items shipped in error will be exchanged for items equivalent to or exceeding quoted specifications as availability warrants
- Carrier is responsible for parts damaged in shipment. The customer should have driver sign for damaged carton on delivery receipt and make a claim with the freight company. Please insist that the carrier's representative conduct an inspection, and retain all packing materials for the inspector. Please report promptly for immediate follow-up on short shipments
- No action arising from any sale by Entech Signs may be brought by a customer more than 30 days after the date of shipment

This contract contains all of the terms of the agreement between the Buyer and Seller and any oral agreements or understandings not otherwise contained herein are invalid and unenforceable. This contract shall be deemed entered into and performed in the State of Texas and Buyer consents to the jurisdiction of the State of Texas for purposes of enforcement of the terms hereof. The courts of Dallas County, Texas will have exclusive jurisdiction and venue over any disputes arising from any sale by Entech and Customer and Buyer consent to personal jurisdiction of the federal and state courts located in Dallas County, Texas. If legal action is brought by Entech Signs from the collection of any amount owed or due to any other dispute, the prevailing party will be entitled to recover its reasonable attorneys' fees and cost incurred. These terms constitute the entire agreement between Entech and customer, regardless of any additional or conflicting terms on customer's purchase order or other documentation, which are objected to, or any prior discussions or usage of trade. All sales by Entech Signs are made only on the terms and conditions contained herein.



Acceptance

Entech Signs
Signed: _____ Date: _____

Buyer
Signed: _____ Date: _____

ORDINANCE NO. 2020-017

**AN ORDINANCE OF THE CITY OF WATAUGA, TEXAS,
APPROVING AN AMENDMENT TO THE ECONOMIC
DEVELOPMENT CAPITAL PROJECTS FUND BUDGET FOR THE
FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING
SEPTEMBER 30, 2020; APPROVING SUPPLEMENTAL
APPROPRIATIONS; PROVIDING FOR REPEAL; PROVIDING
FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on July 16, 2019, the Watauga Economic Development Board passed and approved the Economic Development Capital Projects Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020 (Fiscal Year 2019-2020) for final approval and adoption by City Council; and

WHEREAS, on September 9, 2019, the City Council of the City of Watauga, Texas, passed, adopted, and approved the City of Watauga, Texas, Economic Development Capital Projects Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020 ("Fiscal Year 2019-2020"); and

WHEREAS, Section 102.010 of the Local Government Code allows the City Council to make changes in the Fiscal Year 2019-2020 budget for municipal purposes with final approval of said changes by City Council; and

WHEREAS, Article IX, Subsection 9.04A of the City Charter authorizes, upon the city manager's certification of the availability of revenues in excess of those estimated in the budget, to make supplemental appropriations towards the intended purposes for which the same were made or designated; and

WHEREAS, the City Manager has certified the availability for appropriations revenues available from fund balance and interest earnings; and

WHEREAS, the City Council hereby finds that the supplemental appropriations as set forth in this ordinance fall within the intended purposes of the revenues as certified by the City Manager; and

WHEREAS, in accordance with state law and the City Charter, the Economic Development Corporation Board and City Council is of the opinion that the budget should be amended;

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

I.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

II.

The Watauga Economic Development Corporation Capital Projects Fund Budget of the City of Watauga, Texas, for Fiscal Year 2019-2020 is hereby amended as set forth in Exhibit A which is attached hereto and incorporated herein for all purposes.

III.

The Fiscal Year 2019-2020 City of Watauga Budget is hereby amended to reflect the supplemental revenues and appropriations listed above.

IV.

This ordinance shall be and is hereby cumulative of all other ordinances of the City of Watauga, Texas and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which such event conflicting provisions of this Ordinance, in which such event conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

V.

If any section, subsection, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

VI.

This Ordinance shall become effective and shall be in full force and effect from and after the date of passage by the Watauga Economic Development Corporation and the City Council of the City of Watauga, Texas, and upon application of law and in accordance with Sections 3.11 and 3.13 of the Charter of the City of Watauga, Texas.

PASSED AND ADOPTED By the City of Watauga City Council this 20th of April 2020.

Arthur L. Miner, Mayor

ATTEST:

Andrea Gardner, City Secretary

APPROVED AS TO FORM AND LEGALITY:

George Hyde, City Attorney
Russell Rodriguez Hyde & Bullock LLP



AGENDA MEMORANDUM

DATE: April 16, 2020

TO: Honorable City Council Members

FROM: George Hyde, Legal

SUBJECT: Provide an update on the Attorney General Ruling related to Section 11.35, Tax Code, providing a property tax exemption for certain property during a declared disaster {(Tax Code 11.35(g)|

BACKGROUND/INFORMATION:

The Governor issued a disaster declaration on March 13, 2020.

Property Tax Code 11.35 provides a property tax exemption for certain properties damaged during a declared disaster.

Senator Paul Bettencourt requested an Attorney General opinion to advise on whether "damage" in Section 11.35 could also include economic damages. The Attorney General provided an AG Opinion on the matter saying that for purposes of Section 11.35, damages are limited to physical damages in a declared disaster, not solely economic damages.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City Legal is providing the update as requested by City Administration to ensure the City Council remains informed of matters related to the COVID-19 crisis.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. AG Opinion Request RQ0345KP - Disaster Exemption for COVID
2. Attorney General Letter Ruling Response kp-0299_0

REVIEWED BY:

Macy Cotton, Legal

George Hyde, Legal

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 4/16/2020

Approved - 4/17/2020

Final Approval - 4/17/2020

**SENATOR PAUL BETTENCOURT**
DISTRICT 7

The Honorable Ken Paxton
Texas Attorney General
ATTN: Opinion Committee
P.O. Box 12548
Austin, TX 78711

Re: Expedited request for legal opinion on the application of Section 11.35(g) of the Tax Code

Dear General Paxton,

This letter serves as a formal request for your opinion regarding the application of the temporary exemption for qualified property damaged by a disaster, as set forth in Section 11.35(g) of the Texas Tax Code.

Background

On March 13, 2020, the Governor of Texas certified that the novel coronavirus (COVID-19) poses an imminent threat of disaster and declared a state of disaster for all counties in Texas. Section 11.35 of the Tax Code, which went into effect on January 1, 2020, establishes a temporary exemption to ad valorem taxes for qualified property damaged by a disaster. Under Section 11.35, if a declared disaster occurs prior to the date a taxing unit adopts their tax rate, property owners are entitled to a temporary exemption on property at least 15% damaged by the disaster. The exemption applies to both real property and business personal property.

Section 11.35(a) defines “qualified property” as consisting of: “(A) tangible personal property used for the production of income; (B) an improvement to real property; or (C) a manufactured home as that term is defined by Section 1201.003, Occupations Code, that is used as a dwelling, regardless of whether the owner of the manufactured home elects to treat the manufactured home as real property under Section 1201.2055, Occupations Code.” Tex. Tax Code § 11.35(a)(1)(A)-(C). Additionally, the statute requires that qualified property must be located in an area declared by the Governor to be a disaster area and be at least 15% damaged by the disaster as determined by the chief appraiser. *Id.* § 11.35(a)(2)-(3).

On receipt of an application for an exemption authorized by Section 11.35, the chief appraiser is required to determine whether any item of qualified property that is the subject of the application is at least 15% damaged by the disaster and assign to each item of qualified property a damages assessment rating as set forth in Section 11.35(g). *Id.* § 11.35(f).

Section 11.35(g) categorizes damaged property into one of four damage assessment ratings, which is used to determine the exemption amount:

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AUSTIN, TEXAS 78711-2068
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COMMITTEES:
SENATE COMMITTEE ON PROPERTY TAX - CHAIR
EDUCATION
FINANCE
HIGHER EDUCATION

DISTRICT OFFICE
11451 KATY FREEWAY, SUITE 209
HOUSTON, TEXAS 77079
(713) 464-0282
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- Level 1 provides a 15% exemption for properties that are at least 15% but not more than 30% damaged. This is defined as a property that has sustained minimal damage and may continue to be used as intended.
- Level 2 provides for a 30% exemption for properties that are at least 30% but not more than 60% damaged. This is defined as a property that has sustained nonstructural damage, including damage to the roof, walls, foundation or mechanical components, or has had less than 18 inches of water inside.
- Level 3 provides for a 60% exemption for properties that are at least 60% damaged but are not a total loss. This is defined as a property that has suffered significant structural damage requiring extensive repair due to the failure of structural elements, or has had more than 18 inches of water inside.
- Level 4 provides for a 100% exemption for properties that are a total loss.

See id. § 11.35(g)(1)-(4). Section 11.35(g) makes no reference to whether property that has suffered an economic loss not associated with physical damage would qualify the exemption.

Request

Does the temporary disaster exemption, as set forth in Section 11.35(g) of the Texas Tax Code, apply to property that has suffered an economic loss not associated with physical damage to the property as a result of the disaster declared by the Governor's March 13, 2020 proclamation?

I respectfully ask that you treat this opinion request as an expedited request. The application window for property owners to apply for the temporary exemption has been open since March 13, 2020 and will last until June 26, 2020. Appraisal districts and taxpayers need immediate guidance on this issue to determine who is eligible for the temporary exemption.

Thank you for time and assistance in this matter. I would be glad to provide any additional information you may require to address the important matter to Texas taxpayers.

Sincerely,



Paul Bettencourt
Chair, Senate Committee on Property Tax

cc: Ryan Fisher, Director of Intergovernmental Relations, Office of the Attorney General



April 13, 2020

The Honorable Paul Bettencourt
Chair, Senate Committee on Property Tax
Texas State Senate
Post Office Box 12068
Austin, Texas 78711-2068

Opinion No. KP-0299

Re: Application of the temporary tax exemption for qualified property damaged by a disaster, as set forth in section 11.35(g) of the Tax Code (RQ-0345-KP)

Dear Senator Bettencourt:

You ask whether the temporary tax exemption in section 11.35 of the Tax Code applies to property that has suffered an economic loss, but no physical damage, as a result of the COVID-19 disaster declared by the Governor's March 13, 2020 proclamation.¹

The Eighty-Sixth Legislature adopted section 11.35 of the Tax Code in response to the physical damage Hurricane Harvey caused to property in the coastal region in 2017.² Section 11.35 creates a temporary tax exemption for qualified property damaged by a disaster, as declared by the Governor. *See* TEX. TAX CODE § 11.35. "Qualified property" includes "tangible personal property used for the production of income," "an improvement to real property," and manufactured homes meeting certain requirements. *Id.* § 11.35(a)(1). If qualified property has been "at least 15 percent damaged by the disaster," section 11.35 entitles a person "to an exemption from taxation by a taxing unit of a portion of the appraised value" of that property. *Id.* § 11.35(a), (b).³

¹*See* Letter from Honorable Paul Bettencourt, Chair, Senate Comm. on Prop. Tax, to Honorable Ken Paxton, Tex. Att'y Gen. at 1–2 (Apr. 9, 2020), <https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2020/pdf/RQ0345KP.pdf> ("Request Letter").

²*See* Senate Research Ctr., Bill Analysis, Tex. H.B. 492, 86th Leg., R.S. (2019), <https://capitol.texas.gov/tlodocs/86R/analysis/pdf/HB00492S.pdf#navpanes=0>.

³If a disaster is declared on or after the date that a taxing unit adopts the tax rates for the tax year in which the disaster occurs, a person is not automatically entitled to the exemption created by section 11.35 unless the governing body of the taxing unit lawfully adopts the exemption. *See* TEX. TAX CODE § 11.35(c)–(e).

Upon receipt of an application for an exemption under section 11.35, the chief appraiser must determine whether any item of qualified property “is at least 15 percent damaged by the disaster.” *Id.* § 11.35(f).⁴ If such a determination is made, the chief appraiser must then “assign to each such item of qualified property a damage assessment rating of Level I, Level II, Level III, or Level IV, as appropriate.” *Id.* Those levels correspond to increasing amounts of property damage in the following amounts:

(1) a Level I damage assessment rating if the property is at least 15 percent, but less than 30 percent, damaged, meaning that the property suffered minimal damage and may continue to be used as intended;

(2) a Level II damage assessment rating if the property is at least 30 percent, but less than 60 percent, damaged, which, for qualified property described by Subsection (a)(1)(B) or (C), means that the property has suffered only nonstructural damage, including nonstructural damage to the roof, walls, foundation, or mechanical components, and the waterline, if any, is less than 18 inches above the floor;

(3) a Level III damage assessment rating if the property is at least 60 percent damaged but is not a total loss, which, for qualified property described by Subsection (a)(1)(B) or (C), means that the property has suffered significant structural damage requiring extensive repair due to the failure or partial failure of structural elements, wall elements, or the foundation, or the waterline is at least 18 inches above the floor; or

(4) a Level IV damage assessment rating if the property is a total loss, meaning that repair of the property is not feasible.

Id. § 11.35(g). Noting that section 11.35 makes no reference to property that has suffered an economic loss not associated with physical damage caused by the disaster, you question whether the temporary tax exemption could apply to such property. Request Letter at 2.

Answering your question requires a construction of the phrase “damaged by the disaster” as used in section 11.35, as only those qualified properties with at least fifteen percent damage may receive the exemption. TEX. TAX CODE § 11.35(f). “Our primary objective in construing a statute is to ascertain and effectuate the Legislature’s intent.” *Janvey v. Golf Channel, Inc.*, 487 S.W.3d 560, 572 (Tex. 2016). “We derive intent from the plain meaning of the text construed in light of the statute as a whole.” *Id.* When statutes do not define key terms, we apply their common, ordinary meaning unless a contrary meaning is apparent from the statute’s language. *Univ. of Tex.*

⁴The appraisal district board of directors appoints a chief appraiser, who serves as chief administrator of the appraisal office. *Id.* § 6.05(c). Pursuant to rules of the Texas Commission of Licensing and Regulation, appraisers may not “engage in an official act that is . . . in violation of law.” 16 TEX. ADMIN. CODE § 94.100(4) (Tex. Dep’t of Licensing & Regulation, Code of Ethics).

at *Arlington v. Williams*, 459 S.W.3d 48, 52 (Tex. 2015). To determine a statutory term's common, ordinary meaning, we typically look first to their dictionary definitions. See *Epps v. Fowler*, 351 S.W.3d 862, 866 (Tex. 2011) (“[W]e consult dictionaries to discern the natural meaning of a common-usage term not defined by contract, statute, or regulation.”).

One common usage of the term “damage” is “physical harm caused to something in such a way as to impair its value.” WEBSTER’S THIRD NEW INT’L DICTIONARY 436 (2002). Consistent with this definition and the context of section 11.35, the damage assessment categories the Legislature established in subsection (g) describe various levels of physical damage requiring repairs to return the property to its pre-disaster status. TEX. TAX CODE § 11.35(g). Level I involves “minimal damage” such that the property can continue to be used as intended. *Id.* § 11.35(g)(1). Level II involves “nonstructural damage to the roof, walls, foundation, or mechanical components” *Id.* § 11.35(g)(2). Level III involves “significant structural damage requiring extensive repair” *Id.* § 11.35(g)(3). And Level IV involves damage rendering repair of the property not feasible. *Id.* § 11.35(g)(4). In contrast to these descriptions, a purely economic loss involves no physical damage to the property. Nothing in the language of section 11.35 evidences an intent on the part of the Legislature to address non-physical damage to property by allowing an exemption in such circumstances.

Furthermore, with regard to qualified real property, the temporary exemption applies not to the value of real property as a whole, but instead only to “improvements” that suffered damage due to the disaster. *Id.* § 11.35(a)(1)(B). The Tax Code generally defines an “improvement” as “a building, structure, fixture, or fence erected on or affixed to land” or “a transportable structure that is designed to be occupied for residential or business purposes” *Id.* § 1.04(3). Had the Legislature intended to address economic losses or a general decrease in property value due to factors beyond the physical condition of the property, it could have used different language that encompassed those losses. See *Cadena Comercial USA Corp. v. Tex. Alcoholic Beverage Comm’n*, 518 S.W.3d 318, 337 (Tex. 2017) (observing that courts will not judicially amend a statute by adding words that are not contained in the language of the statute). Instead, the Legislature limited the real property exemption to improvements damaged by a disaster. Construing section 11.35 as a whole, a court would likely conclude that the Legislature intended to limit the temporary tax exemption in section 11.35 to apply only to property physically harmed as a result of a declared disaster.

S U M M A R Y

Section 11.35 of the Tax Code creates a temporary tax exemption for qualified property damaged by a disaster, as declared by the Governor. A court would likely conclude that the Legislature intended to limit the temporary tax exemption to apply to property physically harmed as a result of a declared disaster. Thus, purely economic, non-physical damage to property caused by the COVID-19 disaster is not eligible for the temporary tax exemption provided by section 11.35 of the Tax Code.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is fluid and cursive, with the first name "Ken" and last name "Paxton" clearly distinguishable.

KEN PAXTON
Attorney General of Texas

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First Assistant Attorney General

RYAN L. BANGERT
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VIRGINIA K. HOELSCHER
Chair, Opinion Committee