



AGENDA

CITY COUNCIL MEETING September 4, 2012 @ 6:00 PM

Notice is hereby given the City Council for the City of Parker will meet in a Regular Meeting on Tuesday, September 4, 2012 at 6:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

CALL TO ORDER – Roll Call and Determination of a Quorum

EXECUTIVE SESSION 6:00 PM – 7:00 PM

Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. Govt. Code 551.071 and 551.074—“Confidential legal advice regarding City obligations or responsibility for public and private right of ways.”
2. RECONVENE REGULAR MEETING.
3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR AUGUST 21, 2012.
5. PUBLIC HEARING ON THE PROPOSED 2012-2013 FISCAL YEAR GENERAL AND WATER FUND BUDGETS.
6. PUBLIC HEARING ON THE PROPOSED TAX RATE FOR FISCAL YEAR 2012-2013.
7. PRESENTATION OF PARKS AND RECREATION COMMISSIONS QUARTERLY REPORT.
8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 683 AMENDING ORDINANCE 658A, CREATING THE PARKS AND RECREATION COMMISSION.
9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-390 APPOINTING PARKS AND RECREATION COMMISSION MEMBERS.
10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON GENERAL ELECTIONS, TERMS OF OFFICE, AND/OR THE PLACE SYSTEM FOR THE CITY OF PARKER IN COMPLIANCE WITH THE REQUIREMENTS OF SENATE BILL 100.
11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING RESOLUTION 2011-345, A POLICY ON MAYOR AND COUNCIL TRAVEL AND EXPENSES.
12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-391 APPROVING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO COMPLY WITH THE PROVISIONS OF TEXAS TRANSPORTATION CODE CHAPTER 706.
13. CONSIDERATION AND/OR ANY APPROPRIATE ACTION TO REFER THE CITY ORDINANCES ON MOWING (ORD. 553 & 571, CODIFIED IN THE PARKER MUNICIPAL CODE CHAPTER 94), AND/OR FENCES (COMPREHENSIVE ZONING ORDINANCE 483, CODIFIED IN THE PARKER MUNICIPAL CODE CHAPTER 156), TO THE PARKER PLANNING AND ZONING COMMISSION FOR RECOMMENDATIONS FOR AMENDMENTS, IF ANY.
14. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE 2012 COUNCIL MEETING SCHEDULE.

ROUTINE ITEMS

15. FUTURE AGENDA ITEMS

16. UPDATES

- a. Department Reports – Police, Animal Control, Building Permits and Inspections, Fire, Finance, and Website.
- b. Update on Section 1115 of the Social Security Act

17. ADJOURN

In addition to any specifically identified Executive Sessions, Council may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Council elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on August 31, 2012 by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at www.parkertexas.us.

Date Notice Removed

Carrie L. Smith, TRMC, CMC
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: City Secretary
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 8/27/2012
Exhibits:	1. Meeting Minutes

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR AUGUST 21, 2012.

SUMMARY

Please review the attached meeting minutes. I will contact you prior to the meeting for any changes or comments.

Carrie

POSSIBLE ACTION

Move to approve the Meeting Minutes as written (or amended).

Inter – Office Use			
Approved by:			
Department Head:	APPROVED By Carrie L. Smith at 1:27 pm, Aug 31, 2012	Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date: 3:25 pm, Aug 31, 2012	

MINUTES
CITY COUNCIL MEETING
August 21, 2012

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a regular meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

Mayor Marshall called the meeting to order at 5:30 p.m. Councilmembers Leamy, Sumrow, Levine, Pettle and Taylor were present. A quorum was present.

Staff Present: City Administrator Jeff Flanigan, City Secretary Carrie Smith, Finance/H.R. Manager Johnna Boyd, Police Chief Tony Fragoso and Fire Chief Mike Sheff.

EXECUTIVE SESSION 5:30 PM – 7:00 PM

Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

1. RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:
 - a. Govt. Code 551.071 and 551.074— “Confidential legal advice regarding modification of employee benefits.”
 - b. Govt. Code 551.071 – “Confidential legal advice regarding threatened or pending litigation in the enforcement of zoning regulations.”

Mayor Marshall recessed the regular meeting at 5:30 p.m.

2. RECONVENE REGULAR MEETING.

Mayor Marshall reconvened the regular meeting at 7:12 p.m.

3. ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

No action was taken.

PLEDGE OF ALLEGIANCE

The American Pledge was led by Jim Threadgill.

The Texas Pledge was led by Phil Steiman.

PUBLIC COMMENTS The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No Comments.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES FOR AUGUST 7, 2012.

MOTION: Councilmember Leamy moved to approve the minutes as written. Councilmember Pettle seconded with Councilmembers Leamy, Sumrow, Levine, Pettle and Taylor voting for. Motion carried 5-0.

5. PUBLIC HEARING ON THE PROPOSED TAX RATE FOR FISCAL YEAR 2012-2013.

The proposed tax rate is:

Maintenance and Operation Rate \$0.306402

Interest and Sinking Fund Rate \$0.070678

Total Tax Rate \$0.377080 per \$100

Parker has not had a tax rate increase since 2006.

Mayor Marshall opened the public hearing at 7:15 p.m.

Jim Threadgill, 7233 Moss Ridge Rd. – Mr. Threadgill thanked staff and council for maintaining the current tax rate during these difficult economic times.

Mayor Marshall closed the public hearing at 7:16 p.m.

The next public hearing will be held on September 4th and a vote will be taken on September 18th.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012- 385 APPOINTING THE 2012 AUDITOR.

Five proposals were received from our request for qualification notices that were sent out in late July. All firms met the qualifications outlined in our request with cost ranging from \$14,250 to \$20,000. After review of all proposals received, the Investment Committee recommends the Council approve BrooksCardiel, PLLC as our auditors for the year ending September 30, 2012.

MOTION: Mayor Pro Tem Levine moved to approve Resolution 2012-385 subject to correcting the spelling of Carteil to Cardiel in the title of the resolution.

Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Levine, Pettle and Taylor voting for. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 682 APPROVING BUDGET AMENDMENTS TO THE GENERAL FUND AND WATER FUND BUDGETS FOR MUNICIPAL PURPOSES. THE TOTAL EXPENDITURES FOR THE 2011-2012 BUDGET WILL NOT BE INCREASED.

Council reviewed the proposed budget amendments. (See Exhibit 7A)

MOTION: Councilmember Leamy moved to approve Ordinance 682 as written. Councilmember Sumrow seconded with Councilmembers Leamy, Sumrow, Levine, Pettle and Taylor voting for. Motion carried 5-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A PRELIMINARY PLAT FOR MAHAN ADDITION; BEING APPROXIMATELY 6.9 ACRES IN THE S.E. DONALDSON SURVEY, ABSTRACT 277. APPLICANTS: MOHAMMAD MASSOUDI AND MARYAM H. BROUJERDI ARE REQUESTING ONE SINGLE FAMILY RESIDENTIAL LOT TO BE SUBDIVIDED INTO TWO LOTS.

This request is for approval of a Preliminary Plat submitted by Mohammad Massoudi and Maryam H. Broujerdi. They own a 6.9 acre tract of land proposed to be subdivided into two lots. The property is in the city limits and currently zoned Single Family (SF).

The Planning and Zoning Commission met on August 9, 2012 and has recommended approval of the preliminary plat subject to: 1) a new waterline being installed on both lots; 2) A fire hydrant be installed; 3) dedication of right-of-way along Dublin Road; 4) issues in engineer letter be completed; and 5) the name and address of the owner to be added to the face of the plat.

City Administrator Flanigan stated all the issues in the engineers letter have been addressed.

There was discussion of access to the rear lot. Access will remain as it currently is, off of private road Mahaney Rd. Waterlines and a fire hydrant are to be installed by the property owner, increasing fire protection.

MOTION: Councilmember Sumrow moved to approve the preliminary plat subject to: the fire hydrant being installed before the the structure framing begins; and no dedication of private road, Mahaney Road, will be accepted by the City. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Levine, Pettle and Taylor voting for. Motion carried 5-0.

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-387 APPOINTING MEMBERS AND OFFICERS TO THE ZONING BOARD OF ADJUSTMENTS.

Councilmember Pettle recused herself due to a personal conflict on this agenda item.

The ZBA met on August 15 and have recommended Alternate Keith Pettle be moved to a voting member. Member Bob Heath recently gave his resignation to the Board.

The Board recommended the Council appoint the best qualified applicants to the alternate positions.

Recommended Board member appointments and terms are as follows:

voting members for the unexpired portion of a two year term, expiring June 1, 2013 or until their successors are appointed and qualified.

Place 1	Jack Albritton
Place 3	Andrew Ellison
Place 5	Keith Pettle

voting members for a term of two years, expiring June 1, 2014 or until their successors are appointed and qualified.

Place 2	Hal Camp
Place 4	Don Dickson

alternate members for a term of two years, expiring June 1, 2014 or until their successors are appointed and qualified.

Alternate 1	Brian Deaver
Alternate 2	Anthony Cassavechia

Chairperson

Place 1	Jack Albritton
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MOTION: Councilmember Sumrow moved to approve Resolution 2012-387 as written. Councilmember Leamy seconded with Councilmembers Leamy, Sumrow, Levine and Taylor voting for. Motion carried 4-0.

10. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING RESOLUTION 2012-384 SETTING THE YEARLY TERMS OF MEMBERS, OFFICERS AND ALTERNATE OF THE PLANNING AND ZONING COMMISSION.

Resolution 2012-384 is being amended to adhere to Parker Code Sec. 50.02. Places 1, 3 and 5 are to expire in odd numbered years, and places 2 and 4 are to expire in even numbered years. Upon the Planning and Zoning Commissions recommendation Resolution 2012 -184 is being amended.

Parker Code § 150.02 PLANNING AND ZONING COMMISSION.
(A) Places. The Planning and Zoning Commission for the city shall consist of 5 members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 3, and 5 shall have two-year terms commencing June 1 of odd numbered years. Places 2

and 4 shall have two-year terms expiring in even numbered years on June 1.

Recommended Commissioner appointments and terms are as follows:

voting members for the unexpired portion of a two year term, expiring June 1, 2013 or until their successors are appointed and qualified.

Place 1	Russell Wright
Place 3	Leonard Stanislav
Place 5	Steven Schroeder

voting members for a term of two years, expiring June 1, 2014 or until their successors are appointed and qualified.

Place 2	Joe Lozano
Place 4	Tom Stone

alternate members for a term of two years, expiring June 1, 2014 or until their successors are appointed and qualified.

Alternate 1	Rick Herzberger
Alternate 2	Cleburne Raney
Alternate 3	Jasmat Sutaria

Chairperson, Vice-chairperson, and Secretary for a term of one-year, expiring June 1, 2013 or until their successors are appointed and qualified.

Chairperson	Russell Wright
Vice Chairperson	Joe Lozano
Secretary	Leonard Stanislav

MOTION: Councilmember Taylor moved to approve Resolution 2012-384 as amended. Councilmember Pettle seconded with Councilmember Leamy, Sumrow, Leamy, Levine, Pettle and Taylor voting for. Motion carried 5-0.

11. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-388 APPROVING AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR POLICE DISPATCH SERVICE.

Council reviewed the annual interlocal agreement with Collin County for police dispatch services. The agreement extends the current contract for one year. The dispatch service charges for FY2013 in the amount of \$21,075.40 shall be paid by the City in quarterly installments of \$5,268.85. This amount is based upon the prior year call volume at the rate of \$6.68 per radio incident.

The language in Section 6 has been amended to the same language the County agreed to in last year's agreement. The intent is to balance the responsibilities of the parties. The City has no control over the County employees, either legally or

contractually. It is therefore difficult for the City to agree to the original language, which made the City liable for acts, or failure to act, by the County. The proposed language is intended to properly allocate the duties, and liabilities.

The changes are as follows:

SECTION 6. CIVIL LIABILITY

Any civil liability relating to the furnishing of services under this agreement shall be the responsibility of the party found to be negligent.

The City shall hold the County free and harmless from any obligation, costs, claims, judgments, attorney's fees, attachments, and other such liabilities arising from or growing out of the actions, or failure to act, of the City pursuant to the terms of this Agreement. The County shall hold the City free and harmless from any obligation, costs, claims, judgments, attorney's fees, attachments, and other such liabilities arising from or growing out of the actions, or failure to act, of the County pursuant to the terms of this Agreement, and as applicable by law.

Any civil liability relating to the furnishing of services under this agreement shall be the responsibility of the City. The parties agree that the County shall be acting as agent for the City in performing the services contemplated by this agreement.

The City shall hold the County free and harmless from any obligation, costs, claims, judgments, attorney's fees, attachments, and other such liabilities arising from or growing out of the services rendered to the City pursuant to the terms of this agreement or in any way connected with the rendering of said services, except when the same shall arise because of the willful misconduct or culpable negligence of the County, and the County is adjudged to be guilty of willful misconduct or culpable negligence by a court of competent jurisdiction.

MOTION: Councilmember Learmy moved to approve Resolution 2012-388 subject to Section 6 being amended. Councilmember Taylor seconded with Councilmembers Leamy, Sumrow, Levine, Pettle and Taylor voting for. Motion carried 5-0.

12. CONSIDERATION AND/OR ANY APPROPRIATE ACTION RESOLUTION 2012-389 TO WORK WITH ETMC AND THE SOUTHEAST COLLIN COUNTY EMERGENCY MEDICAL SERVICES COALITION TO APPLY FOR GRANT FUNDING THROUGH THE TEXAS HEALTHCARE TRANSFORMATION AND QUALITY IMPROVEMENT PROGRAM IN ACCORDANCE WITH SECTION 1115 OF THE SOCIAL SECURITY ACT, KNOWN AS THE 1115 WAIVER.

The Coalition and ETMC are investigating the possibility of applying for funding through 1115 Waiver Program matching public funds to an EMS delivery system. In order to apply for funding the government requires a resolution be considered through public forum.

ETMC, who is under contract with the Coalition to provide Coalition entities with paramedic ambulance service, has advised the Coalition they are a qualified provider under the Program. The Program offers funding which matches every dollar the Coalition pays ETMC for ambulance service. ETMC advises us that funding available under the Program would support a second Coalition ALS ambulance for approximately eight hours a day, five days a week for four years. A second Coalition ambulance during peak hours improves the delivery of EMS to Parker citizens and has the potential to lower the cost of back up ambulance service to Parker by Wylie FD when Coalition ambulances are unavailable.

MOTION: Councilmember Leamy moved to direct City Attorney Shepherd to draft a resolution subject to approval by the Mayor and Mayor Pro Tem. Mayor Pro Tem Levine seconded with Councilmembers Leamy, Sumrow, Levine, Pettle and Taylor voting for. Motion carried 5-0

INDIVIDUAL CONSIDERATION ITEMS

13. FUTURE AGENDA ITEMS

Council reviewed the Council Meeting Calendar through December 2012. Election day is November 6 and City Hall will be used as a polling location. Another change for consideration is to cancel the November 20 meeting due to the Thanksgiving holiday. Possible dates given to make up these meetings were October 30 and November 27. This item will be brought back at the next meeting.

14. ADJOURN

Mayor Marshall adjourned the meeting at 8:27 p.m.

APPROVED:

Mayor Z Marshall

ATTESTED:

APPROVED on the _____ day of
_____, 2012.

City Secretary Carrie L. Smith, TRMC, CMC

EXHIBITS

7A Proposed 2011-2012 Budget Amendments
Councilmember Pettles Conflict of Interest Form

**City of Parker
General Fund
Budget Adjustments
as of 08/14/12**

Account #	Description	Orig Budget	Revised Budget	Adjustment
1-10-6065	Legal Notice Advertisement	6,500.00	9,500.00	3,000.00
1-10-6040	Newsletter Expense	17,690.00	14,690.00	(3,000.00)
			Administration	0.00
1-20-6410	Vehicle Repairs & Maintenance	9,500.00	11,500.00	2,000.00
1-20-6435	Electronic Repairs & Radios	2,000.00	2,003.00	3.00
1-20-6465	Animal control	9,500.00	8,497.00	(1,003.00)
1-20-7900	Training	9,000.00	8,000.00	(1,000.00)
			Police	0.00
1-30-6520	State Court Costs	65,000.00	77,000.00	12,000.00
1-10-6040	Newsletter	14,690.00	8,690.00	(6,000.00)
1-10-7900	Training	13,000.00	7,000.00	(6,000.00)
			Court/Admin	0.00
1-40-6200	Vehicle Operations	21,678.57	24,678.57	3,000.00
1-40-7900	Training	15,000.00	12,000.00	(3,000.00)
1-40-6045	Memberships & Dues	2,500.00	4,000.00	1,500.00
1-40-7900	Training	12,000.00	10,500.00	(1,500.00)
			Fire Department	0.00
1-60-6675	Mower & Fuel	4,500.00	5,800.00	1,300.00
1-60-6640	Drainage	25,000.00	23,700.00	(1,300.00)
			Public Works	0.00
1-65-6710	Maintenance & Operations	25,000.00	27,500.00	2,500.00
1-65-6720	Improvements	20,000.00	17,500.00	(2,500.00)
			City Property	0.00
Windows Upgrade to be coded to 1-10-6020 (No change required)				
Police Vests & Camera				
1-20-6460	Uniforms & Officer Equipment	4,000.00	5,000.00	1,000.00
1-20-6440	Crime Scene equipment & supplies	500.00	950.00	450.00
1-20-6878	Tuition Reimbursement	1,000.00	0.00	(1,000.00)
1-20-7800	Insurance - Liability	8,000.00	7,550.00	(450.00)
				0.00

**City of Parker
Water Fund
Budget Adjustments
as of 08/10/12**

Account #	Description	Orig Budget	Revised Budget	Adjustment
2-70-5700	Cost - North Texas Water	700,000.00	824,000.00	124,000.00
2-70-5750	Meter Reading	20,000.00	23,000.00	3,000.00
2-70-6100	Communications	5,500.00	6,500.00	1,000.00
2-70-5720	Water Distribution	50,000.00	43,500.00	(6,500.00)
2-70-5740	Water Repairs & Maintenance	55,000.00	45,000.00	(10,000.00)
2-70-5760	Equipment & Tools	3,000.00	0.00	(3,000.00)
2-70-5770	Vehicle expense	17,000.00	12,000.00	(5,000.00)
2-70-6920	Contingency	37,864.00	17,864.00	(20,000.00)
2-70-7200	Engineering	25,000.00	10,000.00	(15,000.00)
2-70-7800	Insurance	20,000.00	15,000.00	(5,000.00)
2-70-7900	Training	3,000.00	1,500.00	(1,500.00)
2-70-8000	Salaries	326,041.00	251,041.00	(75,000.00)
2-70-8600	Personnel Contingency	3,000.00	0.00	(3,000.00)
2-70-8100	Overtime	3,000.00	2,000.00	(1,000.00)
2-80-5800	Garbage Collection Services	225,000.00	242,000.00	17,000.00
			Fund 2 Balance	0.00

THE STATE OF TEXAS

§
§
§
§

COUNTY OF COLLIN

§
§
§
§

CITY OF PARKER

OFFICE USE ONLY

Date Received 8/21/2012

Received by CSMITH

AFFIDAVIT PROVIDING NOTICE OF POTENTIAL CONFLICT OF INTEREST

I, Lee Pettle, a local public official of the City of Parker, Texas (the City), make this affidavit and hereby on oath state the following:

Action being contemplated by the City may have an effect on my spouse Keith Pettle. Such interest may be a "substantial interest" as that term is defined in Chapter 171 of the Texas Local Government Code.

The nature and extent of my interest is herein described by stating that either I or a person related to me in the first degree by consanguinity (blood) or affinity (marriage), as determined by Chapter 573 of the Texas Government Code (*check all that apply*):

own 10% or more of the voting stock or shares of the business entity;

own 10% or more of the fair market value of the business entity;

own \$15,000 or more of the fair market value of the business entity; and/or

received funds that exceed 10% of gross income for the previous year;

has an equitable or legal ownership in real property with a fair market value of \$2,500 or more.

XX is being considered for appointment as a full member of the Zoning Board of Adjustment.

Alternatively, even if I do not have a "substantial interest" as defined by Chapter 171 of the Texas Local Government Code, I am filing this affidavit so to avoid the appearance of impropriety. My interest may be described as follows:

Keith Pettle is my husband.

Upon the filing of this affidavit with the City Secretary, I affirm that I shall abstain from any discussion, vote or decision involving this business entity or real property unless a majority of the members of the governmental entity of which I am a member is likewise required to file and has filed affidavits declaring similar interests on the same official action.

SIGNED this the 21st day of August, 2012.



Lee Pettle
Signature of Affiant

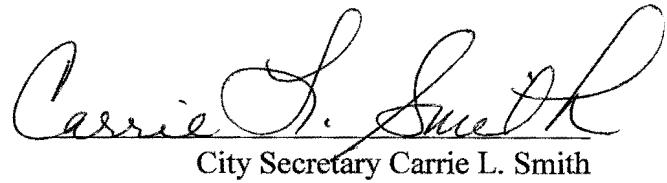
City Councilmember

Title of Affiant

BEFORE ME, the undersigned authority, this day personally appeared Lee Pettle and by oath

stated that the facts herein stated are true and correct.

SWORN TO & SUBSCRIBED BEFORE ME on this the 21st day of August, 2012.



Carrie L. Smith
City Secretary Carrie L. Smith



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Finance
Fund Balance-before expenditure:	Prepared by: J Boyd
Estimated Cost:	Date Prepared: 8/27/2012
Exhibits:	<ol style="list-style-type: none">1. Proposed Budget Summaries2. Power Point Presentation

AGENDA SUBJECT

PUBLIC HEARING ON THE PROPOSED 2012-2013 FISCAL YEAR GENERAL AND WATER FUND BUDGETS.

SUMMARY

This is a required public hearing on the proposed 2012-2013 proposed general and water fund budget.

General Fund \$2,733,865

Water Fund \$ 2,680,000

OPEN PUBLIC NOTICE _____ PM

TAKE PUBLIC INPUT

CLOSE PUBLIC NOTICE _____ PM

TAKE COUNCIL INPUT

Vote will be held on September 18, 2012.

Inter – Office Use			
Approved by:			
Department Head:	<i>Johnna Boyd</i>	Date: <i>8/30/12</i>	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date: 3:25 pm, Aug 31, 2012	

City of Parker-General Fund
Proposed Budget - FY 2012 / 2013

ACCT #	Revenue - SUMMARY	Actuals as of: 8/30/2012	2011 / 2012 Budgeted Revenue	2012 / 2013 Proposed before adj	2012 / 2013 Adjustments	2012 / 2013 Proposed Budget
Revenues						
	Revenues	2,730,050	2,619,602	2,661,365	0	2,661,365
	County Funds	0	12,500	12,500	0	12,500
FUND BALANCE TRANSFERS						
	Restricted Fund Balance Transfers	6,920	49,000	9,000	1,000	10,000
	Fund Balance Transfers			0	50,000	50,000
	Grand Total all Sources	2,736,970	2,681,102	2,682,865	51,000	2,733,865
Expenses by Department - SUMMARY		Actuals as of: 8/30/2012	2011 / 2012 Budgeted Expenses	2012 / 2013 Proposed before adj	2012 / 2013 Adjustments	2012 / 2013 Proposed Budget
Administration		173,143	314,250	381,945	(27,953)	353,992
Police Department		173,295	200,980	141,800	40,550	182,350
Municipal Court		74,396	90,720	100,645	1,000	101,645
Fire Department		156,460	236,851	227,750	0	227,750
Building and Code Enforcement		6,126	8,000	10,700	0	10,700
Parks and Recreation		17,160	33,000	34,000	100	34,100
Public Works		84,551	437,545	394,100	32,000	426,100
City Property		45,956	73,850	63,000	0	63,000
Capital Improvement Fund		0	3,985	10,000	0	10,000
Debt Service		283,112	337,824	365,098	0	365,098
Personnel Costs				957,313	1,817	959,130
	Total Expenses by Dept	1,014,199	1,737,005	2,686,351	47,514	2,733,865

Revenue Less Expenses (0)

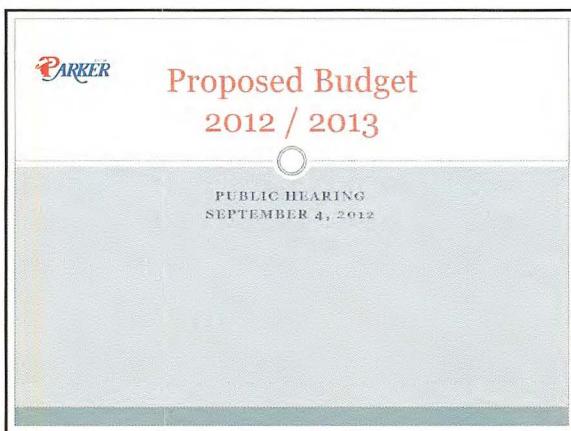
2012 Total Taxable Value	RATE	516,565,506	CERTIFIED
M & O Revenue	0.306402	1,582,767	
I & S Revenue	0.070678	365,098	
Other Revenue		731,000	
Total Revenue		2,678,865	
Combined Rate	0.377080		

City of Parker-Proprietary Fund
Proposed Budget - FY 2012 / 2013

SUMMARY	Actuals as of:	2011 / 2012	2012 / 2012	2012 / 2013 Proposed before adjs	2012 / 2013 Adjustments	2012 / 2013 Proposed Budget
	8/30/2012	Budget	Anticipated			
Revenue - All Sources	1,826,083	3,150,000	2,812,358	2,305,000	375,000	2,680,000
Water Department	1,006,296	1,919,865	1,646,286	1,162,797	374,400	1,537,197
Sewer Department	110,741	151,950	148,315	157,375	0	157,375
Sanitation Department	178,167	225,000	236,700	255,000	0	255,000
Debt Service	324,916	412,883	367,704	394,044	0	394,044
Personnel Costs				336,384		336,384
Total Expenses by Dept	1,620,120	2,709,697	2,031,301	2,305,600	374,400	2,680,000

Balance

(0)



Revenue Overview		
Items that significantly changed from FY 11/12:		
Description	Increase / Decrease	Notes
Property Tax Revenue	+ \$56,513	Certified values increased
Fines	+ 50,000	Warrant collections
Other Income	- \$80,000	No funds expected from developers / agreements

City of Parker - Public Hearing

Certified Values		
2011 / 2012 Budget	Taxable Value	\$501,577,999
2012 / 2013 Budget	Taxable Value	\$516,565,506
	Increased by 3%	\$14,987,507

City of Parker - Public Hearing

Expenses -- Overview Not including Personnel			
Department	2011 / 2012 Budget	2012 / 2013 Proposed Budget	Difference
Administration	\$314,250	\$353,992	+ \$39,742
Police	\$200,980	\$182,350	- \$18,630
Court	\$90,720	\$101,645	+ \$10,925
Fire	\$236,850	\$227,750	- \$9,100
Bldg & Code	\$8,000	\$10,700	+ \$2,700
Parks / Rec	\$33,000	\$34,100	+ \$1,100
Public Works	\$437,545	\$426,100	- \$11,445
City Property	\$73,850	\$63,000	- \$10,850
Future Cap Impr	\$3,985	\$10,000	+ \$6,015

City of Parker - Public Hearing

General Fund – Budget Overview		
2011 / 2012 Budget	Rev/Exp	\$2,681,102
2012 / 2013 Budget	Rev/Exp	\$2,733,865
	Increased 2%	\$52,763

City of Parker - Public Hearing

Debt Service		
2011 / 2012	Debt Service	\$337,824
2012 / 2013	Debt Service	\$365,098

City of Parker - Public Hearing

Proprietary Fund – Budget Overview

2011 / 2012 Budget	Rev/Exp	\$3,150,000
2012 / 2013 Budget	Rev/Exp	\$2,680,000
	Decreased 14.9%	\$470,000

City of Parker - Public Hearing

Debt Service

2011 / 2012	Debt Service	\$412,883
2012 / 2013	Debt Service	\$394,044

City of Parker - Public Hearing

Revenue Overview

Items that significantly changed from FY 11/12:

Description	Increase / Decrease	Notes
Administration Fee	-\$10,000	Organization Change
Water Sales	No Change	Sales should be up; Eased restrictions
Transfer-Cap Improvement	\$375,000	Water Meter project

City of Parker - Public Hearing

Thank you

City of Parker - Public Hearing

Expenses – Overview Not including Personnel

Department	2011 / 2012 Budget	2012 / 2013 Proposed Budget	Difference
Water	\$1,919,864	\$1,537,197	-\$382,667
Sewer	\$151,950	\$157,375	-\$18,630
Sanitation	\$225,000	\$255,000	+\$30,000

City of Parker - Public Hearing



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Finance
Fund Balance-before expenditure:	Prepared by: J Boyd
Estimated Cost:	Date Prepared: 8/16/2012
Exhibits:	

AGENDA SUBJECT

PUBLIC HEARING ON THE PROPOSED TAX RATE OR FISCAL YEAR 2012-2013.

SUMMARY

This is the second required public hearing.

There will not be a tax *rate* increase. There will be an increase in tax *revenue* due to an increase in property values and new construction.

The proposed tax rate is:

Maintenance and Operation Rate	\$0.306403
Interest and Sinking Fund Rate	<u>\$0.070677</u>
Total Tax Rate	\$0.377080 per \$100

Parker has not had a tax rate increase since 2006.

OPEN PUBLIC NOTICE _____ PM

TAKE PUBLIC INPUT

CLOSE PUBLIC NOTICE _____ PM

TAKE COUNCIL INPUT

Vote will be taken at the September 18, 2012 meeting.

Inter – Office Use

Approved by:			
Department Head:	<i>Johnna Boyd</i>	Date:	<i>8/30/12</i>
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date:	<i>3:25 pm, Aug 31, 2012</i>

Notice of Public Hearing on Tax Increase

The City of Parker will hold two public hearings on a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 0.73 percent (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax calculated under Chapter 26, Tax Code). Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

The first public hearing will be held on August 21, 2012 at 7:00 PM at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

The second public hearing will be held on September 4, 2012 at 7:00 PM at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

The members of the governing body voted on the proposal to consider the tax increase as follows:

FOR:

Mayor Marshall
Councilmember Leamy
Councilmember Pettle

Mayor Pro Tem Levine
Councilmember Sumrow
Councilmember Taylor

AGAINST:

PRESENT and not voting:

ABSENT:

The average taxable value of a residence homestead in City of Parker last year was \$407,598. Based on last year's tax rate of \$0.377080 per \$100 of taxable value, the amount of taxes imposed last year on the average home was \$1,536.97.

The average taxable value of a residence homestead in City of Parker this year is \$413,840. If the governing body adopts the effective tax rate for this year of \$0.374353 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,549.22.

If the governing body adopts the proposed tax rate of \$0.377080 per \$100 of taxable value, the amount of taxes imposed this year on the average home would be \$1,560.51.

Members of the public are encouraged to attend the hearings and express their views.



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Administration
Fund Balance-before expenditure:	Prepared by:
Estimated Cost:	Date Prepared:
Exhibits:	1. No Back up Provided.

AGENDA SUBJECT

PRESENTATION OF PARKS AND RECREATION COMMISSION'S QUARTERLY REPORT.

SUMMARY

No backup provided.

POSSIBLE ACTION

Inter – Office Use	
Approved by:	
Department Head:	
City Attorney:	
City Administrator:	<i>Jeff Flanigan</i> 3:25 pm, Aug 31, 2012



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Administration
Fund Balance-before expenditure:	Prepared by: J Shepherd
Estimated Cost:	Date Prepared: 8/27/2012
Exhibits:	1. Proposed Ordinance

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE 683 AMENDING ORDINANCE 658A, CREATING THE PARKS AND RECREATION COMMISSION.

SUMMARY

For consistency with other board appointments, staff recommends Ordinance 658A be amended to have Places 1, 3, and 5 expire in odd numbered years and Places 2 and 4 in even numbered years on May 31. Below is a red-line of the proposed changes.

2012 PROPOSED CHANGES TO 608, 658A

“SECTION 5.

(a) Places. ~~Prior to 2012, t~~The Parks and Recreation Commission for the City of Parker shall consist of ~~seven~~five members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, ~~2~~ and 4~~5~~ shall have two year terms expiring May 31 in odd years. Places ~~5~~2, ~~6~~ and ~~7~~4 shall be for two years, expiring on May 31 in even years. Alternates are appointed for one year terms, commencing June 1 of each year. There are no term limits for appointees. Upon the passage of this Ordinance, the Council may designate, or re-designate, current members, and/or any members to be appointed, into each Place, with the appropriate provisions as to the fulfillment of any unexpired terms. Unless otherwise designated by the City Council, the Commission member serving in a designated Place upon the passage of this Ordinance continues in that Place through May of the even, or odd, year for that Place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

~~The City Council has determined that the Board will be reduced from seven members to five members on or before the expiration of the terms in 2012. The City Council may exercise any combination of resignations, term expirations, or terminations in order to meet that goal.”~~

POSSIBLE ACTION

Move to approve Ordinance 683 as written.

Table or deny

Inter – Office Use	
Approved by:	
Department Head:	
City Attorney:	
City Administrator:	<i>Jeff Flanigan</i> <i>3:25 pm, Aug 31, 2012</i>

ORDINANCE NO. 683

(Amending Ordinances No. 608 and 658, Parks and Recreation Commission)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING ORDINANCES NO. 608 AND 658, ESTABLISHMENT AND REGULATIONS FOR THE PARKS AND RECREATION COMMISSION, AMENDING THE TERMS OF THE PARKS AND RECREATION COMMISSION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Parker, Collin County, Texas wishes to make the appointed terms of its Boards and Commissions consistent;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. MEMBERS PLACES. Ordinances 608 and 658, Section 5 are amended to read as follows:

“SECTION 5.

(a) Places. The Parks and Recreation Commission for the City of Parker shall consist of five members appointed by a majority of the City Council. Each member shall serve in a place designated by the Council. Places 1, 3, and 5 shall have two year terms expiring May 31 in odd years. Places 2 and 4 shall have two year terms, expiring May 31 in even years. All terms commence on June 1 of the even or odd year assigned that Place.

Alternates are appointed for one year terms, commencing June 1 of each year. There are no term limits for appointees. Upon the passage of this Ordinance, the Council may designate, or re-designate, current members, and/or any members to be appointed, into each Place, with the appropriate provisions as to the fulfillment of any unexpired terms.

Unless otherwise designated by the City Council, the Commission member serving in a designated Place upon the passage of this Ordinance continues in that Place through May 31 of the even or odd year term for that Place. All members of the Commission continue to serve until their successors are appointed and qualified; save and except when a member resigns, in writing. Such resignation shall be effective the date of its receipt by the City Secretary.

SECTION 2. SEVERABILITY. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a

whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 3. REPEALER CLAUSE. All provisions of the ordinances of the City of Parker in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Parker not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

DULY PASSED by the City Council of the City of Parker, Collin County, Texas, on the _____ day of _____, 2012.

APPROVED:

Z Marshall, Mayor

ATTEST:

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Parks and Rec
Fund Balance-before expenditure:	Prepared by: J Flanigan
Estimated Cost:	Date Prepared: 8/27/2012
Exhibits:	1. Proposed Resolution

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-390 APPOINTING PARKS AND RECREATION COMMISSION MEMBERS.

SUMMARY

In accordance to Ordinance 658A (below) the board is to be reduced to 5 members this year.

ORDINANCE 658A
"SECTION 5.

The City Council has determined that the Board will be reduced from seven members to five members on or before the expiration of the terms in 2012. The City Council may exercise any combination of resignations, term expirations, or terminations in order to meet that goal."

The Parks and Recreation Commission met on Wednesday, August 29th and have recommended the following appointments:

Appointment of Voting Members Expiring June 2013

Place 1	Joe Sterk
Place 3	Julie Ellison
Place 5	Renee Sims

Appointment of Voting Members Expiring June 2014

Place 2 Bart Blaydes
Place 4 Cindy Stachiw

Appointment of Alternate Members Expiring May 2013

Alternate 1 Brooke Asiatico
Alternate 2
Alternate 3

Commissioner Houx and Bailey do not wish to be re-appointed, reducing the membership to the required 5.

The officer positions were not discussed due to the current Chair Joe Sterk not being present and Vice Chair Houx resigning.

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date: <i>3:25 pm, Aug 31, 2012</i>	

RESOLUTION NO. 2012-390
(2012-2013 P&R Appointments)

A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPOINTING MEMBERS AND ALTERNATE MEMBERS TO SERVE ON THE PARKS AND RECREATION COMMISSION

BE IT RESOLVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. Appointment of Voting Members Expiring May 2013

The following are hereby appointed to serve on the Parks and Recreation Commission as voting members for the unexpired portion of a two year term, expiring May 31, 2013 or until their successors are appointed and qualified.

Place 1	Joe Sterk
Place 3	Julie Ellison
Place 5	Renee Sims

SECTION 2. Appointment of Voting Members Expiring May 2014

The following are hereby appointed to serve on the Parks and Recreation Commission as voting members for a term of two years, expiring May 31, 2014 or until their successors are appointed and qualified.

Place 2	Bart Blaydes
Place 4	Cindy Stachiw

SECTION 3. Appointment of Alternate Members Expiring May 2013

The following are hereby appointed to serve on the Planning and Zoning Commission as alternate members for a term of one year, expiring May 31, 2013 or until their successors are appointed and qualified.

Alternate 1	Brooke Asiatico
Alternate 2	
Alternate 3	

SECTION 4. Appointment of Officers Expiring May 2013

THAT the officers of the Parks and Recreation Commission shall include a Chairperson, Vice-chairperson, and Secretary for a term of one-year, expiring May 31, 2013 or until their successors are appointed and qualified.

Chairperson
Vice Chairperson
Secretary

SECTION 5. Effective Date.

This resolution shall be effective upon its passage.

PASSED AND APPROVED by the City Council of the City of Parker, Collin County, Texas on this _____ day of _____, 2012.

APPROVED:

Z Marshall, Mayor

ATTEST:

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Administration
Fund Balance-before expenditure:	Prepared by: J Shepherd
Estimated Cost:	Date Prepared: 8/27/2012
Exhibits:	<ol style="list-style-type: none"> 1. SB100 General Law Flow Chart 2. Basic Requirements on the Law 3. Resolution Template 4. Ordinance for Place Systems Template 5. Survey of North Texas Cities Election Dates 6. Q&A from TML

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON GENERAL ELECTIONS, TERMS OF OFFICE, AND/OR THE PLACE SYSTEM FOR THE CITY OF PARKER IN COMPLIANCE WITH THE REQUIREMENTS OF SENATE BILL 100.

SUMMARY

The issues for Parker presented by SB 100 are whether or not to change the terms of the mayor and council to allow minimal conflict with new federal law mandating certain procedures for federal elections in even years, such as 2012. To explain the impact of the federal law, and the state law passed as SB 100 in the last legislative session, we provide the following:

- A. The flowchart for general law cities such as Parker, showing their options under the law.
- B. The TML presentation on the basic requirements of the law. The comments for Home Rule cities may be disregarded.
- C. The form of resolution, which can be used by Parker to make a change in its system, should the council decide to do so.
- D. A related, but not required, form of ordinance to allow Parker to adopt the Place system. This can reduce the election to only those places which are contested, as opposed to all council and challengers running against one another. This could be helpful if the Parker council decided to "unstagger" the terms. Only those incumbents who drew opposition for their Place, or places which were vacant and had more than

one candidate, would have a contested election. Places that drew no opposition would not have to campaign against all other council candidates, as they do today. The Place system does not specifically impact the Mayor's position.

E. We are in need of the county elections department to provide their view on the continued availability of county election machinery and related services each year, in the event the council wished to make no change in the current two year staggered terms, with elections in May. If county assets are not available, then the cost of purchasing or leasing election machines in even numbered years of May elections needs to be considered.

Note: The deadline for Council action is December 31, 2012 and any changes need approval from the Department of Justice.

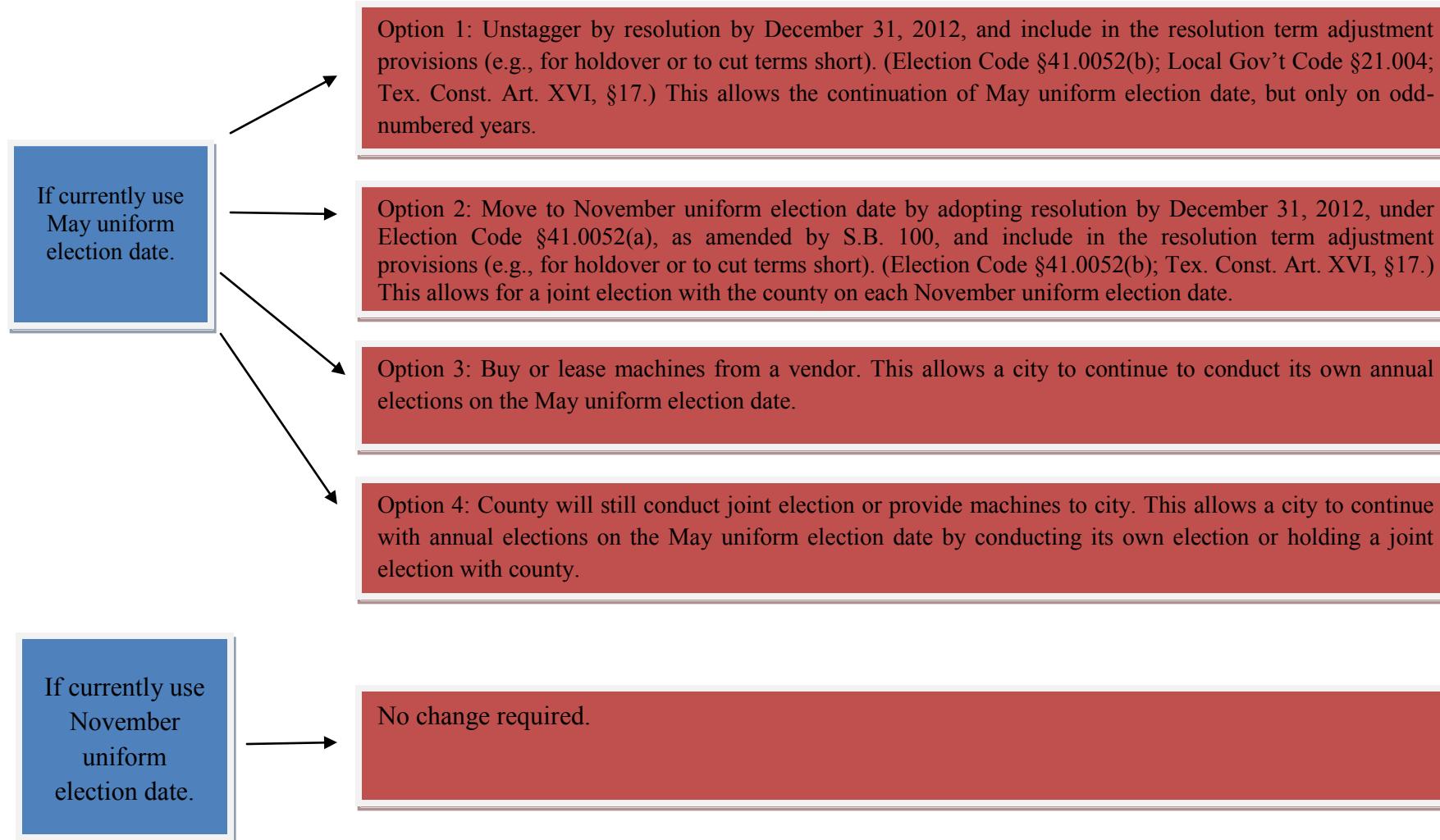
The questions before the council include the following, as suggested by the flowchart, (A. attached).

1. Elections in May, or November, the two available uniform election dates.
2. Staggered terms, with an election every year, as now. Or, unstagger the terms, and have all 6 stand for election every other year.
3. Adopt the Place system, to potentially reduce the political issue of all candidates, incumbents, and challengers, running against each other. Instead only contested "places" would stand for election. (See D. above)
4. Discuss any other election issues, such as term limits or three year terms.

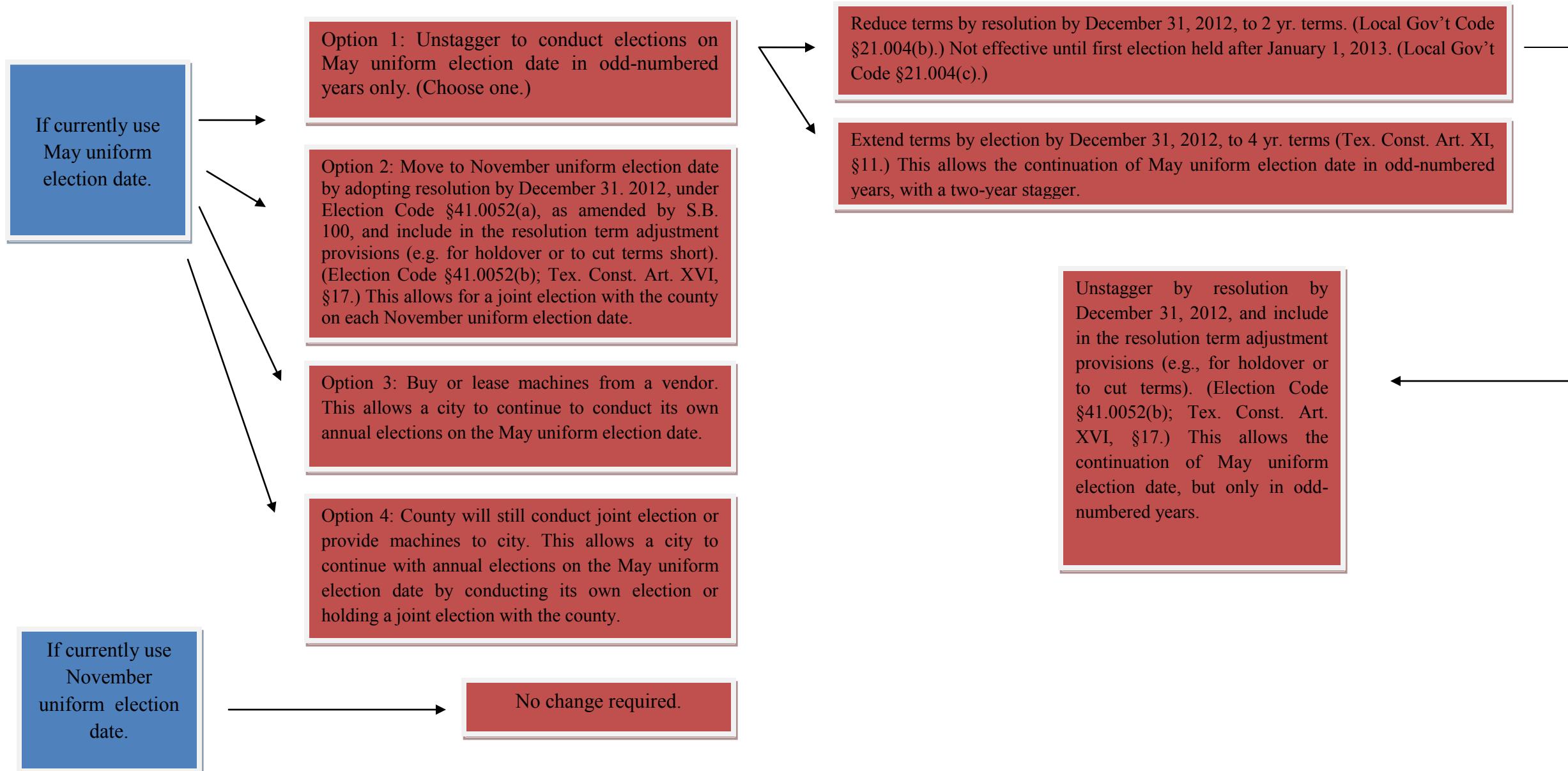
POSSIBLE ACTION

Inter – Office Use	
Approved by:	
Department Head:	
City Attorney:	
City Administrator:	<i>Jeff Flanigan</i> 3:25 pm, Aug 31, 2012

S.B. 100 Options for a City's General Election: General Law Cities with Two- or Four-Year Staggered Terms of Office



S.B. 100 Options for a City's General Election: General Law Cities with Three-Year Terms of Office



Understanding S.B. 100

Agenda

- I. Purpose of the MOVE Act
- II. Impact on May Uniform Election Date
- III. Changing Elections to November
- IV. Unstaggering Terms to Keep May Date
- V. Changing Terms of Office

Military and Overseas Voter Empowerment (MOVE Act)

- Passed by Congress in 2009.
- Goal of the MOVE Act: To make the voting process easier and faster for military and overseas voters.
- Absentee ballots must be transmitted no later than 45 days before an election.
- Applies to any election that includes a federal office on the ballot.

Non-City Election Date Changes Under S.B. 100

- Only the general primary date and primary runoff dates directly affected by MOVE Act in Texas.
 - State law already required ballots to be transmitted 45 days in advance of November uniform date.
- General Primary Election Date
 - Remains the first Tuesday in March of even-numbered years.
- Primary Runoff Election Date
 - Used to be the second Tuesday in April following the primary.
 - S.B. 100 changed this date to the fourth Tuesday in May.

Election Calendar Comparison – Even-Numbered Years

Pre-S.B. 100 Calendar	Post-S.B. 100 Calendar
General Primary Date: First Tuesday in March.	General Primary Date: First Tuesday in March.
Primary Runoff Date: Second Tuesday in April.	May Uniform Date: Second Saturday in May, but a county elections administrator is not required to enter into contract to furnish election services.
May Uniform Date: Second Saturday in May.	Primary Runoff Date: Fourth Tuesday in May.

May Elections – Election Code Sec. 41.001(d)

- “(d) Notwithstanding Section 31.093, a county elections administrator is not required to enter into a contract to furnish election services for an election held on the date described by Subsection (a)(2) [Second Saturday in May of even-numbered year].”
- Previously, a county elections administrator had a duty to enter into a contract to furnish election services if requested to do so by a city.
- For counties without an elections administrator, the county does not have a duty to furnish election services.

Does S.B. 100 Affect Your City’s Elections?

- Maybe...maybe not.

- Does your city conduct city council/mayoral elections in May of even-numbered years?
- Does your city contract with the county for electronic voting machines?
- If so, will your county now refuse to provide electronic voting machines to the city?

What's Next?

- Assuming the answer to the three previous questions is “yes”, the city has three options:
 - Look elsewhere for electronic voting machines to use in May elections;
 - Move city council/mayoral elections to November; or
 - For cities with two-year or four-year terms of office, terms of office may be adjusted so that all council/mayoral elections are held in May of odd-numbered years.

Moving to November

- A city that wishes to change its uniform election date to November must adopt a resolution doing so by no later than December 31, 2012 [E.C. Sec. 41.0052(a)].
 - A home-rule city is authorized under S.B. 100 to change election date from May to November by resolution, which supersedes any contrary election date in the city charter [E.C. Sec. 41.0052(c)].
- A city that changes from May to November is authorized to adjust the terms of office to conform to the new election date [E.C. Sec. 41.0052(b)].

Moving to November, Continued...

- For a city with three or four-year terms of office that changes its election date from May to November, a councilmember or mayor may “holdover” in office to conform to the November date without creating a vacancy for which a special election must be called under Art. XVI, Sec. 11(b) of the Texas Constitution [E.C. Sec. 41.0052(d)].

Moving to November Example

Office	Term of Office (May)	Term of Office (November, with holdover)
Mayor	May 2011 – May 2013	May 2011 – Nov. 2013
Councilmember 1	May 2011 – May 2013	May 2011 – Nov. 2013
Councilmember 2	May 2011 – May 2013	May 2011 – Nov. 2013
Councilmember 3	May 2012 – May 2014 (theoretical)	Nov. 2012 – Nov. 2014
Councilmember 4	May 2012 – May 2014 (theoretical)	Nov. 2012 – Nov. 2014
Councilmember 5	May 2012 – May 2014 (theoretical)	Nov. 2012 – Nov. 2014

Unstaggering Terms of Office

- A home-rule city may adopt a resolution providing for the election of all members of the governing body at the same election.
 - The resolution to unstagger terms of office supersedes language in a city charter requiring staggered terms of office [E.C. Sec. 41.0052(c)].

- A general law city may also adopt a resolution providing for the election of all members of the governing body at the same election.
 - The resolution to unstagger terms of office in a general law city must be adopted by December 31, 2012 [L.G.C. 21.004].

Unstaggering Terms Example

Office	Current Term of Office (Staggered)	Next Term of Office (Unstaggered)
Mayor	May 2011 – May 2013	May 2013 – May 2015
Councilmember 1	May 2011 – May 2013	May 2013 – May 2015
Councilmember 2	May 2011 – May 2013	May 2013 – May 2015
Councilmember 3	May 2012 – May 2014 (theoretical)	May 2013 – May 2015 (one-year holdover)
Councilmember 4	May 2012 – May 2014 (theoretical)	May 2013 – May 2015 (one-year holdover)
Councilmember 5	May 2012 – May 2014 (theoretical)	May 2013 – May 2015 (one-year holdover)

Changing Terms of Office in General Law City

- S.B. 100 authorizes a general law city with a term of office of one year or three years to adopt a resolution changing the term of office to two years by December 31, 2012 [L.G.C. 21.004(b)].
 - The resolution must specify the manner in which the transition in the length of terms is made [L.G.C. Sec. 21.004(c)].
 - Transition must begin with the first regular election for members of the governing body that occurs after January 1, 2013 [L.G.C. Sec. 21.004(c)].
- Legal Concerns?

Changing Terms of Office in Home-Rule City

- S.B. 100 authorizes a political subdivision with a term of odd-numbered years to adopt a resolution changing the length of the terms of its members to a term of even-numbered years [Sec. 52 of S.B. 100].
 - The resolution must specify the manner in which the transition in the length of terms is made [Sec. 52(b) of S.B. 100].
 - Transition must begin with the first regular election for members of the governing body that occurs after January 1, 2013 [Sec. 52(b) of S.B. 100].
- Legal Concerns?

Questions?



CONTACT TML LEGAL
(512) 231-7400
LEGALINFO@TML.ORG

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF PARKER, TEXAS, MAKING THE FOLLOWING CHANGES TO THE CITY'S GENERAL ELECTION PURSUANT TO SENATE BILL 100, EIGHTY-SECOND REGULAR LEGISLATURE: [SUMMARIZE CHANGES]; PROVIDING FOR SEVERABILITY.

WHEREAS, the federal Help America Vote Act of 2002 (HAVA), found in 42 U.S.C. § 15481(a)(3), mandates that – for elections in which a federal office is on the ballot – each polling place must be equipped with an electronic voting machine to facilitate voting by those with disabilities; and

WHEREAS, the Texas Legislature implemented HAVA in the 2003 regular session with the passage of House Bill 1549, but expanded the scope of the electronic voting machine requirement to apply to any election held in the state, with limited exceptions; and

WHEREAS, the federal Military and Overseas Voter Act of 2009 (MOVE Act), found in 42 U.S.C. § 1973ff-1, provides for an extended timetable in which absentee ballots be transmitted to uniformed and overseas citizens at least 45 days prior to an election; and

WHEREAS, the Texas Legislature implemented the MOVE Act in 2011 with the passage of Senate Bill 100, which overlaid the period between the state's primary and primary runoff election upon the most commonly-used uniform election date for the municipal general election, which is the second Saturday in May; and

WHEREAS, many counties in Texas have concluded that, in even-numbered years (the years in which the state's primary and primary runoff elections are held), they will be unable to provide to their cities – through sharing, lease, or other means – the electronic voting machines that are required by the aforementioned federal and state laws; and

WHEREAS, the City of Parker currently holds its general election on the uniform election date on the second Saturday in May; and

WHEREAS, pursuant to Senate Bill 100 and other statutory and state constitutional provisions, the City of Parker is – through the adoption of this resolution and any other necessary means – making best efforts to modify its election procedures to be in compliance with the bill and other federal and state laws; and

WHEREAS, the City Council of the City of Parker believes it is to the advantage of the City, its citizens, and the pursuit of democracy to pass such a resolution because [insert city-specific findings here].

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

1. [In this section the city should resolve in a step-by-step, numbered manner to make necessary changes to its election practices and procedures to conform to the requirements in Senate Bill 100 (e.g., election date change, unstaggering of terms, term of office change, etc.).]

2. Should any section or part of this resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this resolution are declared to be severable.

PASSED AND APPROVED this _____ day of _____, 20____

/s/ _____
Mayor

ATTEST:

/s/ _____
City Secretary

APPROVED AS TO FORM:

/s/ _____
City Attorney

ORDINANCE NO. _____
(Adopting Election of Aldermen by the Place System)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS REGARDING ELECTIONS OF ALDERMEN BY THE PLACE SYSTEM; PROVIDING AN EFFECTIVE DATE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City of PARKER, Collin County, Texas (“City”), is a Type A general law municipality of the State of Texas, is not divided into wards and does elect its aldermen at-large; and

WHEREAS, the City does not propose to divide into wards, or adopt the ward system; and

WHEREAS, the governing body does feel that electing aldermen through the place system, with each alderman elected at-large, is desirable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS as follows:

SECTION 1. Current Election Process. The current method of election in the City is staggered terms of two (2) years for each alderman, and a term of two (2) years for the mayor. This ordinance does not modify the method of election of the mayor. The current process of staggered terms means that the positions of two (2) of the council members one year, and three (3) the next year, subject to vacancy and appointments, are due for elections in each year. The number of candidates running who are elected to office is the number of candidates for whom there are offices available, who have received the highest number of votes.

SECTION 2. Place Method of Elections. Election by the place system could retain the current staggered terms of offices. However, the place system requires candidates seeking the office of alderman to designate which council place for which they seek election. The incumbent, and/or one or more other candidates, may file for each place. However, a candidate may only file for election for one place. The place system does not designate any specific portion of the City. Each alderman, regardless of which place number they serve, serves the entire City, at-large.

SECTION 3. Time Requirements. Passage of this ordinance is required, in order to be effective, not less than sixty (60) days before the date of the first regular municipal election of aldermen to be conducted under the place system.

SECTION 4. Assignment of Place Numbers. Immediately upon the passage of this ordinance, the governing body shall assign place numbers to each alderman’s office. This may be done by each alderman drawing from the numbers one through five. Thereafter, each alderman would serve by the designated “Place No. ____”.

SECTION 5. Filing for Specific Place. When the incumbent alderman's terms of office expires, any candidate, including the incumbent, who wishes to file for the office of alderman shall file an application for a specific place on the governing body, such as "Alderman, Place Number One".

The ballot for an election under the place system must show each office of alderman as a separate office designated by place number.

SECTION 6. Notice. The City secretary shall provide a copy of this ordinance to the county election officials promptly upon passage of this ordinance. The City shall also provide a copy of this ordinance, if needed, to the Department of Justice for any pre-clearance that may be necessary.

SECTION 7. Severability. If any word, phrase, paragraph, section, or portion of this ordinance is held to be illegal, invalid, or unenforceable, the legality, validity, and enforceability of the remaining portions of the ordinance shall not be affected thereby, and each such illegal, invalid, or unenforceable word, phrase, paragraph, section, or portion shall not affect the ordinance as a whole.

SECTION 8. Effective Date. This ordinance shall take effect upon its adoption by the City Council.

DULY PASSED by the City Council of the City of PARKER, Collin County, Texas on the _____ day of _____, 2012.

APPROVED:

Z Marshall, Mayor

ATTESTED:

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

City	County	May Annually	May Odd Years	November	Term	Term Limits
Allen	Collin	1			3 years	none
Anna	Collin			1	3 years	none
Bonham	Fannin	1			2 years	none
Celina	Collin	1			3 years	none
Coppell		1			3 years	none
Denison		1			3 years	2
Farmersville	Collin	1				
Forney		1			2 years	none
						3 terms or no more than 18 years combined
Frisco	Collin/Denton	1			3 years	
Garland	Dallas	1			2 years	3
Greenville	Hunt	1			3 years	2
Heath	Rockwall	1			2 years	none
Howe	Grayson	1			2 years	none
Lake Worth	Tarrant	1			2 years	none
Lowry Crossing	Collin			1		
Lucas	Collin	1			3 years	none
McKinney	Collin		1		4 years	2
McLendon-Chisholm	Rockwall	1				
Murphy	Collin			1	3 years	none
Paris		1				
Pilot Point	Denton	1			2 years	none
Plano	Collin/Denton		1		4 years	2
Prosper	Collin/Denton	1				
Richardson	Collin/Dallas		1		2 years	6
Royce City		1			2 years	none
Seagoville	Dallas	1				
Sherman	Grayson			1	3 years	2
St. Paul	Collin	1			2 years	none
Terrell		1			3 years	3
The Colony		1			3 years	2
Whitesboro		1			2 years	none
Wylie	Collin/Rockwall	1			3 years	none
		25	3	4		

SENATE BILL 100 – LEGAL ISSUES Q&A¹

Prepared by TML Staff

Questions? Contact the TML Legal Department at 512-231-7400 or legalinfo@tml.org

Updated July 5, 2011

NOTE:

THE Q&As INCLUDED HERE ARE THE MOST PRESSING LEGAL ISSUES RELATED TO S.B.

**100. ADDITIONAL Q&As WILL BE ADDED ON AN ONGOING BASIS PURSUANT TO
QUESTIONS PRESENTED TO TML THROUGH WEBINARS AND OTHER SOURCES.**

Does a city, when acting to change its general election date as authorized by Election Code section 41.0052, have authority to cut short an incumbent councilmembers' time in office?

Facts: Councilmember A was elected in May 2010 for a two-year term. The city, by resolution, moves its general election date from May to November. The city subsequently requires councilmember A to run for office in November 2011 and thereby cuts short councilmember A's time in office by six months. (The city retains two-year terms for councilmembers.)

Conclusion: A city, acting to change its general election date as authorized by Election Code section 41.0052, arguably has authority to cut short an incumbent councilmembers' time in office.

Analysis: It is well established that “[t]he legislature may enact a statute shortening an incumbent officer's term and apply it to persons in office when the act becomes effective, as long as the Texas Constitution does not fix the term of office.” Tex. Att'y Gen. Op. No. GA-0356 at *2 (2005) (citing *Popham v. Patterson*, 51 S.W.2d 680, 683 (Tex. 1932)); *see also* Tex. Att'y Gen. Op. Nos. DM-493 at *3 (1998), JM-235 at *1-2 (1984).² “[L]egislative attempts to shorten the term of a sitting public official” are strictly construed. *In re Saenz*, 990 S.W.2d 461, 463 (Tex. App.—Corpus Christi 1999, no pet.).

Whether the facts here fit within this legal principle depends on: (1) whether legislative action has been taken to authorize a city to cut short a councilmember's time in office in order to change the city's general election date; and (2) whether the Texas Constitution fixes the term of office of a councilmember.

1. Legislative Action

¹ Note: The “basics” of S.B. 100 are covered in a PowerPoint presentation that is available at www.tml.org by clicking on “Legal” and then “Elections.”

² A public officer may have a property interest in his office that can be protected against interference by a private person (e.g., in an election contest) but a public officer has no vested right in the office he holds that can be protected against legislative action to reduce the term of service or abolish the office altogether. *See* Tex. Att'y Gen. Op. Nos. GA-0356 at *2 (2005), JM-235 at *2 (1984).

Election Code section 41.0052(b) provides that “[a] governing body changing an election date under this section shall *adjust the terms of office* to conform to [a] new election date.” TEX. ELEC. CODE § 41.0052(b) (emphasis added); *see also* Tex. Att’y Gen. Op. No. GA-0421 at *2 (2006) (citing *Spears v. Davis*, 398 S.W.2d 921 (Tex. 1966) for the proposition that a term of office is a fixed and definite period that is generally set by law and is distinct from the tenure of an officer).

The issue is whether section 41.0052(b) clearly and convincingly constitutes legislative authorization to cut short a sitting public official’s time in office. A recent attorney general opinion examined the meaning of the term “adjust” as used in section 41.0052(b) and noted that the common meaning of the term is “[t]o change so as to match or fit” or to “alter or move (something) slightly in order to achieve the desired fit.” *See* Tex. Att’y Gen. Op. No. GA-0806 n.4 (2010). The opinion went on to conclude that an adjustment in relation to changing general election dates “will necessarily require changing the length of [an officer’s term of office], at least *temporarily*.” *Id.* at *3 (emphasis added). This suggests that the attorney general construes an adjustment in the term of office authorized by section 41.0052(b) to encompass the type of temporary change at issue here.

Moreover, the authorization to adjust the terms of office in section 41.0052(b) immediately follows the statutory authorization to change the general election date from May to November. *See* TEX. ELEC. CODE § 41.0052(a)-(b). It would not, in many instances, be necessary to undertake a full-scale change in the term of office (e.g., from four to two-year terms) in order to change general election dates. Thus, reading subsections (a) and (b) in context, it seems that an adjustment under (b) encompasses a temporary adjustment in the time that an officer serves in a particular office.

In sum, the attorney general’s recent interpretation of section 41.0052(b), as well as a construction of section 41.0052 as a whole, supports the conclusion that the legislature has taken action to authorize a city to cut short a councilmember’s time in office in order to change the city’s general election date.

2. Fixed Term under the Constitution

The next issue is whether the Texas Constitution fixes the term of office of a city councilmember. A 1958 amendment to the Texas Constitution authorizes home rule and general law cities to create municipal offices with a term exceeding two years but not exceeding four years. *See* Tex. Const. art. XI, § 11(a). The issue is whether article XI, section 11(a), fixes a councilmember’s term office.

In *Popham v. Patterson*, the court considered a constitutional provision that authorized the legislature to set a term of office not to exceed six years. 51 S.W.2d at 681. The Texas Supreme Court indicated that “the Legislature ha[d] the power to fix the term thereof at any length of time not exceeding six years.” *Id.* at 683; *cf. also* Tex. Att’y Gen. Op. No. GA-0046 at *3 (2003) (“[A]rticle XVI, section 30 does not set a term for municipal officers but instead imposes a two-year limit on the term that the legislature may establish.”). In other words, the court did not indicate that the constitution, by establishing a ceiling, fixed the term. *Popham*, 51 S.W.2d at 681. In the instant case, a city arguably has authority to fix the term of a councilmember at any length not exceeding four years.

There appears to be no case that works to define what the court in *Popham v. Patterson* meant when it referred to a term of office that is “fixed” under the Texas Constitution.³ The common meaning of the term “fixed” indicates a reference to something definite in nature. *See, e.g.*, MERRIAM-WEBSTER’S COLLEGiate DICTIONARY 468 (9th ed. 1987) (defining “fixed” to mean “not subject to change or fluctuation: settled”). And an attorney general opinion indicates that the reference in *Popham v. Patterson* to an office with a fixed term means a term that is definite in nature. *See Tex. Att’y Gen. Op. No. GA-0356 at *2 (2005)*. After reciting the *Popham v. Patterson* principle, the opinion indicates that the office of governor, which has a four-year term under article IV, section 4, and the offices of justice of the peace and constable, which have a four-year term under article V, section 18, are offices with a fixed term under the Texas Constitution. *See id.* These constitutional provisions do not offer a range of possible terms or set a ceiling (like art. XI, § 11(a)), rather they set a term that is definite in nature. *See In re Saenz*, 990 S.W.2d 461, 463 (Tex. App.—Corpus Christi 1999, no pet.) (construing article XI, section 11, to “limit[] the maximum term for a municipal officer to four years”).

In sum, the provision of a ceiling for a term of office in the Texas Constitution (like art. XI, § 11(a)) does not appear to constitute a term of office that is “fixed” but rather is an office which the legislature has the power to shorten under the *Popham v. Patterson* principle. *See id.*; *cf. In re Saenz*, 990 S.W.2d 461, 463 (Tex. App.—Corpus Christi 1999, no pet.) (construing a charter provision that authorized the temporary shortening of a term of office in a home rule city in order to facilitate a transition to non-staggered terms as being permissible even though it shortened the term to less than two years).

May a home rule city reduce the term of office for a councilmember from three to two years by simple resolution under Section 52 of S.B. 100?

Facts: Under article XI, section 11, of the Texas Constitution,⁴ a home rule city provides in its charter for three-year terms of office for councilmembers. Pursuant to provisions enacted in S.B. 100, the city, by resolution, reduces the term of office for councilmembers from three to two years.

Conclusion: A home rule city will arguably have to ask the voters to amend the city’s charter by election to ratify a resolution adopted under section 52 of S.B. 100.

Analysis: Section 52 of S.B. 100, provides as follows:

³ However, one court rejected the idea that article XI, section 11 presented a barrier to a home rule city charter provision that worked to temporarily shorten the term of office of a sitting public official. *See In re Saenz*, 990 S.W.2d 461, 463 (Tex. App.—Corpus Christi 1999, no pet.).

⁴ Article XI, section 11 of the Texas Constitution provides that “[a] Home Rule City may provide by charter or charter amendment, and a city, town or village operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years.”

- (a) This section applies only to a political subdivision that elects the members of its governing body to a term that consists of an odd number of years.
- (b) Not later than December 31, 2012, the governing body of the political subdivision may adopt a resolution changing the length of the terms of its members to an even number of years. . . .

Section 52 of S.B. 100 appears to authorize all political subdivisions, including a home rule city, to reduce a councilmember's term of office from three to two years by resolution by authorizing a change from an odd to an even number of years for terms of office. The issue is whether a home rule city may amend its charter solely through the adoption of a resolution.

Pursuant to article XI, section 11, the three-year term of office in a home rule city is established by the city charter or by charter amendment. One could argue that, under the *Popham* principle set out elsewhere in this Q&A, the legislature has authority to enact a statute that shortens the term of office in a home rule city. However, application of that principle to undertake a permanent change in the term of office, which effectively works to amend the charter,⁵ must be considered in light of another constitutional provision—article XI, § 5.

Under the Texas Constitution, a charter may not be amended without a vote of the people. *See Tex. Const. art. XI, § 5* (providing that home rule cities “may, by majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters”); TEX. LOC. GOV’T CODE §§ 9.004-005 (implementing article XI, section 5 and requiring charter amendments to be submitted to city voters); Tex. Att’y Gen. Op. No. GA-0433 at *1 (2006) (explaining that article XI, section 5 “requires that each amendment to a city charter be submitted to city voters at an election called for that purpose”). The legislature may only adopt laws that are “not forbidden expressly or by implication” by the Texas Constitution. *See Brown v. City of Galveston*, 74 S.W. 488, 492 (Tex. 1903); *see also Walker v. Baker*, 196 S.W.2d 324, 328 (Tex. 1946) (explaining the legislature has the power to make, amend, and repeal laws subject to limitations imposed by the state and federal constitutions). A law authorizing a charter amendment in a manner other than that provided in the Texas Constitution is likely not valid. *Cf. Ex parte Norton*, 21 S.W.2d 663 (Tex. Crim. App. 1929) (finding a special act amending a home rule charter to be invalid).

For section 52 of S.B. 100 to be valid and consistent with the Texas Constitution, a requirement must be read into it that a resolution adopted by a home rule city be ratified by the voters.⁶ *See, e.g.*, TEX. GOV’T

⁵ *See State v. City Comm'n of San Angelo*, 101 S.W.2d 360 (Tex. Civ. App.—Austin 1937, no writ) (discussing what type of action constitutes a charter amendment).

⁶ The attorney general has been presented with a similar issue in the past but refused to address it:

You state that “for a home rule city such as San Marcos in which the date for general election is set in the charter, [Election Code 41.0052(a)], by authorizing the *governing body* of a city to change the city’s regular election date, preempts the usual requirement for voter approval of a charter amendment to change the election date.” You assume that section 41.0052(a) preempts the

CODE § 311.021(1) (stating the presumption that the legislature, when enacting a statute, intends the statute to be consistent with the state constitution); *Brooks v. Northglen Ass'n*, 141 S.W.3d 158, 169 (Tex. 2004) (explaining that we must presume that a statute is constitutional).⁷

Additionally, Texas law requires that a resolution adopted by a home rule city be consistent with the city charter. *See Tex. Att'y Gen. Op. No. GA-0342* (2005) (citing, among other things, *Lower Colo. River Auth. v. City of San Marcos*, 523 S.W.2d 641, 643-44 (Tex. 1975)). Here, this means that the resolution changing the terms of office from three years to two years would likely need to be ratified by the voters through an amendment to the charter.

In sum, a home rule city is arguably prohibited from reducing the term of office for a councilmember from three to two years by simple resolution where the term of office is set out in the city's charter. Rather, the resolution contemplated in section 52 of S.B. 100 must arguably be ratified by the voters.

May a general law city reduce the term of office for a councilmember from three to two years by simple resolution under Local Government Code section 21.004?

Facts: In the past, under article XI, section 11, a general law city held an election to provide three-year terms of office for councilmembers. Pursuant to provisions enacted in S.B. 100, the city by resolution reduces the term of office for councilmembers from three to two years.

Conclusion: A general law city may arguably reduce the term of office for a councilmember from three to two years by simply adopting a resolution, as provided for under Local Government Code section 21.004.

Analysis: Local Government Code section 21.004, as amended by S.B. 100, provides as follows:

- (a) This section applies only to a general-law municipality whose governing body is composed of members that serve:
 - (1) a term of one or three years; or
 - (2) staggered terms.
- (b) Not later than December 31, 2012, the governing body of the general-law municipality may adopt a resolution:

requirement that city charters be modified through charter amendment, . . . and do not ask us to consider the question. Therefore, we do not address it.

See Tex. Att'y Gen. Op. No. GA-0342, n.3 (2005) (citations omitted).

⁷This presumes that the charter addresses the terms of office and was validly adopted. In circumstances where the charter is silent as to the term of office or the charter provision is itself unconstitutional and void, the council would likely be free to exercise its power under state law to provide for the term of office by resolution. Cf. *City of Dallas v. Lipscomb*, 437 U.S. 535, 544 (1978) (concluding that because the city's at-large system contained in the charter was unconstitutional and void, the council was free to reapportion itself by means of a resolution or ordinance).

- (1) changing the length of the terms of its members to two years; or
- (2) providing for the election of all members of the governing body at the same election.

Local Government Code section 21.004, as amended, expressly authorizes a general law city to reduce a councilmember's term of office from three to two years by resolution. The issue is whether a general law city may change a term that was approved by the voters solely through the adoption of a resolution.

A three-year term of office in a general law city is established by election, as authorized by article XI, section 11, of the Texas Constitution. The question arises as to whether the legislature, by authorizing a city to adopt a resolution, can shorten that term of office.

Article XI, section 11, is silent as to how to shorten a term of office once it has been lengthened through an election. And there appears to be no other constitutional or statutory provision indicating that voters have the concomitant authority to shorten the term of office. Thus, under the *Popham* principle set out elsewhere in this Q&A, the legislature may arguably enact a statute (Local Government Code section 21.004) that reduces the term of office of a councilmember from three to two years.

One could argue that application of the *Popham* principle is inappropriate under these facts because a contract has been formed with the voters as to the term of office. *See, e.g.*, Tex. Att'y Gen. Op. No. JC-0494 (2002) (discussing the fact that 4B sales tax proceeds may only be used for the purposes expressly represented to and approved by the voters). At least one Texas court indicates that the fixing of a term of office cannot be contracted or bartered away:

The legislative power of a state, *except so far as restrained by its own constitution*, is at all times absolute with respect to all offices within its reach. It may at pleasure create or abolish them, or modify their duties. It may also shorten or lengthen the term of service. And it may increase or diminish the salary or change the mode of compensation. The police power of the states, and that with respect to municipal corporations . . . are of the same absolute character. . . . In all these cases there can be no contract and no irrepealable law, because they are "government subjects," and hence within the category before stated. They involve public interests, and legislative acts concerning them are necessarily public laws. . . . It is vital to the public welfare that each [legislature] should be able at all times to do whatever the varying circumstances and present exigencies touching the subject involved may require. A different result would be fraught with evil.

See Kennon v. Schlesinger, 182 S.W.2d 373, 375-76 (Tex. Civ. App.—San Antonio 1944, writ ref'd w.o.m.) (quoting *Newton v. Comm'rs*, 100 U.S. 548 (1879)) (emphasis added). While the case does not involve a contract with the voters, its reasoning seems to apply to the case at hand. The Texas Constitution only gives the voters of a general law city the authority to lengthen the term of office. It reserves to the legislature authority to shorten the term of office and that authority, under the reasoning in *Kennon*, cannot be contracted or bartered away. In sum, it is likely that a general law city may reduce the

term of office for a councilmember from three to two years by resolution authorized by Local Government Code section 21.004.⁸

May a city increase the term of office for a councilmember from three to four years by simple resolution under Section 52 of S.B. 100?

Facts: Under article XI, section 11, of the Texas Constitution, a home rule city provided in its charter, or amended its charter to provide, three-year terms of office for councilmembers. Under article XI, section 11, a general law city held an election to provide three-years terms of office for councilmembers. Pursuant to section 52 of S.B. 100, both cities, by resolution, increased the term of office for councilmembers from three to four years.

Conclusion: A general law city will arguably have to ask the voters to ratify a resolution adopt under section 52 of S.B. 100 to increase the terms of office from three to four years pursuant to article XI, section 11. A home rule city will arguably have to ask the voters to ratify a resolution adopted under section 52 of S.B. 100 to increase the terms of office from three to four years pursuant to article XI, sections 5 and 11.

Analysis: Section 52 of S.B. 100, provides as follows:

- (a) This section applies only to a political subdivision that elects the members of its governing body to a term that consists of an odd number of years.
- (b) Not later than December 31, 2012, the governing body of the political subdivision may adopt a resolution changing the length of the terms of its members to an even number of years. . . .

Section 52 of S.B. 100 appears to authorize all political subdivisions, including general law and home rule cities, to change the term of office for its councilmembers from an odd number (e.g., three years) to an even number of years (e.g., four years) by simply adopting a resolution. For cities—both home rule and general law—this authorization must be considered in light of article XI, section 11, of the Texas Constitution.

Article XI, section 11 provides as follows:

A Home Rule City may provide by charter or charter amendment, and a city, town or village operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years

⁸ Election Code section 41.0052(b) may also serve to authorize a general law city to shorten the terms of office from three to two years.

As noted by the attorney general, very few cases or attorney general opinions construe this provision of the Texas Constitution. *See Tex. Att'y Gen. Op. No. GA-0585 at*3* (2007). “When interpreting our state constitution, we rely heavily on its literal text and must give effect to its plain language.” *Doody v. Ameriquest Mortgage Co.*, 49 S.W.3d 342, 344 (Tex. 2001).

An argument could be made that, once an election has been held to extend the term of office from two to three-year terms, a city has complied with the requirement of article XI and is free to further extend by resolution the term of office to four years. Depending upon the wording of the ballot language presented to the voters (e.g., “to extend the term beyond two years” in lieu of “to adopt three-year terms”), this may be a viable argument. However, to the extent that the cities in the facts above submitted to the voters a proposition regarding whether to extend the terms of office from “two years” to “three years,” with no contemplation that the terms might subsequently be further extended to four years, the language of article XI, section 11, suggests that the extension to four years—by either a general law or home rule city—should be presented to the voters.

Even assuming article XI, section 11, does not require an election when a city extends its terms from three to four years, a home rule city would arguably still have to hold an election. As explained elsewhere in issue Q&A, a city charter may not be amended without a vote of the people. *See Tex. Const. art. XI, § 5.* To the extent that a home rule city charter provides three-year terms for its council, a change to four-year terms arguably constitutes an amendment to the charter.

May the legislature authorize a home rule city to change its general election date from May to November or unstagger councilmembers’ terms of office by adoption of a resolution under Election Code section 41.0052(c), as amended by S.B. 100?

Facts: A home rule city provides in its charter for a second Saturday in May general election date and staggered terms. Pursuant to section 41.0052(c), as amended by S.B. 100, the city adopts a resolution changing its general election date to November and unstaggering councilmember terms.

Conclusion: The adoption, under Election Code section 41.0052(c), of a resolution by a home rule city changing its general election date from May to November and unstaggering councilmembers’ terms of office arguably must be ratified by the voters.

Note: This conclusion applies only to a home rule city that provides *in its charter* for a second Saturday in May general election date and staggered terms. A home rule city that does not provide for an election date in its charter, or in which the charter contains some previously-superseded election date (e.g., April or some date other than the second Saturday in May), *may* change the general election date by resolutions. Similarly, a home rule city that does not provide in its charter for staggered terms may unstagger by resolution. *See City of Dallas v. Lipscomb*, 437 U.S. 535, 544 (1978); *Stone v. City of Wichita Falls*; 646 F.2d 1085, 1087 at fn. 2. In addition, some home rule cities may be willing to argue that the election date may be changed by a city council-adopted resolution only pursuant to Local Government Code 26.042, which provides as follows: “The governing body of the municipality may set the date of election for municipal officers in accordance with applicable provisions of the Election Code.”

Analysis: Election Code section 41.0052(c), as amended by S.B. 100, provides as follows:

A home-rule city may implement the change [in its general election date from May to November] or provide for the election of all members of the governing body at the same election through the adoption of a resolution. The change contained in the resolution supersedes a city charter provision that requires a different general election date or that requires the terms of members of the governing body to be staggered.

A city's home rule charter may not contain a provision inconsistent with the Texas Constitution or general laws of the state. *See* TEX. CONST. art. XI, § 5. State law preempts a home rule city's charter when state law and the charter are irreconcilably inconsistent. *See* Tex. Att'y Gen. Op. No. GA-0025 at *3 (2003).⁹

If a home rule city left its general election date as May and left the councilmembers' terms of office staggered, it would not conflict with state law. State law still allows a city to hold its election in that manner and thus, a charter that provides for the second Saturday in May election date and staggered terms is enforceable.

The problem with S.B. 100 is that the authority to change these aspects of a city election by resolution appears to be an alternative manner in which to amend a charter. As discussed elsewhere in this Q&A, a city charter may not be amended without a vote of the people. *See* Tex. Const. art. XI, § 5. Thus, the authority to change the general election date and unstagger terms of office by resolution must likely be ratified by the voters. *Cf. In re Saenz*, 990 S.W.2d 461, 462-63 (Tex. App.—Corpus Christi 1999, no pet.) (indicating that the City of Robstown thought it was necessary to conduct a charter amendment election to expand the council to six members and unstagger their terms).

To the extent the statute attempts to provide otherwise by declaring that adoption of a resolution without a validation election supersedes the charter, it may be unconstitutional. *See Walker v. Baker*, 196 S.W.2d 324, 328 (Tex. 1946) (explaining the legislature has the power to make, amend, and repeal laws subject to limitations imposed by the state and federal constitutions).

⁹ There are at least two other Texas statutes that expressly articulate their relationship to a home rule charter. Election Code section 143.005(a) and Utilities Code section 40.003(c). Election Code section 143.005(a) provides that section 143.005 “does not authorize a city charter requirement in connection with the timely filing of any application, and any charter requirement related to an applicant’s timely filing is superseded by Section 143.007 and other applicable filing provisions prescribed by this code.” TEX. ELEC. CODE § 143.005(a). Utilities Code section 40.003(c) provides that “[t]o the extent of any conflict or inconsistency between the provisions of this authorization and any provisions of any other law or home-rule charter, the authorization and power to issue bonds conferred on municipalities . . . under this section shall prevail and control.” TEX. UTIL. CODE § 40.003(c). These two statutes are arguably different than the new section 41.0052(c) in that they expressly provide that a certain type of charter provision is unenforceable. By making the charter provision unenforceable, the governing body is compelled to follow state law—rather than the city’s charter—in regard to those matters.



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Mayor Marshall
Fund Balance-before expenditure:	Prepared by: J Flanigan
Estimated Cost:	Date Prepared: 8/27/2012
Exhibits:	<ul style="list-style-type: none">1. Resolution 2008-230 – Establishing Policy, 8/26/20082. Resolution 2009-253-Supplement to 2008-230, 12/2/20083. Resolution 2011-345 – Amending 2008-230, 8/16/2011

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING RESOLUTION 2011-345, A POLICY ON MAYOR AND COUNCIL TRAVEL AND EXPENSES.

SUMMARY

August 26, 2008 Council Minutes

12. CONSIDERATION AND/OR ACTION ON RESOLUTION 2008-230 APPROVING A POLICY FOR REIMBURSEMENT FOR CITY COUNCIL EXPENSES.

Councilmember Sumrow requested a change to Section 4 to read, "equipment and services".

MOTION: Councilmember Marshall motioned to approve resolution 2008-230 as amended. Mayor Pro-tem Threadgill seconded with Councilmember's Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

December 2, 2008 Council Minutes

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING RESOLUTION 2008-230, MAYOR AND CITY COUNCIL REIMBURSEMENT POLICY.

City Secretary Smith asked for clarification on the intent of Resolution 2008-230.

Councilmember Marshall stated the intent is:

Section 2. Advance Approval by the Council is completed in the budget.

Section 4. Is for non-customary expenses and training outside the state.

This resolution is not to micro-manage the expenses, but to have a control measure for non-customary expenses.

No action was taken on this item.

August 16, 2011 Council Minutes

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2011- 345 AMENDING RESOLUTION 2008-230, THE MAYOR AND COUNCIL TRAINING AND EXPENSE POLICY.

MOTION: Councilmember Leamy moved to approve Resolution 2011-345 as written. Councilmember Sumrow seconded.

Mayor Pro-tem Marshall wanted to clarify Section 2, which reads: "City Council members should provide an estimate of expenses to the city administrator prior to departure." What form and process will be followed? Finance/H.R. Manager Boyd said the current "Estimated Expense Reimbursement" form is to be completed and given to the City Administrator prior to any expenditure being made. The City Administrator is to verify that funds are available for the estimated expenses. Once the expenses occur all receipts will be attached to the form and turned in for reimbursement. The form will be emailed to Mayor and Council.

Councilmembers Leamy, Sumrow, Marshall, Evans and Levine voting for. Motion carried 5-0.

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date: 3:25 pm, Aug 31, 2012	

RESOLUTION NO. 2008-230
(Establishing Policy for Mayor and City Council Travel and Expenses)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS
ESTABLISHING POLICY FOR MAYOR AND CITY COUNCIL TRAVEL AND
EXPENSE REIMBURSEMENT.**

WHEREAS, the City Council of the City of Parker, Collin County, Texas believes that continuing education for the mayor and city council are important in order to serve the residents and tax payers of the City of Parker.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS AS FOLLOWS:

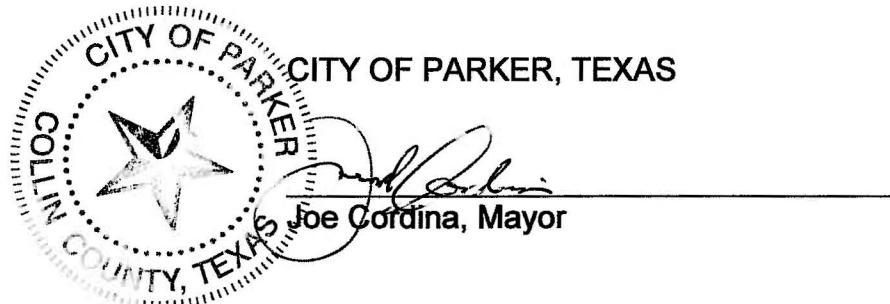
SECTION 1. Budget. The City of Parker budget for each fiscal year is to have an amount allocated within the budget for the travel expense, training and education for the mayor and city council members of the City of Parker, collectively referred to as "City Council".

SECTION 2. Education and Training. Subject to the limitations of the amount budgeted and advance approval by the City Council, members of the City Council are authorized to attend municipal training seminars or other educational activities, such as those presented by the Texas Municipal League and the North Texas Council of Governments. All training is to be specifically related to performance of city council duties. City Council members should provide an estimate of expenses to the city administrator prior to departure.

SECTION 3. Reimbursement. That reimbursement to City Council for training described in Section 2. above will be tuition and reasonable and customary expenses for transportation, lodging, and meals.

SECTION 4. Other Travel and Expenses. Expenses for all other travel, education outside the state, meetings, committees, and all other activities outside the City of Parker, and/or equipment and services, must be approved, in advance, by the Finance Chair and the Mayor Pro Tem. In the event the request is by the Finance Chair or Mayor Pro Tem, the Mayor will be requested to substitute in place of the Finance Chair, or Mayor Pro Tem.

DULY RESOLVED AND ADOPTED by the City Council of the City of Parker, Texas, on this the 26th day of August, 2008.



ATTEST:

Carrie R. Smith
Carrie Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd
James E. Shepherd, City Attorney

No Comments.

INDIVIDUAL CONSIDERATION ITEMS

4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE MEETING MINUTES FOR THE NOVEMBER 18, 2008 CITY COUNCIL MEETINGS.

This item was tabled to the 12/9/2008 meeting to allow the City Secretary time to make amendments to Item 4.

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON AMENDING RESOLUTION 2008-230, MAYOR AND CITY COUNCIL REIMBURSEMENT POLICY.

City Secretary asked for clarification on the intent of Resolution 2008-230.

Councilmember Marshall stated the intent is:

Section 2. Advance Approval by the Council is completed in the budget.

Section 4. Is for non-customary expenses and training outside the state.

This resolution is not to micro-manage the expenses, but to have a control measure for non-customary expenses.

No action was taken on this item.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION APPROVING A BANK DEPOSITORY AGREEMENT WITH AMERICAN NATIONAL BANK OF TEXAS.

The city advertised and opened bids on November 24th. The committee has met and selected American National Bank, the charges and fees are actually better than our current contract.

MOTION: Councilmember Marshall motioned to approve Resolution 2008-249. Mayor Pro-tem Threadgill seconded with Councilmember's Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2008-247 APPROVING THE CITY INVESTMENT POLICY.

The Investment Committee has been working to update the Investment Policy to add all amendments. Changes include page 13 a holding period, additional insurance for collateral, a glossary of terms.

MOTION: Councilmember Marshall motioned to approve Resolution 2008-247. Councilmember Sumrow seconded with Councilmember's Marshall, Sumrow, Threadgill, Evans, and Levine voting for. Motion carried 5-0.

RESOLUTION NO. 2009-253

(Supplementing the Policy for Mayor and City Council Travel and Expenses by Establishing a Policy for City Administrator Travel and Expenses)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS SUPPLEMENTING THE POLICY FOR MAYOR AND CITY COUNCIL TRAVEL AND EXPENSE REIMBURSEMENT, BY ADDING A PROCEDURE FOR APPROVAL OF CITY ADMINISTRATOR TRAVEL AND EXPENSE.

WHEREAS, the City Council of the City of Parker, Collin County, Texas believes that continuing education for the City Administrator is important in order to serve the residents and tax payers of the City of Parker.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS AS FOLLOWS:

SECTION 1. Budget. The City of Parker budget for each fiscal year is to have an amount allocated within the budget for the travel expense, training and education for the city staff, including the City Administrator, of the City of Parker.

SECTION 2. Education and Training. Subject to the limitations of the amount budgeted and advance approval by the Mayor, the City Administrator may attend municipal training seminars or other educational activities, such as those presented by the Texas Municipal League and the North Texas Council of Governments. All training is to be specifically related to performance of the City Administrator's duties and approved by the Mayor. The City Administrator should provide an estimate of expenses to the Mayor for approval prior to departure.

SECTION 3. Reimbursement. Reimbursement to the City Administrator for approved training described above will be tuition and reasonable and customary expenses for transportation, lodging, and meals. The Mayor may review and approve, or deny, the City Administrator's requests for travel and expenses and for reimbursement of same.

SECTION 4. Payment. All checks for reimbursement shall be supported by appropriate documentation of the expense.

SECTION 5. Process. Expenses approved prior to training or departure by the Mayor may be paid upon documentation of the expenses. Any additional, or

increased, expenses incurred require approval by the Mayor with documentation of the expense. In the Mayor's absence, the Mayor Pro Tem may take any of the actions above.

DULY RESOLVED AND ADOPTED by the City Council of the City of Parker, Texas, on this the 3rd day of February, 2009.

CITY OF PARKER, TEXAS



ATTEST:

A handwritten signature of "Carrie S. Smith" is shown, with a horizontal line underneath it. Below the signature, the text "Carrie Smith, City Secretary" is printed.

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

RESOLUTION NO. 2011-345

*(Amending the Policy for Mayor and City Council Travel and Expenses by
Amending Resolution 2008-230)*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER,
COLLIN COUNTY, TEXAS AMENDING RESOLUTION 2008-230; AND
ESTABLISHING POLICY FOR MAYOR AND CITY COUNCIL TRAVEL
AND EXPENSE REIMBURSEMENT.**

WHEREAS, the members of the City Council of the City of Parker, Collin County, Texas believe that continuing education for the mayor and city council are important in order to serve the residents and tax payers of the City of Parker and that expenses for travel and other activities may be incurred by the Mayor and City Council in carrying out their respective roles; and

WHEREAS, the City Council wishes to amend Section 4 of Resolution 2008-230; and

WHEREAS, Resolution 2008-230 is repealed, and replaced in its entirety as set forth below;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF PARKER, TEXAS AS FOLLOWS:**

SECTION 1. Budget. The City of Parker budget for each fiscal year is to have an amount allocated within the budget for the travel expense, training and education for the mayor and city council members of the City of Parker, collectively referred to as "City Council".

SECTION 2. Education and Training. Subject to the limitations of the amount budgeted and approved by the City Council, members of the City Council are authorized to attend municipal training seminars or other educational activities, such as those presented by the Texas Municipal League and the North Texas Council of Governments. All training is to be specifically related to performance of city council duties. City Council members should provide an estimate of expenses to the city administrator prior to departure.

SECTION 3. Reimbursement. Reimbursement to City Council for training described in Section 2 above will be tuition and reasonable and customary expenses for transportation, lodging, and meals.

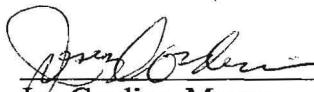
SECTION 4. Other Travel and Expenses. Other than set forth in Section 2, expenses for (1) education outside of the State (2) travel expenses for meetings and committees, and all

other activities outside the City of Parker, and/or (3) equipment and services, must be approved, in advance, by the Mayor Pro-tem and an appointed councilmember. In the event the request is by the Mayor Pro-tem or the appointed councilmember, the Mayor will be requested to substitute in place of the Mayor Pro-tem or appointed councilmember.

DULY RESOLVED AND ADOPTED by the City Council of the City of Parker, Collin County, Texas, on this _____ day of August, 2011.



CITY OF PARKER, TEXAS


Joe Cordina, Mayor

ATTEST:


Carrie Smith, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Court Administration
Fund Balance-before expenditure:	Prepared by: J Shepherd
Estimated Cost:	Date Prepared: 8/30/2012
Exhibits:	1) Letter from TDPS 2) Proposed Resolution 3) Resolution 0210-04 & Current Interlocal Agreement

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION 2012-391 APPROVING AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO COMPLY WITH THE PROVISIONS OF TEXAS TRANSPORTATION CODE CHAPTER 706.

SUMMARY

The 82nd Texas Legislature passed legislation requiring a change in the municipal agreements with the DPS for denial of driver's license renewals for those drivers reported by municipalities to have failed to pay traffic violation fines, or make other disposition of the offense. The old law, and contract, allowed the municipal court up to 5 days to report the offense had been resolved. The new law, and therefore the contract, changes the requirement to "immediately" file the "clearance" report.

The council should consider whether the advantages of the program in the collection or other resolution of pending traffic enforcement justify the continuation of the program, as modified.

The city attorney recommends approval.

POSSIBLE ACTION

1. Approval of the modified interlocal agreement.
2. Termination of the program.

Inter – Office Use	
Approved by:	
Department Head:	
City Attorney:	
City Administrator:	<i>Jeff Flanigan</i> <i>3:25 pm, Aug 31, 2012</i>



TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN TEXAS 78773-0001
512/424-2600



STEVEN C. McCRAW
DIRECTOR
DAVID G. BAKER
BECKWORTH
CHERYL MacBRIDE
DEPUTY DIRECTORS

COMMISSION
ALLAN B. POLUNSKY, CHAIR
ADA BROWN
JOHN STEEN
CARIN MARCY BARTH
A.CYNTHIA LEON

August 3, 2012

CITY OF PARKER; MUNICIPAL COURT
5700 E PARKER RD
PARKER TX 75002

Dear Court Administrator:

You currently have a contract for the Failure To Appear Program offered by the Driver License Division under Transportation Code Chapter 706.

During the 82nd Legislative Session, Section 706.005 was amended to require courts to immediately notify us when no cause exists to continue to deny renewal of a person's driver license. Under the existing contract, courts are required to report compliance within 5 business days.

To continue this contract, your court must complete and submit the enclosed amended contract. Please complete all of the appropriate entries on the contract, and arrange for the approval and signature of the presiding official authorized to sign contractual documents in your jurisdiction (mayor, city manager, county judge, etc.) within 45 days of the receipt of this letter.

Only 1 original signed contract should be submitted for each political subdivision; if you require a final copy for your records, please indicate so when you return the document. Signed contracts must be returned to:

**Texas Department of Public Safety
Attn: Enforcement and Compliance Service
P.O. Box 4087
Austin, Texas 78773-0320**

After the contract has been returned, it will be processed for approval. Any changes made to this contract by the political subdivision will result in the rejection of the contract. Should you have further questions, please contact a Customer Service Representative at 512-424-5727.

Respectfully,

Manager
Enforcement and Compliance Service

RH: tfp

Enclosure

RESOLUTION NO. 2012-391
(Interlocal Agreement with Texas Department of Public Safety)

A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, PROVIDING FOR THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO COMPLY WITH THE PROVISIONS OF TEXAS TRANSPORTATION CODE CHAPTER 706.

WHEREAS, the City of Parker is in need of assistance in the collection of unpaid fees and fines assessed pursuant to legal action taken in the Parker Municipal Court, and

WHEREAS, the City of Parker has received an interlocal agreement from the Texas Department of Public Safety to replace the existing agreement in order to comply with changes in the state law made by the 82nd Texas Legislature; and

WHEREAS, the agreement allows the City of Parker to report to the Department of Public Safety the names of those who have failed in their obligations to the Parker Municipal Court, which prevents the defendants from renewing their drivers license until the obligations to the Municipal Court are resolved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS:

SECTION 1. The Parker City Council does approve and authorize the Mayor to execute the Interlocal Agreement with the Texas Department of Public Safety to comply with the provisions of Texas Transportation Code Chapter 706. A copy of the Agreement is attached to this Resolution as Exhibit A.

SECTION 2. This resolution shall be effective upon its passage.

APPROVED AND ADOPTED this _____ day of _____, 2012.

APPROVED:

Z Marshall, Mayor

ATTEST:

Carrie L. Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

Interlocal Cooperation Contract

STATE OF TEXAS

COUNTY OF Collin

§
§
§

I. Parties

This Interlocal Cooperation Contract ("Contract") is made and entered into between the Texas Department of Public Safety ("TDPS"), a political subdivision of the State of Texas, and the City Parker, a local political subdivision of the State of Texas.

II. Overview

The purpose of this Contract is to implement the provisions of Texas Transportation Code Chapter 706. A local political subdivision may contract with the TDPS to provide information necessary to deny renewal of the driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a matter involving any offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure.

The TDPS has authority to contract with a private vendor ("Vendor") pursuant to Texas Transportation Code §706.008. The Vendor will provide the necessary goods and services to establish an automated system ("FTA System") whereby information regarding violators subject to the provisions of Texas Transportation Code Chapter 706 may be accurately stored and accessed by the TDPS. Utilizing the FTA System as a source of information, the TDPS may deny renewal of a driver license to a person who is the subject of an FTA System entry.

Each local political subdivision contracting with the TDPS will pay monies to the Vendor based on a fee established by this Contract. The TDPS will make no direct or indirect payments to the Vendor. The Vendor will ensure that accurate information is available to the TDPS, political subdivisions and persons seeking to clear their licenses at all reasonable times.

III. Definitions

"Complaint" means notice of an offense as defined in Article 27.14(d) or Article 45.019, Code of Criminal Procedure.

"Department" or **"TDPS"** means the Texas Department of Public Safety.

"Failure to Appear Program" or **"FTA Program"** refers to the implementation efforts of all parties, including those system components provided by the TDPS, local political subdivisions and the Vendor, including the FTA System.

"Failure to Appear System" or **"FTA System"** refers to the goods and services, including all hardware, software, consulting services, telephone and related support services, supplied by the Vendor.

"FTA Software" refers to computer software developed or maintained now or in the future by the Vendor to support the FTA System.

"Originating Court" refers to the court in which an applicable violation has been filed for which a person has failed to appear or failed to pay or satisfy a judgment and which has submitted an appropriate FTA Report.

"State" refers to the State of Texas.

"Local political subdivision" refers to a city or county of the State of Texas.

Unless otherwise defined, terms used herein shall have the meaning assigned by Texas Transportation Code Chapter 706 or other relevant statute. Terms not defined in this Contract or by other relevant statutes shall be given their ordinary meanings.

IV. Governing Law

This Contract is entered into pursuant to Texas Government Code Chapter 791 and is subject to the laws and jurisdiction of the State of Texas and shall be construed and interpreted accordingly.

V. Venue

The parties agree that this Contract is deemed performable in Travis County, Texas, and that venue for any suit arising from the interpretation or enforcement of this Contract shall lie in Travis County, Texas.

VI. Application and Scope of Contract

This Contract applies to each FTA Report submitted to and accepted by the TDPS or the Vendor by the local political subdivision pursuant to the authority of Texas Transportation Code Chapter 706.

VII. Required Warning on Citation for Traffic Law Violations

A peace officer authorized to issue citations within the jurisdiction of the local political subdivision shall issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning shall be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied renewal of the person's driver license. The written warning may be printed on the citation or on a separate instrument.

VIII. FTA Report

If the person fails to appear or fails to pay or satisfy a judgment as required by law, the local political subdivision may submit an FTA Report containing the following information:

- (1) the jurisdiction in which the alleged offense occurred;
- (2) the name of the local political subdivision submitting the report;
- (3) the name, date of birth and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
- (4) the date of the alleged violation;
- (5) a brief description of the alleged violation;
- (6) a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
- (7) the date that the person failed to appear or failed to pay or satisfy a judgment; and
- (8) any other information required by the TDPS.

There is no requirement that a criminal warrant be issued in response to the person's failure to appear. The local political subdivision must make reasonable efforts to ensure that all FTA Reports are accurate, complete and non-duplicative.

IX. Clearance Reports

The originating court that files the FTA Report has a continuing obligation to review the report and promptly submit appropriate additional information or reports to the Vendor or the TDPS. The clearance report shall identify the person, state whether or not a fee was required, advise the TDPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately from the time and date that the originating court receives appropriate payment or other information that satisfies the citizen's obligation to that court.

To the extent that a local political subdivision utilizes the FTA Program by submitting an FTA Report, there is a corresponding obligation to collect the statutorily required \$30.00 administrative fee. If the person is acquitted of the underlying offense for which the original FTA Report was filed, the originating court shall not require payment of the administrative fee. The local political subdivision shall submit a clearance report immediately advising the TDPS to lift the denial of renewal and identifying the grounds for the action.

The local political subdivision must immediately file a clearance report upon payment of the administrative fee and:

- (1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
- (2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
- (3) the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
- (4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or
- (5) other suitable arrangement to pay the fine and cost within the court's discretion.

The TDPS will not continue to deny renewal of the person's driver license after receiving notice from the local political subdivision that the FTA Report was submitted in error or has been destroyed in accordance with the local political subdivision's record retention policy.

X. Compliance with Law

The local political subdivision understands and agrees that it will comply with all local, state and federal laws in the performance of this Contract, including administrative rules adopted by the TDPS.

XI. Accounting Procedures

An officer collecting fees pursuant to Texas Transportation Code §706.006 shall keep separate records of the funds and shall deposit the funds in the appropriate municipal or county treasury. The custodian of the municipal or county treasury may deposit such fees in an interest-bearing account and retain the interest earned thereon for the local political subdivision. The custodian shall keep accurate and complete records of funds received and disbursed in accordance with this Contract and the governing statutes.

The custodian shall remit \$20.00 of each fee collected pursuant to Texas Transportation Code §706.006 to the Comptroller on or before the last day of each

calendar quarter and retain \$10.00 of each fee for payment to the Vendor and credit to the general fund of the municipal or county treasury.

XII. Payments to Vendor

The TDPS has contracted with OmniBase Services of Texas ("Vendor"), a corporation organized and incorporated under the laws of the State of Texas, with its principal place of business in Austin, Texas, to assist with the implementation of the FTA Program.

Correspondence to the Vendor may be addressed as follows:

OmniBase Services of Texas
7320 North Mo Pac Expressway, Suite 310
Austin, Texas 78731
(512) 346-6511 ext. 100; (512) 346-9312 (fax)

The local political subdivision must pay the Vendor a fee of \$6.00 per person for each violation which has been reported to the Vendor and for which the local political subdivision has subsequently collected the statutorily required \$30.00 administrative fee. In the event that the person has been acquitted of the underlying charge, no payment will be made to the Vendor or required of the local political subdivision.

The parties agree that payment shall be made by the local political subdivision to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the local political subdivision.

XIII. Litigation and Indemnity

In the event that the local political subdivision is aware of litigation in which this Contract or Texas Transportation Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision, the local political subdivision shall make a good faith effort to notify the TDPS immediately.

Each party may participate in the defense of a claim or suit affecting the FTA Program, but no costs or expenses shall be incurred for any party by the other party without written consent.

To the extent authorized by law, the local political subdivision City agrees to indemnify and hold harmless the TDPS against any claims, suits, actions,

damages and costs of every nature or description arising out of or resulting from the performance of this Contract, and the local political subdivision City further agrees to satisfy any final judgment awarded against the local political subdivision City or the TDPS arising from the performance of this Contract, provided said claim, suit, action, damage, judgment or related cost is not attributed by the judgment of a court of competent jurisdiction to the sole negligence of the TDPS.

It is the agreement of the parties that any litigation involving the parties to this Contract may not be compromised or settled without the express consent of the TDPS, unless such litigation does not name the TDPS as a party.

This section is subject to the statutory rights and duties of the Attorney General for the State of Texas.

XIV. Contract Modification

No modifications, amendments or supplements to, or waivers of, any provision of this Contract shall be valid unless made in writing and executed in the same manner as this Contract.

XV. Severability

If any provision of this Contract is held to be illegal, invalid or unenforceable under present or future laws effective during the term hereof, such provision shall be fully severable. This Contract shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part hereof, and the remaining provisions shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provision or by its severance therefrom.

XVI. Multiple Counterparts

This Contract may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes and all of which constitutes, collectively, one Contract. But, in making proof of this Contract, it shall not be necessary to produce or account for more than one such counterpart.

XVII. Effective Date of Contract

This Contract shall be in effect from and after the date that the final signature is set forth below. This Contract shall automatically renew on a yearly basis. However, either party may terminate this Contract upon thirty days written notice to the other party. Notice may be given at the following addresses:

Local political subdivision

Texas Department of Public Safety
Attn: Enforcement and Compliance Service
5805 North Lamar Boulevard
Austin, Texas 78773-0001
(512) 424-5311 [fax]

Notice is effective upon receipt or three days after deposit in the U. S. mail, whichever occurs first. After termination, the local political subdivision has a continuing obligation to report dispositions and collect fees for all violators in the FTA System at the time of termination.

**TEXAS DEPARTMENT OF
PUBLIC SAFETY**

Sheri Gipson
Deputy Administrator

Date

LOCAL POLITICAL SUBDIVISION*

Authorized Signature

Mayor Z Marshall

Title

Date

*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the local political subdivision. Each signature block must contain the person's title and date.

RESOLUTION NO. 0210-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS ADOPTING AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF PARKER, AND THE TEXAS DEPARTMENT OF PUBLIC SAFETY, ADOPTING AN INTERLOCAL AGREEMENT TO INCLUDE THE CITY OF PARKER IN THE TEXAS DEPARTMENT OF PUBLIC SAFETY'S FAILURE TO APPEAR PROGRAM UTILIZING THE DATA SERVICES OF OMNIBASE SERVICES OF TEXAS, LLP

WHEREAS, the City of Parker, and the Texas Department of Public Safety propose to enter into an Interlocal Agreement for a Failure to Appear Program for the City of Parker, and

WHEREAS, the administration of criminal justice in Parker should be enhanced as a result of the Program; and

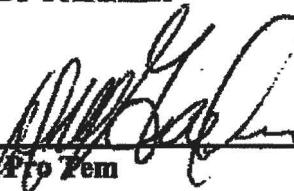
WHEREAS, expenses for the Program, if any, are paid through fees and fines of defendants through the Parker Municipal Court.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. The attached document, titled Interlocal Cooperation Contract, is approved by the Parker City Council, and the Mayor, Mayor Pro Tem, City Administrator and/or the Police Chief are authorized and empowered to proceed to implement its provisions.

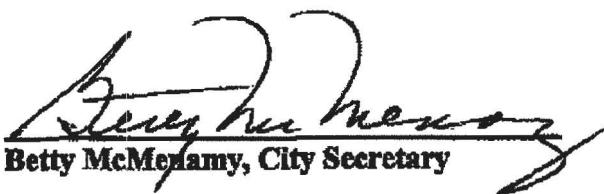
APPROVED AND ADOPTED this 10th day of February, 2004.

CITY OF PARKER



Mayor Pro Tem

ATTEST:



Betty McMenamy, City Secretary

INTERLOCAL COOPERATION CONTRACT

**State of Texas
County of Collin**

L Parties

This Interlocal Cooperation Contract ("Contract") is made and entered into between the Texas Department of Public Safety ("TDPS"), a political subdivision of the State of Texas, and the City of Parker, A local political subdivision of the State of Texas.

II. Overview

The purpose of this contract is to implement the provisions of Texas Transportation Code Chapter 706. A local political subdivision may contract with the TDPS to provide information necessary to deny renewal of the driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgement ordering payment of a fine or cost in the manner ordered by the court in a manner involving any offense within the jurisdiction of the justice or municipal court.

The TDPS has authority to contract with a private vendor ("Vendor") pursuant to Texas Transportation Code 706.008. The Vendor will provide the necessary goods and services to establish an automated system ("FTA System") whereby information regarding violators subject to the provisions of Texas Transportation Code Chapter 706 may be accurately stored and accessed by the TDPS. Utilizing the FTA System as a source of information, the TDPS may deny renewal of a driver license to a person who is the subject of an FTA System entry.

Each local political subdivision contracting with the TDPS will pay monies to the Vendor based on a fee certain established by this Contract. The TDPS will make no direct or indirect payments to the Vendor. The Vendor will ensure that accurate information is available to the TDPS, political subdivisions and persons seeking to clear their licenses at all reasonable times.

III. Definitions

"Complaint" means notice of an offense as defined in Article 27.14(d) or Article 45.019, Code of Criminal Procedure.

"Department" or "TDPS" means the Texas Department of Public Safety.

"Failure to Appear Program" or "FTA Program" refers to the implementation efforts of all parties, including those system components provided by the TDPS, local political subdivisions and the Vendor, including the FTA System.

“Failure to Appear System” or “FTA System” refers to the goods and services, including all hardware, software, consulting services, telephone and related support services, supplied by the Vendor.

“FTA Software” refers to computer software developed or maintained now or in the future by the Vendor to support the FTA System.

“Originating Court” refers to the court in which an applicable violation has been filed for which a person has failed to appear or failed to pay or satisfy a judgement and which has submitted an appropriate FTA report.

“State” refers to the State of Texas.

“Local political subdivision” refers to a city or county of the State of Texas.

Unless otherwise defined, terms used herein shall have the meaning assigned by Texas Transportation Code Chapter 706 or other relevant statute. Terms not defined in this Contract or by other relevant statutes shall be given their ordinary meanings.

IV. Governing Law

This contract is entered into pursuant to Texas Government Code Chapter 791 and is subject to the laws and jurisdiction of the State of Texas and shall be construed and interpreted accordingly.

V. Venue

The parties agree that this contract is deemed performable in Travis County, Texas, and that venue for any suit arising from the interpretation or enforcement of this Contract shall lie in Travis County, Texas.

VI. Application and Scope of Contract

This Contract applies to each FTA report submitted to and accepted by the TDPS or the Vendor by the local political subdivision pursuant to the authority of Texas Transportation Code Chapter 706.

VII. Required Warning on Citation for Traffic Law Violations

A peace officer authorized to issue citations within the jurisdiction of the local political subdivision shall issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning shall be provided in addition to any other warning required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgement ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied

renewal of the person's driver license. The written warning may be printed on the citation or on a separate instrument.

VIII. FTA Report

If the person fails to appear or fails to pay or satisfy a judgement as required by law, the local political subdivision may submit an FTA report containing the following information:

- (1) the jurisdiction in which the alleged offense occurred;
- (2) the name of the local political subdivision submitting the report;
- (3) the name, date of birth and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgement;
- (4) the date of the alleged violation;
- (5) a brief description of the alleged violation;
- (6) a statement that the person failed to appear or failed to pay or satisfy a judgement as required by law
- (7) the date that the person failed to appear or failed to pay or satisfy a judgement; and
- (8) any other information required by the TDPS.

There is no requirement that a criminal warrant be issued in response to the person's failure to appear. The local political subdivision must make reasonable efforts to ensure that all FTA Reports are accurate, complete and non-duplicative.

IX. Clearance Reports

The originating court that files the FTA Report has a continuing obligation to review the report and promptly submit appropriate additional information or reports to the Vendor or the TDPS. The clearance report shall identify the person, state whether or not a fee was required, advise the TDPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted within five business days of the time and date that the originating court receives appropriate payment or other information that satisfies the citizen's obligation to the court.

To the extent that a local political subdivision utilizes the FTA Program by submitting an FTA Report, there is a corresponding obligation to collect the statutorily required \$30.00 administrative fee. If the person is acquitted of the underlying offense for which the original FTA Report was filed, the originating court shall not require payment of the administrative fee. The local political subdivision shall submit a clearance report within five business days advising TDPS to lift the denial or renewal and identifying the grounds for the action.

The local political subdivision must promptly file a clearance report upon payment of the administrative fee and:

- (1) the perfection of an appeal of the case for which the warrant of arrest was issued arose:

- (2) the dismissal of the charge for which the warrant of arrest was issued or judgement arose;
- (3) the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
- (4) the payment or discharge of the fine and cost owed on an outstanding judgement of the court; or
- (5) other suitable arrangement to pay the fine and cost within the court's discretion.

The TDPS will not continue to deny renewal of the person's driver license after receiving notice from the local political subdivision that the FTA report was submitted in error or has been destroyed in accordance with local subdivision's record retention policy.

X. Compliance with Law

The local political subdivision understands and agrees that it will comply with all local, state and federal laws in the performance of this Contract, including administrative rules adopted by the TDPS.

XI. Accounting Procedures

An officer collecting fees pursuant to Texas Transportation Code 706.006 shall keep separate records of the funds and shall deposit the funds in the appropriate municipal or county treasury. The custodian of the municipal or county treasury may deposit such fees in an interest-bearing account and retain the interest earned thereon for the local political subdivision. The custodian shall keep accurate and complete records of funds received and disbursed in accordance with this Contract and the governing statutes.

The custodian shall remit \$20.00 for each fee collected pursuant to Texas Transportation Code 706.006 to the Comptroller on or before the last day of each calendar quarter and retain \$10.00 for each fee for payment to the Vendor and credit to the general fund of the municipal or county treasury.

XII. Payments to Vendor

The TDPS has contracted with OmniBase Services of Texas, LLP ("Vendor"), a partnership organized and incorporated under the Laws of the State of Texas, with its principal place of business in Austin, Texas to assist with the implementation of the FTA Program.

Correspondence to the Vendor may be addressed as follows:

OmniBase Services of Texas, LLP
7320 N. MoPac Suite 310
Austin, Texas 78731
(512) 346-6511 Ext. 100; (512) 346-9312 (fax)

The local political subdivision must pay the Vendor a fee of \$6.00 per person for each violation which has been reported to the Vendor and for which the local political subdivision has subsequently collected the statutorily required \$30.00 administrative fee. In the event that the person has been acquitted of the underling charge, no payment will be made to the vendor or required of the local political subdivision.

The parties agree that payment shall be made by the local political subdivision to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the local political subdivision.

XIII. Litigation and indemnity

In the event that the local political subdivision is aware of litigation in which this Contractor or Texas Transportation Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision, the local political subdivision shall make a good faith effort to notify the TDPS immediately.

Each party may participate in the defense of a claim or suit affecting the FTA Program, but no costs or expenses shall be incurred for any party by the other party without the other parties written consent.

To the extent authorized by law, the local political subdivision agrees to indemnify and hold harmless the TDPS against any claims, suits, actions, damages and costs of every nature or description arising out of or resulting from the performance of this Contract, and the local political subdivision further agrees to satisfy any final judgement awarded against the local political subdivision or TDPS arising from the performance of this Contract, provide said claim, suit, action, damage, judgement or related cost is not attributed by the judgement of a court competent jurisdiction to sole negligence of the TXDPS.

It is the agreement of the parties that any litigation involving the parties to this Contract may not be compromised or settled without the express consent of the TSPS, unless such litigation does not name the TDPS as a party.

This section is subject to the statutory rights and duties of the Attorney General for the State of Texas.

XIV. Contract Modification

No modifications, amendments or supplements to, or waivers of, any provision of this Contract shall be valid unless made in writing and executed in the same manner as this Contract.

XV. Severability

If any provision of this Contract is held to be illegal, invalid or unenforceable under present or future laws effective during the term hereof, such provisions shall be fully severable. This

Contract shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part hereof, and the remaining provisions shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provisions or by its severance there from.

XVI. Multiple Counterparts

This agreement may be executed in a number of identical counterparts, each of which shall be deemed and original for all purposes and all of which constitutes, collectively, one agreement. But, in making proof of this agreement, it shall not be necessary to produce or account for more than one such counterpart.

XVII. Effective Date of Contract

This contract shall be in effect from and after the date that the final signature is set forth below. This contract shall automatically renew on a yearly basis. However, either party may terminate this agreement upon thirty days written notice to the other party. Notice may be given at the following addressed.

Local Political Subdivision:
City of Parker
5700 E. Parker Road
Parker, Texas 75002

Texas Department of Public Safety
Project Administrator, FTA Program
5805 North Lamar Boulevard
Austin, Texas 78773-0001
(512) 424-5984 (fax)

Notice is effective upon receipt or three days after deposit in the U.S. mail, whichever occurs first. After termination, the local political subdivision has a continuing obligation to report dispositions and collect fees for all violators in the FTA System at the time of termination.

Texas Department of
Public Safety

Tom Haas
Tom Haas
Chief of Finance

3-4-04

Date

Local Political Subdivision

David Hammell
David Hammell
Mayor City of Parker

February 17, 2004

Date





Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Councilmember Sumrow
Fund Balance-before expenditure:	Prepared by: A Sumrow
Estimated Cost:	Date Prepared: 8/29/2012
Exhibits:	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION TO REFER THE CITY ORDINANCES ON MOWING (ORD. 553&571, Code Chapter 94), AND/OR FENCES (COMPREHENSIVE ZONING ORDINANCE 483, Code Chapter 156), TO THE PARKER PLANNING AND ZONING COMMISSION FOR RECOMMENDATIONS FOR AMENDMENTS, IF ANY.

SUMMARY

**Zoning Ordinance Review
Mowing/Pasture Maintenance and Gates
By Councilmember Allison Sumrow**

There are two topics within our current zoning ordinance that I believe need review by P&Z for potential modification to allow for consistent code enforcement, and to clarify outstanding questions.

1) Fences and Gates

The current Parker zoning ordinance covers fences in SF and SFT districts, but no others, and does not offer any specific guidelines about the installation of gates on properties, either as part of fence lines, or independent of fence lines. This has caused some confusion when trying to ensure code compliance, considering the construction of the gate (visibility/height/materials) and the positioning of a gate (Can a gate be built where there is not a fence supporting it?) In addition, the existence of locked gates poses access concerns for emergency vehicles.

2) Mowing/Wildflowers/Pasture Maintenance

The current Parker zoning ordinance requires that all vegetation be maintained at 12 inches or below, in all zoning districts. There may be some instances where this is not appropriate, such as on multiple acre lots where livestock are grazed, or where grass is grown to be baled for hay to be sold, or where wildflowers are cultivated. There may also be some state laws that are counter to our requirements on growth on acreage and/or wildflowers.

The sections of existing ordinance that address both fences and pasture maintenance are provided below. I would like P&Z to review these two topics, in light of the questions above, to determine if there is a need to modify our current ordinance. I will provide P&Z additional questions and information, based on the questions that have been asked of me, to assist them in their review. Prior to this being placed on a P&Z agenda, I would also ask Staff to review the references I've cited, below, and provide any other ordinances on this topic, if they exist.

Current fence ordinance

 § 156.32 SINGLE-FAMILY RESIDENTIAL DISTRICT.

 § 156.33 SINGLE-FAMILY TRANSITIONAL DISTRICT.

(I) *Fences;*

1) *General restrictions.*

- a) *No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SF areas, except for lots of 2 acres or more.*
- b) *Fencing in side yard or back yard areas shall not exceed 6 feet, 0 inches in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.*
- c) *The 50% open construction requirement for each fence panel is exclusive of columns and posts, which may be constructed of solid material including masonry or metal.*
- d) *Fencing columns, if used, shall not be more than 2 feet square on base, and not more than 6 feet in height. The columns shall not be closer together than 6 feet center to center.*

2) *Chain link fencing. Chain link fences may not be used in the front yard. They cannot extend beyond the front building line of the primary dwelling on the lot. They cannot extend into the side setback on the street side of a corner lot. It is preferred that chain link fence be black or green vinyl coated rather than galvanized.*

3) *Privacy fencing. Privacy fences are permitted around swimming pool areas, subject to the following:*

- a) *The fence must be built with the finished side facing the exterior of the lot; and*
- b) *The privacy fence must not be built farther than 30 feet from the side of the pool. The side of the pool is defined as where the water's edge meets the side of the pool, not the outside edge of the pool decking, if any.*

- 4) *Inspection and maintenance. When any fence is completed, it must be inspected. The Building Inspection Department shall be notified upon completion of the fence. The Chief Building Official will issue a card of acceptance if the fence complies with the provisions of this section, or it will be rejected. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of the fence when installed and accepted as provided herein, and shall be maintained as follows:*
 - a) *The fence shall not be out of vertical alignment more than 20%; and*
 - b) *All damaged, removed, or missing portions of the fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portions of the fence.*
- 5) *Materials.*
 - a) *Permitted materials. Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, barbed wire, or other materials approved by the Building Official for exterior exposure as fence material.*
 - b) *Prohibited materials. Materials prohibited are razor ribbon, sheet metal, corrugated steel and fiberglass panel, plywood, or any other similar material manufactured for other uses.*
- 6) *Certain locations, construction prohibited.*
 - a) *Within easements. No fence shall be located within any easement except by prior written approval of those agencies having interest in that easement.*
 - b) *Electric fences. No fence erected shall be electrically charged in a manner to be dangerous to humans.*
- 7) *Swimming pool enclosures. A building permit is required for the construction of all swimming pools, and all pools and their associated safety fences shall be built according to the building code.*

§ 156.37 SUPPLEMENTARY DISTRICT REGULATIONS.

(B) Fences, walls, and hedges. *Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that the fences, walls, or hedges along lot lines at street intersections do not impair visibility at the intersection within an area defined by lines of joining points located 20 feet back from the intersection of all curb lines extended.*

Current Pasture maintenance Guidelines

§ 156.37 SUPPLEMENTARY DISTRICT REGULATIONS.

(D) Lot maintenance. *In all districts, lots shall be maintained in such a manner as to be free and clear of debris. All vegetation, except for regularly cultivated crops, trees, or shrubbery, which exceeds 12 inches in height shall be presumed to be objectionable and unsightly. Regularly cultivated crops shall not be allowed to grow within the right-of-way of*

any public street or easement but shall be kept mowed. It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property to cut and remove all weeds, brush, or other objectionable or unsightly matter as often as may be necessary; provided that the removing and cutting same at least once in every 30 days shall be deemed a compliance with this chapter; and to use every precaution to prevent the same growing on the premises to become a nuisance.

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date: <i>3:25 pm, Aug 31, 2012</i>	



Council Agenda Item

Budget Account Code:	Meeting Date: September 4, 2012
Budgeted Amount:	Department/ Requestor: Mayor Marshall
Fund Balance-before expenditure:	Prepared by: C Smith
Estimated Cost:	Date Prepared: 8/29/2012
Exhibits:	1. Council Calendar

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON THE 2012 COUNCIL MEETING SCHEDULE.

SUMMARY

There are a few meeting dates in the next few months that conflict with other events.

- October 2 meeting has been cancelled due to National Night Out.
- November 6 is Election Day and City Hall is a polling location.
- November 20 is the week of Thanksgiving.

Possible special meeting dates are:

- October 30
- November 27

Inter – Office Use			
Approved by:			
Department Head:		Date:	
City Attorney:		Date:	
City Administrator:	<i>Jeff Flanigan</i>	Date:	<i>3:25 pm, Aug 31, 2012</i>

September 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						<i>I</i>
2	3	4 <i>Council Meeting Public Hearing on Tax Rate and Budget</i>	5	6	7	8
9	10	11	12	13	14	15
16	17	18 <i>Council Meeting Vote on tax rate and budget</i>	19	20	21	22
23	24	25	26	27	28	29
30						

October 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 <i>NNO - Council meeting Cancelled</i>	3	4	5	6
7	8	9	10	11	12	13
14	15	16 <i>Council Meeting</i>	17	18	19	20
21	22	23	24	25	26	27
28	29	30 <i>POSSIBLE MEETING DATE</i>	31 <i>Halloween</i>			

November 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6 <i>ELECTION DAY</i>	7	8	9	10
11	12	13	14	15	16	17
			TML Conference in Grapevine			
18	19	20 <i>Council Meeting</i>	21	22 <i>City Hall Closed for Thanksgiving</i>	23 <i>City Hall Closed for Thanksgiving</i>	24
25	26	27 <i>POSSIBLE MEETING DATE</i>	28	29	30	

December 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						<i>1</i>
2	3	4 <i>City Council</i>	5	6	7	8
9	10	11	12	13	14	15
16	17	18 <i>City Council</i>	19	20	21	22
23	24 <i>City Hall Closed for Christmas</i>	25 <i>City Hall Closed for Christmas</i>	26 <i>City Hall Closed for Christmas</i>	27	28	29
30	31	<i>January 1</i> <i>City Hall Closed for New Year's Day</i>				

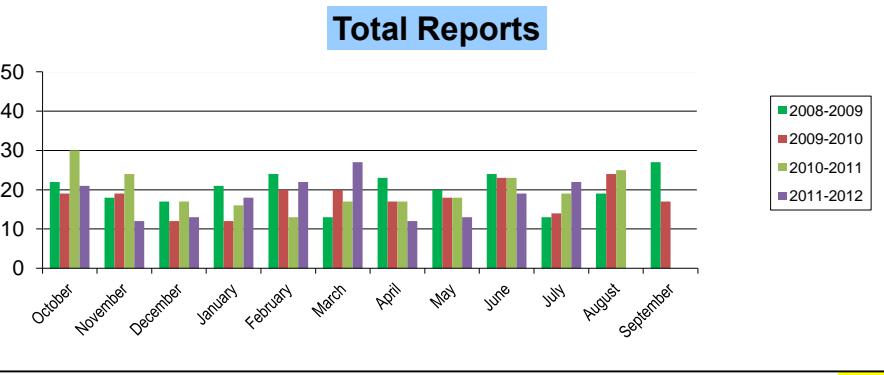
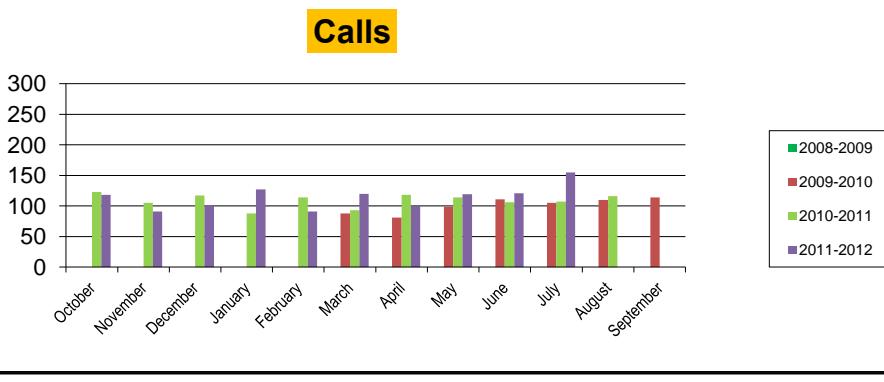
Future Council Agenda Items

approx time (mins)	ITEM DESCRIPTION	SCHEDULED AGENDA DATE	Project Contact/Requestor	Notes
PLEASE NOTE A SUPERMAJORITY MUST BE AT THE SEPTEMBER 18 MEETING FOR THE VOTE ON THE BUDGET AND TAX RATE.				
5	Vote on 2012-2013 Budget	September 18, 2012	Smith	
5	Vote on 2012-2013 Tax Rate	September 18, 2012	Smith	
15	Tree Recognition Program	September 18, 2012	Flanigan	7/17 - Shepherd to prepare resolution and bring back for Council approval
20	Allied Waste Quarterly report	September 18, 2012	Allied	Required per contract
	Bulk Trash Policy	September 18, 2012	Flanigan	Issue with TXDoT having bulk trash in row
	Parkerfest 2012	September 18, 2012	Sterk	
	OCTOBER 2 MEETING CANCELLED - NATIONAL NIGHT OUT			
15	Investment Policy, Officer and committee	October 16, 2012	Boyd	Required by statute to review and appoint annually.
	City Fee Schedule	October 16, 2012		
	adopt official Newspaper	October 16, 2012	Smith	Required by statute to review and appoint annually.
	Animal Control Ord Review	October 16, 2012	Pettle	
	Media Broadcasting of Council Meetings	December 4, 2012	Pettle	
	Drainage issues in the City	December 4, 2012	Pettle	
	Vehicle Maintenance/Replacement Policy	December 4, 2012	Flanigan	Review the current policy in place.
	Council member Appointment Process	December 4, 2012		Some policies and issues need to be addressed when the need arises to fill a vacant council seat

Calls		2008-2009	2009-2010	2010-2011	2011-2012
Fiscal Year					
October				123	118
November				105	91
December				117	101
January				88	127
February				114	91
March		88	93	120	
April		81	118	100	
May		99	114	119	
June		111	106	121	
July		105	107	155	
August		110	116		
September		114			
Y-T-D Total	0	708	1201	1143	

Traffic Stops		2008-2009	2009-2010	2010-2011	2011-2012
Fiscal Year					
October				205	215
November				186	199
December				156	145
January				124	208
February				117	263
March		162	169	220	
April		178	122	247	
May		210	241	211	
June		200	216	188	
July		223	241	159	
August		288	289		
September		229			
Y-T-D Total	0	1490	2066	2055	

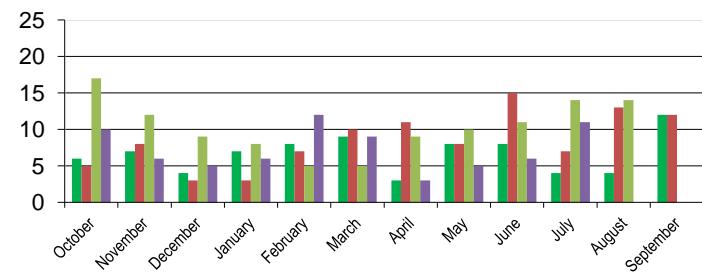
Total Reports		2008-2009	2009-2010	2010-2011	2011-2012
Fiscal Year					
October	22	19	30	21	
November	18	19	24	12	
December	17	12	17	13	
January	21	12	16	18	
February	24	20	13	22	
March	13	20	17	27	
April	23	17	17	12	
May	20	18	18	13	
June	24	23	23	19	
July	13	14	19	22	
August	19	24	25		
September	27	17			
Y-T-D Total	241	215	219	179	



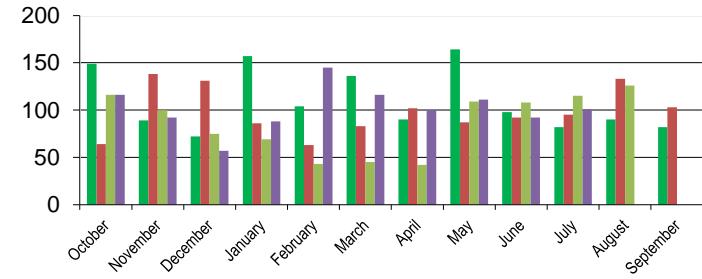
Total Arrests				
Fiscal Year	2008-2009	2009-2010	2010-2011	2011-2012
October	6	5	17	10
November	7	8	12	6
December	4	3	9	5
January	7	3	8	6
February	8	7	5	12
March	9	10	5	9
April	3	11	9	3
May	8	8	10	5
June	8	15	11	6
July	4	7	14	11
August	4	13	14	
September	12	12		
Y-T-D Total	80	102	114	73

Total Citations				
Fiscal Year	2008-2009	2009-2010	2010-2011	2011-2012
October	149	64	116	116
November	89	138	100	92
December	72	131	75	57
January	157	86	69	88
February	104	63	43	145
March	136	83	45	116
April	90	102	42	100
May	164	87	109	111
June	98	92	108	92
July	82	95	115	101
August	90	133	126	
September	82	103		
Y-T-D Total	1313	1177	948	1018

Total Arrests



Total Citations



OFFICER	HOURS WORKED												TOTAL
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	
Alan Blankenship	15	19	12	16	13	0	0	10	18.75	18			121.75
Paul Cogwell	8.5	17.5	0	14	6	0	0	13.5	0	23			82.5
Jon Fisher	10	0	18	12	0	6.5	0	4.5	—	—	—	—	51
Mike McCandless	6	6	0	20	10	6	0	9.5	39.5	16			113

Call #	Date:	7/1/2012	Caller Remarks:	SKUNK IN TRAP IN BACKYARD.KC
	Invoice Type:	Service Fee Only	Expected Charge:	\$50.00
	Call Type	Action Taken By:	Response	Disposition
	Animal Trap	Murphy Animal Control	Murphy Pick Up	Destroyed

Call #	Date:	7/3/2012	Caller Remarks:	OPOSSUMS IN TRAP ON BACK PORCH.VG
	Invoice Type:	No Charge	Expected Charge:	\$0.00
	Call Type	Action Taken By:	Response	Disposition
	Animal Trap	Murphy Animal Control	Murphy Pick Up	Relocated

Call #	Date:	7/3/2012	Caller Remarks:	DOG RUNNING AT LARGE.KC
	Invoice Type:	No Charge	Expected Charge:	\$0.00
	Call Type	Action Taken By:	Response	Disposition
	Stray	Murphy Animal Control	No Animal Found	N/A

Call #	Date:	7/3/2012	Caller Remarks:	MET MURPHY AT RESIDENCE TO IMPOUND AN ILL DOG BY REQUEST OF OWNER. VG
	Invoice Type:	No Charge	Expected Charge:	\$0.00
	Call Type	Action Taken By:	Response	Disposition
	Stray	Murphy Animal Control	Murphy Pick Up	Euthanized

Call #	Date:	7/6/2012	Caller Remarks:	LOST FEMALE AUSTRALIAN CATTLE DOG, WHITE WITH BROWN SPOTS-NO TAIL. REQUEST TO PUT ON WEBSITE.VG
	Invoice Type:	No Charge	Expected Charge:	\$0.00
	Call Type	Action Taken By:	Response	Disposition
	Lost Animal	City Personnel	Other	N/A

Call # 6	Date: 7/9/2012	Caller Remarks:		INJURED DOG AT NORTH CORNER OF DUBLIN RD AND PARK. DOG RAN OFF, UNABLE TO CAPTURE.VG
	Invoice Type: Service Fee Only	Expected Charge:	\$50.00	
	Call Type Stray		Action Taken By: Murphy Animal Control	Response Other
				Disposition Other

Call # 7	Date: 7/9/2012	Caller Remarks:		INJURED DOG AT NORTH CORNER OF DUBLIN RD AND PARK. 2ND CALL. VG
	Invoice Type: No Charge	Expected Charge:	\$0.00	
	Call Type Stray		Action Taken By: Other	Response Other
				Disposition N/A

Call # 8	Date: 7/9/2012	Caller Remarks:		INJURED PITBULL MIX-DIFFERENT DOG THAN FROM THE MORNING.VG
	Invoice Type: Service Fee + 2 Days	Expected Charge:	\$70.00	
	Call Type Stray		Action Taken By: Murphy Animal Control	Response Murphy Pick Up
				Disposition Euthanized

Call # 9	Date: 7/10/2012	Caller Remarks:		SNAKE IN HOUSE.KC
	Invoice Type: No Charge	Expected Charge:	\$0.00	
	Call Type Wild Animal		Action Taken By: City Personnel	Response City Pick Up
				Disposition Relocated

Call # 10	Date: 7/10/2012	Caller Remarks:		OPOSSUMS IN TRAP ON BACK PORCH.KC
	Invoice Type: No Charge	Expected Charge:	\$0.00	
	Call Type Animal Trap		Action Taken By: City Personnel	Response City Pick Up
				Disposition Relocated

Call #	Date:	7/10/2012	Caller Remarks:	CHIHUAHUA ON PARK JUST EAST OF DUBLIN RD RUNNING IN AND OUT OF STORM DRAIN.KC
	Invoice Type:	No Charge	Expected Charge:	\$0.00
	Call Type	Action Taken By:	Response	Disposition
	Stray	City Personnel	No Animal Found	N/A

Call #	Date:	7/11/2012	Caller Remarks:	ARMADILLO IN TRAP ON BACK PORCH.VG
	Invoice Type:	Service Fee Only	Expected Charge:	\$50.00
	Call Type	Action Taken By:	Response	Disposition
	Animal Trap	Murphy Animal Control	Murphy Pick Up	Relocated

Call #	Date:	7/12/2012	Caller Remarks:	GREY MARE MISSING-THEY ARE OUT OF TOWN BUT HAVE NEIGHBORS LOOKING.VG HORSE WAS FOUND.
	Invoice Type:	No Charge	Expected Charge:	\$0.00
	Call Type	Action Taken By:	Response	Disposition
	Other	No Action	No Action	N/A

Call #	Date:	7/12/2012	Caller Remarks:	FOUND 2 LARGE DOGS RAL. 1 MALE MASTIFF MIX AND 1 FEMALE BOXER MIX THAT RECENTLY HAD PUPS.KC OWNER FOUND & GIVEN TICKETS ON EACH. DOGS RELEASED TO HUMANE SOCIETY.VG
	Invoice Type:	Service Fee + 3 Days	Expected Charge:	\$80.00
	Call Type	Action Taken By:	Response	Disposition
	Stray	Murphy Animal Control	Murphy Pick Up	Other

Call #	Date:	7/16/2012	Caller Remarks:	2 GERMAN SHEPHERDS ATTACKED ALPACAS LAST FRIDAY. WOULD LIKE TO FILE A REPORT WITH MURPHY. ADVISED TO FILL OUT CITIZEN COMPLAINT FORM WITH PARKER. OWNER GIVEN A WARNING.VG
	Invoice Type:	Service Fee Only	Expected Charge:	\$50.00
	Call Type	Action Taken By:	Response	Disposition
	Other	Murphy Animal Control	Other	Other

Call #	Date:	7/18/2012	Caller Remarks:	ARMADILLO IN TRAP ON BACK PORCH.KC
	Invoice Type:	Service Fee Only	Expected Charge:	\$50.00
	Call Type	Action Taken By:	Response	Disposition
	Animal Trap	Murphy Animal Control	Murphy Pick Up	Relocated

Call #	Date:	7/19/2012	Caller Remarks:	CCSO CALLED IN A WELFARE CONCERN. DOGS HAD FOOD AND WATER IN THE GARAGE AVAILABLE TO THEM. CLEARED WITH NO VIOLATION.VG
	Invoice Type:	Service Fee Only	Expected Charge:	\$50.00
	Call Type	Action Taken By:	Response	Disposition
	Other	Murphy Animal Control	Other	Other

Call #	Date:	7/25/2012	Caller Remarks:	RACCOON IN TRAP AT BACK OF HOUSE. KC
	Invoice Type:	Service Fee Only	Expected Charge:	\$50.00
	Call Type	Action Taken By:	Response	Disposition
	Animal Trap	Murphy Animal Control	Murphy Pick Up	Relocated

Call #	Date:	7/27/2012	Caller Remarks:	2 PIT BULLS STAYING AT THE BACK OF HIS PROPERTY - 1 IS AGGRESSIVE AND RESIDENT CAN'T LET HIS DOGS OUT. PER OFFICER PRICE, THE DOGS DO NOT HAVE COLLARS AND HE WAS UNABLE TO LOCATE OWNER OF DOGS. OWNER TURNED OUT TO BE AN ALLEN RESIDENT.
	Invoice Type:	Service Fee Only	Expected Charge:	\$50.00
	Call Type	Action Taken By:	Response	Disposition
	Stray	Murphy Animal Control	Murphy Pick Up	Returned to Owner

Call #	Date:	7/30/2012	Caller Remarks:	ARMADILLO IN TRAP. KC
	Invoice Type:	Service Fee Only	Expected Charge:	\$50.00
	Call Type	Action Taken By:	Response	Disposition
	Animal Trap	Murphy Animal Control	Murphy Pick Up	Relocated

TOTAL= \$600



BUILDING PERMIT TOTALS

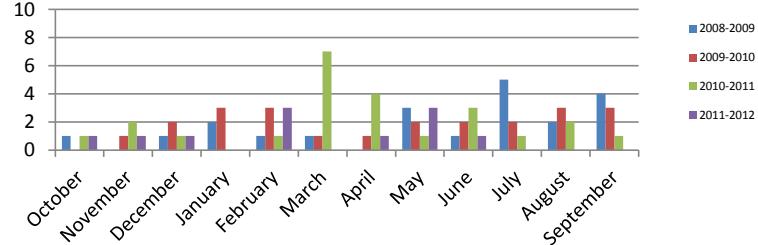
Jul-12

ACCESSORY/OUTBUILDING PERMITS	0
IRRIGATION/LAWN SPRINKLER PERMITS	1
MISCELLANEOUS PERMITS	10
SWIMMING POOL PERMITS	1
REMODEL/ADDITION PERMITS	0
SINGLE FAMILY RESIDENTIAL PERMITS	5
INSPECTIONS	37

PERMIT NUMBER	ISSUE DATE	TYPE	ADDRESS	CONTRACTOR	DESCRIPTION	ESTIMATED VALUE	TOTAL SQUARE FOOTAGE	PERMIT FEE	DEPOSIT FEE	WATER METER FEE
2012-2010	7/26/2012	ELEC	2700 DUBLIN PARK DR	SHANKLE ELECTRIC	LIGHT SWITCHES & CLOSET LIGHTS	NA	NA	\$75.00	NA	NA
2012-6015	7/17/2012	FENCE	6607 OVERBROOK DR	J&G'S WELDING	FENCE	\$9,000.00	NA	\$75.00	NA	NA
2012-6016	7/19/2012	FENCE	4804 RIDGEVIEW DR	FENCE WORK	FENCE	\$20,000.00	NA	\$75.00	NA	NA
2012-4008	7/11/2012	IRR	6501 SOUTHRIDGE PKWY	SOAK N GROW	IRRIGATION SYSTEM	\$1,000.00	NA	\$75.00	NA	NA
2012-5012	7/17/2012	MECH	5505 CORSHAM DR	AL'S AIR CONDITIONING	REPLACE COIL ON 5 TON HVAC	NA	NA	\$75.00	NA	NA
2012-5013	7/23/2012	MECH	4703 BOULDER DR	WEBB AIR CONDITIONING	A/C & GAS HEATING SYSTEM	NA	NA	\$75.00	NA	NA
2012-5014	7/31/2012	MECH	5805 RIDGEMORE DR	A #1 AIR	REPLACE CONDENSER	NA	NA	\$75.00	NA	NA
2012-7020	7/6/2012	PLUM	4901 HACKBERRY LN	PROSPECT PLUMBING	2 WATER HEATER REPLACEMENTS/ELEC	NA	NA	\$75.00	NA	NA
2012-7021	7/11/2012	PLUM	6008 ANDOVER DR	GARY'S QUALITY PLUMBING	2/50 GAL WATER HEATERS	NA	NA	\$75.00	NA	NA
2012-7022	7/16/2012	PLUM	5809 ASCOT CT	SERVICE CONTRACTORS PLUMBING	WATER HEATER	NA	NA	\$75.00	NA	NA
2012-7023	7/26/2012	PLUM	2700 DUBLIN PARK DR	CONDREN & SON	WASHING MACHINE BOX & CONNECTIONS	NA	NA	\$75.00	NA	NA
2012-10012	7/17/2012	POOL	6605 OVERBROOK DR	LARRY McDONALD	POOL	\$35,000.00	NA	\$500.00	NA	NA
2012-9020	7/17/2012	SFR	6901 STONY OAK CT	JOSEPH PAUL HOMES	NEW RESIDENCE	\$723,301.02	8299	\$5,146.41	\$1,000.00	\$2,000.00
2012-9022	7/19/2012	SFR	6304 NORTHRIDGE PKWY	PAUL TAYLOR HOMES	NEW RESIDENCE	\$441,563.00	6412	\$4,033.08	\$1,000.00	\$2,000.00
2012-9021	7/19/2012	SFR	4605 MEADOW RIDGE	PAUL TAYLOR HOMES	NEW RESIDENCE	\$415,647.00	5510	\$3,500.98	\$1,000.00	\$2,000.00
2012-9019	7/19/2012	SFR	3608 MARGAUX DR	JOSEPH PAUL HOMES	NEW RESIDENCE	\$406,796.00	5381	\$3,424.79	\$1,000.00	\$2,000.00
2012-9023	7/19/2012	SFR	7501 FOREST BEND DR	GRAND HOMES	NEW RESIDENCE	\$300,916.00	6839	\$4,285.01	\$1,000.00	\$2,000.00
					TOTALS =	\$2,353,223.02		\$21,715.27	\$5,000.00	\$10,000.00

Accessory/Outbuildings Permits				
Fiscal Year	2008-2009	2009-2010	2010-2011	2011-2012
October	1	0	1	1
November	0	1	2	1
December	1	2	1	1
January	2	3	0	0
February	1	3	1	3
March	1	1	7	0
April	0	1	4	1
May	3	2	1	3
June	1	2	3	1
July	5	2	1	0
August	2	3	2	
September	4	3	1	
Y-T-D Total	21	23	24	11

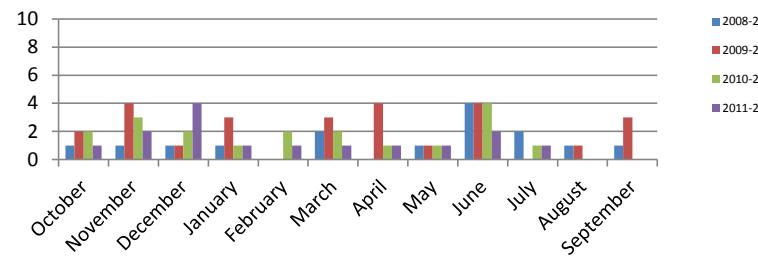
Accessory/Outbuilding Permits



Irrigation/Lawn Sprinkler Permits

Fiscal Year	2008-2009	2009-2010	2010-2011	2011-2012
October	1	2	2	1
November	1	4	3	2
December	1	1	2	4
January	1	3	1	1
February	0	0	2	1
March	2	3	2	1
April	0	4	1	1
May	1	1	1	1
June	4	4	4	2
July	2	0	1	1
August	1	1	0	
September	1	3	0	
Y-T-D Total	15	26	19	15

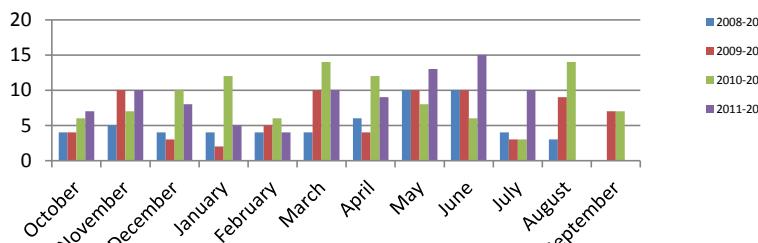
Irrigation/Lawn Sprinkler Permits



Miscellaneous Permits

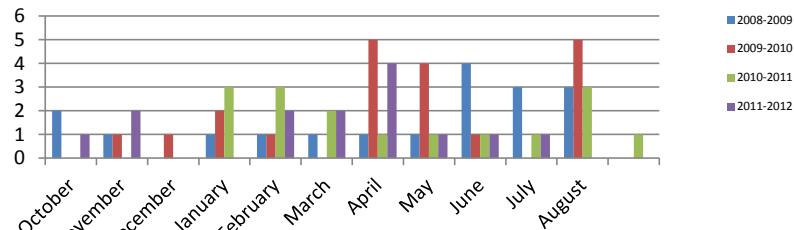
Fiscal Year	2008-2009	2009-2010	2010-2011	2011-2012
October	4	4	6	7
November	5	10	7	10
December	4	3	10	8
January	4	2	12	5
February	4	5	6	4
March	4	10	14	10
April	6	4	12	9
May	10	10	8	13
June	10	10	6	15
July	4	3	3	10
August	3	9	14	
September	8	7	7	
Y-T-D Total	66	77	105	91

Miscellaneous Permits



Swimming Pool Permits				
Fiscal Year	2008-2009	2009-2010	2010-2011	2011-2012
October	2	0	0	1
November	1	1	0	2
December	0	1	0	0
January	1	2	3	0
February	1	1	3	2
March	1	0	2	2
April	1	5	1	4
May	1	4	1	1
June	4	1	1	1
July	3	0	1	1
August	3	5	3	
September	2	0	1	
Y-T-D Total	20	20	16	14

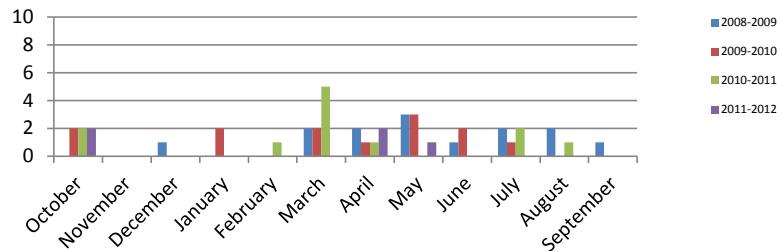
Swimming Pool Permits



Remodel/Addition Permits

Fiscal Year	2008-2009	2009-2010	2010-2011	2011-2012
October	0	2	2	2
November	0	0	0	0
December	1	0	0	0
January	0	2	0	0
February	0	0	1	0
March	2	2	5	0
April	2	1	1	2
May	3	3	0	1
June	1	2	0	0
July	2	1	2	0
August	2	0	1	
September	1	0	0	
Y-T-D Total	14	13	12	5

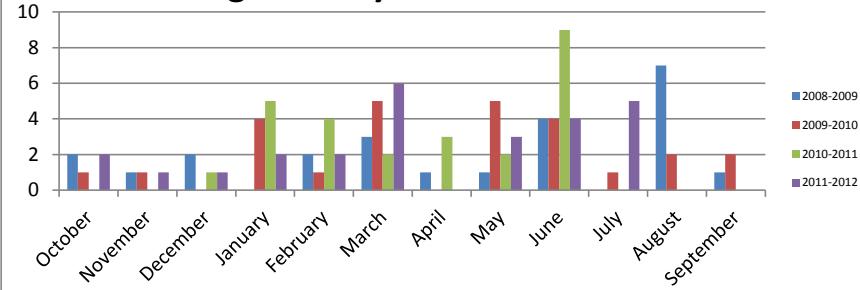
Remodel/Addition Permits



Single Family Residential Building Permits

Fiscal Year	2008-2009	2009-2010	2010-2011	2011-2012
October	2	1	0	2
November	1	1	0	1
December	2	0	1	1
January	0	4	5	2
February	2	1	4	2
March	3	5	2	6
April	1	0	3	0
May	1	5	2	3
June	4	4	9	4
July	0	1	0	5
August	7	2	0	
September	1	2	2	
Y-T-D Total	24	26	28	26

Single Family Residential Permits

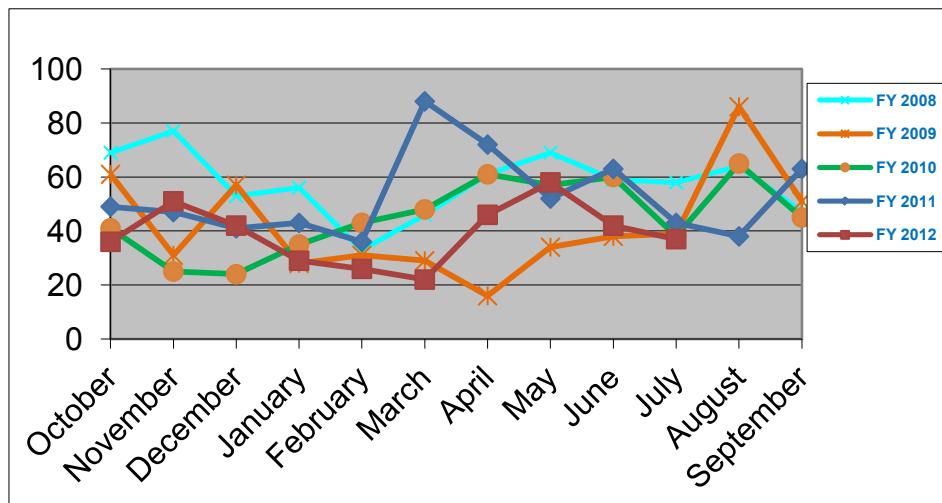


ASYST REPORT				
Type	Number	Inspection	Completion Date	Comments
ACCESSORY/OUTBUILDING	20111025	Building Final	7/17/2012	FAILED 7.2.12
ACCESSORY/OUTBUILDING	20121008	Framing	7/3/2012	FAILED 7.2.12
ELECTRICAL	20122009	Electrical Inspection	7/2/2012	POWER POLE FOR RV LOT
ELECTRICAL		T-Pole	7/10/2012	4508 DILLEHAY
ELECTRICAL	20122007	METER RELEASES	7/9/2012	SOUTHFORK LIFT STATION
MECHANICAL	20125008	Condenser & Coil	7/3/2012	
MECHANICAL	20125011	Condenser & Coil	7/11/2012	
MECHANICAL	20125012	Condenser & Coil	7/26/2012	
PLUMBING	20127018	Water Heater	7/5/2012	
PLUMBING	20127020	Plumbing Final	7/25/2012	
SINGLE FAMILY RESIDENTIAL	20119029	Other	7/30/2012	TEMP ELECTRIC FAIL 7.23.12
		Meter Release - Electric	7/30/2012	
SINGLE FAMILY RESIDENTIAL	20129002	Survey Plat	7/23/2012	
		Building Final	7/23/2012	
SINGLE FAMILY RESIDENTIAL	20129006	Driveway Approach	7/13/2012	
SINGLE FAMILY RESIDENTIAL	20129013	Foundation	7/9/2012	
SINGLE FAMILY RESIDENTIAL	20129015	T-Pole	7/3/2012	
		Plumbing Rough	7/9/2012	FAILED 7.3.12
SINGLE FAMILY RESIDENTIAL	20129016	Plumbing Rough	7/26/2012	FAILED 7.24.12 & 7.25.12

ASYST REPORT				
Type	Number	Inspection	Completion Date	Comments
		Form Survey	7/24/2012	
SINGLE FAMILY RESIDENTIAL	20129017	Form Survey	7/18/2012	
		Plumbing Rough	7/18/2012	
		Foundation	7/24/2012	
SINGLE FAMILY RESIDENTIAL	20129018	Form Survey	7/16/2012	
		Plumbing Rough	7/18/2012	FAILED 7.16.12
		Foundation	7/24/2012	
SINGLE FAMILY RESIDENTIAL	20129019	T-Pole	7/30/2012	
		Plumbing Rough	7/30/2012	
SWIMMING POOL	201210007	Deck Steel	7/2/2012	
		Fence Final	7/11/2012	
		Other	7/11/2012	PRE PLASTER
		Pool Final	7/30/2012	
SWIMMING POOL	201210009	Gas Line to Pool Heater	7/9/2012	
SWIMMING POOL	201210010	Belly Steel	7/2/2012	
		Gas Line to Pool Heater	7/19/2012	
		Deck Steel	7/25/2012	
SWIMMING POOL	201210012	Belly Steel	7/26/2012	
			TOTAL=	37

Monthly Inspection Report

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
October	69	61	41	49	36
November	77	31	25	47	51
December	53	57	24	41	42
January	56	28	35	43	29
February	33	31	43	36	26
March	46	29	48	88	22
April	61	16	61	72	46
May	69	34	57	52	58
June	59	38	60	63	42
July	58	39	38	43	37
August	64	86	65	38	
September	47	51	45	63	
Year Total	692	501	542	635	



Violation Description	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YTD Totals
High Grass	2	1	1	1		5	12	18	25	15			80
Illegal Dumping				1		1		1		1			4
Illegal Structure	1					1			2				4
Illegal Vehicle			1										1
Junked Vehicles		2	1	2	1								6
Lot Maintenance	2	2	1		2	1	3	19	1	4			35
Trash and Debris	5				2	1	1	1	2	2			14
ITEM TOTALS	10	5	4	4	5	9	16	39	30	22	0	0	144

Officer Actions	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	YTD Totals
Verbal Warnings	5	6	5	3	4	5	6	8	5	4			51
Complied/Resolved	5	6	5	3	4	5	6	8	5	4			51
10 Day Notice (Letters Mailed)	3	2	2	2	2	4	5	25	23	18			86
Extension Granted	2							5	4	2			13
Complied/Resolved	2	2	2	2	2	4	5	5	4	2			30
Citations Issued					1		2	1	5	2			11
Stop Work Order													0
Misc													0
ITEM TOTALS	17	16	14	10	13	18	24	52	46	32	0	0	242

Parker Fire Department



Report for the three months ending
June 30, 2012

8/29/2012

1

Highlights for 3 mos. April - June 2012

Calls for Service:

- As depicted in the chart on the following page, for the 3 mos. April to June 2012 we responded to 63 emergency calls compared to 58 calls for the comparable period during 2011. This brings calendar year-to-date emergency call volume to 112 incidents over the 6 months ending June 30, 2012, a drop of 7% from 2011.
- The favorable YTD variance for 2012 is the result of a lower level of medical calls in Parker and fewer grass fires than in 2011.
- That said, while medical calls are lower in number we are experiencing a higher percentage of serious conditions including cardiac arrest and complaints of chest pain.
- Of the 63 total emergency calls during the current three period, 4 were working structure fires including 3 that occurred in Parker's fire district.

7

Highlights for 3 mos. April - June 2012

Calendar Year	Emergency Call Volume						YTD % Variance	
	3 mos. Jan - Mar		3 mos. Apr - Jun		6 mos. Jan - Jun			
	2011	2012	2011	2012	2011	2012		
Total Volume	63	49	58	63	121	112	-7%	
Actual Parker	35	42	34	37	103	99	-4%	
Mutual Aid Given	8	7	4	6	12	11	-8%	
YTD Parker	87%	86%	93%	90%	90%	88%		
YTD Mutual Aid	13%	14%	7%	10%	10%	12%		

3

Highlights for 3 mos. April - June 2012

Emergency Medical Services

- A Coalition ambulance responded into Parker 22 times during the 3 month period April - June 2012. 18 of the calls were answered by East Texas Medical Center and 4 of the calls required a back up ambulance from Wylie FD.
- For the six months ending June 2012, a coalition ambulance responded into Parker 38 times, 29 from ETMC and 9 from Wylie FD.
- Average response times were about 10 minutes which is relatively unchanged from the prior period.

Membership

- As of June 30, 2012 we have 37 volunteers.
- Assistant Fire Chief Richard Sherard resigned his membership in the department effective as of April 14, 2012 citing increasing conflicts with family and job.
- We expect several of our core paramedic/firefighters to leave over the next six months due to planned relocations.

4

Highlights for 3 mos. April - June 2012

Mutual Aid:

- We provided mutual aid to our neighbors 6 times during the period April - June 2012 and 13 times for the YTD period January - June. Mutual aid is typically provided for structure or brush fires or for station fill-in. Parker received mutual aid 10 times from neighboring departments during the six month period.

Response Times:

- Our overall response time, averaged by incident type, was 7:59 for the 3 month period April - June. This is relatively unchanged from the immediately prior 3 months ending March 31, 2012 where average response time was 8:11.

Apparatus

- All apparatus were in service as of June 30, 2012.

5

Emergency Call Summary – year to date

YTD Comparison		
	12 mos. 2010	12 mos. 2011
Structure Fire	16	15
Medical Emergency	111	92
All Others	92	127
Total Calls	219	234
Less: Mutual Aid Given	-24	-31
Total Parker	195	203
% Mutual Aid Given	11%	13%
Mutual aid as % of Total Calls		
	10%	12%

6

Response Times

	2010	2011	2012	Jan Mar	Apr Jun	Jul Sep	Oct Dec	2012 6 mos. Avg.
Avg. Min.	7:43	8:19		9:11	7:59			9:11
% ≤ 8 Min.	58%	52%		47%	54%			51%
%≤10 Min.	72%	67%		63%	62%			60%

- Average overall time by incident type (in minutes).
- Time measured from dispatch.
- Nature of call, distance from station and whether volunteers responded from their homes are key factors to response times.

O

7

Property Value Lost & Saved

Amounts in Dollars	2008	2009	2010	2011	6 mos. 2012
Est. Value Threatened	6,775,000	1,116,000	792,000	N/A	1,900,000
Est. Value Lost	1,020,000	228,000	283,000	Nil	176,000
Est. Value Saved	5,755,000	888,000	509,000	N/A	1,724,000
% Saved	85%	80%	64%	N/A	91%

No significant property damage from structure fire during 2011. For the 6 months ending June 2012, the estimated value of property lost to fire is \$176,000.

8

Operational Readiness

In service at 6/30: Comments:

- ✓ Engine 1
- ✓ Engine 2 (reserve)
- ✓ Truck 1
- ✓ Brush 1
- ✓ Tac 1
- ✓ Tac 2

Truck 1 experienced an engine breakdown in April.

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