



AGENDA

CITY COUNCIL REGULAR MEETING

JANUARY 7, 2025 @ 5:00 PM

Notice is hereby given that the City Council for the City of Parker will meet on Tuesday, January 7, 2025 at 5:00 PM at the Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002. The City Council meeting will be open to the public and live streamed.

Pursuant to Texas Government Code § 551.127, notice is given that it is the intent of the City Council that a quorum of the Council will be physically present for the above-referenced meeting at Parker City Hall, 5700 E. Parker Road, Parker, Texas. Some council members or City employees may participate in this meeting remotely by means of video conference call in compliance with state law.

CALL TO ORDER – Roll Call and Determination of a Quorum

WORKSHOP (5:00 – 7:00 PM)

1. PROPOSED PERSONNEL POLICY MANUAL

[Proposed Personnel Policy Manual](#) (pages 5 – 60)

[Res. No. 2009254 \(Employee Handbook\)](#) (pages 61 – 91)

CALL TO ORDER – Roll Call and Determination of a Quorum

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..

ITEMS OF COMMUNITY INTEREST

2. NOISE COMMITTEE - WEDNESDAY, JANUARY 8, 2025, 2 PM

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JANUARY 8, 2025, 5 PM

COMP PLAN REVIEW –JOINT CC/P&Z - THURSDAY, JANUARY 9, 2025, 5:30 PM

INDIVIDUAL CONSIDERATION ITEMS

3. APPROVAL OF MEETING MINUTES FOR DECEMBER 17, 2024. [REGULAR MEETING]

4. CONSIDERATION AND/OR ANY OTHER ACTION ON AN ORDINANCE ENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING,

DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION. [ORDINANCE NO. 888]

5. CONSIDERATION AND/OR ANY OTHER ACTION ON THE WATER CCN TRANSFER PAYMENT AGREEMENT BETWEEN THE CITY OF PARKER, TEXAS, AND INTEGRITY COMPANIES, LLC., RELATING TO THE TRANSFER OF PROPERTY FROM CITY OF PARKER'S CCN TO THE CITY OF WYLIE'S CCN. [ORDINANCE NO. 881] [Postponed from 2024 1119, 2024 1203, and 2024 1217]
6. CONSIDERATION AND/OR ANY OTHER ACTION ON THE AGREEMENT BETWEEN THE CITY OF WYLIE AND THE CITY OF PARKER," BETWEEN THE CITY OF PARKER AND THE CITY OF WYLIE RELATING TO THE TRANSFER OF APPROXIMATELY 48 ACRES LOCATED IN THE CITY OF WYLIE FROM PARKER'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY ("CCN") TO WYLIE'S WATER CCN. [ORDINANCE NO. 882] [Postponed from 2024 1119, 2024 1203, and 2024 1217]
7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 886 APPOINTING A DEPUTY CITY SECRETARY WITH THE POWERS AND DUTIES TO ASSIST WITH SAID OFFICE AND TO SERVE IN THE ABSENCE OF THE CITY SECRETARY. [Postponed from 2024 1217]
8. CONSIDERATION OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 887 CREATING THE MUNICIPAL OFFICER POSITION OF CITY ADMINISTRATOR. [CM AN ITEM #1]
9. CONSIDERATION AND/OR ANY OTHER APPROPRIATE ACTION ON THE ADOPTION OF RESOLUTION NO. 2025-827, THE EXECUTIVE LEVEL ORGANIZATIONAL CHART FOR THE CITY OF PARKER, TEXAS. [CM AN ITEM #2]

ROUTINE ITEMS

10. UPDATE(S):

PROJECTS IN PROGRESS

FM2551

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

ENGINEERING REQUEST FOR QUALIFICATIONS (RFQs)

NOISE COMMITTEE

LEWIS LANE AND CHAPARRAL INTERSECTION WITH ALLEN HEIGHTS

PRESENTATION BY STAFF

ANY ADDITIONAL UPDATES

BOARDS AND COMMISSIONS

DONATION(S)

11. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])

Pam and Allen Terrell donated cranberry bliss bars and pecan pie brownies valued at \$25 to the Police Department.

Bobby and Michelle Varner donated toffee gift box valued at \$70 to the Police Department.

Alyssa Aguilar donated bundt cakes valued at \$30 to the Police Department.

FUTURE AGENDA ITEMS

12. FUTURE AGENDA ITEMS

EXECUTIVE SESSION START TO FINISH – Pursuant to the provision of Chapter 551, Texas Government Code the City Council may hold a closed meeting.

RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

RECONVENE REGULAR MEETING.

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

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 to the requirement 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 or before January 3, 2025, by 5:00 p.m. at the Parker City Hall, and required by Texas Open Meetings Act (TOMA) is also posted to the City of Parker Website at www.parkertexas.us

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.

Date Notice Removed

Patti Scott Grey

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:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Mayor Pettle
Estimated Cost:	Date Prepared:	December 30, 2024
Exhibits:	1. Proposed Personnel Policy Manual (pages 5 – 60) 2. Res. No. 2009254 (Employee Handbook) (pages 61 – 91)	

AGENDA SUBJECT

PROPOSED PERSONNEL POLICY MANUAL

SUMMARY

Please review information provided and be prepared to discuss.

POSSIBLE ACTION

City Council may approve, deny, or direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/03/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ xx /2025

City of Parker

PERSONNEL POLICY MANUAL

PROPOSED

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CHAPTER 1 – CITY POLICIES

Section 1.1 **Introduction**

The purpose of the personnel policy manual is to promote understanding, cooperation, efficiency and unity, all of which come through the systematic application of established procedures in personnel management and administration; and to provide a uniform policy for all employees, with all the benefits such a program ensures. This manual is designed to acquaint all employees with the City and provide information about working conditions, employee benefits, and policies affecting employment. Employees should read, understand, and comply with all provisions of the manual. It describes many responsibilities as an employee and outlines the programs developed by the City to benefit employees. It is not intended to give specific guidelines for every conceivable personnel action; it does not replace in-person conversations with your supervisor. Because of the variety of services performed by the City, it may be necessary for individual departments to establish codes of conduct, rules and regulations, and policies and procedures to accomplish departmental responsibilities. An employee who violates a City or departmental code of conduct, rule, policy, or procedure is subject to disciplinary action.

The City reserves the authority to modify, revoke, interpret, or terminate any or all the rules and regulations specified in the personnel policy manual in whole or in part, at any time, with or without notice. The issuance of the personnel policy manual does not constitute an express or implied contract between the City of Parker and its employees. City supervisory personnel shall not make any representation to employees or applicants concerning the terms or conditions of employment with the City of Parker, which is not consistent with the personnel policy manual.

The Human Resources function may be performed by a designated City employee with a different title; all references to "Human Resources" or "Human Resources Manager" refer to the assigned employee and his or her designee.

Section 1.2 **At-Will Employment**

Employment with the City of Parker is on an at-will basis. Employment with the City is for no fixed or definite term. At-will employment means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. No agreement or promise regarding an employee's terms or conditions of employment is binding on the City unless such agreement is in writing, approved by the City Council, and signed by the Mayor. This personnel policy manual does not constitute a contract of employment. Nothing in this personnel policy manual is intended to alter the continuing at-will status of employment with the City.

Section 1.3 **Equal Opportunity Employer**

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, color, religion, sex, sexual

orientation, gender identity, national origin, disability, genetics, veteran's status or other unlawful basis, is prohibited.

Section 1.4 **Inappropriate Conduct and Prohibited Harassment**

All City employees are entitled to a workplace free of unlawful harassment and inappropriate conduct by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in inappropriate conduct and unlawful harassment of other employees, citizens, vendors, and all other third parties.

Unlawful Sexual Harassment

- All types of sexual harassment are prohibited. "Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if submission to the advance, request, or conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
- submission to or rejection of the advance, request, or conduct by an individual is used as a basis for a decision affecting the individual's employment; or
- the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance; or
- the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Prohibited sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors, sexual jokes and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

It is an unlawful employment practice if sexual harassment of an employee occurs and the City's management or a supervisor (1) knows or should have known that the sexually harassing conduct was occurring; and (2) fails to take immediate and appropriate corrective action.

Inappropriate Conduct and Other Prohibited Harassment

In addition to the State law prohibiting sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, sexual orientation, gender, gender identity, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping;

threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic.

Conduct, comments, or innuendoes that may be perceived by others as offensive are inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, sexual orientation, gender identity, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace, and applies to social events, off-duty, retreats and travel situations as well.

Mandatory Reporting

The City requires that employees report all perceived incidents of harassment or inappropriate conduct, regardless of the offender's identity or position.

Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- the Department Head
- the City Administrator or
- Human Resources

Any supervisor, manager, or department head who becomes aware of possible conduct prohibited by this policy must immediately advise the department head and/or the City Administrator.

Under this policy, an employee may report to and/or contact the City Administrator, without regard to the employee's normal chain of command:

Voice messages or e-mails may be left at any time.

Investigation

All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with City investigations and to maintain confidentiality.

Retaliation Prohibited

Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

Responsive Action

The City will take immediate and appropriate action upon receipt of a sexual harassment complaint.

Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

Section 1.5 **Drug and Alcohol Use Policy/Testing**

It is the desire of the City to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs

While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or have a detectable amount of alcohol in his/her system (.02) (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the use of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia

This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment.

Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs

The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police Department Employees

Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempt from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees

Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Administrator if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

Employees Who Are Called Out

Employees who are aware they are subject to being called out are expected to be fit for duty upon reporting to work.

Any employee who is called out is governed by this policy. If a situation occurs where the employee called out has a detectable amount of alcohol in his/her system (.02) or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Arrests and Convictions

Employees must notify their immediate supervisor and the department head, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

Off-Duty Conduct

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Any employee reporting to work under the influence of illegal drugs or with a detectable amount of alcohol (.02 bac or higher) may be disciplined, up to and including termination.

Rehabilitation/Treatment

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of

absence to participate in a rehabilitation or treatment program. An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action. The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

3. The employee is responsible for all costs associated with any rehabilitation or treatment program. The cost of any rehabilitation or treatment may be partially covered under the City's group health insurance policy.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available Vacation leave or Sick leave.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City approved leave for rehabilitation or treatment is conditioned on the following:
 - Initial negative test for drugs and/or alcohol before returning to work;
 - A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
6. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment; and
7. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the City Administrator. The employee must meet with the City Administrator to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations

Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their

supervisor or the City Administrator to receive assistance or referrals to appropriate resources in the community.

TESTING

Types of Tests

Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally accepted testing procedure.

Testing of Applicants

All applicants to whom a conditional offer of employment has been made will be required to submit to testing for illegal and unauthorized drugs.

A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees

1. Employees will be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
2. The City may conduct random testing on employees holding safety sensitive positions in the police department, fire department, and public works departments.
3. Police Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
4. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia, or credible reports of drug use even if anonymously provided) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol.
5. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
6. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
7. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

8. A positive test result is a violation of the City's Drug and Alcohol Use Policy and will result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
9. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees (below) for additional information.

Testing Procedures

1. All testing must normally be authorized in advance by both the employee's department head and the Human Resources Manager. If the department head is unavailable within a reasonable period of time, the Human Resources Manager, with sole discretion, authorize the testing of an employee. If the Human Resources Manager is unavailable within a reasonable period of time, the department head or Human Resources Manager may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is has any detectable amount of alcohol or illegal/unauthorized drugs. Testing should be arranged as soon as possible after the supervisor's articulable observations and no later than 4 hours after the articulated observations.
2. If an employee is involved in workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the City Administrator and Human Resources; supervisors on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES

Employees/Applicants Subject to Testing

The City complies with the U.S. Department of Transportation's (DOT) physical mandated by the Federal Motor Carrier Safety Administration (FMCSA) applicable to employees in positions requiring a Commercial Driver's License (CDL). A DOT physical helps determine if a driver is physically, mentally, and emotionally fit to operate a CMV. For your safety and the public's safety, FMCSA requires all CDL holders to complete and pass a DOT physical to maintain a valid commercial driver's license.

Covered drivers must also comply with DOT drug testing and alcohol testing procedures.

Questions

Anyone with questions regarding this policy should contact the Human Resources Manager.

Section 1.6 Nepotism **(Employment of Relatives)**

This policy is designed to prevent conflicts of interest and perceptions of biased conduct and to maintain the confidentiality of restricted information.

Hiring & Employment of Relatives. The City will not hire a relative of a current employee without the express written authorization of the City Administrator. Continuing employment of employees who become relatives after they are hired is subject to the following:

- No employee may supervise, review, or process the work of a relative;
- The employees' relationship must not create an actual or potential conflict of interest;
- There can be no interdependence or relationship between jobs that might be potentially detrimental to the City;
- Relatives cannot work in the same Department; Department Heads cannot have a relative in their own or in another Department.

Mayor, Council Members, and City Administrator.

- Relatives of the Mayor may not work for the City.
- Relatives of City Council members may not work for the City.
- Relatives of the City Administrator may not work for the City.

Employee Dating. Department Heads are prohibited from dating another City employee. Other supervisors are prohibited from dating anyone in their own Department and are discouraged from dating employees in other Departments, especially if the relationship (or dissolution of the relationship) might reasonably create a disruption to the work environment, create a conflict of interest or the appearance of a conflict of interest, or lead to charges of favoritism, discrimination, or sexual harassment.

If a dating relationship is permitted under this policy, repeatedly asking out someone who is not interested is still a violation of this policy. For purposes of this policy "dating" includes both serious and casual dating and other conduct associated with romantic or sexual relationships. Anyone with questions as to whether an existing or potential relationship is prohibited by this policy is directed to discuss it with their Director, Human Resources, and/or the City Administrator's Office.

Required Disclosures.

- **Job Applicants.** Job applicants, both internal and external, must disclose during the hiring process if they are related to or are dating the Mayor, a Council Member, or a current City employee.
- **Current Employees.** Employees are required to notify the Human Resource department of the following:
 - **Relatives Seeking Employment.** Employees who know that a relative is or has applied for employment with the City must immediately notify Human Resources.
 - **Impending Relationships.** The City recognizes that future situations may arise where employees who were not relatives or who were not dating when hired may subsequently become related to or consider dating another City employee. If a romantic relationship, engagement, marriage, reorganization, or other situation will result in a violation of this policy, affected employees must immediately inform the appropriate Department Head and Human Resources.
- **Supervisors.** Supervisors must immediately disclose to the Human Resource department any known or suspected violations of this policy, as well as any impending relationships that will or may be in violation. Human Resources will work with Department Heads and the City Administrator to determine if this policy is or will be violated and coordinate any further action.

Application. This policy applies to all employees. Relationships that violate this policy will, unfortunately, result in the termination of one or both employees if a transfer or other resolution is not workable.

Definition of Relative. The definition of a “relative” is applied broadly and includes an employee’s:

- Mother, father, daughter, son, sister and brother;
- Stepparent, stepchild, and stepsibling;
- Aunt, uncle, niece, nephew, grandparent, and grandchild;
- Great-grandparent and great-grandchild;
- Spouse and the spouse’s mother/father, brother/sister, son/daughter, aunt/uncle, niece/nephew, grandparent, grandchild, great-grandparent and great-grandchild;
- Former spouse, fiancé, “significant other,” and members of the same household.

Section 1.7 Conflict of Interest and Outside Employment

It is the policy of the City of Parker to establish that no officer or employee shall give occasion for distrust of integrity, impartiality, or devotion to the best interests of the City and the public trust held by such persons.

No officer or employee shall use or attempt to use his official position to secure special advantage, privilege or exemption for him or herself or others.

To guard against a potential conflict of interest, no employee of the City of Parker may engage in any outside employment or self-employment without first securing approval, in writing, from his or her Department Head and approved by the City Administrator.

Section 1.8

Health/Medical Examinations/Fitness for Duty

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health and fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

Serious Health Condition/Disabilities

The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment.

As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship on other employees, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

Medical Exams for Current Employees

The City Administrator, or an employee's department head (with the prior written approval of the City Administrator) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with applicable laws. Any requested medical examinations of employees will be job-related and consistent with business necessity.

Medical Information from an Employee's Doctor

Under certain circumstances, the City Administrator may require employees to provide medical information from their healthcare provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

Genetic Information

In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information.

"Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

Medical Records

Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information may be provided to supervisors and

managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

Return to Work/Fitness for Duty

Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the City Administrator. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.

Time Off from Work

Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave but may be retroactively changed to Sick or Vacation leave as circumstances warrant.

Section 1.9 **Americans with Disabilities Act**

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written request to the City Administrator.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Department Head, or the City Administrator.

Section 1.10 **Modified Duty Assignments**

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion.

A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's

employment with the City; the employee's performance and disciplinary history in making modified duty assignments.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond thirty (30) calendar days without an evaluation by the employee's treating physician and a recommendation from the department head to the City Administrator. Only the City Administrator may approve an extension of a modified duty assignment.

Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by the treating physician or revert to workers' compensation indemnity payment or accumulated leave benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for leave benefits under City policy and salary continuation benefits under workers' compensation, but may still be granted unpaid leave.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury. This policy will be enforced consistent with the City's obligations under the ADA/ADAAA.

Section 1.11 **Social Media Policy**

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees, and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

The term "social media" encompasses Twitter, Facebook, Snapchat, TikTok, LinkedIn, Instagram, Threads, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

Use of City's Internet

Use of the City's Internet is a privilege and City employees must responsibly and ethically use it. The City may monitor an employee's access, use, and postings to the City's Internet to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. Employees have no expectation of privacy when using the City's internet.

The City expects all employees to follow the Guidelines below when posting information on

the City's Social media sites.

Other City Policies

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints through the "General Complaint and Grievance" policy without resorting to social media.

Employee Guidelines: Use of City's Social Media on Work Time

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.
- Employees must obtain written authorization from the City Administrator to update or post on social media sites on behalf of the City and all content must be approved prior to posting.
- All the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of social media on work time and on City equipment on City networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communication systems or equipment at any time.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City regarding information sent through the City's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

Employee Guidelines: Use of Personal Social Media While not on Work Time

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

- Respect coworkers and the City. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything on your personal social media site that may constitute violation(s) of the City's Inappropriate Conduct and Prohibited Harassment policy.
- Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
- Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

PROPOSED

CHAPTER 2 – EMPLOYMENT

Section 2.1 **Employee Applications**

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Section 2.2 **Employee Classifications**

Exempt Employees

Salaried executive, administrative, and/or professional employees earning \$684 per week or more and who meet all of the exempt requirements of the FLSA are exempt under FLSA and are not eligible for overtime pay. Exempt employees usually work in excess of forty hours per week. Due to the nature of exempt work, exempt employees may work irregular, incidental, casual or discretionary hours beyond their normal work schedule. Such hours are an integral part of the job. The job description should inform employees whether their position is exempt.

However, exempt personnel may be allowed to flex time at the discretion of the City Administrator if the employee worked over the required eighty (80) hours during a pay period. Exempt personnel wishing to flex time off are expected to obtain approval in advance from the City Administrator. Exempt employees will not be paid for any additional hours worked upon separation.

Non-Exempt Employees

Non-Exempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

Full Time Employees

Full-time employees are those persons employed to work a regular full schedule. Each full-time employee is eligible for all benefits provided by the benefits plan currently in effect, subject to any waiting periods defined in specific plans.

Part Time Employees

Part-time employees generally work fewer than 18 hours per week and are paid on an hourly basis. Part-time employees do not participate in or receive employee benefits.

Seasonal Employees

Employees may be hired on a seasonal basis and are paid on an hourly basis. Seasonal employees do not participate in or receive benefits.

Section 2.3 **Selection Process**

The Department Head shall determine the most appropriate means of selecting applicants using job requirements to identify the best qualified and best suited applicant(s). Reference checks, interviews, assessment centers, medical examinations, performance tests, written tests, and other selection methods may be used.

Applicants shall be required to provide any information and undergo any examinations necessary to demonstrate compliance with prescribed requirements for the position(s) involved.

Section 2.4 **Training and Evaluation Period**

All regular employees shall be placed in a training and evaluation capacity for a period of three (3) months, with the exception of police personnel, who shall be placed in a training and evaluation capacity for a period of twelve (12) months. This training and evaluation period will be utilized for closely observing the employee's work; for securing the most effective adjustment for a new employee to the position; and for dismissing any employee whose performance does not meet the required work standards. During this training and evaluation period, employees have no opportunity to appeal their termination.

Section 2.5 **Working Hours/Attendance**

City Administration office hours are from 8:00 a.m. until 5:00 p.m. Monday-Friday. Scheduled working hours, lunch and rest breaks are established for each department employee by their respective department head. This schedule may change from time-to-time depending on the needs of the City of Parker. City offices are closed on Saturday and Sunday. Regular and reliable attendance is expected for all employees.

Section 2.6 **Promotional Opportunities**

Employees interested in promotional opportunities must apply through the Administration Department when opportunities are officially posted. The hiring supervisor will be allowed to review the employee's personnel file.

The City of Parker reserves the right to select individuals that it deems best suited for positions consistent with equal opportunity laws and fairness.

Section 2.7 **Transfers**

A transfer is the assignment of an employee in one position to another position at the same rate of pay. As with any other job opportunity, employees interested in a transfer must apply through the Administration Department when such an opportunity is officially posted. (This does not include internal transfers within a specific rank or classification within a department.) The hiring supervisor will be allowed to review the employee's personnel file.

A transfer does not affect the current rate of pay.

There will likely be no objection to capable employees transferring between departments provided the following conditions are met:

- Both department heads are aware of it and agreeable **before** contact is made with the employee.
- That the employee is the best available person to fill the job that is open.
- That the employee is qualified to handle the new job and it will not create undue hardship in the department that the employee is leaving.

Section 2.8 **Voluntary Demotion**

Voluntary demotions occur whenever employees apply for and accept a position at a lower pay rate. Prior to accepting the job offer, the Department Head and the City Administrator will decide the pay rate for the demotion, but it must be within the pay range of the lower job classification.

Section 2.9 **Involuntary Demotion**

An involuntary demotion occurs whenever a Department Head makes an administrative decision to permanently reassign an employee to a lower pay rate or reduced responsibilities. Compensation for an employee involuntarily demoted will be determined on a case-by-case basis by the Department Head and City Administrator depending on the circumstances of the demotion.

Section 2.10 **Temporary Assignments**

An employee may temporarily be paid at a higher base rate of pay if he or she performs all the duties of a higher job classification for a prescribed period of time. A temporary assignment to a higher job classification does not constitute a promotion and shall not be used to circumvent normal selection procedures. The employee involved shall not acquire any status or rights in the class to which temporarily assigned.

The City of Parker reserves the right to assign higher-level duties to an employee without additional compensation. Additional compensation for temporary assignments or acting duty shall be paid only if officially authorized by the Department Head and City Administrator.

Section 2.11 **Layoffs – Reduction in Force**

An employee may have his/her employment terminated due to the elimination of budgeted positions by the City Council. This is a non-disciplinary termination and is not subject to appeal.

Section 2.12 **Searches**

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the City Administrator. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

Section 2.13 **Telephone Contact**

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

- No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work-related matters.
- All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

CHAPTER 3 – WORK PERFORMANCE

Section 3.1 **Periodic Reviews**

It is a goal of the City to establish a uniform and equitable plan of evaluation and compensation based upon the relative duties and responsibilities of positions within the City and to reward meritorious service.

Newly hired employees will experience an intense period of job orientation for the first several months of employment. New employees will be evaluated on job performance as often as necessary. Employees will be evaluated three months after hire, and Police Officers will be evaluated 12 months after hire; all employees will be evaluated annually thereafter.

Periodic reviews may be performed when an employee's performance does not meet expectations or in any other event that the supervisor determines a performance review is needed.

If an employee believes he/she has received an unfair or incorrect performance evaluation, it should first be discussed with the Department Head during the initial evaluation interview. Written comments on the evaluation form are allowed, or they may be attached to the form, regarding why the employee contends the evaluation is unfair or incorrect. Written comments shall become part of the personnel file. Signing an evaluation does not indicate agreement with the review, only that it has been received.

Section 3.2 **Education and Training**

All employees shall have the knowledge and expertise to do their job. Employees will have the minimum educational standard required for their position. In addition, the City of Parker will work to provide the following:

- On the job training - Each employee will receive training on procedures, policy, and equipment from their supervisor and other employees in similar positions.
- Government required education and registration – All employees so required will achieve and maintain their own educational and registration requirements.
- Additional training and education – From time to time, additional training and education will be required to enhance job performance, knowledge, skills and ability.

Section 3.3 **Memberships in Organizations and Associations**

The City of Parker may pay for memberships in organizations and associations whose objectives and purposes are directly related to the objectives and purposes of the City. Each Department Head will be responsible for approving payment for membership in the organization.

CHAPTER 4 CONDUCT

Section 4.1 **Commitment**

The City of Parker expects each employee to provide quality public services by meeting high standards of job performance and conduct and by following established policies, procedures, rules, regulations, and practices. For this reason, all employees are to be treated as responsible adults in the employment relationship. Employees are expected to meet the City of Parker's performance standards and perform his/her job in an efficient and safe manner. Supervisors will provide a written job description and performance expectations. Employees are expected to hold a high level of commitment to the City of Parker organization. This commitment should be shown through cooperation, good work habits, and high standards of efficiency, economy, and accountability in the public service.

Section 4.2 **Personal Appearance**

All employees, regardless of work location and degree of public contact, are expected to maintain a good personal appearance and an acceptable standard of cleanliness and personal hygiene at all times.

While it is not the City's intention to dictate the personal wardrobe of employees, the appearance and dress of employees are important in creating a favorable image supportive of public confidence. In general, dress and grooming which management might consider faddish, extreme, slovenly, or overly casual should be avoided. The following guidelines should prove helpful:

1. Appearance of all employees should be businesslike and within the limits of common sense and acceptable community standards. Employees should wear clothing that is neat, clean, professional, attractive and suitable for business, except when fieldwork is required. Very casual clothing and evening wear are not appropriate.
2. Those employees who are issued uniforms are expected to wear them and present a neat and clean appearance. Identification badges should be worn when appropriate.
3. Grooming, hairstyle and length should be the individual's choice, but should avoid extremes, be neat, clean, and suitable for business. Safety concerns may override some employee preferences. Accessories and shoes should be functional and safe for the type of work performed. Since it is impossible to foresee all possible individual variations in dress and style, employees should be alert to the reactions of other employees and the public to their appearance.
4. Judgment is to be exercised by the department head to assure that equitable and uniform application of the guidelines prevails. An employee whose personal appearance is unacceptable to these general standards will be informed of this immediately and may be sent home. If the problem is not corrected promptly and cooperatively, he or she may receive disciplinary action.

Section 4.3

Contact with the Public and the Media

Employees are the ambassadors of the City to all they meet. Employees must be courteous, polite, and helpful. Nothing they do or say should detract from the public image of the City. If the help that is needed is “not your job,” courteously find the people or direct the person to the right people to assist them. If they ask, explain to anyone what you are doing and why you are doing it.

If the person is asking about the policies and opinions of the City, direct them to your supervisor.

Contact with the media is centralized to the City Administrator as Public Information Officer (PIO). Media contact dealing with police business goes through the Chief of Police. If a member of the media contacts an employee, the employee needs to refer them to the appropriate official.

Section 4.4

Electronic Communications and Systems Access Use

The City may provide computer networks, internet access, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City’s electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City’s electronic communications systems.

The City’s electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

Internet, Instant Message and Email Access

Users desiring Internet, and/or email access must obtain written permission from their department head and provide it to the City Administrator. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account.

Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use

Acceptable uses of the City’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user’s job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City’s internal network function. The City prohibits connection to sites or forwarding of information

that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Personal use of City electronic media is not permitted. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views.
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- The use of TikTok on a City-issued device is strictly prohibited; the City Administrator may prohibit the use of any other social media site, software, or application to protect the integrity of the City's network.

Responsibility

The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location.

Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring

Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its

electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

Copyright Restriction

Any software or other material, including music, downloaded into a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Administrator is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

Cybersecurity Awareness Training

The City will conduct cybersecurity training in compliance with State law (HB 1118) and regulations for all employees, council members and any other person who has access to the City's computer network and/or IT infrastructure.

Section 4.5

Cell Phone Use in the Workplace

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability is not permitted during work time without a supervisor's approval.

Employees who are permitted by a supervisor to use a personal cell phone while at work must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs.

Employees who use cell phones to violate City policy, including the City's Inappropriate Conduct and Prohibited Harassment Policy, will be subject to disciplinary action.

Employees with City-issued cell phones are allowed to use City cell phones for personal phone calls.

Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting. Employees using City -issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.

Public Information Act

Employees are advised that records related to calls and text messages made and received on City issued cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act.

If an employee uses a personal phone or device for City related business, that phone or

device may be subject to disclosure under the Public Information Act of the State of Texas. Texas Government Code § 552.004, §552.233. Employees, including former employees, who possess City records on a personal device are required to either transfer the information to the City or to preserve the information in accordance with law and provide it to the City upon request. City information may be transferred from personal devices to the City by forwarding to the City Secretary.

Section 4.6 **City Property/Equipment Use**

The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties.

At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

Personal Use Prohibited

City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Administrator, or the Department Director.

Tobacco Use Prohibited

The use of all tobacco products of any kind, including smokeless electronic cigarettes is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed. Employees should not smoke at a resident's home. Employees are welcome to smoke on their rest breaks outside of the building in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

Mileage Reimbursement

An employee will receive mileage reimbursement for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Administrator.

Mileage will be reimbursed at the current IRS mileage reimbursement rate.

Take Home Vehicles

A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off-duty hours to locations other than the employee's normal work location. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. without prior written approval of the City Administrator. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability for the benefit of commuting to and from work in a City vehicle. Police vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability.

Use of City Vehicles

City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the department head.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- At no time may an employee under the influence of alcohol or with a presence in the system of illegal drugs drive a City vehicle or a personal vehicle while conducting City business.
- Employees involved in an accident while operating a City vehicle, or while operating a personal vehicle on City business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, Department Head, and/or City Administrator. Accident reports, along with any law enforcement report, must be filed by the employee with the City Administrator.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

PROPOSED

CHAPTER 5 DISCIPLINE, APPEALS and GRIEVANCES

Section 5.1 **Discipline**

The City's discipline policy emphasizes the employee's responsibility for the consequences of his or her own behavior, with a focus on communicating expectations for changes in behavior and needed improvement. It also emphasizes that the disciplinary process should be fair to both the employee and the City and as consistent among employees and as appropriate to the individual situation as is practicable. The City's discipline policy and procedures apply to all City employees, except Council appointees and contractual employees, unless otherwise specifically stated.

Employees may be disciplined or discharged at any time and for any or no reason at the discretion of the City. The policy and procedures are only guidelines for supervisory actions; they are not intended to be inclusive of every possible situation. Furthermore, nothing in the policy is meant to imply that disciplinary steps or action must be taken in any particular order. No employee is entitled to progressive discipline.

Section 5.2 **Grounds for Disciplinary Action**

Every employee is expected to consistently maintain satisfactory performance standards. Continuing performance deficiencies, unlike the isolated violations noted in the subsequent sections of this chapter, should first be addressed by the mutually cooperative efforts of the supervisor and employee. Those efforts include but are not limited to:

- An analysis of the problem;
- A determination of needed changes and assistance; and
- Implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period of time, the employee, depending upon the reasons for failure, may be transferred, demoted, or terminated.

The following types of conduct are unacceptable and may be cause for discipline up to and including termination, depending upon the facts and circumstances of each case. The examples given below are typical, but not all-inclusive:

1. Unsatisfactory attendance is exemplified by, but is not limited to, the following violations:
 - Unexcused absence or tardiness; Failure to give notice of an absence or tardiness to the supervisor thirty (30) minutes before starting time, or as may be prescribed by departmental policy;
 - Separate absences or days of tardiness which exceed the average absences of days of tardiness of the employee's work group and which lack sufficient justification;
 - Failure to notify supervisor before leaving; or failure to return to work after any authorized leave of absence;

- Unscheduled absences in conjunction with weekends, holidays or other scheduled time off;
- Absence or tardiness that causes disruption of services; or excessive amounts of time off the job, regardless of the reason.

2. Abandonment occurs when an employee, without authorization, is absent from the job, or refuses a legitimate order to report to work, for two (2) consecutive workdays. The employee is deemed to have abandoned his/her job and may be terminated. Any unauthorized leave shall be unpaid.

3. Insubordination, including an inability or unwillingness to perform assigned work satisfactorily is exemplified by, but is not limited to, the following violations:

- Failure to follow routine written or verbal instructions;
- Arguing over assignments or instructions;
- Disrespectful or challenging conduct towards supervisor;
- An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner;
- Failure or refusal to follow the lawful and specific orders or instructions of a supervisor or higher authority; and/or
- Pursuit of a denied request to a higher authority without revealing the lower-level disposition/failure to exhaust chain of command without excuse.

4. Indifference toward work is exemplified by, but is not limited to, the following violations:

- Inattention, inefficiency, loafing, sleeping, carelessness, or negligence;
- Reading social media or unauthorized material, playing games, watching television, movies or other non-work-related video content, or otherwise engaging in entertainment while on the job and/or in view of the public.
- Failure to remain at one's workstation without notifying the supervisor, leaving work without permission, or taking more time than allowed for meal or rest break periods;
- Performance of personal business on work time;
- Interference with the work of others; or
- Discourteous or irresponsible treatment of the public or other employees.

5. Sabotage is exemplified by, but is not limited to, the following violations:

- Deliberate damage to or destruction of City equipment or property;
- Defacing of City property;
- Unauthorized alteration, removal, destruction, or disclosure of City records (this conduct may also violate criminal laws);
- Advocacy of or participation in unlawful trespass or seizure of City property;
- Encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;
- Encouraging City employees to disobey provisions of these rules and regulations, City ordinances, or other laws;
- Interference with the public use of or access to City services, properties, or buildings;
- Interference with the operations of City government; or

- Threats to commit any act of sabotage as defined in this subparagraph.

6. Safety violations are exemplified by, but are not limited to, the following violations:

- Failure to follow City or departmental safety rules and regulations;
- Failure to use required safety apparel;
- Removal or circumvention of a safety device;
- Lifting in a manner which may cause injury;
- Operations of a vehicle or other equipment in an unsafe, negligent, or careless manner;
- Smoking in a prohibited area;
- Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
- Failure to immediately report an on-the-job injury, vehicle accident, or unsafe working condition;
- Failure of a supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
- Failure to maintain an insurable driving record acceptable to the City.

7. Dishonesty is exemplified by, but is not limited to, the following violations:

- Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
- Failing to be honest and truthful to supervisors when questioned;
- Cheating, forging, or falsification of official City reports or records;
- False reporting of the reason for an absence, paid or unpaid; or
- Other falsifying action detrimental to the City, City employees, or others.

8. Theft, regardless of item value, is exemplified by, but is not limited to, the following violations:

- Unauthorized taking of City property, City supplies or the property of others;
- Unauthorized use of City or employee funds;
- Using or authorizing the use of City equipment, supplies, or employee services for other than official City business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or
- Using or authorizing the use of City equipment or employee services without proper authority.

9. Abuse of drugs or alcohol is exemplified by, but is not limited to, the following violations:

- The manufacture, distribution, dispensing, possession, sale, purchase or consumption of drugs or alcohol during working hours, work breaks, lunch period, in a City vehicle or at any time while the employee is on City property;
- Entering City property or reporting to work unable to perform duties in an effective and safe manner due to the ingestion, inhalation or injection of a drug or ingestion and/or consumption of an alcoholic beverage;
- Employees may use legally prescribed drugs or over the counter medicines but must not use any drugs or medicines that impair his/her ability to perform the essential functions of his/her job safely and satisfactorily. Employees shall report to HR when an employee takes any medication that might impair their ability to

- perform the essential functions of his/her job;
- Criminal acts involving the use of illegal drugs or alcohol while off-duty are grounds for termination.

10. Disturbance is exemplified by, but is not limited to, the following violations:

- Fighting or boisterous conduct;
- Deliberate causing of physical injury to another employee or citizen;
- Use of profane, abusive, threatening, or loud and boisterous language;
- Harassment, as defined by the Texas Penal Code, or intimidation;
- Unlawful harassment, violation of Inappropriate conduct or equal employment opportunity policies;
- Spreading of false reports; or
- Other disruption of the harmonious relations among employees or between employees and the public.

11. Abuse of City property is exemplified by, but is not limited to, the following violations:

- Intentional, careless, or negligent damage or destruction of City equipment or property;
- Waste of materials or negligent loss of tools or materials;
- Improper maintenance of equipment; or
- Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.

12. Misconduct is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest, or confinement.

13. Violation of the City's Inappropriate Conduct and Prohibited Harassment policy.

14. An employee shall maintain high standards of moral conduct in his personal affairs and shall not be a participant in any incident which tends to or does impair his ability to perform as a City employee or cause the City to be brought into disrepute.

15. An employee shall notify his/her immediate supervisor of all traffic violations, arrest and/or convictions within twenty-four hours of any offense.

16. Except for sworn peace officers and those licensed by the State of Texas to carry a handgun, no employee of the City, shall carry a handgun or any other firearm into any City building or portion of a building, or any City vehicle.

17. Engaging in conflicts of interest could compromise the appearance of professionalism and impartiality necessary to public service. Examples of prohibited conduct that could constitute an improper conflict of interest are:

- No employee shall accept any gift, or favor from any citizen, person, firm, group or corporation that does business with the City or that might reasonably be expected by the donor to result in favorable or special treatment in the performance of the employee's official duties.

- No employee shall use his/her official position to secure or grant benefits, privileges, or special consideration to himself/herself or others beyond that which is available to every other citizen, person, firm, group, or corporation.
- No employee shall transact any business on behalf of the City in his/her official capacity with any business entity with which he/she is an officer, agent, or member, or in which he/she owns directly or indirectly an interest.
- No employee shall accept other employment or engage in outside activities incompatible with the full and proper discharge of his/her duties and responsibilities with the City, or which might impair his/her independent judgment in the performance of his/her public duty.
- No employee shall receive any fee or compensation for his/her services as an officer or employee of the City from any source other than the City, except as may otherwise be provided by law. This shall not prohibit his/her performing the same type of other services for a private organization that he/she performs for the City if there is no conflict with his/her City duties and responsibilities.

Section 5.3 **Types of Disciplinary Action**

In making a decision as to what discipline should be recommended, the supervisor should consider such factors as the type and severity of the offense or offenses, the employee's work record, and any mitigating circumstances which may be relative to the situation.

The following disciplinary actions are not exclusive and may be initiated against an employee for violations of these Policies and/or City or departmental rules and regulations.

Verbal Counseling

Verbal counseling is best suited for a minor rule infraction or incident of substandard performance. Verbal counseling should identify violations and indicate areas needing improvement. A written record of this warning shall be maintained in the employee's personnel file.

Written Reprimand

A written reprimand is a formal warning of an infraction that may result in suspension, demotion, or termination should the violation recur. Both the supervisor and the employee should sign the written reprimand. Included in the written reprimand should be a statement of what changes in behavior are expected, when the next evaluation will be held and what penalty will be imposed if no changes are made by the employee. Copies of the written reprimand and all supporting documentation, if any, will become part of the employee's personnel file. The employee shall be given the opportunity to respond in written form to the written reprimand.

Suspension

A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his/her behavior during the suspension and to decide whether he/she wishes to correct the offending behavior or terminate his/her employment.

A Department Head may suspend an employee without pay for a period of not less than one (1) hour nor more than ten (10) working days. Prior to suspending an employee, a Department Head shall confer with the City Administrator. Suspension for more than ten (10) working days requires the written approval of the City Administrator. A suspension becomes a permanent part of the employee's personnel file.

Demotion

A Department Head may demote an employee for a disregard or violation of these Policies and/or any City or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an employee, the Department Head shall confer with the City Administrator regarding the proposed demotion. Demotions may be either permanent or for a predetermined specified period of time and shall result in a reduction of salary. The demotion becomes a permanent part of the employee's personnel file.

Termination

An employee may be dismissed from employment at any time for any reason. The City Administrator must ratify any termination of an employee. The ratification will take place as soon as possible. An employee is not entitled to progressive discipline. For example, the City is not required to provide an employee with verbal counseling or a written reprimand before suspending, demoting, or terminating the employee.

Section 5.4 **Disciplinary Procedures**

Any disciplinary action, with the exception of oral reprimand/employee counseling, shall be presented in written form to the employee and the City Administrator specifying:

- The type of disciplinary action taken, i.e., written reprimands, suspension, or demotion;
- The specific rule violated;
- The specific incident, including date(s), if applicable, causing the action;
- A written or verbal response from employee regarding the allegations against him/her, if any;
- The employee's right to appeal to a specific office within a specified time; and
- The finality of the action if the employee fails to appeal within the specified time.

No discipline above oral reprimand/counseling shall be administered without prior approval by the City Administrator.

Section 5.5 **Appeals of Disciplinary Action**

An employee may appeal the following disciplinary actions to the Department Head if the discipline was imposed by a supervisor of lesser rank than the Department Head: a) Verbal Counseling b) Written reprimands. The decision of the Department Head will be final and non-appealable. If the Department Head makes the initial decision, no appeal is available.

The City Administrator has the authority to appoint, suspend or terminate any City employee.

The following actions may be appealed to the City Administrator: suspension, demotion and terminations. The appeal must be submitted to the City Administrator.

In order to appeal disciplinary actions, an employee must submit a written request for an appeal within three (3) business days, to the City Administrator. The decision of the City Administrator is final and no further appeal is available.

The appeal of disciplinary action will be an informal process wherein an employee will be given an opportunity to inform the City Administrator the action was not appropriate. The hearing will be confined to consideration of the reasons for the disciplinary action. If the reasons for the action have not yet been reduced to writing, they will be presented to the employee at least three (3) days prior to the hearing. The sole purpose of the hearing is to allow the employee an opportunity to respond to allegations of misconduct. It is not a formal evidentiary hearing.

Any appeal decision is final and non-appealable.

The procedures as set forth herein are intended to be used as guidelines only and are not to be interpreted as giving any employee substantive or procedural due process. All employees serve the City on an at-will basis. These guidelines do not alter the at-will relationship between the City and any employee.

Section 5.6 **Grievance Procedures**

Definition of Grievance. Employee complaints of inconsistent treatment, interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation.

Any employee wishing to submit a complaint or grievance must first discuss the grievance with the employee's supervisor. If the employee's supervisor is a Department Head, the employee should first discuss the grievance with the Department Head in an effort to resolve the matter informally.

If the matter is not resolved to the employee's satisfaction, the employee may submit the grievance in writing on or within seven (7) calendar days after the discussion with the supervisor.

An employee still dissatisfied after conferring with the employee's Department Head may present the grievance to the City Administrator within three (3) business days of receipt of the Department Head's decision. The City Administrator's decision is final.

If an employee is complaining about the City Administrator, the employee must submit his/her grievance to the City Council within three business days for its consideration.

If the City Administrator has a complaint, they may submit their grievance to the Council for its consideration not less than three business days of the desire to have the grievance considered by the City Council.

CHAPTER 6 PERSONNEL RECORDS

Section 6.1 **Personnel Files and Records**

The City of Parker will request, use and retain only that personal information about employees that is required for business or legal reasons. The confidentiality of all personal information in City records and files will be protected, preserved, and maintained for all City employees in compliance with State and Federal laws.

Employees have access to personal information in his/her personnel files and will have the right to correct inaccurate information or express, in writing, disagreement with the accuracy of information maintained.

PROPOSED

CHAPTER 7 SAFETY

Section 7.1 **Safe Working Conditions**

It is the policy of the City to make every effort to provide healthy and safe working conditions for all its employees.

1. Employees will follow all established safety regulations and use all safety equipment provided by each department.
2. Each department head is responsible for reviewing all work procedures and enforcing all necessary safety rules and providing any safety equipment necessary to provide a safe working environment.
3. Employees shall immediately report any accidents or injuries occurring on the job to their supervisor. The supervisor shall take all necessary action to ensure safe transportation and/or treatment of the injured. The supervisor shall then notify the City Administrator's Office of the incident and shall file a written accident report with the Administration Department.
4. Employees shall not be compelled by orders of a supervisor to commit acts that are unlawful or pose unusual and unnecessary risk to the health or life of the employee.

Safety is important to the City and to you. Failure to follow safety rules is grounds for discipline up to and including termination.

Section 7.2 **Driving Record Checks**

An employee required to drive a City vehicle or personal vehicle as a regular part of their job will have their driving record reviewed from time to time. In addition, any and all traffic accidents, moving violations, convictions (including probated sentences), and/or license suspensions, whether occurring on or off the job, must be reported to your immediate supervisor within twenty-four hours of occurrence and the supervisor must immediately report it to the Department Head and/or the City Administrator. In order to ensure the safety of all employees and the public, employees may be forbidden to operate street vehicles based on a case-by-case review of driving records. If driving is an essential function of the job, this may result in termination.

An employee charged with, but not convicted of, any major moving violations including D.W.I. or D.U.I., may be removed from driving pending the resolution of the alleged violation or terminated if the circumstances warrant. If the employee is not lawfully authorized to drive and driving is an essential job function, the employee may be terminated.

PROPOSED

CHAPTER 8 COMPENSATION

Section 8.1 **Pay Days**

The City of Parker pays employees bi-weekly. Payroll is completed by the Friday following the two-week pay period ending on the previous Friday at 11:59 p.m.

If the payday falls on a holiday, payroll will be issued on the last working day preceding the holiday.

Section 8.2 **Overtime Pay**

The Fair Labor Standards Act defines “exempt” employees. Exempt employees are paid to do a job and are not required to be compensated for overtime.

Vacation, Sick, Holiday, and Bereavement leave does not count as “hours worked” for purposes of an employee reaching the overtime threshold.

Nonexempt employees may not work overtime (more than 40 hours per week, except for police officers and firefighters) without prior approval by their supervisor. Any nonexempt employee who works overtime without prior supervisory approval shall be disciplined, up to and including termination. Police officers and firefighters are subject to the 7k partial overtime exemption from overtime.

Section 8.3 **Longevity Pay**

Regular, full-time employees are eligible to receive longevity pay beginning November 2023. Longevity pay is calculated from date of hire through the end of the fiscal year at the rate of \$4.00 per month per year of service. Payment of longevity will be during second half of November each year. An employee who terminates employment with the City either voluntarily or involuntarily before November 15 will not be paid the longevity pay for the previous years' service.

Section 8.4 **Final Pay Upon Separation**

Upon final separation, an employee shall be paid his or her last paycheck on the next regularly scheduled payday.

Section 8.5 **Travel and Subsistence Allowance**

Statement of Policy

When employees of the City are required to travel on official business, the City will pay reasonable amounts for transportation, meals, and lodging. An employee is expected to show good judgment and an appreciation for the economy when incurring travel expenses.

Expense limits established by these regulations are limits, and not allowances or authorization to spend that much if less would be adequate.

General

Travel expenses must be itemized on a travel expense form, which must be forwarded to the Finance Director within two working days after returning from a trip. Paid bills for lodging and receipts for air or rail fares are required to be attached to the travel expense form if such expenses have been incurred. The City shall pay actual registration fees which shall be based upon a copy of the official conference brochure indicating such fees.

Meal Allowance

Employees are reimbursed for meals while traveling on City business according to the current GSA schedule and rates provided by the U.S. General Services Administration or its successor.

Transportation

The City may purchase tickets in advance for employees traveling by common carrier. All employees shall travel in economy class where such services are available.

Municipal owned vehicles may be used for out-of-City travel. All expenses incurred for operation of such vehicles must be documented by receipts attached to the expense report. Employees who, with authorization from their Department Head, use their personal vehicles for official business will be reimbursed for mileage at the current IRS mileage reimbursement rates.

Receipts must be attached to the expense report to claim reimbursement for all transportation costs. If receipts were not available for ferry, bridge, road and parking tolls, and taxicab fares, these items can be itemized with the reason the receipts were not available. Reimbursements for those unreceipted costs will be determined on a case-by-case basis.

Lodging

An employee is expected to make hotel or motel reservations well in advance whenever possible and to take other actions to insure that lodging is secured at moderate rates.

If an employee is to attend a formal, organized meeting or conference, he/she may stay at the hotel where the meeting is to be held unless it is within a 50-mile radius of City hall. The City, in all cases, will pay no more than the regular single room rate.

Non- Allowable Expenses

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies;
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- Alcoholic beverages;
- Personal long distance telephone calls; and
- Other items of a personal nature.

Section 8.6 **Attendance and Work Hours**

Regular Work Hours

Nonexempt employees of the City, except for Police Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks.

The work week for most City employees begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday. With approval of the City Administrator, individual departments may be permitted to set a work week that differs.

The City has declared a 14-day work period for Police Personnel under the 7K partial overtime exemption. For police officers, overtime is paid for time worked in excess of 80 hours in a 14-day work period.

Adjustment to Work Hours

In order to assure the continuity of City services, it may be necessary for Department Heads to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required and indicates that the employee will be available to do such work.

On-Call and Call Back Pay

On-call status is not considered time worked. On-call employees called back to the workplace will be paid at their overtime rate of pay for actual hours worked or a minimum of two (2) hours, whichever is greater for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay. An employee who is on call must be able to reach City Hall within one hour. Travel time to and from a call-back is compensable under this policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. Employees are on-call for one work week at a time and receive a stipend for each week they are on-call week.

Attendance/Time Records

Employees are expected to be at their workstations and ready to work at their scheduled start time. Employees are required to accurately record the number of hours worked each day. Employees' meal breaks are automatically deducted, and the employee must affirm that he/she took a meal break and was relieved of his/her duties. Meal breaks for police personnel are not deducted. Employees are required to sign the time sheets and affirm the work time reported is accurate.

Attendance and Punctuality

Regular and reliable in-person attendance is an essential job function.

To maintain a safe and productive work environment, the City expects employees to be

reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers.

Either may lead to disciplinary action, up to and including termination of employment.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned from employment.

Regular and reliable on-time attendance is required. Accordingly, employees with unscheduled and/or unapproved tardies and absences, if more often than infrequent, will face discipline.

Generally, if an employee has two or more tardies within 6 months, he will receive a reprimand; if he has 3 or more tardies within a twelve-month period, he will receive a written reprimand and if he has more than 4 in a 12-month period, he will be suspended and/or terminated.

Generally, if an employee has an unscheduled and unexcused absence, and does not provide a doctor's note, he will generally receive a reprimand. If he has more than one unscheduled and unexcused absence in a 12-month period, he will be suspended without pay. If he has more than 2 unexcused and unscheduled absences within a twelve-month period he will likely be terminated.

Section 8.7 **Clocking In & Out for Employees**

The Fair Labor Standards Act (FLSA) requires employers to keep records on wages and hours worked. The City of Parker uses Time and Attendance tracking software. Employees may use an application for their phone to clock in and out or may enter their hours worked through the software available on their work computer.

The FLSA requires employers to pay non-exempt employees for all hours worked, so it is important for employees to clock in and clock out or enter time appropriately. Employees should record hours worked by clocking in or recording the time immediately prior to beginning work and clocking out from their work site or recording the time upon finishing work before leaving for the day. Early or late clocking in/out or time recording will not be permitted unless the employee is actually working.

Rounding

It is permissible to round the employee's start time and stop time under the FLSA when used in such a manner that it will not result, over a period of time, in the failure to compensate properly for all hours actually worked by non-exempt employees. The City of Parker's timekeeping system records time to the nearest quarter of an hour (15 minutes). The City will ensure that the employees are adequately compensated for all hours worked.

Section 8.8 **Breaks**

The City may allow rest breaks as authorized by an employee's immediate supervisor during the course of each workday to prevent undue fatigue.

Rest Breaks

Full-time employees may, depending on individual departmental work schedules and the discretion of the supervisor, take up to two fifteen-minute, paid breaks each day, one during the first part of the workday and the other during the latter part of the workday. Breaks may not be combined. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods

Full-time employees are normally provided with a one-hour unpaid meal break near the middle of the workday. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period without permission from supervisor.

Lactation Break

Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use Vacation leave. Employees and supervisors are expected to agree, in advance, upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.

Supervisor Responsibility

Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the workload and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted

The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" break period time from day to day;
- saving break period time to extend lunch periods or shorten the scheduled workday; or
- requesting overtime pay for work performed during break period time.

CHAPTER 9 BENEFITS

Section 9.1

Holidays

The City of Parker observes the following days as paid holidays:

New Year's Day	Thanksgiving Day
Good Friday	Friday after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	Day after Christmas

Full-time employees shall be paid for official paid City holidays providing the employee is not on an unpaid leave of absence immediately preceding or following the holiday.

Police Department full-time employees required to work on a holiday will be paid 8 hours for the holiday at their regular rate of pay, in addition to the hours worked. If a holiday and an employee's regularly scheduled day off occur on the same day, the employee will be paid 8 hours for the holiday at the regular rate of pay.

If a holiday occurs on a Saturday, the preceding Friday shall be observed as the holiday. If the holiday falls on a Sunday, the following Monday shall be observed as the holiday.

A holiday does not count towards compensable hours of work. Stated another way, holiday hours do not count as "hours worked" for purposes of reaching the overtime threshold.

Section 9.2

Vacation

Vacation leave refers to the allocation of time employees can take off work and still be paid regular wages. Regular full-time employees accrue vacation leave each pay period as follows:

<u>Consecutive Months of Service</u>
0 - 60
61 - 120
Over 120 months

<u>Accrual Rate Based on 26 Pay Periods Per Year</u>
4.61 hours per pay period – 120 hours per year
6.15 hours per pay period – 160 hours per year
7.69 hours per pay period – 200 hours per year

Vacation is accrued per pay period with a maximum accrual cap equal to the yearly accrual rate plus 40 hours. Employees do not accrue additional vacation leave until the vacation balance is reduced below his/her maximum accrual cap.

Vacation leave shall be used in one (1) hour increments, up to a maximum of two (2) weeks consecutively unless prior approval from the City Administrator has been granted.

If you are eligible for vacation leave, you must submit a request in advance of your requested time off to obtain approval from your supervisor.

Vacation does not count towards compensable hours of work. Stated another way, vacation hours do not count as "hours worked" for purposes of reaching the overtime threshold.

Upon separation, an employee who voluntarily resigns after working more than one year shall be paid seventy-five percent (75%) of the value of their accrued Vacation leave, up to a maximum of the employee's current annual accrual rate plus 40 hours. No payout will occur if you have worked less than one year.

Section 9.3 **Sick Leave**

Employees who are employed as of January 1 of each year shall receive 40 hours in their sick leave bank. Sick leave shall be used in one (1) hour increments. You may use vacation leave for any sick or personal time needs that exceed available sick leave.

Employees who have sick leave hours remaining at the end of the year will have those remaining hours converted to Emergency leave. Sick leave is not paid out upon separation.

Section 9.4 **Emergency Leave**

As additional income security, rather than losing sick leave hours, you may "bank" additional hours into an "Emergency Leave account." You may use your Emergency Leave for your own medically related absence of 5 consecutive days or greater. An employee may not use Emergency Leave until sick leave is exhausted. Once Sick Leave is exhausted and you have been absent for medical reasons for more than four days, deductions will come from your Emergency Account until exhausted. When Emergency Leave is exhausted, an employee may use Vacation to cover any additional absences. If no leave is available, absences will be unpaid.

Any balance in an Emergency Leave account as of the effective date of this policy will remain available to be used as set forth in this policy; as of the effective date of this policy, Vacation leave will not roll over to Emergency Leave. Emergency Leave is not paid out upon separation.

Section 9.5 **Leave Donation**

From time to time an employee may have extraordinary circumstances requiring leave that exceeds their accumulated Vacation and Sick leave. Employees may donate Vacation leave to such an employee by notifying Human Resources in writing of the amount of Vacation they wish to donate to such an employee. An employee may receive donated leave only for their own serious health condition or to care for an immediate family member who has a serious health condition, and only after all leaves have been exhausted.

Section 9.6 **Bereavement Leave**

Bereavement leave with pay for a period not to exceed three days (24 hours) per occurrence will be given to any regular, full-time employee in case of death in the immediate family.

“Immediate family members” are defined as an employee’s spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild.

If there is a death in the family, the employee should request leave in advance or as soon as possible to his/her immediate supervisor. The supervisor should obtain permission for its use through the supervisor’s chain of command.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave is paid at the employee’s base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to attend funerals for other than immediate family must use Vacation leave.

Section 9.7 **Jury Duty Leave**

The City provides paid leave to regular full-time employees required to serve on jury duty requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. Employees will receive regular pay during jury service for up to two weeks; absences for longer periods of time will be handled on a case-by-case basis.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence. Employees must maintain daily contact with their supervisor for the duration of the absence.

An employee who is on jury duty typically must report for work for the remainder of the day upon completion of court or jury service, or request approval for use of Vacation leave. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee’s base rate at the time of leave and does not include overtime or any other special forms of compensation.

Section 9.8 **Military Leave**

Employees shall be eligible for paid military leave in accordance with state and federal laws for military duty for a maximum of fifteen (15) days per fiscal year. If your reserve unit is called to active duty, your leave will be for the length of that active duty but will be unpaid beyond the three-week annual leave. While on leave, you may use your available Vacation. You will be asked to submit a copy of the order, directive, notice, or other document that requires you to report for duty when requesting leave.

While you are on military leave, your benefits will continue for up to 24 months. You will continue to be responsible for your portion of the premium for leaves of 30 days or less, and for longer leaves, you will be responsible for the entire premium.

Pay and benefits return to normal when you return to work within 10 days of release from active duty, or as agreed to with your supervisor. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who served in the military.

Section 9.9 **Workers' Compensation**

Eligibility for Workers' Compensation

If you are injured as a direct result of the duties performed in the course of your employment with the City, you may be eligible to receive Workers' Compensation benefits under the Workers' Compensation Insurance plan. Such a plan is required under state law and covers the cost of hospitalization, physician fees, drugs, treatment, and other related expenses. See Section 9.6.

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs and other related expenses, to include possible partial salary continuation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and/or injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

Accident and Injury Reporting Procedures

1. **Medical Attention.** When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from the Approved Doctor List (ADL) referred to by Human Resources
2. **Reporting and Documentation.** The employee's supervisor is responsible for notifying Human Resources immediately upon being made aware of an employee's involvement in an accident or injury. This timely notification is critical.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the City's Accident Report, First Report of Injury or Illness and any

other related information to the City Administration no later than the next business day after the injury was reported or no later than 9 a.m. on Monday for injuries occurring over the weekend. If the employee's supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise the City Administration of these circumstances.

The decision of whether or not an injury will be covered by workers' compensation will be made by the Worker's Compensation Carrier and not by the City.

If the employee's treating physician recommends convalescence at home, the employee is required to contact the supervisor each day during the time away from work. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment.

It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to Human Resources and to the supervisor. Failure to report to Human Resources as required may result in disciplinary action, up to and including termination of employment.

Returning to Work

The employee is to return to work immediately after treatment unless the employee's physician will permit neither regular duty nor modified duty. The employee must have a written release from the doctor to return to work and the release must specify any restrictions. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any modified duty assignment that is offered, including an assignment in another department.

All modified duty assignments must be approved by the City Administrator to ensure compliance with the City's policies, the physician's restrictions/release and with the Americans with Disabilities Act (ADA,) the Americans with Disabilities Act as Amended (ADAAA).

Maximum Time Limits

Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the City will hold open an employee's position following an injury that occurred while performing official job duties or conducting City business, for a reasonable time period if holding the position does not result in undue hardship on the City, generally not to exceed six months.

The City Administrator will engage in discussions of any reasonable accommodations that may assist the employee in performing the essential functions of the job. At the end of the reasonable period of time, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled and the employee may be considered for a vacant position for which the employee is qualified and released from the physician to perform.

If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position or if the employee declines to accept another position, employment with the

City will be terminated.

Section 9.10 **Unpaid Leave of Absence**

If you are a regular, full-time employee, you may request an unpaid leave of absence by submitting a written request to your Department Head.

You may be given an unpaid leave of absence for illness or inability to work or any other legitimate purpose approved by the Department Head. Unpaid leaves of absence may be approved only after Vacation and Sick leave has been exhausted.

The Department Head may approve an unpaid leave of absence of up to two (2) weeks in duration. The City Administrator and the Department Head must approve an unpaid leave of absence beyond two weeks. An unpaid leave of absence may not exceed 30 days, unless an additional application is requested by the employee and approved by the City Administrator.

During an approved unpaid leave of absence, the City will continue to pay its usual contributions toward your benefits; however, you will still be responsible for paying any benefit premiums that would normally be deducted from your paycheck. Please make arrangements with Administration for paying these premiums prior to your leave.

Section 9.11 **Group Medical Plan**

The City makes comprehensive group medical coverage available to every regular full-time employee and pays the premium toward such single coverage for as long as an employee is eligible and enrolled. Newly hired employees should enroll themselves and their eligible dependents (if desired) for medical coverage within 30 days of hire. Once enrolled, an employee and his/her dependents are covered effective the first of the month after the employee's date of employment.

Any premium for dependent coverage will be deducted from your paycheck; employees in a non-pay status will have to pay premiums to the City in order to maintain coverage.

Specific and complete details of the City's medical plan are available in plan booklets supplied to you by Administration.

Section 9.12 **Group Life Insurance**

Group life insurance coverage in the amount of \$50,000, including accidental death and dismemberment coverage, is provided to all regular, full-time employees. The City pays the full premiums for the employee for the provided amount. Employees may elect and pay for additional optional coverage. For further information, refer to the Group Life Insurance Policy.

Section 9.13 **Long Term Disability**

Long-term disability coverage is provided to all regular, full-time employees. The City pays the full premium for full-time employees. For further information, refer to the Long-Term Disability information available from Human Resources.

Section 9.14 **Dental Insurance**

Dental insurance is available to regular full-time employees and their dependents, if desired. The City pays the premium for single coverage. Premiums for dependent coverage will be deducted from your paycheck.

Specific and complete details of the City's dental plan are available in plan booklets supplied to you by Administration.

Section 9.15 **Texas Municipal Retirement System**

The City of Parker is a member of the Texas Municipal Retirement System (TMRS). Participation in the system is mandatory for all regular, full-time employees. There is no maximum age for participation in TMRS. Beginning January 1, 2024, employees contribute 7% of their gross income, which is not taxable until withdrawn. The City contributes on your behalf at a rate of 2:1 (14%).

The purpose of the retirement system is to provide adequate and dependable retirement benefits for employees retiring from Texas Municipalities. Each member City chooses from various TMRS options to tailor its retirement plan to meet local needs and circumstances. Policy Manuals detailing this plan are available at www.TMRS.com.

Section 9.16 **Social Security**

The City of Parker does not participate in Social Security (unless you are a part-time or seasonal employee). If you retire under both Social Security and a local government retirement plan such as TMRS, with a City that does not participate in Social Security, your Social Security benefit may be lowered or offset. For more information, contact your local Social Security office.

Section 9.17 **Medicare**

Employees hired after April 1, 1986 are required to make a contribution toward Medicare equal to 1.45% of gross pay. The City matches the employee's contribution with an amount equal to the employee's contribution.

Section 9.18

Continuation of Group Medical Benefits

The Consolidated Omnibus Budget Reconciliation Act (COBRA), provides that all employees are eligible to continue their group insurance for a maximum of eighteen (18) months when employment is terminated due to resignation, retirement, reduction in employees, reduction of work hours, or dismissal for reasons other than gross misconduct. The law also entitles dependents of a covered employee to continue their group insurance coverage for a maximum of eighteen (18) months upon the separation of a covered employee or a reduction in such employee's hours of employment; and up to thirty-six (36) months upon the death of a covered employee, divorce or legal separation, when dependent children are no longer "eligible dependent" under the definition in the policy, or when the employee becomes Medicare eligible. The employee or dependent must request continuation of coverage and must pay the full cost of coverage.

Section 9.19

Inclement Weather and Emergency Conditions

The City will make every effort to maintain normal working hours through inclement weather. Except for extraordinary circumstances, City offices DO NOT CLOSE, although City facilities may be closed to the public. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

1. **Employee.** If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Head and make arrangements to report to work if weather conditions improve. If conditions do not improve, Vacation leave or leave without pay will be utilized.
2. **Department Head.** The Department Head is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Administrator.
3. **City Administrator.** When weather or other conditions are such that the City Administrator or designee declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be paid for their scheduled hours when the office/department is closed. On days when the weather worsens as the day progresses, the City may decide to close early. In such cases, a decision and announcement will be made by the City Administrator or designee at the appropriate time. Employees will only be paid for time worked when the office/department closes early and may utilize Vacation leave or leave without pay for the remainder of the day.
4. **Essential Personnel.** Essential personnel must report to work even when other City offices/departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Head and/or the City Administrator. Nonexempt essential personnel shall receive 1.5 times their regular rate of pay for actual hours worked during inclement weather or emergency conditions. Essential personnel who

fail to report to work may be subject to disciplinary action up to and including termination of employment.

Section 9.20 **Quarantine Leave**

In accordance with Local Government Code 180.008, this paid quarantine leave policy applies to peace officers who are employed or appointed by the City and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

Definitions:

- (1) "Health authority" means a physician appointed by the county health department to administer state and local laws relating to public health within the City's jurisdiction.
- (2) "Paid quarantine leave" means: (1) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits provided by the City; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.
- (3) "Peace officer" means police officers licensed by the Texas Commission on Law Enforcement and employed by the City.

Quarantine Leave:

A City of Parker peace officer who is ordered to quarantine or isolate by the person's supervisor or the county's health authority due to a possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave.

No Reduction in Compensation and Benefits

The City will not reduce a peace officer's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy.

EMPLOYEE ACKNOWLEDGMENT FORM

The Personnel Policy Manual describes important information about the City of Parker, and I understand that I should consult Human Resources regarding any questions. I acknowledge that there is no specified duration of employment and employment is at-will. Accordingly, either I and/or the City of Parker may terminate employment with or without cause at any time.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions may occur, except to the City's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

Furthermore, I acknowledge that this manual is not a contract of employment. I have received the manual, and I understand that it is my responsibility to read and comply with the policies contained therein and any revisions made to it. I also understand that it is my responsibility to keep this manual updated with future official notices relative to revised information and shall return this manual to the personnel department upon termination of my employment with the City of Parker.

Employee's Signature

Date

Employee's Name (Typed or Printed)

RESOLUTION NO.2009-254
(Employee Handbook)

A RESOLUTION OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPROVING AND ADOPTING REVISIONS TO THE CITY OF PARKER EMPLOYEE HANDBOOK, FORMERLY KNOWN AS THE "CITY OF PARKER EMPLOYEE POLICIES AND PROCEDURES MANUAL".

WHEREAS, the City Council of the City of Parker recognizes the need for established policies and procedures to promote and maintain the highest degree of professional conduct for city employees; and

WHEREAS, the City Council of the City of Parker further recognizes that professionalism begins with employee awareness of the City of Parker's expectations of each and every individual employee; and

WHEREAS, it is the desire of the City of Parker to develop a highly motivated professional team of dedicated, loyal, and quality oriented employees to insure the continued success and smooth operation of the city of Parker; and

WHEREAS, it is the desire of the City of Parker that each employee be fully cognizant of city policies and benefits provided for employees;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS that the City of Parker Employee Handbook (Revised December 2008) be APPROVED AND ADOPTED on this 3rd day of February, 2009.

APPROVED:
 CITY OF PARKER

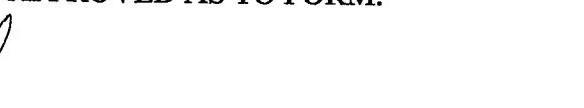


Joe Cordina, Mayor

ATTEST:


 Carrie L. Smith, City Secretary

APPROVED AS TO FORM:


 James E. Shepherd, City Attorney



Employee Handbook

February 2009

Resolution 2009-254
Approved 2/3/2009

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Employee Handbook

Welcome to the City of Parker. We're glad you've come to work here. This handbook should help you in getting to know about us, our mission, our history, our City, our services and our people, as well as your work environment, your compensation, certain guidelines that we expect all the City of Parker employees to follow and all the other information that is important for you to know.

Being employed by a city government holds your job up to the public light, and nothing you do can go without some oversight by the citizens, who are your ultimate employer. We hope this handbook will serve as a guide, as well as regular conversations with your manager. You are encouraged to discuss any questions you may have regarding the policies and programs, as well as your job responsibilities.

This handbook isn't meant to replace face-to-face communication. Nor should this handbook cover every aspect of your relationship with the City of Parker. Your goal should be to maintain open lines of communication first through, your supervisor, second, the City Administrator, and lastly the Mayor or any Council Member. But, when they are unavailable, this handbook should help.

Again, welcome to the City of Parker. As we have noted, you are now a part of a group of dedicated, devoted, competent and trustworthy individuals who are all working towards the same common goal of a sense of community in a truly unique city.

Information in this handbook is subject to revisions, additions or deletions by the City of Parker, and the City of Parker has the right to final and binding interpretation of any provisions of this handbook. This handbook does not represent an employment contract, and nothing included should be construed as such.

City of Parker Mission Statement

Parker is a unique, high quality community, in a country setting, dedicated to ensuring the quality of life by delivering cost-effective, highly responsive services with integrity and friendliness, while protecting the health, safety and welfare of our citizens and employees.

History of Parker

Parker is a General Law City within Collin County. As of 2008, we've got about 3500 citizens, living in about 1200 homes. We cover 10.378 square miles, bounded on the West by Cottonwood Creek, the North by Lucas Road, the East just beyond Bois D'arc, and the South by Estate Lane.

Parker was incorporated in 1969, but was founded about 150 years ago. The first settler in the area now known as the City of Parker was John C. Parker, and the City was named after his son, William C. Parker. Other early settlers in the area were the Dilehays, Gregorys, Hogges and McCrearys – all commemorated by streets named after them within Parker and extending into Collin County.

The Corinth Presbyterian Church (still in use across from City Hall) was established on August 2, 1846. The first school began in 1880 in nearby Halltown (2 miles east of Parker), with 90 children at the beginning. Parker had a commercial history, before becoming a residential, “country living” community. In the 1880's T.L. Johnson ran a gristmill and general store. A railroad route was planned through Parker and in 1888, Parker's post office was opened. The first doctor, Dr. Watson, came to town.

Then, Parker's future as a non-commercial community was decided, when the planned railroad line was diverted to Wylie, with the post office closing in 1900. In 1910, there were 50 citizens and one store reported in Parker. By 1940, Parker had 86 citizens and three businesses. In the 1940's, the schoolhouse was sold and torn down, and Parker's children were divided between schools in Plano and Wylie.

The police department came into being when Bill Frizzell was appointed as city marshal on a part-time basis in 1971. In 1985, the need became apparent for full time support and Danny Scott was appointed as police chief. Dennis Pirkle, who became Chief in 1986, implemented an active reserve force with nine certified law officers. The department currently provides 24-hour patrol, seven days a week and has dispatch through the Collin County Sheriff's department.

Parker is served by a volunteer Fire Department that was formed in 1982 by Lou Matteson, after Plano changed the “per call” service they had been provided to an annual fee system. Initially, the department had thirty-three volunteer firefighters, and in the spring of 1983, they built a fire station and bought a fire truck and equipment, funded by the City.

Through its history, Parker has become a premier community of homes with acreage, large lots and a country community feel, with horses, cows and chickens living among the citizens who work in the surrounding communities.

Employment Guidelines

At the City of Parker, we adhere to federal and state employment laws, not only because they are the law, but also because adherence is the right thing to do.

This philosophy allows us to provide an environment that allows you to focus on just doing your job, without getting distracted by non-job related attitudes and issues.

Legal Guidelines

We value differences in people, and recognize that those differences contribute to the success of the City of Parker. We provide equal opportunity in employment and advancement for all employees and applicants. And because we believe in this, and act it out, we require that all the City of Parker employees act in support of these beliefs. To this end, the following are deeply held convictions:

- ◆ **Equal Employment Opportunity** - We ensure equal treatment for all employees, contractors and applicants for employment, including disabled individuals and veterans, on the basis of qualifications and without regard to race, religion, color, age, sex, national origin, or marital status or sexual orientation.
- ◆ **Respectful Treatment of People** - We will not tolerate the intimidation or harassment of employees, applicants, vendors, contractors, citizens or visitors for sexual, racial, ethnic, religious or other reasons, nor will we allow retaliation against you for reporting inappropriate behavior.
- ◆ **Sexual Harassment** - We have zero tolerance for any behavior that even hints of sexual harassment, such as unwelcome physical contact, a continuing pattern of unwelcome sexual advances, or the creation of a hostile work environment. Sexual harassment may involve individuals of the same or different gender.

(We understand that this can sometimes be confusing - sexual harassment does not refer to behavior or occasional compliments that are socially acceptable to the average person. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that interferes with an employee's work effectiveness.)

- ◆ **Accommodations of Disabilities** - We are committed to providing employment opportunities to individuals with disabilities, and will make reasonable accommodations to provide facilities that are readily accessible and usable by people with disabilities. If you need such an accommodation, please talk with your supervisor.
- ◆ **Employment Relationship** - Your employment relationship with the City of Parker is considered "employment-at-will". This means that both you and the City of Parker have the right to freely, and without cause, end the employment relationship. However, you should not consider any oral or written statement as a contract with the City of Parker, unless expressly defined in a document signed by both you and the Mayor. Any "agreements" not handled in this manner will be considered invalid and will not be honored.
- ◆ **Safety and Workers' Compensation** - We believe in providing a safe work place; however, accidents do happen. If you incur a work-related injury or illness, no matter how minor, please report it to your supervisor immediately. We will then work with

you to obtain prompt medical care, if required. There is a specific process to follow for valid work-related injuries and illnesses that makes it possible for your medical expenses to be paid. It is necessary that you report an accident or injury within 24 hours to allow the City to comply with applicable laws and begin worker's compensation benefits, if appropriate.

If you believe you've encountered a situation that is inconsistent with any of the above commitments, please discuss your concerns immediately with your supervisor. There will be no retribution for addressing legitimate concerns.

Standards of Conduct

As an employee of the City of Parker, you have in your hands the reputation and the future of Parker. We are successful through you. Therefore, it is important to share with you our thoughts on appropriate interactions with our citizens. We have developed the following guidelines to help you deal effectively with citizens.

- No matter how difficult the resident is, do not make negative, scornful or sarcastic remarks about the City of Parker to employees or other citizens.
- While you may have personal interests that you are interested in advancing, the workplace is not the place to divulge these interests, or to gain financial or volunteer support. Please do not solicit for any personal or political cause while at work.
- If you find yourself in conflict with a resident or co-worker, do not allow yourself to get angry or be confrontational. If you cannot resolve the disagreement calmly and professionally, withdraw from the situation and call on your supervisor to assist you in the resolution. Never create an adversarial situation.
- City funds or resources should not be used for personal needs.
- Profanity, loud talking and negative comments about citizens or fellow employees are not acceptable.
- Treating co-workers and citizens with dignity and respect is an integral part of your success and the success of the City of Parker.
- Resident information must be kept strictly confidential. Discussions about personal or professional affairs of citizens should not occur outside of the workplace, and should occur in the workplace only when the issues are relevant to the support of the resident.
- You should not solicit or accept tips or gratuities offered because of duties you perform as a City of Parker employee.
- It is a conflict of interest for you to accept gifts of more than nominal value, or entertainment from suppliers or those seeking to be suppliers.
- You should not do anything in the conduct of business that would violate any federal, state, or local law, regulation or ordinance.

Solicitations

We recognize that you have interests in outside events and organizations. However, please don't actively solicit sales for these activities during work hours. We know that Girl Scout Cookies and school fundraisers will find their way to City Hall but please refrain from being disruptive. Solicitation should not infringe on any individual's rights or beliefs. Active solicitation should only be done during breaks and outside of the regular work area.

Anyone not employed by the City of Parker is prohibited from soliciting in City Hall without prior approval from the City Administrator.

Employee Communication

We follow all federal and state regulations regarding employment. These regulations are posted on the employee bulletin board. This handbook will serve as a resource to you in understanding our guidelines and work standards.

Additionally, the employee bulletin board is used as an important form of communication. You should consult them frequently for:

- Employee announcements
- Internal memos
- Job postings
- City of Parker announcements

We respect your right to your own beliefs, but also recognize that not everyone will share those beliefs. Prior to posting anything on the bulletin board, please review it with the City Administrator. Please respect your co-workers by not distributing or posting non-work-related literature in City Hall.

Work Environment

Within the varied work environments at the City of Parker, we have certain rules that everyone should follow. This will ensure that everyone is treated fairly while having fun, doing great work and providing excellent service to our citizens.



Employee Status

While working at the City of Parker, you will be classified in one or more of the following employment categories:

- ◆ **Exempt or Non-Exempt** – Consistent with federal guidelines, all positions are classified as either exempt or non-exempt. If you are non-exempt, you will receive overtime payments or compensatory time for any time worked over 40 hours per week. All overtime to be worked must be approved in advance. In order to capture this data, you will have to complete a time record each pay period. If you are classified as exempt, you don't receive overtime pay.
- ◆ **Full-Time Employee** – If you are regularly scheduled for a 40 hour workweek, you are a full-time employee. You are eligible for benefits.
- ◆ **Part-Time Employee** – If you are regularly scheduled for less than 40 hours each week, you are a part-time employee. As a part-time employee, you are ineligible for most benefits.
- ◆ **Temporary Employee** – If you have been hired for an assignment that is temporary in nature, you will be considered a temporary employee. Temporary employees are not eligible for benefits.
- ◆ **Volunteer** – There may be individuals in the workplace who are in a volunteer status. Volunteers are not employees by the City in any capacity, and elect to donate their time and services to the City without any expectation of compensation. Volunteers are held to the same standards as are employees, but do not receive compensation or benefits beyond any that may be voted on by the City Council.
- ◆ **Contractors** – Individuals who are guided by the same standards of conduct as employees, but who do not receive benefits and adhere to federal regulations governing Independent Contractors.

If you have any questions about your classification or timekeeping, please talk with your supervisor.

Introductory Period

Your first three months of employment are an introductory period. If you complete the introductory period, you will receive feedback on your performance and will have the opportunity to discuss your first three months of employment with your supervisor.

Open Door/Problem Solving Process

We value your opinions and suggestions and consider you an important part of the team. To ensure that you get your concerns heard, we want you to use the open door process. The open door process is just what it says. It means that all people in the City of Parker are accessible to you for comments, suggestions or complaints.

If you have a problem or concern, you should always speak with your supervisor first about it and brainstorm together for a solution. However, if for some reason, you cannot

speak with your supervisor about an issue, you may utilize the “open door” to take the issue to the City Administrator. If you feel you need additional visibility on an issue, you may discuss the issue with the Mayor or a Council member. All requests for problem resolution will be taken seriously. You will not be penalized for using the “open door”. You may not get the problem resolved exactly to your satisfaction, but you will be heard and given the chance to work it through.

Drug Free and Smoke Free Workplace

We assure your right to work in an environment free from the impact of alcohol or illegal drug use. Alcohol abuse or illicit drug use will not be tolerated and will result in corrective action, up to and including termination of employment.

While on the City of Parker’ premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, at residences or on City property, you may not use, possess, distribute, dispense, sell or be under the influence of alcohol or illegal drugs. You may use prescription medication on the job only if it does not impair your ability to perform the essential functions of your job effectively and in a safe manner that does not endanger you or your co-workers.

We do not allow use of alcohol at any time during the workday, or your shift.

We are also committed to providing a smoke free environment for you and our citizens. If you smoke, please smoke outside the building in the designated smoking areas. You should not smoke at a resident’s home. If you smoke, breaks should be limited and should not interfere with your performance of job responsibilities. Limited breaks will be allowed at the discretion of your supervisor, taking into account your job responsibilities and business needs.

If you are aware of any violations of these policies, let your supervisor know.

Weapons in the Workplace

We want to provide a safe environment, free from the threat of danger or violence. Unless specifically authorized by the City Administrator, no employee, other than a licensed peace officer, shall carry or possess a firearm or other weapon in City Hall. We do not allow any employee or contractor, other than a licensed law enforcement officer acting in the course of duty, to be in possession of any dangerous weapons, concealed or otherwise, while conducting Parker city business. If you have a dangerous weapon in your possession, you will be asked to leave the work-site immediately and appropriate corrective action will be taken. This policy applies to all weapons including firearms and any instrument used or intended to be used as a weapon.

Hours of Operation

Generally, the City of Parker' hours of operation are 8:00 am to 5:00 pm Monday through Friday, for City Hall staff, with the City Hall open for business from 8:30 am to 4:30 pm. Field staff hours may vary to better serve our citizens and will be determined by the Supervisor. Your supervisor will let you know your work hours. If necessary, you will be provided access to City Hall after normal business hours. Please remember that after hours time spent in City Hall must be for business purposes only.

We do not have overall guidelines on break periods. Each department may have its own guidelines, so check with your supervisor. We do expect that you, as a professional, will put the immediate needs of the City ahead of "break time". We also ask that if you are on a break, you exercise discretion so as not to disturb others who are working. In general, we think it's important to take a midday break, so we don't encourage you working through your lunch break. If you feel you need to do so, please get your supervisor's approval.

Attendance

Our success depends on you being where you are supposed to be, when you are supposed to be there, doing what you are supposed to be doing.

We understand that the City of Parker is only one part of your life, and sometimes you need to be away from work to attend to personal business. To accommodate this, we provide a generous PTO (Paid Time Off) program. Your absences from work will not be a problem if you are not exceeding the time allowed by the PTO program, and you obtain prior approval for time off so your co-workers or the City won't be negatively impacted. If your supervisor is unable to accommodate your request, and you take the time off anyway, corrective action will be taken.

E-mail and Voice Mail

E-mail and voice mail are both used regularly at the City of Parker. Both should be accessed on a regular basis and responded to promptly. Our commitment is that voice mail from citizens be returned no later than the next business day.

Your outgoing voice mail message should be recorded in a professional manner. If you are going to be out of the office or unable to check your voice mail, you should update your message so callers will know. When leaving voice mail messages for other people, keep your messages concise and clear, defining the reason for the call and the information needed or provided. Following these simple guidelines will make sure that your message gets across, both internally and externally.

When communicating by email, please follow these guidelines:

- ◆ Don't criticize our citizens or employees or contractors
- ◆ Don't use profanity
- ◆ No name calling
- ◆ No racist or sexist remarks, or derogatory remarks that are targeted to an individual or one group of people
- ◆ Limit your correspondence to business-related issues; system wide messages should not be used for personal business or issues, and should be limited to business issues related to the City of Parker as a whole. Email communications could be subject to the Open Records Act.

Please recognize that not all of your audience is like you and this diversity is what makes the City successful and a great place to work. Everyone needs to be able to work freely without offensive, derogatory or humiliating communication. These guidelines explain the way we do business. We expect you to follow them.

Internet

We provide access to the Internet for business purposes during the workday. The guidelines listed below should be used when utilizing the Internet:

- ◆ Personal Internet use must be restricted to non-work hours, including before or after your normally defined work hours, breaks, or on your lunch hour.
- ◆ Our Internet system may NEVER be used to review any racially or sexual oriented information
- ◆ You may not participate in Chat Rooms using your the City of Parker logon.
- ◆ E-mail or postings should follow the guidelines above.

All Hardware and Software systems used in e-mail, voice mail and for internet access are the property of the City. We reserve the right to periodically monitor the Hardware and Software archives to ensure appropriate usage. City Administrator will determine the appropriate use for your particular job. All information exchanges, including, but not limited to e-mail, are the property of the City of Parker.

Software

We respect the rights of businesses to receive fair compensation for their products, and we are committed to the proper use of software and of licensing agreements. Any software you are using to conduct City business must have the proper licensing. Unless expressly authorized by the software developer, neither the City nor you have the right to duplicate the software or the documentation. And, to maintain optimum operation of our computer systems, please don't load any software on your computer without first gaining written permission from the City Administrator.

Cell Phones

We recognize that many employees have personal cell phones that they bring to work, and depending upon their job description, some employees may have cell phones provided by the City. The use of cell phones must not interfere with job duties or work performance. Employees with City issued cell phones shall not create additional expense to the City through personal use of the phone. Should this occur, you will be required to repay these expenses to the City.

What to Wear to Work

Your personal appearance is directly related to the atmosphere of City Hall. While we don't believe that having "fashion police" is necessary, it is important everyone maintain the highest standards of personal grooming and dress for work in a manner that:

- ◆ Reflects an image of professionalism to our citizens
- ◆ Is not distracting to or disrespectful of other employees.

It is important that we have a professional atmosphere that is conducive to offering the best service to our citizens while providing a productive and fun environment to work in.

"Business Casual" is the standard for City Hall. For those who work outside City Hall, jeans, khakis or other trousers, along with a Parker shirt, are appropriate

City Hall Appearance

Even if you have messy tendencies, please make sure that your work area is maintained in a neat and orderly manner. If you routinely ride/drive in a City vehicle, please apply the same standards. Items in your work area or vehicle should not be offensive to co-workers or citizens, or promote political or personal agendas.

Work Behavior

We believe in a high standard of professionalism. While we operate in a fast paced, flexible and somewhat casual environment, we still believe in professional work behaviors. This applies when you are in City Hall, with citizens and at City sponsored events.

Corrective Action

You can't fix what you don't know is broken. In most cases, your supervisor will discuss performance problems with you, give you suggestions on how to correct them, and give you the chance to fix it. What you do is up to you.

1. The first step of our corrective action process is a discussion between you and your supervisor. This discussion may be recapped in writing and kept in your personnel file.
2. If, after this discussion, the issue is not resolved, another discussion could occur. This discussion will be recapped in writing. The purpose of this discussion and written recap is to inform you that the issue has not been corrected, reiterate the standard that must be met and inform you of consequences if the problem is not resolved, or performance does not improve. This notice will be maintained in your personnel file.
3. If the problem or performance issue is not corrected, the final step in the process is termination of your employment.

The City Administrator should be notified before any written correction action is taken

Certain behaviors are not tolerated, and may result in immediate termination of employment. The list below provides typical examples, but is not all-inclusive.

- 1) **Exhibiting rude or inappropriate behavior to citizens or employees**
- 2) **Theft of city, resident or employee property, or mishandling the City cash or credit**
- 3) **Harassment or intimidation of any employee, contractor or resident**
- 4) **Possessing weapons in the workplace, or acting violent in the workplace**
- 5) **Refusing direction from your manager, or “willful neglect of duty”**
- 6) **Falsifying expense reports, time records, your employment records including the employment application or resume, and other the City of Parker data**
- 7) **Disclosing confidential resident, City or employee information, except in the case of a Public Information Act request.**
- 8) **Conviction of a crime of a nature that could pose a risk to City employees or citizens**
- 9) **Disregard of City policies and guidelines, including, but not limited to: working under the influence of drugs or alcohol , no call/no show, using e-mail or the Internet in an inappropriate manner or disrupting the workplace**

This process does not alter the basic employment-at-will policy, which allows you or the City of Parker to terminate employment at any time, with or without cause or notice.

References

If you are asked for a reference on a current or past employee, please leave this responsibility to the City Administrator to limit your (and our) liability and/or legal exposure. The City Administrator will only provide information on hire date, termination date and position held. If you need employment verification for lending institutions or other reasons, the City Administrator will respond, in writing, when you give your consent.

Work Relationships

We don't hire relatives, or a person with whom you have a "family" type relationship.

Exceptions to this policy may be made for temporary positions, summer employment and internships. If two employees in a supervisor/subordinate work relationship enter into a personal, non-work related relationship, one or both employees may have to transfer to another position, or leave City employment.

Inclement Weather

We will normally conduct business during adverse weather conditions. If the weather is so extreme that good judgment dictates City Hall should be closed, we'll call you by 7:30 am to let you know not to come in.

If City Hall is open, but you believe coming to work is unsafe, please do not put yourself at risk. You can use your PTO to cover your absence. If your PTO balance has been exhausted, the time will be unpaid, but the absence will be excused.

Personnel File Access

We maintain work-related records on all employees. This file includes your employment application, resume, training records, performance evaluations, salary increases and other necessary employment records. These records are the confidential property of the City of Parker and will not be released to anyone except as required by law.

Only City employees with a legitimate reason to do so may review an employee file. While you are an employee of the City, you may review your file at reasonable times and intervals and may request that the file information be corrected if inaccurate, or supplemented if incomplete. You may have a copy of any form contained in your file.

If you have any changes to the personal information in your file, such as address, telephone number, emergency contact, marital status, etc., please submit these changes to the City Administrator.

Use of Vehicles on City Business

If you drive your own vehicle or a City vehicle on the City business, you must maintain a valid driver's license. You should carry insurance on your personal vehicle if you are using it for the City of Parker business.

If driving is a job requirement for your position, you must have a valid Texas drivers' license, and must maintain a safe driving record. Should you be convicted of a DUI, or receive deferred adjudication for a DUI, you may not drive a city vehicle in violation of

any court order, and you must comply with terms of the court order. The City will consider if accommodations can be made in your position during this time. If accommodations cannot be made in your job, you will be terminated. A second DUI in a 5 year period will result in immediate termination.

Should you receive a moving violation conviction that brings your total of violations to 3 or more in any previous twelve month period you may not drive a city vehicle until the number in a twelve month period is reduced below three. The City will consider if accommodations can be made in your position during this time. If accommodations cannot be made in your job, you will be terminated.

Driving records will be periodically accessed by the City Administrator or HR to ensure that you meet the requirements. Should something occur that would jeopardize your ability to drive for your job, you must inform your supervisor immediately. If you do not do so, you could be terminated once the offense is discovered. And, should you have any accidents or violations while driving a City vehicle, you must also inform your supervisor immediately.

Some City vehicles are equipped with a global positioning system (GPS) to monitor vehicle location and activities for safety and business reasons. Therefore, you need to be aware that the vehicle you are driving may be monitored for various reasons including, but not limited to locating the vehicle and/or you in an accident or emergency, monitoring your efficiency, and locating the vehicle if stolen.

Expense Guidelines

If you need to spend your own money on City business, first get your supervisor's approval. To be reimbursed for approved expenses, complete an expense report form in its entirety and attach all receipts. If you do not turn your reimbursement request within 30 days of incurring the expense, you will not receive reimbursement unless an extension is given by the City Administrator.

Total Compensation

We believe in a total compensation policy that combines salary and benefits together to recognize and reward contributions to the City of Parker.

We believe in hiring and retaining the best people and encourage performance beyond expectations to assist in achievement of the City of Parker goals.

Performance Appraisals

At the City of Parker, we take goals very seriously. We recommend that you establish goals with your supervisor. Once your goals have been set, you should constantly monitor your performance against those goals. If there are things getting in the way of your meeting your goals, you should talk to your supervisor.

After your initial three month introductory performance review, your performance will be reviewed annually in conjunction with the annual budgeting process. This process will give you and your supervisor the chance to talk about performance and work and career goals.

Your supervisor will review your performance against pre-defined standards and goals, and may ask you to complete a self-appraisal. Your manager will then discuss your performance with you and you will have the opportunity for feedback. The appraisal will become a part of your permanent record, and you may have a copy. Should you wish to write a response to your appraisal, you may do so for inclusion in your file.

Please don't discuss performance problems with your co-workers. Remember that Open Door process is the proper outlet for problem resolution. Discussing problems inappropriately could result in corrective action.

Salary Increases

Within the City, we subscribe to a merit increase philosophy. We believe in paying people at the appropriate rate for the job, consistent with other similar positions in the area, but recognize top performance by increased compensation. Your annual performance will be evaluated, and any increases to be paid will be based on that performance. When increases are recommended, they are based on personal performance, achievement of goals, and the amount of time since your last increase. Annual increases are not guaranteed. Increases are generally awarded in October, consistent with the beginning of the new fiscal year.

Salaries, increases and compensation plans should be kept confidential.

Paydays and Paychecks

Payday is every other Friday, with a one week lag in pay. If payday falls on a holiday, you will be paid on the working day before payday. Your paycheck contains several pieces of information:

- ♦ Federal income tax, mandated by the government. The amount withheld is based on your income and the exemptions you claim on your W-4.

- ◆ TMRS or Social Security and Medicare provide disability, old age and survivors benefits and are based on your income. The amount withheld is matched by the City of Parker.
- ◆ Voluntary deductions, such as insurance.
- ◆ Garnishments: You may be liable for garnishments for bankruptcy, IRS fees, child support payments or liens.

We generally do not provide advances of paychecks or loans.

Overtime Pay

If you are a non-exempt employee, you will receive overtime or compensatory pay for all time worked over 40 hours in a week; however, all overtime must be approved in advance. Should you work up to four hours extra in any given week, you may work with your supervisor to adjust your schedule by that same number of hours on another day in that week, under our Flex-Schedule program. Should you work more than four hours of overtime, you and your supervisor will determine if you will take Compensatory time at one and a half times your regular rate, or be paid overtime. Compensatory time will not accrue beyond 40 hours.

Holidays are considered time worked, but PTO, jury duty, funeral pay and other non-productive work time is not used in the calculation of overtime.

Your supervisor must approve all overtime in advance.

Insurance Programs

The City provides medical, dental and life insurance for all full-time employees effective the first day of the month following your date of hire. For details of coverage, contact City Administrator. Dependent medical and dental insurance is available at your expense.

Retirement Program

The City participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits to eligible employees. A deduction from your gross salary is supplemented by a two-to-one matching contribution by the City. Employees who are eligible to participate in TMRS do not participate in social security. Employees who are in positions that do not normally require at least 1,000 hours of service annually are not eligible to participate in TMRS and are required to participate in social security. All employees participate in the Medicare Program.

Paid Time Off (PTO)

As much as we hope you enjoy being at work, we also think that you value your time away from work.

As an alternative to traditional vacation and sick leave policies, we have a Paid Time Off program that combines vacation and sick leave into one pool of authorized time off for personal needs such as vacation, sick time, family matters and other personal time requirements.

There are two types of paid time off: unscheduled or scheduled. Examples of each are:

- ◆ **Unscheduled PTO** - Your own illness or accidents (not including bereavement leave), or that of a person for whom you care, or other personal matters where you need to be away from work, and could not know about the need in advance.
- ◆ **Scheduled PTO** - vacation, time to attend to personal matters, "mental health" days, appointments, time off to join family or friends at significant events and other sorts of scheduled or pre-planned events, where you know about the need to be out of the office in advance.

PTO accrues on a per pay period basis according the following schedule and may be taken as accrued.

Full-Time Employee Years of Service	PTO Days Eligible
Up to 5 years	15 days (4.61 hours per pay period)
5-10 years	20 days (6.15 hours per pay period)
Over 10 years	25 days (7.69 hours per pay period)

Part-time employees will participate in the PTO program at a pro-rated level, equal to the proportion of hours scheduled.

In using PTO, we ask that you follow these guidelines:

- 1) Please schedule PTO as far in advance when possible. If there is not enough advance notice given to accommodate the work schedule, you may be asked to take alternative days off. (If you take the time anyway, corrective action may occur.) Please work with us so you can get the time off you need, but we can still accomplish our business goals.

- 2) In the event you need to take an unscheduled PTO day, you should contact your supervisor at least one hour prior to your regular start time. If your supervisor is unavailable, leave a voice mail message. If subsequent days of PTO are required, you should contact your manager daily to update your status. If you do not keep in touch with your manager, corrective action may be taken. If you do not show up and don't call for three consecutively scheduled workdays, we will assume that you have resigned and you will be terminated from the City.
- 3) Because we offer a PTO program, we do not typically allow unpaid time off. You need to manage your time out of the office to stay within the limits of your existing PTO balance. Excessive absences beyond your PTO allotment will not allow us to achieve our business goals, and are not acceptable.
- 4) It is important that you take time away from work, to recharge, to get fresh perspectives, and to attend to other aspects of your life. To encourage you to do this, we will cap the amount of time that you may accumulate in your PTO bank. Your balance will reflect the time earned, up to the maximum amount you are eligible to accrue, plus 40 hours. For example; in years 0 up to 5, you may have a maximum of 160 hours in your account. In years 5 through 10, you may have a maximum of 200 hours in your account, and over 10 years a maximum of 240 hours. Your account will not accrue any more than the maximum approved hours; accrual will start again once you take time off and the balance drops below your eligible hours.
- 5) For example, in your second year, you may have no more than 160 hours in your account. Your account will not accrue any more than 160 hours; accrual will start again once you take time off and the balance drops below 160 hours.
- 6) As additional income security, rather than losing PTO hours, you may “bank” additional hours into an “emergency account”. If you reach your maximum PTO accrual, rather than losing the PTO hours that you are not allowed to accrue, the hours will go into your Emergency Account”.

You may use time in your “Emergency Account” for your own medically related absence of 5 days or greater. (For medical absences of 4 days or less, time will be taken from your PTO account.) Once you hit the 5 days or greater, deductions will come from your “Emergency Account” if you have hours available. If no hours are available in that account, PTO will be used if available. If no hours are in either account, time will be unpaid. Days in this account will not be paid out at termination, and may not be borrowed.

- 7) Upon termination, PTO payout is as follows:
 - No payout will occur if you have worked less than one year, unless you are subject to a job elimination
 - If you voluntarily terminate and have greater than one year of service, you will receive 75% of your PTO balance in a cash payment

- If you are subjected to job elimination, you will receive 100% of your PTO balance.
- If the City terminates your employment for reasons other than a job elimination, you will not receive a PTO payout

8) PTO may be taken as accrued. PTO may be taken in half day increments and scheduled PTO should generally not exceed 10 consecutive days.

9) In the case of an illness, a doctor's note may be required, and will be required for absences related to an illness that exceeds 5 days.

10) Available PTO must be used for a medical absence or leave.

Holidays

We observe the following holidays:

- ◆ New Year's Day
- ◆ Good Friday
- ◆ Memorial Day
- ◆ Independence Day
- ◆ Labor Day
- ◆ Thanksgiving Day
- ◆ Day after Thanksgiving Day
- ◆ Christmas Eve
- ◆ Christmas Day
- ◆ Day after Christmas

If the holiday falls on a Saturday, we will close City Hall on Friday; if it is on Sunday, we will observe the holiday on Monday. Please remember, to receive holiday pay you must work your last scheduled day before and your first scheduled day after the holiday, have pre-authorized PTO scheduled, or have a doctor's note validating the use of unscheduled PTO.

If you are a part-time employee, and the holiday falls on a day you work, you will receive pay for that day.

Jury Duty

We know you will receive pay for your jury service, but you'll also receive your regular pay while you are on jury duty, as long as the service is under two weeks. Pay for absences beyond two weeks will be handled on a case by case basis. Please provide your supervisor with your summons before you go to jury duty, and stay in daily contact for the duration of the service.

Bereavement Leave

Losses are an unfortunate part of life, and we understand how painful they can be. In the event you experience a loss of family member. Family members are considered to be a spouse, child, parent, brother, sister, grandparent, grandchild, spouse's parents and step-relationships of the preceding family members.

We will work to accommodate your needs. The City of Parker will pay up to three days bereavement leave, and additional time needed may be applied from your PTO account.

Military Duty

If you are a member of the military reserves, you will be paid for up to three weeks per fiscal year to meet your annual obligation. If your reserve unit is called to active duty, your leave will be for the length of that active duty, but will be unpaid beyond the three week annual leave. While on leave, you may use your available PTO. While you are on military leave, your benefits will continue for up to 24 months. (You will continue to be responsible for your portion of the premium for leaves of 30 days or less, and for longer leaves, you will be responsible for the entire premium.) Pay and benefits return to normal when you return to work within 10 days of release from active duty, or as agreed to with your supervisor. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military.

Your Professional and Career Development

We want you to grow and expand your professional capabilities while working at the City of Parker - not only for your own satisfaction, but for the benefits you will bring to your job. Because of this, we recognize and encourage professional development opportunities for you.

Job Notification System

We believe that you need to know what is going on in the business at the City of Parker. One way to do this is to be aware of job openings within the organization; not only for you, but for people you may know who would like to work here. In general, openings will be posted on bulletin boards at City Hall and on the City website.

If you are interested in a position, please notify your supervisor. You will be interviewed if you meet the following requirements:

- ◆ You have the qualifications required for the position
- ◆ Your current work assignment allows your release
- ◆ You have been in your current position for at least 6 months
- ◆ You have no current corrective action
- ◆ Your current performance should be meeting standards

If you know of someone who might be interested, please ask them to submit their resume to the City Administrator.

Tuition Reimbursement

If you work full-time for the City of Parker, and have been employed for at least one year, you are eligible for tuition reimbursement for one course per semester/quarter. Coursework must be pre-approved, job related, be done at an accredited institution and should not interfere with your employment. Reimbursement will be made up to a maximum of \$3,000 per year and covers registration fees, tuition, books, required materials and lab fees based on your grade for the course. If you complete the course with a grade of "C" or better, or "pass" in a "pass/fail" course, you will be reimbursed at 100%.

All educational assistance requests must have written approval of the City Administrator prior to the beginning of the class. Receipts and grade reports are necessary for reimbursement, and reimbursement is contingent upon Council approval of a budget for Tuition Reimbursement, annually.

The cost of some professional certification exams may be paid "up front" by the City of Parker and should be discussed with your supervisor prior to the exam.

We hope that this handbook has been useful and provides you with the information or resources you will need during your career at the City of Parker. Again, welcome to the City of Parker. We are glad that you have chosen us. Best of luck in your career at the City of Parker.

Addendum's & Acknowledgements

Handbook Acknowledgment

I have read the City of Parker Handbook. I understand that it is a general guide to the current policies of the City of Parker and that these policies may change from time to time with or without notice. I further understand that the City of Parker requires flexibility in administration of policies; therefore the policies stated in the handbook may not always apply. I understand that I am expected to follow all guidelines set forth, and I agree to do so. I further understand that I am an employee at-will, which means that I may be terminated by the City of Parker, or I may leave of my own choice at any time, for any reason, with or without cause or notice. I understand nothing contained in this handbook modifies, changes or varies the at-will nature of my employment with the City of Parker, or creates a contract of employment for a specified period of time. I agree to adhere to the Standards of Conduct.

Signature of Employee

Date

Employee's Name (printed)

Date

PLEASE SIGN THIS FORM AND RETURN TO YOUR MANAGER WITHIN ONE WEEK OF YOUR DATE OF HIRE.



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	December 30, 2024
Exhibits:	<u>None</u>	

AGENDA SUBJECT

NOISE COMMITTEE - WEDNESDAY, JANUARY 8, 2025, 2 PM

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JANUARY 8, 2025, 5 PM

COMP PLAN REVIEW –JOINT CC/P&Z - THURSDAY, JANUARY 9, 2025, 5:30 PM

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/02/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ xx /2025



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Secretary
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey
Estimated Cost:	Date Prepared:	December 30, 2024
Exhibits:	<u>Proposed Minutes</u>	

AGENDA SUBJECT

APPROVAL OF MEETING MINUTES FOR DECEMBER 17, 2024. [REGULAR MEETING]

SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at PGrey@parkertexas.us prior to the City Council meeting.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/02/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ xx /2025



MINUTES
CITY COUNCIL MEETING
DECEMBER 17, 2024

CALL TO ORDER – Roll Call and Determination of a Quorum

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

Mayor Lee Pettle called the meeting to order at 5:30 p.m. Mayor Pro Tem Jim Reed and Councilmembers Randy Kercho, Amanda Noe, and Buddy Pilgrim were present. Councilmember Todd Fecht was absent.

Staff Present: Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage, Interim City Attorney Catherine Clifton, Public Works Director Gary Machado, Assistant Fire Chief Jeff Kendrick (arrived @ 6:42 p.m.), and Police Chief Kenneth Price (arrived @ 6:08 p.m.)

WORKSHOP (5:30 – 7:00 PM)**1. PROPOSED PERSONNEL POLICY MANUAL**

[Proposed Personnel Policy Manual](#) (pages 5 – 60)

[Res. No. 2009254 \(Employee Handbook\)](#) (pages 61 – 91)

City Council, Interim City Attorney Clifton, Finance/HR Director Savage and other City Staff discussed the Proposed Personnel Policy Manual hyperlinked above.

Additional discussion is planned to continue at the next regularly scheduled City Council meeting, January 7, 2025 at 5:00 p.m.

Mayor Pettle adjourned the workshop at 6:58 p.m.

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 Lee Pettle called the meeting to order at 7:10 p.m. Mayor Pro Tem Jim Reed and Councilmembers Randy Kercho, Amanda Noe, and Buddy Pilgrim were present. Councilmember Todd Fecht was absent.

Staff Present: Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage, Interim City Attorney Catherine Clifton, Public Works Director Gary Machado, Assistant Fire Chief Jeff Kendrick, and Police Chief Kenneth Price

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Councilmember Kercho led the pledge.

TEXAS PLEDGE: Councilmember Noe led the pledge.

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

No comments

ITEMS OF COMMUNITY INTEREST

Mayor Pettle reviewed the upcoming Community Interest items below:

2. CITY OFFICES CLOSED – CHRISTMAS EVE, CHRISTMAS DAY, AND DAY AFTER CHRISTMAS [DECEMBER 24, 25, & 26, 2024]

CITY OFFICES CLOSED – NEW YEAR'S DAY [JANUARY 1, 2025]

REMINDER - CITY COUNCIL (CC) – TUESDAY, JANUARY 7, 2025

NOISE COMMITTEE - WEDNESDAY, JANUARY 8, 2025, 2 PM

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, JANUARY 8, 2025, 5 PM

Mayor Pettle also asked that any resident interested in one of the city boards or commissions, e.g., Planning and Zoning (P&R) Commission, Zoning Board of Adjustment (ZBA), and/or Parks and Recreation (P&R) Commission, please complete an application either by stopping by City Hall or downloading a copy from the city's website at [Board or Commission Application](#) and submit it to the City Secretary.

INDIVIDUAL CONSIDERATION ITEMS

3. APPROVAL OF MEETING MINUTES FOR DECEMBER 3, 2024. [REGULAR MEETING]

MOTION: Councilmember Kercho moved to approve the December 3, 2024 City Council meeting minutes as presented. Mayor Pro Tem Reed seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

4. CONSIDERATION, DISCUSSION, AND/OR APPROPRIATE ACTION ON RESOLUTION NO 2024-816 REGARDING APPROVAL OF THE 2024-2025 INVESTMENT POLICY. [Rescheduled from 2024 1112]

Finance/Human Resources Director Savage reviewed the information provided in the packet as follows:

“Section 2256.005, Texas Government Code requires the City Council review the investment policies and investment strategies not less than annually and to adopt a resolution or order stating the review has been completed and record any changes made. The investment policy was last reviewed by City Council on November 14, 2023.” Mr. Savage said there were no changes.

MOTION: Councilmember Noe moved to approve Resolution No 2024-816 regarding approval of the 2024-2025 Investment Policy. Councilmember Kercho seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

City Council thanked Mr. Savage and said, “Great Job!”.

5. CONSIDERATION AND/OR ANY OTHER ACTION ON THE "WATER CCN TRANSFER PAYMENT AGREEMENT" BETWEEN THE CITY OF PARKER, TEXAS, AND INTEGRITY COMPANIES, LLC., RELATING TO THE TRANSFER OF PROPERTY FROM CITY OF PARKER'S CCN TO THE CITY OF WYLIE'S CCN. [ORDINANCE NO. 881] [Postponed from 2024 1119 and 2024 1203]

MOTION: Councilmember Pilgrim moved to postpone Ordinance No. 881, regarding the "Water CCN Transfer Payment Agreement" between the City of Parker, Texas, and Integrity Companies, LLC., relating to the transfer of property from City of Parker's CCN to the City of Wylie's CCN to the January 7, 2025 City Council meeting, and directed City Staff to bring any available information regarding the Wylie development to that meeting. Councilmember Noe seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

6. CONSIDERATION AND/OR ANY OTHER ACTION ON THE AGREEMENT BETWEEN THE CITY OF WYLIE AND THE CITY OF PARKER," BETWEEN THE CITY OF PARKER AND THE CITY OF WYLIE RELATING TO THE TRANSFER OF APPROXIMATELY 48 ACRES LOCATED IN THE CITY OF WYLIE FROM PARKER'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY ("CCN") TO WYLIE'S WATER CCN. [ORDINANCE NO. 882] [Postponed from 2024 1119 and 2024 1203]

MOTION: Mayor Pro Tem Reed moved to postpone Ordinance No. 882, regarding the agreement between the City of Wylie and the City of Parker," between the City of Parker and the City of Wylie relating to the transfer of approximately 48 acres located in the City of Wylie from Parker's Water Certificate of Convenience and Necessity ("CCN") to Wylie's Water CCN to the January 7, 2025 City Council meeting, and directed City Staff to bring any available information regarding the Wylie development and/or developer issues to that meeting. Councilmember Noe seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 886 APPOINTING A DEPUTY CITY SECRETARY WITH THE POWERS AND DUTIES TO ASSIST WITH SAID OFFICE AND TO SERVE IN THE ABSENCE OF THE CITY SECRETARY.

MOTION: Mayor Pro Tem Reed moved to postpone Ordinance No. 886 appointing a Deputy City Secretary with the powers and duties to assist with said office and to serve in the absence of the City Secretary to the January 7, 2025 City Council meeting for additional information. Councilmember Pilgrim seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

8. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-823 MAKING APPOINTMENTS TO THE PLANNING AND ZONING (P&Z) COMMISSION.

Councilmember Kercho thanked the current Planning and Zoning (P&Z) Commission for their long service and said it was appreciated. Council agreed.

City Council reviewed the attendance information provided in the tonight's packet.

MOTION: Councilmember Kercho moved to reappoint Joe Lozano to the Place Two (2) voting position, term expiring 2026. Mayor Pro Tem Reed seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

MOTION: Councilmember Noe moved to appoint Alternate two (2) Lucy Estabrook to Place Four (4) voting position, term expiring 2026, removing Dave Leamy. Mayor Pro Tem Reed seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

MOTION: Councilmember Noe moved to appoint Alternate Three (3) Lynnette Ammar to Place Five (5) voting position, term expiring 2025, moving Jasmat Sutaria to the Alternate Two (2) position, term expiring 2025. Mayor Pro Tem Reed seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

Mayor Pro Tem Reed moved to appoint Rajiv Gaind to the Alternate Three (3) position, term expiring 2025. Councilmember Kercho seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

After the above changes, a listing of the updated P&Z Commission is as follows on the city's website at <https://www.parkertexas.us/144/Planning-Zoning-Commission> :

Member	Position	Term Expires
Russell Wright	Place One; Chairperson	November 2025
Joe Lozano	Place Two; Vice Chairperson	November 2026
Wei Wei Jeang	Place Three; Secretary	November 2025
Lucy Estabrook	Place Four; Voting	November 2026
Lynnette Ammar	Place Five; Voting	November 2025
Larkin Crutcher	Alternate One	November 2025
Jasmat Sutaria	Alternate Two	November 2025
Rajiv Gaind	Alternate Three	November 2025

9. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2024-826 FOR NEWSLETTER COMMITTEE APPOINTMENT.

Councilmember Noe volunteered for the vacant councilmember position on the Newsletter Committee.

MOTION: Councilmember Noe moved to approve Resolution No. 2024-826 for Newsletter Committee appointment, inserting her name for the vacant councilmember position. Mayor Pro Tem Reed seconded with Councilmembers Kercho, Noe, Pilgrim, and Reed voting for the motion. Motion carried 4-0.

ROUTINE ITEMS**10. UPDATE(S):****PROJECTS IN PROGRESS****FM2551**

Public Works Director Gary Machado said Texas Department of Transportation (TxDOT) has switched traffic from one side of road to the other. Construction is continuing. Mr. Machado said he would provide further updates when information is made available.

NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD)

Mayor Pettle stated the NTMWD contract is scheduled for review and possible approval this Thursday, December 19, 2024. The NTMWD Board meeting should be live streamed at 2:30 p.m.

COMP PLAN

The Comprehensive (COMP) Plan has been sent to City Council with comments from the Planning and Zoning (P&Z) Commission, and a joint workshop with City Council and P&Z Commission is scheduled for January 9, 2025, 5:30 p.m.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

Councilmember Pilgrim reported no changes or updates tonight.

ENGINEERING REQUEST FOR QUALIFICATIONS (RFQs)

Councilmember Noe said a meeting is being scheduled for after the holidays.

NOISE COMMITTEE

It was noted the next meeting is set for January 8, 2025 at 2:00 p.m. at City Hall and it is open to the public.

LEWIS LANE

Mayor Pettle advised City Council that the City of Lucas is requesting additional information on Lewis Lane, and she will direct staff to get the necessary information to the City of Lucas as soon as possible.

City Council requested a staff presentation on the Lewis Lane road project.

CHAPARRAL INTERSECTION WITH ALLEN HEIGHTS

Mayor Pettle stated that she along with Public Works Director Machado, Police Chief Price, Mayor Pro Tem Reed and City Engineer Kerkhoff met with the City of Allen's engineer Chris Flanigan and Traffic engineer to discuss possible solutions to the Chaparral/Allen Heights intersection. They discussed roundabouts, right turn lane(s), speed limits, stop signs, blinking red lights, etc. The group decided to try a four way stop at the intersection and change the speed limits. Details for the project are being discussed and determined at this time.

MONTHLY/QUARTERLY REPORTS

City Council accepted the reports hyperlinked below:

[November 2024 - Building Permit/Code Report](#)

[November 2024 – Court Report](#)

[September - November 2024 - Finance \(monthly financials\) Report](#)

[Fire 3rd Qtr. Report 2024](#)

[November 2024 – Republic Services Inc., dba Allied Waste Services of Plano](#)

DONATION(S)

11. ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])

Harvest Oaks Baptist Church, Allen, Texas, donated Gatorade valued at \$40 to the Police Department.

Hal Camp donated peanut brittle valued at \$30 to the Police Department.

Mayor Pettle, on behalf of herself, City Council, and City Staff, thanked the donors for their kind and generous donation.

FUTURE AGENDA ITEMS

12. FUTURE AGENDA ITEMS

Mayor Pettle asked if there were any items to be added to the future agenda, noting City Council would be continuing the workshops on the proposed Personnel Manual.

Hearing no additional requests, Mayor Pettle encouraged everyone to email her any requests. She noted the next regularly scheduled meeting would be Tuesday, January 7, 2025.

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

RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter (Open Meetings Act).

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, or duties of City Administrator.

Government Code Section 551.074 Personnel— To deliberate the appointment, employment, evaluation, reassignment, or duties of City Attorney.

Mayor Lee Pettle recessed the regular meeting to Executive Session at 8:42 p.m.

RECONVENE REGULAR MEETING.

Mayor Lee Pettle reconvened the meeting at 10:21 p.m.

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

No action was taken.

ADJOURN

Mayor Pettle adjourned the meeting at 10:22 p.m.

APPROVED:

Mayor Lee Pettle

Approved on the 7th day
of January, 2025.

Patti Scott Grey, City Secretary

PROPOSED



Council Agenda Item

Budget Account Code:	Meeting Date:
Budgeted Amount:	Department/ Requestor: Council
Fund Balance-before expenditure:	Prepared by: Catherine Clifton
Estimated Cost:	Date Prepared: January 3, 2025
Exhibits:	<ol style="list-style-type: none"> 1. Proposed Ordinance 2. Executed First Amended Contract with NTMWD

AGENDA SUBJECT

CONSIDERATION AND/OR ANY OTHER ACTION ON AN ORDINANCE ENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION. [ORDINANCE NO. 888]

SUMMARY

The City and NTMWD have entered an agreement for the provision of water to the City's second take point. While the connection must still be physically made, it is anticipated that construction will take less than 45 days once started. Staff has indicated that the moratorium will no longer be necessary if the connection is made before summer.

POSSIBLE ACTION

City Council may approve or deny the proposed ordinance or direct staff to take other appropriate action.

Inter - Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/03/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/03/2025 via Municode
Mayor	<i>Lee Pettie</i>	Date:	xx/xx/2024

ORDINANCE NO. 888**(Extension of Temporary Moratorium on Acceptance of Development Applications)****AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ENDING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, AND CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION; PROVIDING FOR SEVERABILITY, REPEALER, ENFORCEMENT, PROPER NOTICE AND MEETING, AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Texas (the “City Council”), as a duly elected legislative body, found that it was facing significant historic and contemporary land use challenges that existing regulations and infrastructure were not designed to address; and

WHEREAS, the City Council determined that it was in the best interest of the City and its citizens to enact and extend a moratorium in order to temporarily suspend the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction on real property in the City Limits and extraterritorial jurisdiction (“ETJ”); and

WHEREAS, Texas Local Government Code Section 51.001 provides the City general authority to adopt an Ordinance or police regulations that are for the good government, peace, or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, Texas Local Government Code Chapters 211, 212, 213, 214, and 217 grant the City certain regulation authority concerning construction, land use, nuisances, structures, and development-related activities; and

WHEREAS, the City seeks to ensure that impending and future development is conducted in a fiscally sustainable and environmentally responsible manner; and

WHEREAS, the City limits and ETJ are comprised of a combination of topographical, ecological, and other features that create significant development challenges; and

WHEREAS, as codified in Texas Water Code Chapter 552, Subchapter A, the Legislature of the State of Texas granted municipalities the authority to own and operate “utility systems,” which include water systems designed to provide domestic consumption of water; and

WHEREAS, Texas Water Code Section 552.015 grants Type A general-law municipalities the authority to provide for municipal water supply systems; and

WHEREAS, the City determined that it was necessary to the health, safety, and welfare of the people in the City limits and ETJ to encourage and promote the development and use of the City’s water utility and supply systems to serve the water provision needs of the citizens in the City limits and ETJ to prevent failure of water supply within the system; and

WHEREAS, the City has entered into an amendatory contract with the North Texas Municipal Water District providing for a supply of water to a second take point in the City of Parker; and

WHEREAS, City staff expects the connection for the second take point can be completed in approximately forty-five days once construction is started; and

WHEREAS, the water supply provided through the second take point should be sufficient for the City's needs for the foreseeable future; and

WHEREAS, in recognition of the importance of development permits and/or approvals to the community, the City implemented the moratorium for a stated and fixed time period, and to include a waiver provision in accordance with Texas Local Government Code Chapter 212, Subchapter E; and

WHEREAS, all notices and hearings, including a hearing by the Planning & Zoning Commission, were published, and held in accordance with applicable statutes, law, and regulations and a temporary moratorium was originally adopted on March 11, 2022, for a period of 90 days; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on June 7, 2022, for an additional 90 days following the original term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at City Council and City Council approved an extension on September 6, 2022, for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at the City Council and City Council approved an extension on December 6, 2022, for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at the City Council and City Council approved an extension on March 7, 2023, for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing at the City Council and City Council approved an extension on May 23, 2023, for an additional 90 days following that then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for August 15, 2023, at the City Council and City Council approved an extension on August 15, 2023, for an additional 90 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for November 14, 2023, at the City Council and the City Council approved an extension on November 14, 2023, for an additional 120 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for March 19, 2024, at the City Council and the City Council approved an extension on March 19, 2024, for an additional 120 days following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for July 16, 2024, at the City Council for City Council's consideration of a 120-day extension following the then-current term; and

WHEREAS, the notice for the possible extension of the temporary moratorium was published in the newspaper for a public hearing set for November 19, 2024, at the City Council for City Council's consideration of a 120-day extension following the then-current term; and

WHEREAS, based on the updated findings contained herein and information provided by City staff, the City Council has determined that the existing moratorium is no longer necessitated by the current circumstances.

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

Section 1. The recitals contained in the preamble of this ordinance are incorporated into the body of this Ordinance as if set out fully herein as legislative findings of fact.

Section 2. The City of Parker hereby ends the temporary moratorium enacted initially on March 11, 2022 and extended through March 26, 2025, on the acceptance and processing of certain applications and issuance of particular permits and other forms of municipal authorizations related to specific construction and land development activities.

Section 3. In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance shall control.

Section 4. If any article, paragraph, sentence, 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 invalid, illegal, or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

Section 5. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. This Ordinance shall be effective upon its approved execution.

**READ, PASSED, AND APPROVED BY THE CITY COUNCIL OF PARKER,
COLLIN COUNTY, TEXAS, THIS 7TH DAY OF JANUARY, 2025.**

Lee Pettle, Mayor

ATTEST:

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:

Catherine Clifton, Interim City Attorney

Proposed

**FIRST AMENDMENT TO
NORTH TEXAS MUNICIPAL WATER DISTRICT**

CITY OF PARKER
POTABLE WATER SUPPLY AMENDATORY CONTRACT

THE STATE OF TEXAS §
THE COUNTY OF COLLIN §

THIS FIRST AMENDMENT TO NORTH TEXAS MUNICIPAL WATER DISTRICT - CITY OF PARKER
POTABLE WATER SUPPLY AMENDATORY CONTRACT (the "First Amendment") made and entered into as
of this the 19th day of December, 2024, by and between the North Texas Municipal Water District,
hereinafter called "NTMWD," a conservation and reclamation district created under Article 16, Section 59, of the
Texas Constitution, and the City of Parker, hereinafter called "Parker" or "Customer." NTMWD and Customer are
each referred to herein as "party" and jointly referred to as "parties" in this Contract.

WITNESSETH:

WHEREAS, NTMWD and Customer are authorized to enter into this First Amendment pursuant to Chapter 62, Acts of the 52nd Legislature, 1951 (Article 8280-141, Vernon's Texas Civil Statutes), Chapter 791 of the Texas Government Code (the "Interlocal Cooperation Act") and other applicable laws;

WHEREAS, Customer and NTMWD previously entered into that certain Potable Water Supply Amendatory Contract dated March 28, 2002, (the "Contract");

WHEREAS, Customer has requested a new point of delivery and an amendment to the Contract with NTMWD pursuant to Section 10 of the Contract;

WHEREAS, Customer's request impacts the availability of capacity in NTMWD's water transmission line beyond Customer's original point of delivery;

WHEREAS current NTMWD policy addresses that impact by requiring Customer to pay the replacement cost of the reduced capacity of the NTMWD water transmission line between the original and new points of delivery through application of a higher calculated annual minimum over six years ("Policy 8");

WHEREAS, NTMWD intends to commence a detailed review of Policy 8 to determine whether changes are appropriate so that implementation of Policy 8 to Customer's new delivery point will be postponed until such review is complete;

WHEREAS water conservation measures have been updated since the time of the original Contract;

WHEREAS, Customer and NTMWD intend for this First Amendment and the Contract to be collectively referred to as the Contract, as modified herein;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, NTMWD and Customer agree as hereinafter set forth, to wit:

Section 1. RECITALS, DEFINITIONS. The recitals contained in the preamble hereof and the exhibit(s) hereto are hereby found to be true, and such recitals and exhibit(s) are hereby made a part of this Contract for all purposes. Defined terms herein are those as defined in the recitals above and in the Contract.

Section 2. PURPOSE. All portions of the Contract not herein amended shall remain in full force and effect.

Section 3. SECTION 5 OF THE CONTRACT (POINT OF DELIVERY NO. 2). Section 5 of the Contract is hereby amended to revise the description of the Points of Delivery as follows:

“Section 5. POINT(S) OF DELIVERY. A description and the location of the Point(s) of Delivery for the Customer are as follows:

“Point of Delivery No. 1: is generally located on NTMWD Wylie-McKinney twenty-inch (20") pipeline near the intersection of FM 2514 and FM 1378 and consists of an 8" meter and a 10" tap. The location of Point of Delivery No. 1 is shown on the attached Exhibit A1.

“Point of Delivery No. 2: is generally located on NTMWD eighty-four-inch (84") Allen/Plano/Frisco/McKinney Pipeline near FM 2551 and Parker Road and shall consist of a 16" meter and a 16" tap. The location of Point of Delivery No. 2 is shown on the attached Exhibit A2.

“Exhibits A1 and A2 attached hereto identify the locations of the Point(s) of Delivery. Customer shall construct, maintain, and operate, at its own cost and expense, all facilities and equipment necessary to receive and take all treated water delivered to it under this Contract. All facilities and equipment must be inspected and approved by NTMWD and any construction from the NTMWD pipelines through the air gap connection must meet standard specifications of NTMWD. In order to change the size of meters, or size of the tap, the Contract shall be amended as set forth in Section 10, Modification. Parker and NTMWD agree that the facilities currently constructed to connect to the two delivery points on the date of the approval of the First Amendment meet all NTMWD standards and specifications.”

Section 3. SECTION 8 OF THE CONTRACT (ANNUAL MINIMUM FOR POINT OF DELIVERY NO. 2). Section 8 of the Contract is hereby amended to add the following new subparagraph (d):

“(d) Subject to the provisions of Section 19 as set forth below, Customer agrees that Customer will take or pay for 228,224,000 gallons of water (a daily average of 625,271 gallons per day) for Point of Delivery No. 2 over the Annual Payment Period, regardless of whether said quantity is actually taken by Customer in accordance with the same provisions of the Contract as have been applicable to Point of Delivery No. 1. Such annual minimum amount may be prorated to reflect commencement of service during an initial Annual Payment Period of less than 12 months.

Section 4. SECTION 18 OF THE CONTRACT (WATER CONSERVATION). Section 18 of the Contract is hereby replaced to read as follows:

“Section 18. WATER CONSERVATION. Customer acknowledges that as a regional wholesale supplier, NTMWD is subject to regulatory and legal requirements regarding the promotion of water conservation and drought contingency planning for the System that allow it to make a water supply available to Customer. NTMWD’s water conservation and drought contingency program is developed in adherence with TCEQ public participation requirements and in consultation with other area regional providers to promote consistency throughout the North Texas region. Customer agrees to adopt, implement, and enforce any and all ordinances and policies related to water

conservation and drought management as required by the Texas Water Code, the rules of the TCEQ and any ordinance or policy related to water conservation and/or drought management proposed by the Board of Directors of NTMWD consistent with the above-described regional planning effort. NTMWD's obligations pursuant to this Contract shall be subject to Customer preparing and implementing a water conservation plan or water conservation measures, as well as implementing any water conservation plans and drought contingency plans adopted by NTMWD and required or approved by the TCEQ, the Board, or any other federal, state, or local regulatory authority with power to require or approve water conservation and drought contingency plans. Upon execution of this Contract, Customer shall submit its water conservation plan or water conservation measures, and drought contingency plan, to NTMWD for review and approval, and Customer agrees to amend its water conservation plan or water conservation measures, and drought contingency plan as requested by NTMWD to comply with requirements of NTMWD's water conservation plan and drought contingency plan, program and/or rules as described in this Section. Customer shall also submit any changes or amendments to its water conservation plan or water conservation measures, and drought contingency plan, to NTMWD for review and approval.

NTMWD has adopted a water conservation plan and a drought contingency plan and may amend both from time to time. If Customer fails to implement NTMWD's and its own drought contingency plan when trigger conditions occur, NTMWD may implement rationing and collect the rate for water withdrawn, as well as enforce any contractual, statutory, or common law remedies available. The amount of water that is provided pursuant to this Contract when Customer is not in compliance with NTMWD's water conservation plan and drought contingency plan will be reduced to the amount estimated as necessary to satisfy Customer's demand if Customer was operating in compliance with both NTMWD's and Customer's drought contingency plans.

If NTMWD authorizes Customer to resell water from the System pursuant to the conditions included herein, Customer shall require through a contract condition that any successive user(s) of water from the System must implement water conservation measures that comply with NTMWD's and Customer's water conservation plans, measures, programs, and/or rules.

Section 5. SECTION 19 OF THE CONTRACT (SPECIAL CONDITIONS-POLICY 8). Section 19 of the Contract is amended to add a new subparagraph (d) and (e) items (i)-(vi) as follows:

"(d) Notwithstanding the provisions of Section 8 above, Customer shall have no Annual Minimum requirement and will only pay for water used at Point of Delivery No. 2 for the period of time commencing on the Effective Date to the three-year anniversary of the Effective Date. NTMWD shall invoice Customer monthly for water used at Point of Delivery No. 2 during such three-year period.

(e) This subparagraph Section 19 (e) (i)-(vi) shall be effective for the Annual Payment Period commencing after the three-year anniversary of the Effective Date of the First Amendment. Customer acknowledges and agrees that its request for Point of Delivery No. 2 impacts the availability of capacity in NTMWD's water transmission main for which Customer should provide compensation to the System. To this end, NTMWD shall apply a six-year phase-in of an annual minimum for Point of Delivery No. 2 as stated in Section 8 above in accordance with NTMWD's standard policy for "Additional Delivery Points and Transmission Line Extensions," (Policy 8) in return for NTMWD's commitment to provide this additional water service as follows:

- (i) The capital component of the Member City Rate is calculated for the current fiscal year and divided into the cost of replacement capacity in the pipeline associated with Point of Delivery No. 2 (\$6,070,000), to determine the annual six year minimum necessary to provide for the annual debt service cost for the project, as shown in (iii), below.
- (ii) For that fractional part of the fiscal year in which this subparagraph Section 19 (e) (i)-(vi) goes into effect, the amount of the minimum shall be determined as the fractional part of the fiscal year remaining is to the first year's annual minimum.

(iii) Notwithstanding provisions in Section 8 to the contrary, the annual minimum amount for Point of Delivery No. 2 will be phased-in over the first six (6) years NTMWD delivers water to Point of Delivery No. 2 after the expiration of the three-year period described in (d). The schedule identified in Figure 1, below, shall be the actual six-year minimums applicable to each year:

Figure 1: Schedule of Six-Year Minimums

YEAR	GALLONS
First	57,061,000
Second	91,297,600
Third	125,534,200
Fourth	159,770,800
Fifth	194,007,400
Sixth	228,224,000

(iv) After the sixth year minimum has been reached, the minimum for Point of Delivery No. 2 shall be increased in accordance with the then policy of the Board for all minimums.

(v) Should NTMWD amend Policy 8 during the three-year period from the Effective Date of the First Amendment prior to its application to Customer in a manner that results in lower charges to Customer, NTMWD shall apply the amended Policy 8 to Customer's Point of Delivery No. 2 in lieu of the provisions of this subparagraph (e).

(vi) Customer agrees to pay the same rate as described in Section 8 each year for all water purchased through Point of Delivery No. 2 until the sixth year annual minimum is achieved without the benefit of excess water sales, through the new delivery point, until the consumption at the new delivery point is in excess of the sixth year minimum. The minimum for each year during the six-year period shall be in accordance with the schedule provided above, except that in any year that the Customer exceeds the next projected year's minimum, the higher of the two shall be the new minimum. Customer agrees that the purpose of the annual minimum for Point of Delivery No. 2 is to provide consideration for the reduced capacity in NTMWD's existing pipeline caused by Customer's new delivery point and provide the additional water service requested by Customer.

Section 4. SEVERABILITY. The parties hereto specifically agree that in case any one or more of the sections, subsections, provisions, clauses, or words of this First Amendment or the application of such sections, subsections, provisions, clauses, or words to any situation or circumstance should be, or should be held to be, for any reason, invalid or unconstitutional, under the laws or constitutions of the State of Texas or the United States of America, or in contravention of any such laws or constitutions, such invalidity, unconstitutionality, or contravention shall not affect any other sections, subsections, provisions, clauses, or words of this Contract or the application of such sections, subsections, provisions, clauses, or words to any other situation or circumstance, and it is intended that this Contract shall be severable and shall be construed and applied as if any such invalid or unconstitutional section, subsection, provision, clause, or word had not been included herein, and the rights and obligations of the parties hereto shall be construed and remain in force accordingly.

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this First Amendment to be duly executed in several counterparts, each of which shall constitute an original, all as of the day and year first above written.

(Signatures on following pages.)

CITY OF PARKER

By: Lee Pettle
Lee Pettle, Mayor

12/4/2024

ATTEST:

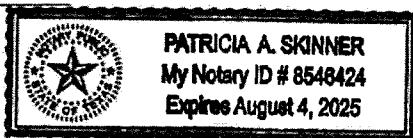
TEST: 
Patti Scott Grey, City Secretary

STATE OF TEXAS §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this 14th day of December, 2024, by Lee Pettle, Mayor, City of Parker, Texas.

Patricia A. Skinner

Notary Public, State of Texas
Printed Name of Notary:



Patricia A. Skinner

My Commission Expires: 8/4/25

NORTH TEXAS MUNICIPAL WATER DISTRICT

By: George Crump
George Crump, President

12/19/24

Date

ATTEST:

By: Donald Imrie
Donald Imrie, Secretary

STATE OF TEXAS §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this 19th day of December, 2024, by George Crump, President of the Board of Directors of North Texas Municipal Water District, a conservation and reclamation district and political subdivision of the State of Texas, on behalf of said conservation and reclamation district.

Notary Public, State of Texas
Printed Name of Notary:

Printed Name of Notary:

Printed Name of Notary: _____

Leann Bumpus

My Commission Expires: 5/18/20

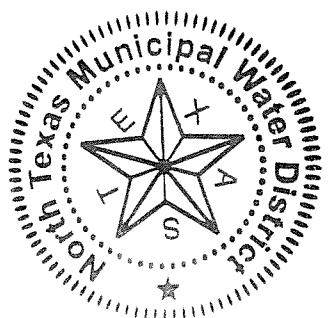
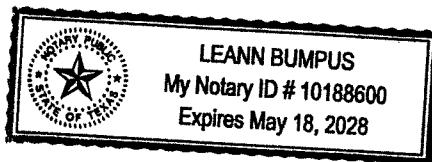
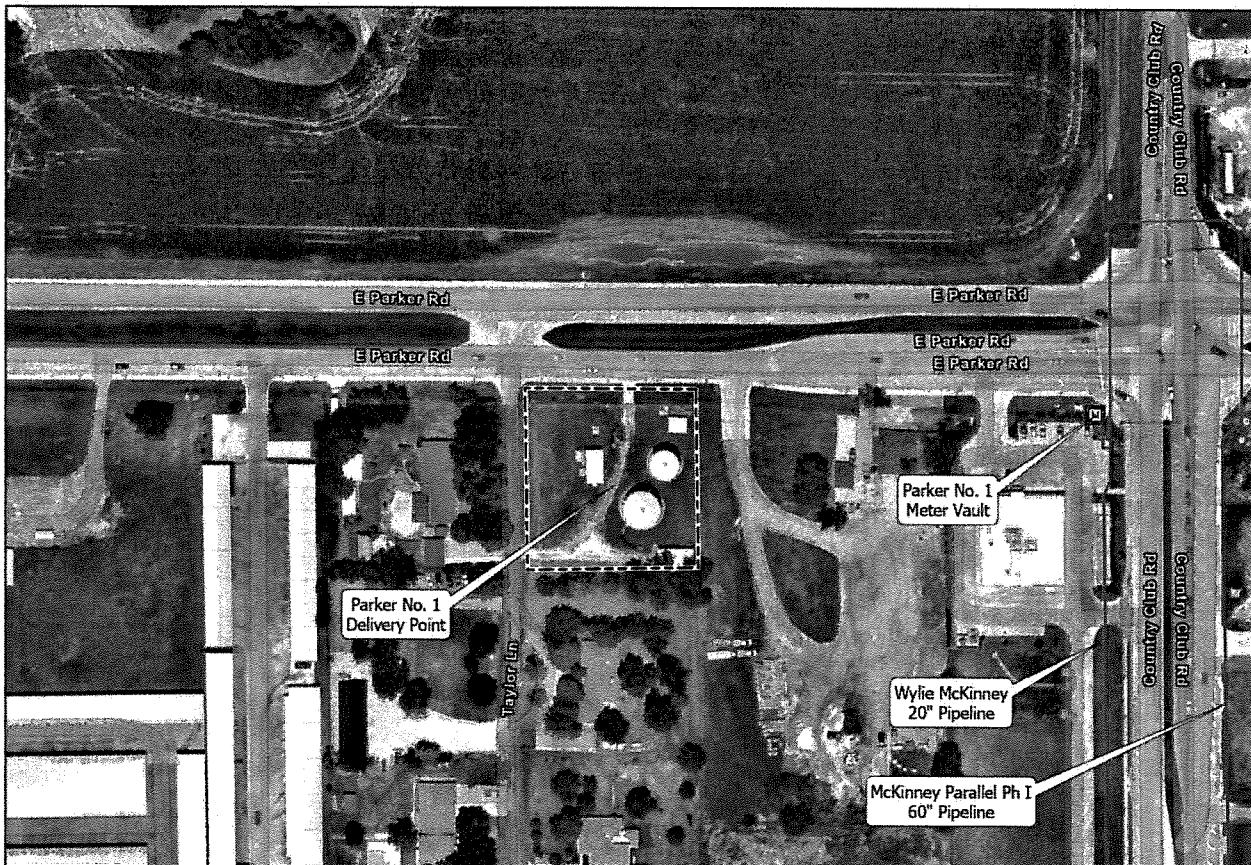


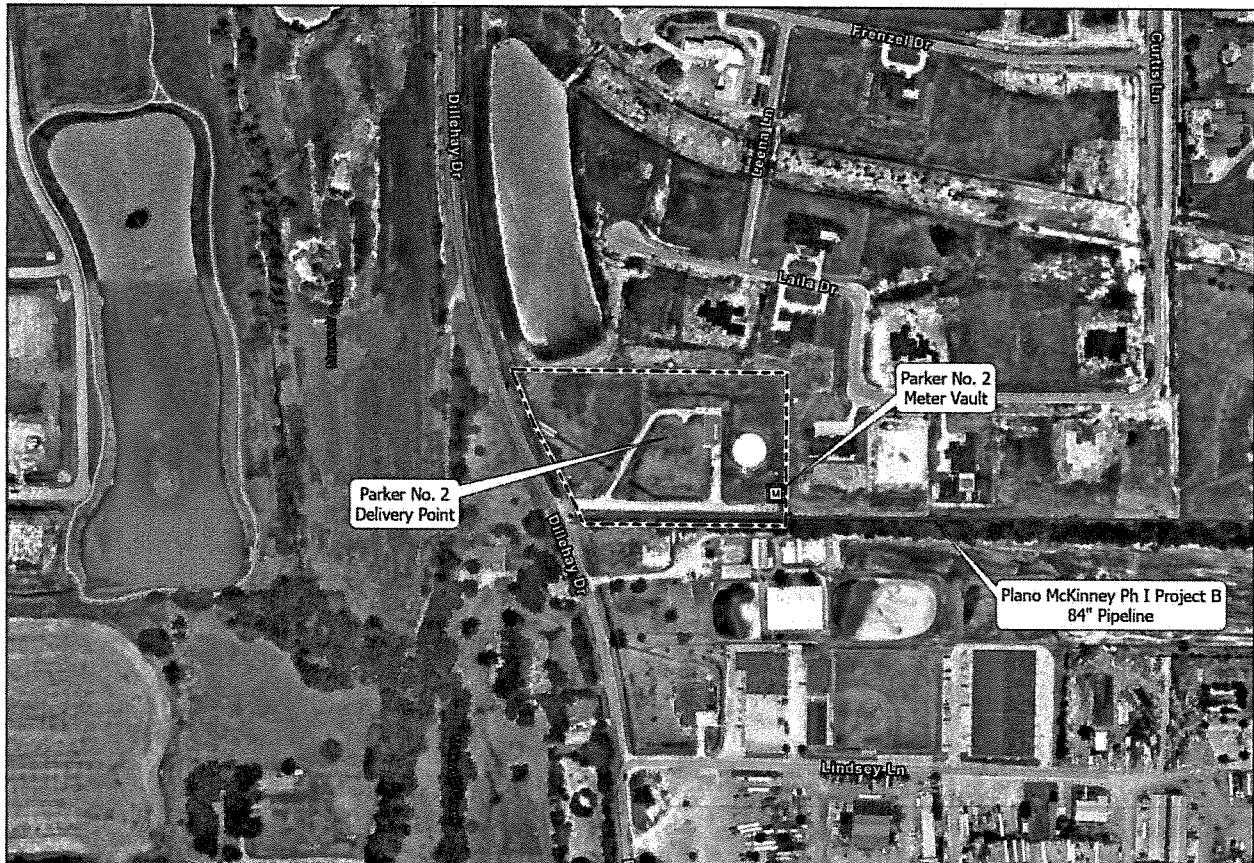
EXHIBIT A1
Location of Points of Delivery No. 1



Parker No. 1 Delivery Point



EXHIBIT A2
Location of Points of Delivery No. 2



Parker No. 2 Delivery Point





Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Interim City Attorney Clifton
Estimated Cost:	Date Prepared:	December 30, 2024
Exhibits:	Proposed Ordinance with Exhibit A (the agreement)	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY OTHER ACTION ON THE WATER CCN TRANSFER PAYMENT AGREEMENT BETWEEN THE CITY OF PARKER, TEXAS, AND INTEGRITY COMPANIES, LLC., RELATING TO THE TRANSFER OF PROPERTY FROM CITY OF PARKER'S CCN TO THE CITY OF WYLIE'S CCN. [ORDINANCE NO. 881] [Postponed from 2024 1119, 2024 1203, and 2024 1217]

SUMMARY

If approved, this agreement would provide for payment of \$15,000 to the City by the developer for expenses related to the transfer of property from its CCN.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/03/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ xx /2025

ORDINANCE NO. 881
(CCN Transfer Payment Agreement)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPROVING A WATER CCN TRANSFER PAYMENT AGREEMENT BETWEEN THE CITY OF PARKER AND INTEGRITY COMPANIES, LLC; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Integrity Companies, LLC. (“Integrity”), owns property that is in the service area of the Parker Certificate of Convenience and Necessity (“CCN”) for water; and

WHEREAS, the same property owned by Integrity is within the city limits of the City of Wylie; and

WHEREAS, the property owned by Integrity does not currently have water facilities or service provided by the City of Parker; and

WHEREAS, Integrity has requested that its property be transferred from the Parker Certificate of Convenience and Necessity to the City of Wylie; and

WHEREAS, Integrity understands the costs to the City of Parker for transferring a portion of its CCN.

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

Section 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference.

Section 2. The Water CCN Transfer Payment Agreement between the City of Parker and Integrity attached hereto as Exhibit A is hereby approved.

Section 3. The Mayor, or her designee, is hereby authorized to execute the approved Water CCN Transfer Payment Agreement.

Section 4. 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 5. This Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS, THIS THE 7th DAY OF JANUARY, 2025.

APPROVED:

Mayor Lee Pettle

ATTEST:

City Secretary Patti Scott Grey

APPROVED TO FORM:

Interim City Attorney Catherine Clifton

WATER CCN TRANSFER PAYMENT AGREEMENT

INTEGRITY COMPANIES, LLC

AND

CITY OF PARKER, TEXAS

This Water CCN Payment Agreement (“Agreement”) is entered into by and between Integrity Companies, LLC (the “Developer”) and the City of Parker, Texas (the “City of Parker”), each of whom agree to be bound by this Agreement (each individually, a “Party,” and collectively, the “Parties”), to be effective on the date of the last signatory herein below (“Effective Date”).

WHEREAS, Developer or an affiliate of Developer owns a certain approximately 48-acre tract of land within the northeastern corporate limits of the City of Wylie, Texas, and immediately east of the corporate limits of the City of Parker, identified by the Collin Central Appraisal District as Property ID: 2121734 and as depicted on **Attachment “A”** attached hereto and incorporated by reference (the “Development Property”); and

WHEREAS, the City of Parker is the holder of water certificate of convenience and necessity (“CCN”) No. 10207; and

WHEREAS, the City of Wylie is the holder of water CCN No. 10186, which is adjacent to and east and southeast of the City of Parker’s water CCN No. 10207;

WHEREAS, although the Development Property is located entirely within the corporate limits of the City of Wylie, the Development Property is also located entirely within the City of Parker’s water CCN No. 10207;

WHEREAS, the City of Parker has no customers or water utility infrastructure within or capable of providing retail water utility service to the Development Property;

WHEREAS, the City of Wylie has water infrastructure nearby the Development Property which can be utilized to provide water service to the Development Property with minimum upgrades, if any; and

WHEREAS, the City of Wylie is the holder of sewer CCN No. 20068, which includes the entirety of the Development Property and requires that retail sewer service be provided to the Development Property from the City of Wylie;

WHEREAS, since the Development Property is within the City of Wylie’s corporate limits, the Development Property is subject to the City of Wylie’s requirements for development; and

WHEREAS, for the orderly development of the Development Property, Developer desires to obtain the necessary development permits from the City of Wylie, and for the City of Wylie to provide both retail water utility service and retail sewer utility service to the Development Property;

*Water CCN Payment Agreement
Page 1 of 4*

WHEREAS, in consideration of foregoing the exclusive right pursuant to its water CCN to provide retail water utility service to the Development Property, the City of Parker has agreed to transfer the Development Property from the City of Parker's water CCN service territory to the water CCN service territory of the City of Wylie ("CCN Transfer");

WHEREAS, in exchange for just and adequate compensation from Developer as consideration, the City of Parker and Developer agree to the CCN Transfer pursuant to Tex. Water Code § 13.248 ("13.248 Agreement"), subject to City of Wylie City Council approval and agreement for the City of Wylie to undertake the obligation to provide retail water utility service to the Development Property; and

WHEREAS, Developer and the City of Parker and the City of Wylie must secure the approval of the Public Utility Commission of Texas ("PUC"), the state agency with jurisdiction over all CCN boundaries within the state, in order to accomplish the CCN Transfer.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Developer and the City of Parker agree as follows:

1. Representations; Development Property Subject to this Agreement.

The City of Parker and Developer agree that the foregoing recitals, including the depiction of the Development Property in Attachment "A": (a) are true and correct as of the Effective Date; (b) form the basis upon which the City of Parker and Developer negotiated and entered into this Agreement; (c) reflect the final intent of the City of Parker and Developer with regard to the subject matter of this Agreement; and (d) are fully incorporated into this Agreement for all purposes. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The City of Parker and Developer have relied upon the recitals as part of the consideration for entering into this Agreement and, but for the intent of City of Parker and Developer as reflected by the recitals, would not have entered into this Agreement.

2. City of Parker's Agreement to Cooperate in Processing the Necessary Documents at the PUC; Developer to Take the Lead.

City of Parker agrees to actively cooperate, in the drafting, executing, and filing of the regulatory documents required by the PUC relating to the 13.248 Agreement. In order to minimize City of Parker's workload and costs for securing the PUC approvals, Developer agrees to take the lead in coordination with the City of Wylie, and in complying with all subsequent processing of the documents at the PUC until the 13.248 Agreement is finalized. The petition to be filed with the PUC seeking approval of the 13.248 Agreement and the necessary exhibits and attachments will be in substantially in the form of the documents attached hereto as **Attachment "B"** and included therewith.

3. Developer' Agreement to Compensate City of Parker.

In exchange for City of Parker's cooperation in securing CCN service territory transfers via the 13.248 Agreement, Developer agrees to compensate City of Parker in the amount of \$15,000 as just and adequate compensation ("Compensation Amount") for its reasonable and necessary legal costs, county recording costs incurred pursuant to Tex. Water Code § 13.257(r), and satisfaction of any further just and adequate compensation City of Parker might be entitled to in exchange for the proposed CCN service area transfer to the City of Wylie. Within three (3) business days of the effective date of the 13.248 Agreement, Developer will pay \$7,500.00 of the Compensation Amount. The remaining \$7,500 of the Compensation Amount will be paid within three (3) business days of the date that PUC approval of the 13.248 Agreement is final and appealable, providing no appeal has been filed.

4. General Provisions

Termination. If the City of Wylie has not agreed to and executed the 13.248 Agreement by January 31, 2025, either City of Parker or Developer has the option to terminate this Agreement without cause, neither party will have further obligations pursuant to this Agreement, and the Compensation Amount will not be due and payable.

Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

Assignment. Developer may make an assignment of all or of a portion of Developer's rights and obligations under this Agreement with the consent of the City of Parker, which consent may not be unreasonably withheld. Notwithstanding the foregoing, Developer may make such an assignment to an affiliate or subsidiary of Developer without consent from the City of Parker.

Applicable Law; Venue. This Agreement is entered into pursuant to, and is to be construed and enforced in accordance with, the laws of the State of Texas, and all obligations of the Parties are performable in Collin County. Exclusive venue for any action related to, arising out of, or brought in connection with this Agreement shall be in the Collin County District Court.

Sovereign Immunity. To the extent sovereign immunity applies to the City of Parker, the City of Parker expressly waives sovereign immunity for purposes of this Agreement.

Remedies. IF A PARTY IS IN DEFAULT, THE AGGRIEVED PARTY MAY, AT ITS OPTION AND WITHOUT PREJUDICE TO ANY OTHER RIGHT OR REMEDY UNDER THIS AGREEMENT, SEEK ANY RELIEF AVAILABLE AT LAW OR IN EQUITY, INCLUDING, BUT NOT LIMITED TO, AN ACTION UNDER THE UNIFORM DECLARATORY JUDGMENT ACT, SPECIFIC PERFORMANCE, MANDAMUS, AND INJUNCTIVE RELIEF.

IN WITNESS THEREOF, Developer and City of Parker, through the authorized officer of each, do hereby execute this Settlement Payment Agreement.

By: _____
Integrity Companies, LLC
a Texas limited liability company

By: _____
John Delin

Its: Managing Member

Date: _____

City of Parker Texas

By: _____

Title: _____

Date: _____



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Interim City Attorney Clifton
Estimated Cost:	Date Prepared:	December 30, 2024
Exhibits:	Proposed Ordinance with Exhibit A (the agreement)	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY OTHER ACTION ON THE "AGREEMENT BETWEEN THE CITY OF WYLIE AND THE CITY OF PARKER," BETWEEN THE CITY OF PARKER AND THE CITY OF WYLIE RELATING TO THE TRANSFER OF APPROXIMATELY 48 ACRES LOCATED IN THE CITY OF WYLIE FROM PARKER'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY ("CCN") TO WYLIE'S WATER CCN. [ORDINANCE NO. 882] [Postponed from 2024 1119, 2024 1203, and 2024 1217]

SUMMARY

If approved, this item authorizes an agreement between Parker and Wylie to transfer approximately 48 acres within the Wylie city limits from the Parker CCN to the Wylie CCN.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter - Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/03/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ xx /2025

ORDINANCE NO. 882
(CCN Transfer to City of Wylie)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, APPROVING AN AGREEMENT BETWEEN THE CITY OF PARKER AND THE CITY OF WYLIE TO TRANSFER APPROXIMATELY 48 ACRES LOCATED IN THE CITY OF WYLIE FROM THE PARKER'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO WYLIE'S WATER CCN; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a parcel of approximately 48 acres that is in the service area of the Parker Certificate of Convenience and Necessity (“CCN”) for water is within the city limits of the City of Wylie; and

WHEREAS, the parcel does not currently have water facilities or service provided by the City of Parker; and

WHEREAS, Integrity Companies, LLC, the owner of said property, has requested that its property be transferred from the Parker CCN to the City of Wylie CCN; and

WHEREAS, the transfer of property from one CCN to another requires action by the Public Utilities Commission.

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

Section 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference.

Section 2. The Agreement Between the City of Wylie and the City of Parker for the Transfer of Approximately 48 Acres of Water CCN Territory attached hereto as Exhibit A is hereby approved.

Section 3. The Mayor, or her designee, is hereby authorized to execute the approved Agreement and any other documents necessary to effectuate the transfer of the referenced property from the Parker CCN to the Wylie CCN.

Section 4. 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 5. This Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS, THIS THE 7TH DAY OF JANUARY, 2025.

APPROVED:

Mayor Lee Pettle

ATTEST:

City Secretary Patti Scott Grey

APPROVED TO FORM:

Interim City Attorney Catherine Clifton

Proposed

AGREEMENT BETWEEN THE CITY OF WYLIE AND THE CITY OF PARKER FOR THE TRANSFER OF APPROXIMATELY 48 ACRES OF WATER CCN TERRITORY

This Agreement (the “Agreement”) is executed between the City of Wylie, Texas (“Wylie”) and the City of Parker, Texas (“Parker”), effective as of the Effective Date as described below (Wylie and Parker are also sometimes referred to herein individually as a “Party” and collectively as the “Parties”).

WHEREAS, Wylie and Parker are each political subdivisions of the State of Texas organized and operating under various provisions of the Texas Local Government Code and other statutory provisions, and for water service are each defined as a “retail public utility” as provided by Texas Water Code § 13.002(19); and

WHEREAS, Wylie holds water Certificate of Convenience and Necessity (“CCN”) No. 10186 issued by the Public Utility Commission of Texas (“PUC”) or a prior agency with CCN regulatory authority, which authorizes exclusive retail water utility service by Wylie in Collin County; and

WHEREAS, Parker holds water CCN No. 10207 issued by the PUC or a prior agency with CCN regulatory authority, which authorizes exclusive retail water utility service by Parker in Collin County; and

WHEREAS, Wylie and Parker entered into an agreement on or about March 30, 2010 whereby Wylie has agreed to provide wholesale potable water to Parker for retail sale by Parker to Parker’s water utility customers within a 236-acre tract of property which is located within Parker’s water CCN No.10127, but within the territorial jurisdiction of Wylie, described and depicted in Exhibit “A” (“236-Acre Wholesale Territory”); and

WHEREAS, Integrity Companies, Inc. (“Developer”) seeks to develop a residential subdivision project on approximately 48 acres owned by Developers within the 236-Acre Wholesale Tract (“Development Property”) described and depicted in Exhibit “B1” and Exhibit “B2”; and

WHEREAS, Developer and Wylie agree that Wylie will provide water service to the Development Property as described therein; and

WHEREAS, Wylie and Parker agree pursuant to Texas Water Code § 13.248 that Wylie will extend retail public water utility service to the Development Property currently within Parker’s water CCN No. 10207; and

WHEREAS, conditioned upon PUC approval of this transaction, Wylie agrees to accept the Parker CCN water service area that includes the Development Property currently within Parker's water CCN No. 10207 and accept the obligation to serve it as consideration for the proposed CCN area transfer of the Development Property from Parker to Wylie.

NOW, THEREFORE, for and in consideration of the promises, covenants and agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, Wylie and Parker hereby agree as follows:

1. **Term.** This Agreement shall continue in effect for five (5) years from the Effective Date. Notwithstanding the foregoing, this Agreement will terminate earlier on the date approval by the PUC of this Agreement is final and non-appealable.
2. **Property Subject to the Agreement.** The property that is the subject of this Agreement for the water CCN service area proposed for transfer to Wylie is the Development Property consisting of the 48 acres depicted in Exhibit "B1" and Exhibit "B2".
3. **Transfer of Parker CCN Service Areas.** Parker consents and agrees to the transfer to Wylie the water CCN service area depicted in Exhibit "B1" and Exhibit "B2", provided the following conditions and obligations are satisfied:
 - 3.1 Within 30 days of execution of this Agreement, Wylie and Parker shall jointly prepare, file and diligently prosecute, at their own expense, an application pursuant to Texas Water Code §13.248 with the PUC ("13.248 Application") to have the Development Property depicted Exhibit "B1" and Exhibit "B2" transferred from Parker's water CCN No. 10207 to the Wylie's water CCN No. 10186. Parker consents to Wylie water service within the Development Property, including during the pendency of PUC consideration of the 13.248 Application, and will not object or otherwise attempt to defeat the 13.248 Application to include the Development Property within Wylie's water CCN.
 - 3.2 Wylie shall serve the Development Properties pursuant to separately agreed upon terms with Developer.
 - 3.3 If the PUC denies the 13.248 Application for any reason, this Agreement shall be terminated when the PUC order denying the 13.248 Application is final and appealable.

4. **Retail Service.** Parker hereby consents to Wylie serving the Development Property as contemplated by this Agreement during the pendency of the 13.248 Application at the PUC. The Parties agree that on the Effective Date, the agreement entered into by Wylie and Parker on or about March 30, 2010 whereby Wylie has agreed to provide wholesale potable water to Parker for retail sale by Parker no longer applies to the Development Property. The Parties further agree that upon PUC approval of the 13.248 Application, Parker shall have no further obligation to provide service to the Development Property. Wylie and Parker entered into an agreement on or about March 30, 2010 whereby Wylie has agreed to provide wholesale potable water to Parker for retail sale by Parker

5. **No Facilities or Customers.** There are no facilities and no customers to transfer from Parker to Wylie, and thus, no compensation is required.

6. **Default.** In the event Wylie or Parker fail to comply with the terms of this Agreement, each Party has the right to enforce the terms of this Agreement by any remedy permitted by law.

7. **Miscellaneous.**

- a. This Agreement may not be assigned by any Party without the prior written consent of the other Party.
- b. This Agreement contains the entire agreement of the Parties with respect to the matters contained herein and may not be modified or terminated except upon the provisions hereof or by the mutual written agreement of the Parties hereto.
- c. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Collin County, Texas.
- d. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.
- e. The individuals executing this Agreement on behalf of the respective Parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the Party for which his or her signature appears, that there are no other Parties or entities

required to execute this Agreement in order for the same to be an authorized and binding agreement on the Party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

f. This Agreement is executed by the Parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed. Each signatory represents this Agreement has been read by the Party for which this Agreement is executed and that such Party has had an opportunity to confer with its counsel.

g. Any notice provided for under the terms of this Agreement by either party to the other shall be in writing and shall be deemed to have been properly given when delivered to the respective Party at the addresses below:

To Wylie:

Tel: _____
 Fax: _____
 Email: _____

To Parker:

Tel: _____
 Fax: _____
 Email: _____

Each Party may change the address to which notice may be sent to that Party by giving notice of such change to the other Party in accordance with the provisions of this Agreement.

h. This Agreement may be executed in multiple identical counterparts, each of which shall be deemed an original for all purposes.

i. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity,

Parker and Wylie §13.248 Agreement
 Page 4 of 8

illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

j. This Agreement shall be deemed drafted equally by each Party hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any Party shall not apply. Headings in this Agreement are for the convenience of the Parties and are not intended to be used in construing this document.

IN WITNESS WHEREOF, the Parties have executed this Agreement and caused this Agreement to be effective on the latest date as reflected by the signatures on the following pages which is effective on the date of the latest signature (the “Effective Date”).

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the
Effective Date of the _____ day of _____, 2024.

CITY OF PARKER

By: _____

Title: _____

Date: _____

CITY OF WYLIE

By: _____

Title: _____

Date: _____

Exhibit "A" - "236-Acre Wholesale Territory"

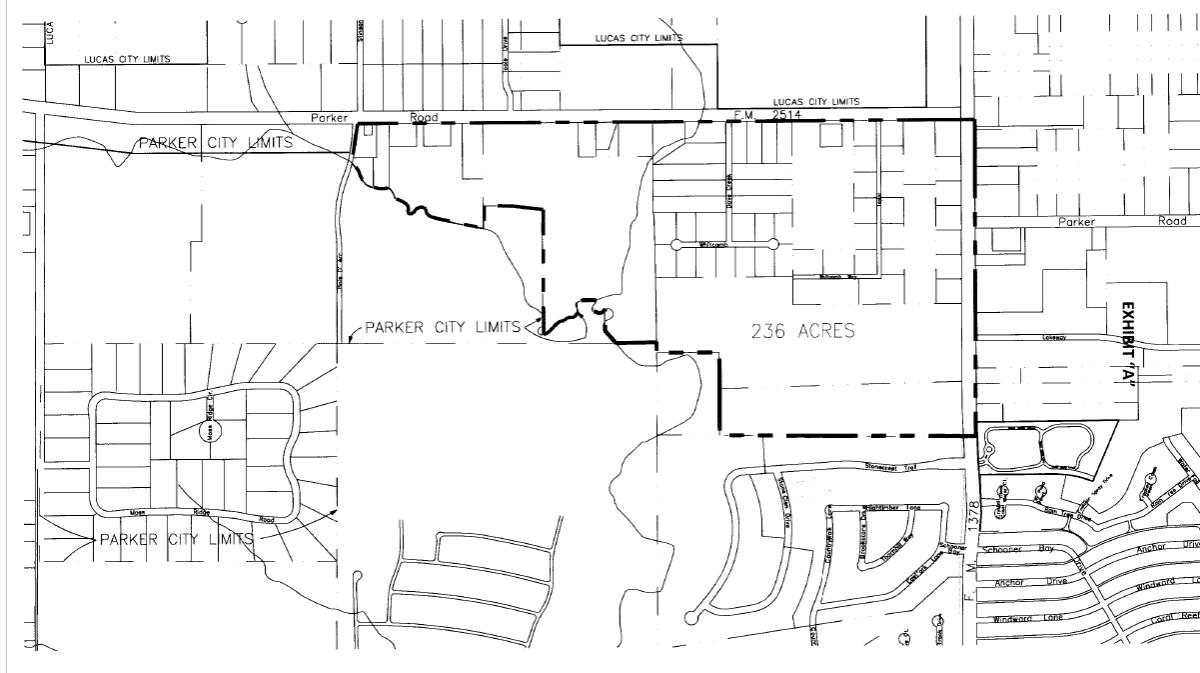
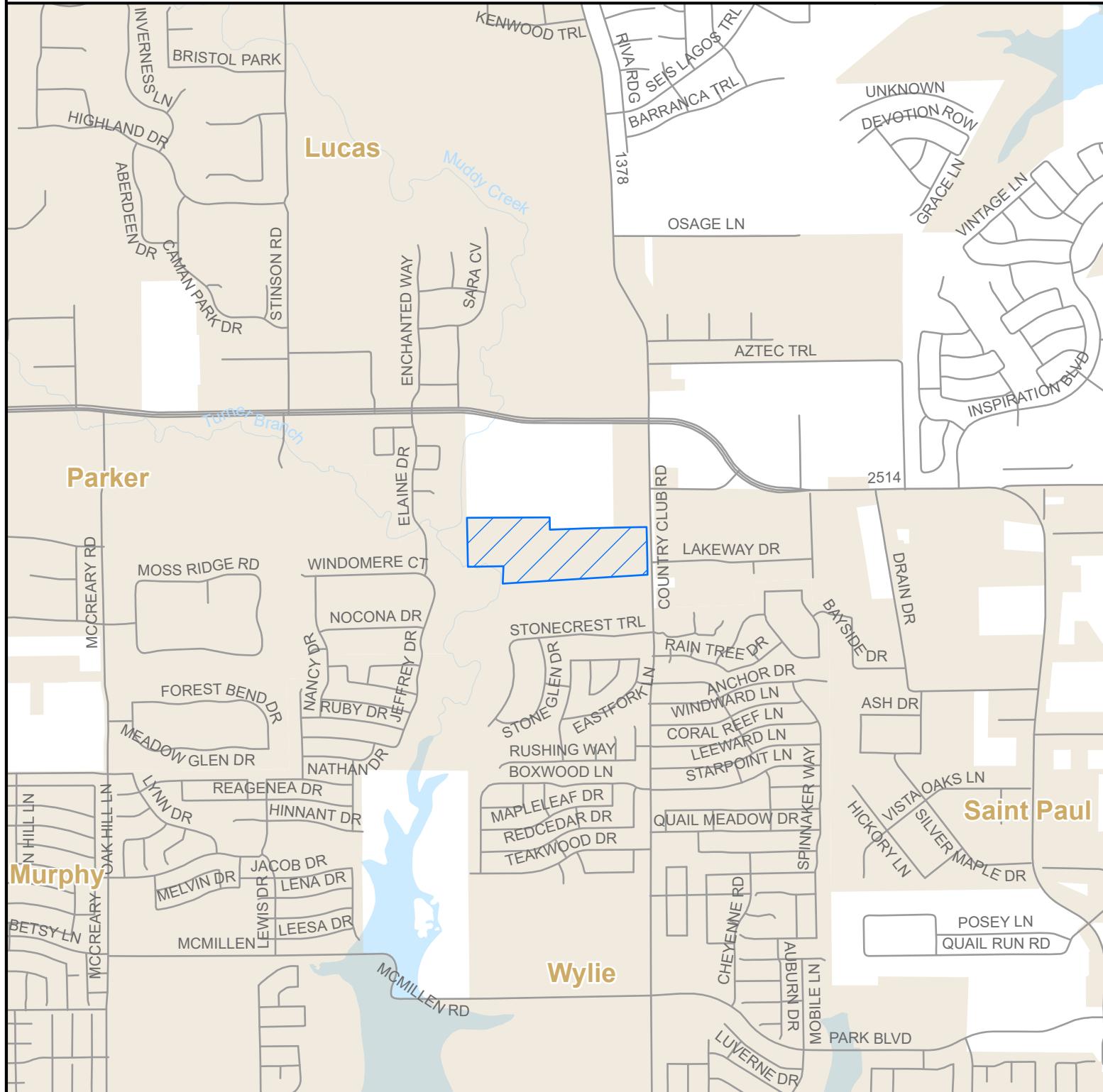


Exhibit “B1” - CCN Transfer General Location Map

Transfer a Petition of City of Parker (CCN No. 10207) to City of Wylie (CCN No. 10186) in Collin County

Meeting Date: 01/07/2025 Item 6.



Legend

Requested Water Area
to Transfer from CCN
No. 10207 to CCN No.
10186

General Location Map (Water)



GM civil
Engineering & Surveying

2559 SW Grapevine Pkwy.
Grapevine, Texas 76051 - 817.329.4373
TxEng Firm # F-2944 | TxSurv Firm # 10021700



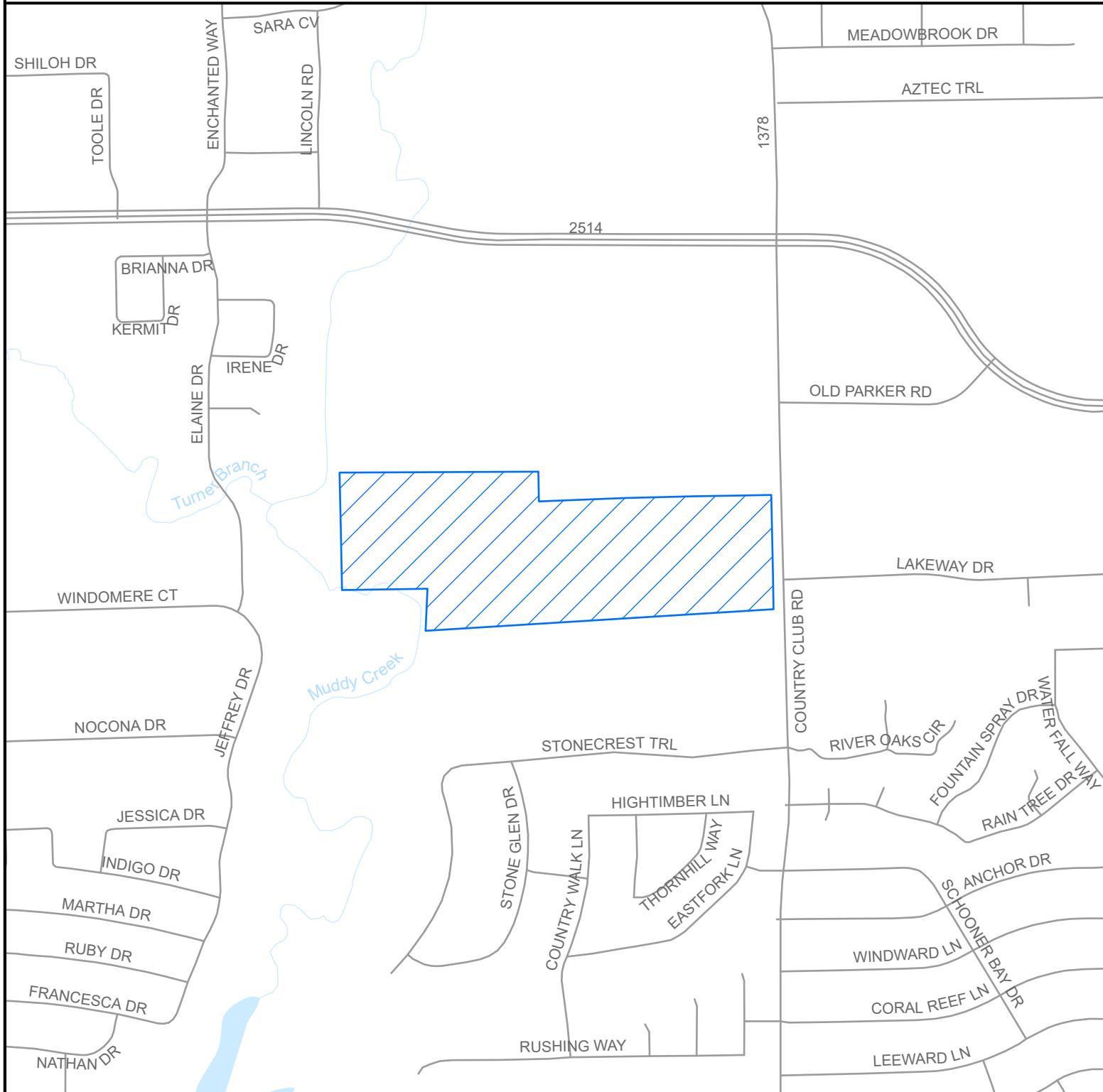
0 1,000 2,000
Feet

Date Created: 8/23/2024

Exhibit “B2” - CCN Transfer Detailed Map

Transfer a Petition of City of Parker (CCN No. 1 to City of Wylie (CNN No. 10186) in Collin County

Meeting Date: 01/07/2025 Item 6.



Legend

Requested Water Area
to Transfer from CCN
No. 10207 to CCN No.
10186

Date Created: 8/23/2024

Detailed Map (Water)



GM civil
Engineering & Surveying

2559 SW Grapevine Pkwy.
Grapevine, Texas 76051 - 817.329.4373
TxEng Firm # F-2944 | TxSurv Firm # 10021700



0 500 1,000
Feet

Tex. Water Code 13.248 PUC Pleading

PUC DOCKET NO. _____

**PETITION BY THE CITY OF WYLIE § BEFORE THE
AND THE CITY OF PARKER FOR TEXAS § PUBLIC UTILITY COMMISSION
WATER CODE §13.248 APPROVAL TO §
DESIGNATE WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
SERVICE AREAS BY CONTRACT IN §
COLLIN COUNTY, TEXAS §**

**THE CITY OF WYLIE'S AND THE CITY OF PARKER'S PETITION
UNDER TEXAS WATER CODE § 13.248**

COME NOW, the City of Wylie, Texas (“Wylie”) and the City of Parker, Texas (“Parker”) (collectively “Petitioners”) and hereby file this Petition for approval under Texas Water Code (“TWC”) §13.248 and 16 Texas Administrative Code (“TAC”) §24.253 to designate certificate of convenience and necessity (“CCN”) service areas by contract and enforcement of same (“Petition”). The relief requested affects portions of Parker’s water CCN No. 10207 and portions of Wylie’s water CCN No. 10186 located in Collin County, Texas related to development of properties owned by Integrity Group, Inc. (“Developer”). In support thereof, Petitioners show the following.

I. PURPOSE OF THE PETITION

Petitioners file this Petition to request the Public Utility Commission of Texas (“Commission”) act to approve and enforce a contract in which Petitioners have agreed to transfer portions of Parker’s water CCN No. 10207 service area to existing Wylie water CCN No. 10186 service area. The Petitioners’ agreement designates the exchanged area to be served by Wylie. The specific transfer area and terms of the agreement are more specifically set forth in the Agreement Between Wylie and Parker included as **Exhibit 1** (the “Contract”).¹ Wylie has

¹ All Exhibits are hereafter attached and incorporated by reference.

received requests that it provide retail water utility service to planned development from the Developer in the transfer area subject to agreements under which Wylie has agreed to provide service.

II. REQUEST FOR TRANSFER/DECERTIFICATION

Pursuant to 16 TAC § 24.253, implementing TWC §13.248, Petitioners hereby provide the following information in furtherance of Commission approval for the CCN service area designations contemplated by this Petition:

1. A general location map and a detailed location map of the subject service area designations prepared in accordance with 16 TAC § 24.257(a) are included in **Exhibit 1** as **Exhibit “B1”** (General Location Map for the Water CCN service Area), and **Exhibit “B2”** (Detailed Map for the Water CCN service Area). Digital mapping is included as an attachment to this Petition for the general location and detailed location mapping.²
2. A copy of the executed Contract, the entirety of which is included as **Exhibit 1**.³
3. The number of customers to be transferred zero (0) water customers,⁴ and no facilities are to be transferred.

The Contract was discussed at Wylie's _____, 2024 Council meeting. Pursuant to 16 TAC § 24.253(c)(2) and (3) attached as **Exhibit 2** is the affidavit of _____ as Mayor of Wylie and the Wylie Notice for the _____, 2024 meeting and approved meeting minutes.⁵

² 16 TAC § 24.253(b)(1).

³ 16 TAC § 24.253(b)(2).

⁴ 16 TAC § 24.253(b)(3) and 16 TAC § 24.253(c)(1).

⁵ 16 TAC § 24.253(b)(4) and 16 TAC § 24.253(c)(2) and (3).

The Contract was discussed at Parker's _____, 2024 Council meeting. Pursuant to 16 TAC § 24.253(c)(2) and (3) attached as **Exhibit 3** is the affidavit of _____ as Mayor of Parker and the Parker Notice for the _____, 2024 meeting and approved meeting minutes.⁶

The Commission has no standardized application form for the relief sought in this Petition and, thus, Petitioners are relying on 16 TAC § 24.253 for the contents of this Petition. However, that rule states that “any other information required by the commission” should be submitted.⁷ Petitioners respectfully request that the Commission inform Petitioners if any other information is required. The undersigned will be the point of contact for this Petition.

III. REQUEST FOR INFORMAL DISPOSITION

Pursuant to 16 TAC § 22.35, Petitioners request informal disposition processing for this Application without a hearing as all requirements for same are met.⁸ Since there are no customers, notice is not required pursuant to 16 TAC § 24.253(c)(1). Further, if the Application is approved, the decision will not be adverse to any party other than Commission Staff.⁹ Thus, a hearing should not be required and informal disposition is appropriate.¹⁰

IV. CONCLUSION

Wylie and Parker respectfully request the Commission process this Petition under TWC § 13.248 and 16 TAC § 24.253 with respect to the agreed upon CCN transfers described herein and approve the CCN designations contemplated by the Contract. If for any reason the Commission finds the information submitted with this Petition is insufficient for acceptance, Petitioners

⁶ 16 TAC § 24.253(b)(4) and 16 TAC § 24.253(c)(2) and (3).

⁷ 16 TAC § 24.253(b)(5).

⁸ 16 TAC § 22.35(a) and 24.253.

⁹ 16 TAC § 22.35(a)(2).

¹⁰ 16 TAC § 22.35(a)(3).

ATTORNEY FOR THE CITY OF WYLIE

ATTORNEY FOR THE CITY OF PARKER

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail _____, 2024.

Derek Seal
McGinnis Lochridge, LLP
1111 West 6th Street, Ste. 400
Austin, Texas 78703
dseal@mcginnislaw.com

ATTORNEY FOR DEVELOPER

By: _____



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council/Administration
Fund Balance-before expenditure:	Prepared by:	ACA/CS Scott Grey for Mayor Pettle
Estimated Cost:	Date Prepared:	December 30, 2024
Exhibits:	<u>Proposed Ordinance</u>	

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 886 APPOINTING A DEPUTY CITY SECRETARY WITH THE POWERS AND DUTIES TO ASSIST WITH SAID OFFICE AND TO SERVE IN THE ABSENCE OF THE CITY SECRETARY. [Postponed from 2024 1217]

SUMMARY

Please review the information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/02/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ XX /2025

ORDINANCE NO. 886
(Deputy City Secretary Appointment)

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
 APPOINTING A DEPUTY CITY SECRETARY WITH THE POWERS AND
 DUTIES TO ASSIST WITH SAID OFFICE AND TO SERVE IN THE ABSENCE
 OF THE CITY SECRETARY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Texas Local Government Code, Chapter 22. Subchapter C, Sec. 22.071; entitled “Other Municipal Officers,” permits the governing body of the municipality to appoint by ordinance “other officers or agents” as may be authorized by the governing body in addition to the positions specifically enumerated in that section, as necessary to carry out the municipality's functions, and;

WHEREAS, Section 22.071(c) further specifies that the governing body may confer on “other municipal officers the powers and duties of an officer provided for by this section;” and

WHEREAS, Section 22.073 sets forth the duties and responsibilities of the Office of the City Secretary; and

WHEREAS, those duties include, but are not limited to preparation of notices, recording of minutes associated with all posted agendas, and authentication of official documents of the City with the City seal, and;

WHEREAS, in the absence of the City Secretary, the Deputy City Secretary would assume the powers and duties of the office;

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

Section 1. The findings set forth in the preamble of this Ordinance are incorporated by reference into the body of this Ordinance as if fully set forth herein.

Section 2. All prior appointments of any person as Deputy City Secretary of the City of Parker are hereby terminated.

Section 3. The City Council hereby appoints _____ as the Deputy City Secretary of the City of Parker and authorizes the Deputy City Secretary to act in the absence of the City Secretary with all the authority of the City Secretary as provided in the statutory and common laws of the State of Texas and the Code of Ordinances of the City of Parker, Texas.

Section 4. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 5. This Ordinance shall take effect immediately upon passage and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY,
TEXAS, THIS 7TH DAY OF JANUARY, 2025.**

APPROVED:

Mayor Lee Pettle

ATTEST:

City Secretary Patti Scott Grey

APPROVED TO FORM:

Interim City Attorney Catherine Clifton

Proposed



Council Agenda Item

Budget Account Code:	Meeting Date:
Budgeted Amount:	Department/ Requestor: Council – Amanda Noe
Fund Balance-before expenditure:	Prepared by: Amanda Noe
Estimated Cost:	Date Prepared: December 9th 2024
Exhibits:	<u>Proposed Ordinance to Create the Position of City Administrator</u>

AGENDA SUBJECT

CONSIDERATION OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 887 CREATING THE MUNICIPAL OFFICER POSITION OF CITY ADMINISTRATOR. [CM AN ITEM #1]

SUMMARY

The City of Parker seeks to establish the Municipal Office of City Administrator. The role of the City Administrator is to be the Chief Administrative Officer of the City. The City administrator shall be responsible for proper management and administration of all affairs of the City as set forth by City ordinances, resolutions, other directives as established by the City Council, and applicable state law.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use			
Approved by:	Enter Text Here		
Department Head/ Requestor:		Date:	xx/xx/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/03/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	xx/xx/2024

ORDINANCE NO. 887*(Creation of the Office of City Administrator)***AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
CREATING THE MUNICIPAL OFFICER POSITION OF CITY ADMINISTRATOR,
PROVIDING FOR DIRECTION BY THE CITY COUNCIL; PROVIDING A
REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING
A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Collin County, Texas, desires to create and continue the office of the City Administrator, and

WHEREAS, the Parker City Council desires to provide for the initial appointment and periodic reappointment of City Administrator.

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

SECTION 1. That the Parker City Council, pursuant to the Texas Local Government Code §22.071, hereby creates the municipal officer position of City Administrator.

SECTION 2. Said City Administrator term of employment and appointment shall be at the discretion of the City Council. The City Administrator shall be an at-will employee of the City. The compensation for the City Administrator shall be determined by the City Council. Such compensation shall be reviewed annually by the City Council for increase; any such increase shall be in the sole discretion of the City Council.

SECTION 3. The City Administrator shall represent the City of Parker in all matters pertaining to the City, within his or her capacity as City Administrator, at the discretion and direction of the Parker City Council. The City Administrator shall not permit conflicts of interest to occur by representing persons, firms or corporations coming to, or doing business with, the City of Parker. The City Administrator shall not be employed by or affiliated with any business or organization doing business with the City.

SECTION 4. That all provisions of the Ordinances of the City of Parker in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

SECTION 6. Any person, firm, or corporation violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED, by the City Council of the City of Parker, Texas, on the
7th day of January, 2025.

APPROVED:

LEE PETTLE, MAYOR

ATTEST:

Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:

Catherine Clifton, Interim City Attorney



Council Agenda Item

Budget Account Code:	Meeting Date:
Budgeted Amount:	Department/ Requestor: Council
Fund Balance-before expenditure:	Prepared by: Amanda Noe
Estimated Cost:	Date Prepared: December 10 2024
Exhibits:	<u>Resolution</u> <u>Org Chart (to be adopted)</u> <u>Reference Ordinances: 335, 381, 415, 439, 459, 487, 498, 515, 537, 540</u> <u>Reference Resolutions: 2007-158, 2009-253, 2022-688</u>

AGENDA SUBJECT

CONSIDERATION AND/OR ANY OTHER APPROPRIATE ACTION ON THE ADOPTION OF RESOLUTION NO. 2025-827, THE EXECUTIVE LEVEL ORGANIZATIONAL CHART FOR THE CITY OF PARKER, TEXAS. [CM AN ITEM #2]

SUMMARY

In addition to the Texas Local Government Code for the State of Texas, the city of Parker, Texas, Ordinance numbers 335, 381, 415, 439, 459, 487, 498, 515, 537, 540 and Resolution numbers 2007-158, 2009-253, 2022-688 provide descriptions and definitions for the roles, responsibilities, and reporting structure of our City Officials. This organizational chart summarizes and depicts the reporting structure for our City Officials with reference to the Texas Local Government Code and these supporting ordinances and resolutions.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Amanda Noe</i>	Date:	12/10/2024
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/03/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	xx/xx/2024

RESOLUTION NO. 2025-827
(*Adopting an Organizational Chart*)

A RESOLUTION OF THE CITY OF PARKER, TEXAS, ADOPTING AN ORGANIZATIONAL STRUCTURE.

WHEREAS, the City Council desires to adopt an organizational structure for the management of City employees; and

WHEREAS, the attached organizational chart is a representation of the organizational structure the City Council desires to implement.

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

The organizational structure represented on the attached Organizational Chart is hereby adopted as the management structure for the City of Parker.

DULY RESOLVED by the City Council of the City of Parker, Texas, on this the 7th day of January, 2025.

APPROVED:

Mayor Lee Pettle

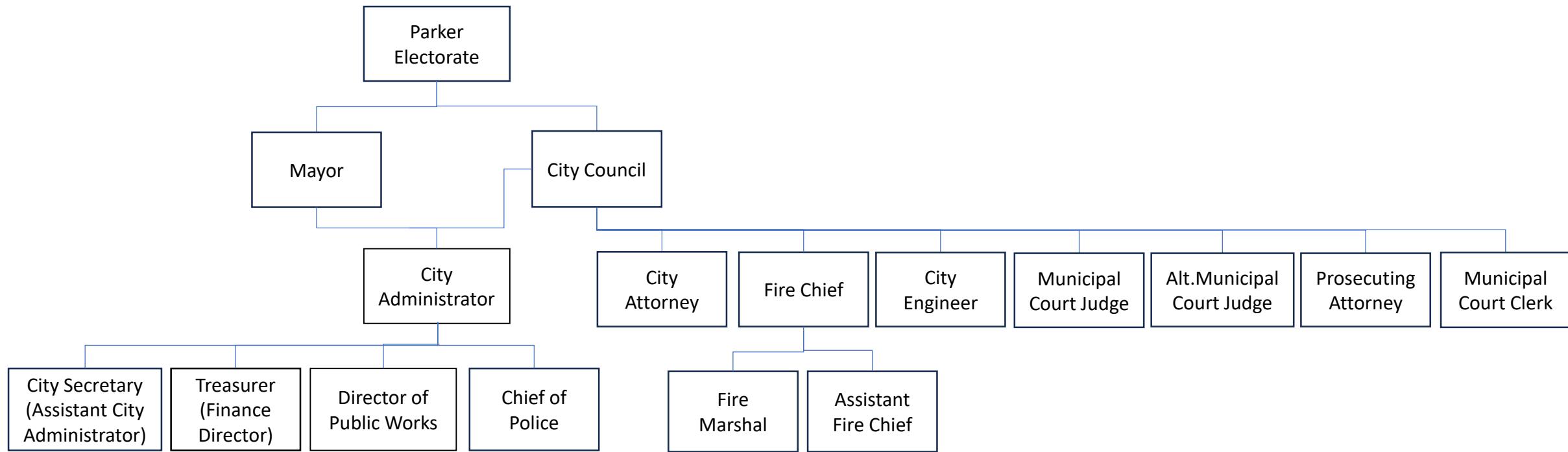
ATTEST:

City Secretary Patti Scott Grey

APPROVED TO FORM:

Interim City Attorney Catherine Clifton

City of Parker Organizational Chart



ORDINANCE 335

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS, PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF A RECORDS MANAGEMENT PROGRAM FOR THE CITY; PROVIDING FOR A PURPOSE OF RECORDS MANAGEMENT PROGRAM; AUTHORIZING THE CITY SECRETARY TO ESTABLISH AND ADMINISTER THE RECORDS MANAGEMENT PROGRAM FOR THE CITY; PROVIDING DEFINITIONS FOR RECORDS MANAGEMENT PROGRAM; PROVIDING RECORDS MANAGEMENT DUTIES FOR THE RECORDS MANAGEMENT OFFICER, CUSTODIANS, CITY COUNCIL AND MUNICIPAL RECORDS, AND THE RESPONSIBILITIES OF OFFICERS AND EMPLOYEES WITH RESPECT THERETO; PROVIDING FOR THE DESTRUCTION, OR OTHER DISPOSITION OF ORIGINAL MUNICIPAL PUBLIC RECORDS AND ALL OTHER MUNICIPAL RECORDS; PROVIDING A PENALTY CLAUSE; PROVIDING REPEAL AND SEVERABILITY CLAUSES, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, State Law through the Texas Local Government Records Act, enacted by the State Legislature in 1989 under the Title H.B. 1285, as amended from time to time, hereafter referred to as the "Act", provides that each governing body in local government shall designate a Records Management Officer on or before June 1, 1990; and,

WHEREAS, the Act requires the governing body of each local government to adopt an ordinance, order or plan as appropriate, establishing a records management program on or before January 1, 1991; and,

WHEREAS, the City of Parker in conformity with said Act desires to establish, promote and support an active and continuing program for the efficient and economical management of all City of Parker records and cause policies and procedures to be developed for the administration of the program under the direction of the Records Management Officer.

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

SECTION 1. ADOPTION.

That the governing body of the City of Parker, Texas, does hereby establish and adopt a management program for the orderly and efficient retention, retrieval and destruction of the records of the City of Parker, Texas as follows:

DEFINITIONS:

Local Government Record: Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the State, created or received by local city government offices or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business are hereby declared to be records of the City of Parker and shall be created, maintained and disposed of in accordance with the provisions of this Ordinance and the provisions of the Act. The term does not include:

- A. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the City of Parker.
- B. Notes, journals, diaries, and similar documents created by an officer or employee of the City of Parker for the employee's personal convenience.
- C. Blank forms.
- D. Stocks of publications.
- E. Library and museum materials acquired solely for the purposes of reference or display.
- F. Copies of documents in any media furnished to members of the public to which they are entitled under Article 6252-17(a). Vernon's Texas Civil Statutes or other State Law.

Commission: The Texas State Library & Archives Commission.

Custodian: The appointed or elected public officer who by the State Constitution, State Law, Ordinance or administrative policy is in charge of the office that creates or receives local government records. For the purpose of this Ordinance, a custodian is a Department Head, under the administration of the City Council, who is responsible for all records in his/her department.

Director and Librarian: The executive and administrative officer of the Texas State Library & Archives Commission.

Essential Records: Any local government record necessary to the resumption or continuation of government operations in an emergency or disaster, to the re-creation of legal and financial status of the City, or to the protection and fulfillment of obligations to the people of the State.

Governing Body: The City Council of the City of Parker, Texas.

Office: Any office, department, division, program, commission, bureau, board, committee, or similar entity of the City of Parker, Texas.

Record: A record of the City of Parker, Texas.

Records Management: The application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purpose of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of electronic and other record storage systems.

Records Control Schedule: A document prepared by or under the authority of a Records Management Officer listing the records maintained by the City of Parker, their retention periods, and other records disposition information that the records management program in Parker or State Law may require.

Records Retention Schedule: A document issued by the Commission establishing mandatory retention periods for local government records.

Retention Period: The minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record before it is eligible for destruction.

SECTION 2. CITY RECORDS DECLARED PUBLIC PROPERTY.

All City records as defined in Section 1 of this Ordinance are hereby declared to be the property of the City of Parker. No City official or employee has, by virtue of his/her position, any personal or property right to such records even though he/she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

SECTION 3. POLICY.

It is hereby declared to be the policy of the City of Parker to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all City records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Act and accepted records management practice.

SECTION 4. DESIGNATION OF RECORDS MANAGEMENT OFFICER.

The City Secretary, and the successive holders of said office, shall serve as Records Management Officer for the City of Parker. As provided by state law, each successive holder of the office shall file his/her name with the director and librarian of the Texas State Library within thirty days (30) of the initial designation or of taking up the office as applicable.

SECTION 5. RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN.

- A. The Records Management Officer will implement, but is not limited to, a program to encompass such areas of records management as are required to preserve and keep in order all books, papers, documents, records and files of the City Council and of the executive departments to achieve the following goals:
 - 1. Release space and reduce the need for storage and filing equipment;
 - 2. Establish an efficient retrieval operation for both active and inactive municipal records;
 - 3. Provide for routine disposition of paperwork;
 - 4. Maintain total security over municipal records;
 - 5. Communicate the need of an effective Records Management Program;
 - 6. Secure a central records storage facility which can be operated and maintained by records management staff.
- B. Once approved by the City Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions,

bureaus, boards, committees, or similar entities of the City of Parker and the records shall be created, maintained, stored, or disposed of in accordance with the plan.

- C. State law relating to the duties, other responsibilities, or record keeping requirements of a custodian do not exempt the custodian or the records in the custodian's care from the application of this ordinance and the records management plan adopted under it and may not be used by the custodian as a basis for refusal to participate in the records management program of the City of Parker.

SECTION 6. PURPOSE OF RECORDS MANAGEMENT PROGRAM.

That this Ordinance shall be known and may be cited as the "Records Management Program of the City of Parker, Texas" providing for the proper and efficient management of the municipal records of the City of Parker, Texas.

Since the citizens of the City of Parker have a right to expect efficient and cost-effective government and recognizing the importance of local government records in the lives of all citizens, the efficient management of City records is necessary to the effective and economic operation of the City, the preservation of records of permanent value is necessary to provide the people of the State with resources concerning their history and to document their rights of citizenship and property, and the establishment of uniform standards and procedures for the maintenance, preservation or other disposition of City records is necessary to fulfill the high public purpose.

SECTION 7. DUTIES OF RECORDS MANAGEMENT OFFICER.

In addition to other duties assigned in this Ordinance, the Records Management Officer shall:

- A. Administer the records management program and provide assistance to custodians in its implementation;
- B. Plan, formulate, and prescribe records, disposition policies, systems, standards, and procedures;
- C. In cooperation with custodians identify essential records and establish a disaster plan for each City office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;

- D. Develop procedures to ensure the permanent preservation of the historically valuable records of the City of Parker;
- E. Establish standards for filing and storage equipment and for record keeping supplies;
- F. Establish a uniform filing system and a forms design and control system for the City of Parker;
- G. Provide records management advice and assistance to all City of Parker departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;
- H. Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the City of Parker's records control schedules are in compliance with state regulations;
- I. Disseminate to the City of Parker and custodians information concerning state laws and administrative rules relating to local government records;
- J. Ensure that the maintenance, preservation, destruction or other disposition of the City of Parker is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- K. Maintain records on the volume of records destroyed under approved records control schedules, the volume of records stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
- L. Report annually to the City Council on the implementation of the records management program;
- M. Bring to the attention of the City Council non-compliance by custodians or other personnel with the policies and procedures of the records management program or the Act;
- N. Prepare and file with the director and librarian before January 2, 1995, the records control schedules and the lists of obsolete records required by the Act.

SECTION 8. DUTIES AND RESPONSIBILITIES OF CUSTODIANS.

In addition to other duties assigned in this Ordinance, custodians shall:

- A. Cooperate with the Records Management Officer in carrying out the policies and procedures established in the City of Parker for the efficient and economical management of records and in carrying out the requirements of this Ordinance;
- B. Adequately document the transaction of government business and the services, programs, and duties for which the custodian and his/her staff are responsible;
- C. Maintain the records in his/her care and carry out their preservation, destruction or other disposition only in accordance with the policies and procedures of the records management program of the City of Parker and the requirements of this Ordinance.

SECTION 9. DUTIES AND RESPONSIBILITIES OF CITY COUNCIL.

The City Council shall:

- A. Establish, promote and support an active and continuing program for the efficient and economical management of all City of Parker records;
- B. Cause policies and procedures to be developed for the administration of the program under the direction of the Records Management Officer;
- C. Facilitate the creation and maintenance of City records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the City and designed to furnish the information necessary to protect the legal and financial rights of the City, State and persons affected by the activities of City government;
- D. Facilitate the identification and preservation of City records that are of permanent value;
- E. Facilitate the identification and protection of essential City records;
- F. Cooperate with the Commission in its conduct of State-wide records management surveys;
- G. Review of a records control schedule or amended schedule by the officers of the City as it considers necessary.

SECTION 10.**RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE.**

- A. The Records Management Officer, in cooperation with custodians, shall prepare records control schedules listing all records created or received by the custodians and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of the City of Parker records as the records management plan may require.
- B. Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the record keeping procedures and needs of the department and the records management program of the City of Parker.
- C. Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

SECTION 11.**IMPLEMENTATION OF RECORDS CONTROL SCHEDULES: DESTRUCTION OF RECORDS UNDER SCHEDULE.**

- A. A records control schedule for a department that has been approved and adopted shall be implemented according to the policies and procedures of the records management plan.
- B. A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the custodian requests in writing to the Records Management Officer that the record be retained for an additional period.
- C. Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer.

SECTION 12.**DESTRUCTION OF UNSCHEDULED RECORDS.**

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

SECTION 13.**ELECTRONIC STORAGE OF RECORDS.**

For the purpose of this section, "electronic storage" means the maintenance of local government record data in the form of digital electronic signals on a computer hard disk, magnetic tape, optical disk, or similar machine-readable medium.

For the purpose of this section, "source document" means the local government record from which local government record data is obtained for electronic storage. The term does not include backup copies of the data in any media generated from electronic storage.

- A. Any City record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of the Act and rules adopted under it.
- B. The City will be subject to rules established by the Commission for standards and procedures for electronic storage and will be subject to the provisions of Chapter 205 of the Act.

SECTION 14.**ESTABLISHMENT OF RECORDS MANAGEMENT PROGRAM.**

Upon the adoption of this Ordinance, the City Secretary is directed to file with the director and librarian within thirty (30) days the name and office of the Records Management Officer of the City and a copy of this Ordinance which establishes the Records Management Program of the City of Parker, Texas.

SECTION 15.**PENALTY.**

Any individual, association or corporation violating any portion or provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction therefor, shall be punished by the assessment of a fine not exceeding \$500.00 and a separate offense shall be deemed committed upon each day during on or which a violation occurs or continues.

SECTION 16.

CONFLICTS.

All Ordinances or parts of Ordinances in direct conflict herewith are repealed to the extent of conflict only.

SECTION 17.

SEVERABILITY.

Should any section, subsection, sentence, provision, clause or phrase hereof be held to be invalid, void or unconstitutional, for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause or phrase of this ordinance, and the same are deemed severable for this purpose.

SECTION 18.

EFFECTIVE DATE.

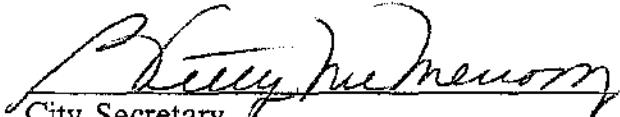
This Ordinance shall take effect and be in full force upon its adoption and publication of the caption in a newspaper of general circulation.

PASSED, APPROVED AND ADOPTED this 12 day of FEB,
1991.



Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 381-95

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, ESTABLISHING A MUNICIPAL COURT FOR THE CITY OF PARKER PURSUANT TO CHAPTER 29 OF THE GOVERNMENT CODE PROVIDING FOR JURISDICTION, APPOINTMENT OF MUNICIPAL JUDGE AND ALTERNATE JUDGE, TERM OF OFFICE AND COMPENSATION, AND PROVIDING FOR A COURT CLERK AND PROSECUTING ATTORNEY, AND PROVIDING FOR CONFLICTS AND SEVERABILITY.

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

SECTION 1. ESTABLISHMENT. The Parker City Council hereby establishes the Parker Municipal Court which shall be operated in accordance with the constitution and laws of the State of Texas.

SECTION 2. JURISDICTION.

(A) The municipal court has exclusive original jurisdiction within the territorial limits of the City of Parker in all criminal cases that:

- (1) arise under the ordinances of the City of Parker; and
- (2) are punishable only by a fine not to exceed:
 - (a) \$2,000 in all cases arising under the City's ordinances that govern fire safety, zoning, or public health and sanitation, including dumping of refuse; or
 - (b) \$500 in all other cases.

(B) The municipal court has concurrent jurisdiction with the justice court of a precinct in which the City of Parker is located in all criminal cases arising under state law that:

- (1) arise within the territorial limits of the City of Parker; and
- (2) are punishable only by a fine not to exceed \$500.

(C) The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction.

SECTION 3. MUNICIPAL COURT JUDGE. The City Council shall appoint a legally qualified person as municipal court judge who shall serve a term concurrent with the term of the City's mayor. The Parker municipal court judge shall be compensated at a rate as established by the City Council by resolution from time to time.

SECTION 4. ALTERNATE MUNICIPAL COURT JUDGE. The City Council may appoint a legally qualified person as alternate municipal court judge who shall serve a term concurrent with the term of the City's mayor. The Parker alternate municipal court judge shall be compensated at the same rate as established by the City Council for the municipal court judge.

SECTION 5. COURT CLERK. The City's secretary shall serve as the municipal court clerk unless the City Council appoints a court clerk who shall qualify within the term provided by law. The term of the municipal court clerk shall be concurrent with the term of the Mayor.

SECTION 6. PROSECUTING ATTORNEY. The City's Attorney shall serve as the prosecuting attorney in the Parker municipal court, unless the City Council shall appoint another qualified attorney to be the prosecuting attorney of the Parker municipal court.

SECTION 7. CONFLICTS. All ordinances and provisions of the City of Parker, Texas, including but not limited to Ordinance No. 126, that are in conflict with this Ordinance shall be and the same are hereby repealed, and all ordinances and provisions of ordinances of said City not so repealed are hereby retained in full force and effect.

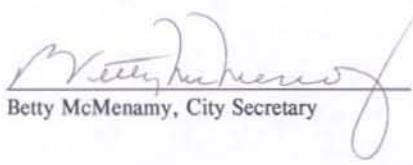
SECTION 8. SEVERABILITY. It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase, or section of this Ordinance be deemed severable and, should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing.

DULY APPROVED AND PASSED by the City Council of the City of Parker, Collin County, Texas, this 14 day of March, 1995.

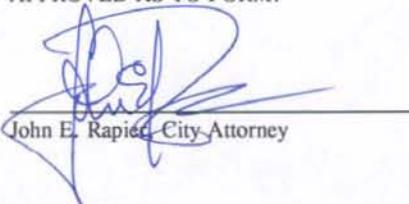
CITY OF PARKER

by: Jack Albritton
Jack Albritton, Mayor

ATTEST:


Betty McMenamy, City Secretary

APPROVED AS TO FORM:


John E. Rapier, City Attorney

ORDINANCE NO. 415

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
ESTABLISHING THE OFFICE OF FIRE MARSHAL, ENUMERATING RIGHTS,
POWERS, DUTIES, PROVIDING FOR FINES AGAINST WITNESSES WHO
REFUSE THE FIRE MARSHAL'S SUMMONS, PROVIDING FOR CONFLICTS,
INVALIDITY, AND DECLARING AN EMERGENCY**

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

SECTION 1. APPOINTMENT

The Office of Fire Marshal is hereby created, and said office shall be filled by a qualified person who shall be nominated by the Mayor, subject to the approval of a majority of the City Council. The Fire Marshal shall serve at the pleasure of the City Council and may be discharged at any time. The City Council shall require the Fire Marshal to report to the City Council by and through the Fire Chief. The Fire Marshal shall, in addition to such other qualifications as deemed necessary by the City Council, be a licensed Peace Officer.

SECTION 2. INVESTIGATION OF FIRES

The Fire Marshal shall investigate the cause, origin, and circumstances of every fire occurring within this City by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be within twenty-four hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall have the right to appointment as many qualified assistants as deemed necessary to complete such investigation(s). Qualified assistants include City of Parker Peace Officers and/or Volunteer Firemen. The Fire Marshal shall keep in his office a record of all fires, together with all facts, statistics and circumstances, including the origin of any and all fires, and the amount of loss, which may be determined by the investigation required by this Ordinance.

SECTION 3. FURTHER INVESTIGATION

The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons, supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced in writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense or either of them and shall furnish to the proper prosecuting attorney all such evidence together with the names of witnesses and all of the information obtained by him including a copy of all pertinent and material testimony taken in the case.

The Fire Marshal shall have the power to summon witnesses before him to testify in relation to any matter which is by the provisions of this ordinance a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The said Fire Marshal is hereby authorized and empowered to administer oaths and affirmations any persons appearing as witnesses before him.

SECTION 5. REFUSAL TO OBEY ORDER OF FIRE MARSHAL

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of said Fire Marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the Fire Marshal in the matter of said investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the Fire Marshal to cause all such offenders to be prosecuted. Any person being convicted of any such misdemeanor shall be fined a sum of not to exceed two hundred dollars (\$200.00) for each offense. Provided, however, that any person so convicted shall have the right of appeal.

SECTION 6. CONDUCTING OF INVESTIGATION

All investigations held by or under the direction of the Fire Marshal may in his discretion be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

SECTION 7. RIGHT OF ENTRY AND EXAMINATION

The Fire Marshal shall have the authority at all times of day or night, pursuant to State and Federal Laws when necessary, in the performance of the duties imposed upon him by the provisions of this Ordinance, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

SECTION 8. RIGHT OF INSPECTION

The Fire Marshal by virtue of the Fire Code, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all non-residential buildings and premises within the City of Parker, and it shall be his duty, monthly, or more often if required, to enter upon and make or cause to be entered and made, a thorough examination of all non-residential buildings, together with the premises belonging thereto. Whenever he shall find any building or other structure which, for want of fire suppression equipment or repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues, and pipes which may be connected, or a dangerous or

unlawful storage of explosives, compounds, petroleum, gasoline, chemicals, vegetable products, ashes, combustible, inflammable and refuse material, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighters or occupants, he shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises. Provided, however, that if said owner or occupant deems himself aggrieved by such order, he may, within five (5) days, appeal to the Mayor, who shall investigate the cause of the complaint and unless by his authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant. At the end of each month the Fire Marshal shall report to the State Fire Marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month.

SECTION 9. CONFLICTS

All Ordinances and provisions of the City of Parker, Texas, that are in conflict with this Ordinance shall be and the same are hereby repealed, and all Ordinances and provisions of Ordinances of the City of Parker not so expressly repealed are hereby retained in full force and effect. The City of Parker Ordinance No. 260, dated March 8, 1983 is revoked in its entirety.

SECTION 10. INVALIDITY

It is the intent of the City Council that each paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be deemed severable, and should any such paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this Ordinance left standing, nor the validity of the Ordinance as a whole.

SECTION 11. EMERGENCY

The fact that the present Ordinances of the City of Parker are inadequate to provide for the needs of the citizens of the City of Parker to promote the health, safety and welfare of the public, an urgency and emergency necessitates that this Ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides, and it is accordingly so ordained.

DULY APPROVED AND PASSED by the City Council of the City of Parker, Texas, on this the 25th day of March, 1997.

Bill Wade
Bill Wade, MAYOR PROTEM

ATTEST:

Betty McMenamy
Betty McMenamy, CITY SECRETARY

ORDINANCE NO. 439

**AN ORDINANCE OF THE CITY OF PARKER, TEXAS, ADOPTING AN EMERGENCY
WATER MANAGEMENT PLAN; AND PROVIDING A REPEALER CLAUSE, A
SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, AND AN
EFFECTIVE DATE.**

WHEREAS, an Emergency Water Management Plan would allow the City to most effectively manage water supplies in the event of a shortage; and

WHEREAS, if a water shortage occurs, the protection of the health, safety and comfort of the public would require expedient action on the part of the City; and

WHEREAS, the proposed Ordinance allows the Mayor or City Administrator to immediately take action to preserve existing water supplies and avoid undue delay; and

WHEREAS, it is in the best interests of the citizens of Parker for the Mayor or City Administrator to be able to implement procedures necessary to manage City water supplies in the event of an emergency; and

WHEREAS, the City Council now finds that it is in the best interest of the City and its citizens to adopt the proposed emergency water management plan.

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

EMERGENCY WATER MANAGEMENT PLAN

Section 1. Purpose; Scope.

There is hereby established a City of Parker Emergency Water Management Plan (in this Division called "the Plan") to provide procedures to minimize the effects of a water shortage to customers of the City of Parker. The Plan provides for voluntary and mandatory outdoor water usage reduction to address short or long-term emergencies. The Plan applies to:

- (1) All persons and premises within the City using water from the City's water system (in the Plan called "the System");
- (2) All service customers outside the City; and
- (3) All retail customers who live in unincorporated areas within the City's extraterritorial jurisdiction and are served by the System.

Section 2. Exemption.

Governmental use of water determined to be necessary for the public health, safety, and welfare, or for essential services such as fire, police, and emergency services, are exempt from any and all restrictions or mandates herein.

Section 3. Definitions.

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

'City Administrator' means the City Administrator of the City of Parker or his/her designee.

'General emergency' means a condition in which the existing or projected water supply available to the City is not anticipated to meet the ordinary water requirements of metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions (i.e., drought, etc.) and/or a failure of the City's or its supplier's water distribution systems.

'Geographical emergency' means a condition in which the existing or projected water supply available to the City is not anticipated to meet the ordinary water requirements of a section or sections of the metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions (i.e., drought, fire, etc.) and/or a failure of the City's or its supplier's water distribution systems.

'Landscape' means natural plant materials indigenous to a region and/or the addition of decorative or functional plantings around buildings or on grounds (i.e., trees, shrubbery, grasses, flowers).

'Mayor' means the Mayor of the City of Parker or his designee.

'City Staff' means all department heads, including the Chief of Police.

Section 4. Emergency criteria.

Emergency criteria triggering the implementation of various stages of the Plan includes, but is not limited to, the following:

General or Geographical Emergency;

Water system failures/emergencies (i.e., pressure zone deficiencies, chemical spills, broken water mains, power outages, electrical failure, failure of

storage tanks or other equipment, treatment plant breakdown, and water contamination);

Supply failure from North Texas Municipal Water District or initiation of any stage in its Drought Contingency Plan;

An inability to recover approximately 90% in all storage facilities within a 24-hour period;

An inability to recover approximately 90% in all storage facilities within a 48-hour period; or

Notification by the North Texas Water Management District of a catastrophic decrease in reservoir levels and/or delivery capabilities resulting in an inability, presently or in the immediate future, to recover resources sufficient to provide services necessary for the public health, safety, and welfare.

Section 5. Authority to Declare Emergency.

Upon the recommendation of the Mayor and the City Administrator that an emergency situation exists and that implementation of an emergency water management plan is necessary to protect the public welfare and safety, the Mayor is hereby authorized to declare that a state of emergency exists and to authorize the City Administrator to implement the applicable provisions of this Ordinance.

Section 6. Emergency Water Management Plan--Implementation and Termination.

(1) The City Administrator, after consultation with the City Staff, and if reasonably possible, a representative from the North Texas Municipal Water District, may, based upon the criteria listed in this Ordinance determine that conditions of a water emergency exist. Upon such determination, the City Administrator shall advise the Mayor. The Mayor shall, based upon the criteria specified in Section 8, specify the appropriate stage of emergency that exists and may order that the measures authorized under Section 8 be implemented.

To initiate effective General Emergency implementation of the Plan in the event of a General Emergency, the order must be:

- (a) Made by public announcement; and
- (b) Published in a newspaper of general circulation in the City within 24 hours after such public announcement.

The order becomes effective immediately upon publication.

(2) Geographical Emergency. In the event of a Geographical Emergency, door-to-door notification will be made in person and/or through door hangers, at which time the stage of emergency response as authorized by the Mayor shall become effective immediately.

Any number of supplemental public notifications may also be utilized after an emergency is declared, including notices posted at City Hall, the firestation, and publicized by direct mail, television, radio, and other news media.

All implemented actions remain in effect until the condition(s) which triggered activation of such actions have been alleviated or until the Mayor determines that the conditions triggering the emergency no longer exist and advises the City Administrator. The Mayor may then order the termination of emergency measures. The public will be informed of the termination in the same manner as provided above in Sections (1) and (2).

Section 7. Duration of order; Change/extension of stage of emergency.

The Plan is effective on a year-round basis. Upon the recommendation of the City Administrator, the Mayor may upgrade or downgrade the stage of emergency when the criteria identified in Section 8 triggers such upgrade or downgrade. Any change in the order must be implemented in the same manner, and must meet all notice requirements prescribed in Section 6. The Mayor may declare any stage of the Plan specified herein to be effective for a period not to exceed ninety (90) days. Thereafter, the City Council may, upon recommendation of the Mayor and the City Administrator, extend the duration of the particular stage for additional time periods up to, but not to exceed, 120 days each. The Mayor may terminate the particular stage in the manner prescribed in Section 6, when the City Administrator determines the conditions creating the emergency no longer exist and advises the accordingly.

Section 8. Emergency Water Management Plan--Description.

(a) *Generally.* Upon the occurrence of an emergency as provided in Section 6, upon recommendation of the City Administrator, the Mayor may exercise his discretion to request special voluntary water restrictions and/or to initiate Stage 1, 2, or 3 mandatory restrictions.

(b) Water Watch (Voluntary Reductions)

(1) By April 30 of each year, the City Staff will forecast water supply and potential water demands for May 1 through September 30 of that year. The forecast will be based on supply information from North Texas

Municipal Water District and from City of Parker pumping reports. The Mayor may issue a request for Voluntary Reductions based on the report.

(c) *Stage 1: Water Warning (Moderate to Serious Water Shortage)*

- (1) *Criteria for implementation of Stage 1 of Plan:* Inability to recover approximately 90% in one or more storage facilities within a 24-hour period. Upon recommendation of the City Administrator and approval by the Mayor, Level 1 or Level 2 procedures shall become effective. A Level may be upgraded or downgraded at any time during Stage 1 at the discretion of the Mayor.
- (2) *Criteria for termination of Stage 1 of Plan:* Stage 1 shall terminate at the discretion of the Mayor upon recommendation of the City Administrator.
- (3) *Mandatory compliance:* Upon implementation by the Mayor and publication of notice as required in Section 6 of this Ordinance, the following restrictions shall apply:
 - (A) The following schedules of allowed landscape water days and times apply to all metered water users utilizing the City of Parker public water supply unless specifically excepted herein:

(1) *Level 1*

All landscape and other outdoor water usage at each service address shall be limited to once every other day, except Sunday, based on the last digit of the metered service physical street address.

Last Digit of Address	Allowed Landscape Water Days
1, 3, 5, 7, 9	Monday, Wednesday, Friday
0, 2, 4, 6, 8	Tuesday, Thursday, Saturday
	Sunday - No Watering Storage Recovery Day

Apartments, office building complexes, or other property containing multiple addresses will be identified by the lowest physical street address number. Where there are no numbers, a number will be assigned by the City Administrator.

(2) Level 2

All landscape and outdoor water usage at each service address shall continue to be performed according to the allowed landscape water days schedule set out in Stage 1, Level 1; however, water usage is prohibited from 5:00 a.m.-9:00 a.m. and from 4:00 p.m.-7:00 p.m.

- (B) Newly constructed swimming pools, Jacuzzis, spas, ornamental ponds, and fountains may be filled once.
- (C) Watering of newly installed landscaping is exempt from Stage 1 restrictions for one (1) year from the date of planting. After the first year has elapsed, the landscape water days schedule and hourly restrictions as set out in Subsection c (3) (A) above must be followed.
- (D) Excessive water run-off from any landscaped area onto streets, alleys, or parking lots is prohibited. Runoff is excessive when it extends for a distance greater than ten (10) feet from the property.
- (E) Washing or hosing down of buildings, sidewalks, driveways, patios, porches, parking areas, or other paved surfaces is prohibited.
- (F) Refilling after draining private swimming pools, Jacuzzis, spas, ornamental ponds, and fountains is prohibited. Refilling shall mean to replace more than twenty-five (25) percent of depleted water.
- (G) Washing or rinsing of owner's vehicles on owner's premises must follow the allowed landscape water days schedule as set out in Subsection c (3)(A) above. A hand-held hose equipped with a positive shut-off nozzle and/or hand-held bucket must be used. (Includes boats, trailers, and other mobile vehicles and equipment.)

(4) Exceptions

- (A) Commercial landscape nurseries are exempt from Stage 1 restrictions. Voluntary cutbacks and/or rescheduling will be requested through personal contact by Public Works staff.
- (B) Drip irrigation systems and soaker hoses are exempt from Stage 1, Level 1 restrictions; however, upon the implementation of Stage 1, Level 2 restrictions, Stage 1, Level 1 day and hour restrictions shall apply to such water usage. Notice of such restrictions will be provided according to the requirements of Section 6 of this Ordinance.

(d) Stage 2: Water Emergency (Severe Water Shortage)

(1) Criteria for implementation of Stage 2 of Plan: Inability to recover approximately 90% in one or more storage facilities within a 48-hour period. Upon recommendation of the City Administrator and approval by the Mayor, Level 1 or Level 2 Procedures shall become effective. A Level may be upgraded or downgraded at any time during Stage 2 at the discretion of the Mayor.

(2) Criteria for termination: Stage 2 shall terminate at the discretion of the Mayor upon recommendation of the City Administrator.

(3) Mandatory compliance: Upon implementation by the Mayor and publication of notice as required by Section 6 herein, the following restrictions shall apply:

(A) The following schedules of allowed landscape water days and times apply to all metered water users utilizing the City of Parker public water supply unless specifically excepted herein:

(1) Level 1

All landscape and other outdoor water usage at each service address shall be limited to once every seven days, based on the last digit of the metered service physical street address.

Last Digit of Address	Allowed Landscape Water Days
1, 3	Monday
0, 2	Tuesday
5, 7	Wednesday
4, 6	Thursday
9	Friday
8	Saturday
	Sunday-No Watering (Storage Recovery Day)

Apartments, office building complexes, or other property containing multiple addresses will be identified by the lowest physical street address number. Where there are no numbers, a number will be assigned by the City Administrator.

(2) Level 2

All landscape and outdoor water usage at each service address shall continue to be performed according to the allowed landscape water days schedule set out in Level 1; however, water usage is prohibited from 5:00 a.m.-9:00 a.m. and from 4:00 p.m.-7:00 p.m.

(B) Washing or rinsing of owner's vehicles on owner's premises must follow the landscape water days schedule as set out in Subsection d (3)(A) above. A hand-held hose equipped with a positive shut-off nozzle, and/or hand-held bucket must be used. (Includes boats, trailers, and other mobile vehicles and equipment.)

(C) Existing swimming pools, Jacuzzis, spas, ornamental ponds, and fountains may be replenished with a hand-held hose to maintain operational levels only.

(D) Permitting of new swimming pool, Jacuzzi, spa, ornamental pond, or fountain construction is prohibited, except that those previously permitted or under construction at the time Stage 2 restrictions are initiated may complete construction and may be filled one time only. Filling occurs when an amount of water equal to at least seventy-five (75) percent of the water capacity of a pool, jacuzzi, spa, ornamental pond, or fountain is placed in such receptacle.

(E) New construction water line flushing and routine fire hydrant flushing is prohibited without special approval from the City Administrator.

(F) Watering of newly installed landscaping is exempt from Stage 2 restrictions for one (1) year from the date of planting. After the first year has elapsed, the landscape water days schedule and hourly restrictions as set out in Subsection d (3) (A) above must be followed.

(G) Commercial landscape nurseries are subject to Stage 2 restrictions. Public Works staff may contact such users to arrange an acceptable watering schedule which may include hourly or daily restrictions.

(4) Exceptions:

(A) Drip irrigation systems and soaker hoses are exempt from Stage 2, Level 1 restrictions; however, upon the implementation of Stage 2, Level 2 restrictions, Stage 2, Level 1 day and hour restrictions shall apply to such water usage. Notice of such restrictions will be provided according to the requirements of Section 21-58 of this Ordinance.

(e) *Stage 3: Water Crisis (Catastrophic Water Shortage)*(1) Requirements for implementation of Stage 3 of Plan:

- a) Notification by the North Texas Municipal Water District of the existence of catastrophically decreasing reservoir levels and/or delivery capabilities with an inability to recover to provide services necessary for public health, safety, and welfare.
- b) A water main, pump, or other water system failure which causes a significant loss of pressure in the water line, and/or a severe shortage of water in the system.

(2) Criteria for termination: Stage 3 shall terminate at the discretion of the Mayor upon recommendation of the City Administrator.

(3) Mandatory compliance: Upon implementation by the Mayor and publication of notice as required herein, the following restrictions shall apply:

- (A) Any and all outdoor/landscaping water usage is prohibited until the emergency is alleviated. This applies to all metered water users utilizing the City of Parker public water supply and encompasses all residential (single or multiple dwellings), commercial (car wash, nurseries, businesses), recreational (public/private golf courses, parks, athletic fields), religious, healthcare, school, and municipal entities.
- (B) Use of water for municipal purposes shall be limited only to those activities necessary to maintain the public health, safety, and welfare.
- (C) Use of water from fire hydrants is prohibited except for fire fighting and related activities.

Section 9. Criminal Penalty; Administrative Remedy.

(a) **Criminal Penalty.** Any person, firm, or corporation violating any of the provisions or terms of the Emergency Water Management Plan shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject to a fine not exceeding \$2,000 for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(b) **Administrative Remedy.** In addition to the fine that may be imposed for a violation of this Ordinance pursuant to Subsection (a) above, upon municipal court conviction of a second offense within an eighteen (18) month period of any

Stage 2 or Stage 3 requirement, the City may also terminate service and remove the meter from the location where the violations occurred.

(c) Administrative Remedy - Customers Outside City. The City Administrator of Public Works shall advise customers outside the City limits receiving water service from the City of actions taken under the Plan. Noncompliance with any requirement in any stage shall result in termination of service and removal of meter. Prior to such termination, the customer shall be given notice of the City's intent to terminate service and shall have five (5) business days from the mailing of such notice to appeal the decision to the City Administrator. Notice shall be sufficient if sent by certified mail to the last known address of the customer. If service is terminated, customer shall be liable for all costs of reinstallation.

Section 10. All provisions of the Ordinances of the City of Parker, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Parker, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 11. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section 12. The repeal of any Ordinance or part of any Ordinance effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provision of any Ordinance at the time of passage of this Ordinance.

Section 13. This Ordinance shall become effective from and after its passage and publication as required by law.

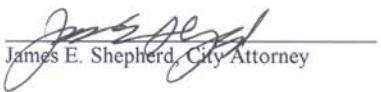
DULY PASSED AND APPROVED this the 14 day of July,
1998.

Robert L. Daner, Mayor Pro Tem

ATTEST:


Betty McMenamy, City Administrator

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

ORDINANCE NO. 459

AN ORDINANCE OF THE CITY OF PARKER, TEXAS, REGULATING SOLICITORS AND PEDDLERS; PROVIDING FOR AN APPLICATION; PROVIDING FOR PAYMENT OF A PERMIT FEE; PROVIDING FOR APPEALS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Parker, upon full consideration of the matter, has determined that for the health, welfare, and safety of its citizens, it is desirable to enact regulations governing solicitors and peddlers;

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

Section 1. Definitions.

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

- (a) Charitable means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal, either actual or purported, holding determination letter from the Internal Revenue Services of 501(c)3 or 501(c)4 status.
- (b) City Administrator means the City Administrator of Parker, Texas.
- (c) Contributions mean and include the words alms, money, subscription, property or donations under the guise of a loan or money or property.
- (d) City means the City of Parker.
- (e) Peddler means any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this Ordinance.
- (f) Peddling includes all activities ordinarily performed by a peddler as indicated under paragraph (e) of this Section.

- (g) Person means a natural person or any firm, corporation, association, club, society or other organization.
- (h) Solicitor means any person who goes upon premises of any private residence in the City, not having been invited by the occupant thereof for the purpose of taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature for future delivery, or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property, to request contribution of funds or anything of value, or sell goods or services for political, charitable, religious or other non-commercial purposes.
- (i) Solicitation includes all activities ordinarily performed by a solicitor as indicated under paragraph (h) of this Section.

Section 2. Permit Requirements and Exemptions.

It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the City of Parker without first obtaining a permit issued by the City; provided, however, that the following are exempted from the provisions of this Section.

- (a) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
- (b) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
- (c) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable organization;
- (d) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.
- (e) Any solicitation by or for a volunteer fire department with principal facilities and equipment located in the City of Parker.
- (f) Any solicitation by the Parker Women's Club for charitable purposes in the City of Parker.

Section 3. Permit for Sponsoring Juvenile Peddlers.

- (a) No person under the age of eighteen (18) shall be permitted to engage in peddling except as provided in this Section.

- (b) A permit shall be obtained by a sponsoring person, company or organization for the conduct of any peddling or solicitation activities involving, in whole or in part, a sales force of one (1) or more persons under eighteen (18) years of age.
- (c) The sponsor shall be responsible for supervising and controlling the conduct of all persons, including juveniles, peddling under the sponsor's permit.
- (d) The sponsor shall provide to each individual in its sales force a badge or other easily readable form of identification which identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to wear such identification so that it is clearly visible at all times when the individuals are peddling or soliciting. A copy of the permit must be displayed on the request of any person solicited.

Section 4. Permit Application

Every person subject to the provisions of this Ordinance shall file with the City an application in writing on a form furnished by the City, which shall provide the following information:

- (a) Date of birth, address and identification of the applicant, to be provided through the applicant's driver's license, articles of incorporation (for sponsors), or other legally recognized form of identification;
- (b) Names, addresses, driver's license numbers or other form of legally recognized form of identification of all persons who may act as agent or employee of the applicant;
- (c) A brief description of the business or activity to be conducted or goods to be sold;
- (d) If employed, the name, address and telephone number of employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be;
- (e) The length of time for which the right to peddle or solicit is desired;
- (f) The applicant's state sales and use tax permit number, if required by law in order to conduct the proposed business, or proof of exemption if none is required;
- (g) If a vehicle is to be used, make, model, color and license number shall be provided;
- (h) Whether applicant, upon sale or order, shall demand, receive or accept deposit or total payment in advance of final delivery.

- (i) Felony convictions of any solicitors, their agents, or employees, who may be soliciting within the City.

Section 5. Fees

A fee of \$75.00 for all Peddlers and Solicitors, except those of charitable purposes for which the fee is \$25.00 shall be paid prior to the issuance of a permit. When any solicitor or peddler shall engage in an activity through one or more agents or employees, in addition to the fee for the applicant, a permit fee shall be paid for each agent or employee so engaged, and the fee shall entitle the agent or employee to a permit for the same term and upon the same conditions as that of the primary permit. No permit fee shall be refunded.

Section 6. Application Review and Permit Issuance.

- (a) Upon receipt of an application, the City Administrator, or authorized representative, shall review the application as deemed necessary to ensure compliance with Section 4.
- (b) The City Administrator, or authorized representative, shall endorse his/her approval on the application and shall, upon payment of the prescribed fee, issue the required permit to the applicant.
- (c) The permit shall show the name, address and driver's license number of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit will be in effect. The permit will also show the permit number.

Section 7. Denial of Permit.

- (a) Upon the City Administrator, or authorized representative's review of the application, the City Administrator, or representative may refuse to issue a permit to the applicant for any of the following reasons:
 - (i) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers and/or their customers;
 - (ii) An investigation reveals that the applicant falsified information on the application;
 - (iii) There is no proof as to the authority of the applicant to serve as an agent to the principal; or
 - (iv) The applicant has been denied a permit under this Ordinance within the immediate past year, unless the applicant can and does show to the satisfaction of the

City Administrator or representative that the reasons for such earlier denial no longer exist.

(b) The City Administrator, or authorized representative's disapproval and reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued.

Section 8. Permit Expiration.

All permits issued under the provisions of this Ordinance shall expire six (6) months from the date of issuance, unless an earlier expiration date is noted on the permit.

Section 9. Permit Exhibition.

Every person required to obtain a permit under the provisions of this Ordinance shall exhibit the permit when requested to do so by any prospective customer City employee or police officer.

Section 10. Transfer Prohibited.

It shall be unlawful for any person other than the permittee to use or exhibit any permit issued under the provisions of this Ordinance.

Section 11. Entry upon Signed Premises Unlawful and Trespass.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a solicitor or peddler, to enter upon any residential premises in the City where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers", "No Solicitors", or words of similar import.

(a) Nothing in this Ordinance shall authorize any solicitor or peddler to commit the offense of trespass, as defined in the Texas Penal Code. Any offense of trespass shall be a violation of this Ordinance, and grounds for revocation of the permit.

Section 12. Hours of Solicitation.

No person, while conducting the activities of a solicitor or peddler, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 8:00 p.m. and 8:00 a.m.

Section 13. Permit Revocation.

Any permit issued under this Ordinance may be revoked or suspended by the City Administrator, or authorized representative, after notice and hearing, for any of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application for a permit;
- (b) Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
- (c) Conducting solicitation or peddling activities contrary to the provisions contained in this Ordinance;
- (d) Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute breach of peace, trespass, or endanger the health, safety or general welfare of the public.

Section 14. Notice and Hearing.

Notice of a hearing for revocation of a permit issued under this Ordinance shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

Section 15. Appeals.

- (a) Any person aggrieved by the action or decision of the City Administrator or authorized representative to deny, suspend or revoke a permit applied for under the provisions of this Ordinance shall have the right to appeal such action or decision to the Mayor of Parker within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- (b) An appeal shall be taken by filing with the City Administrator or authorized representative a written statement setting forth the grounds for the appeal.
- (c) The City Administrator or authorized representative shall transmit the written statement to the Mayor within ten (10) days of its receipt and the Mayor shall set a time and place for a hearing of the appeal.
- (d) A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- (e) Notice of time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- (f) The decision of the Mayor on the appeal shall be final and binding on all parties concerned.

Section 16. Enforcement.

It shall be the duty of any police officer of the City to require any peddler or solicitor who is not known by such officer to be duly permitted, to produce his permit and to enforce the provisions of this Ordinance against any person found to be violating the same.

Section 17. Claims of Exemption.

Any person claiming to be legally exempt from the regulations set forth in this Ordinance, or from the payment of a permit fee, shall cite to the City Administrator or authorized representative the statute or other legal authority under which exemption is claimed and shall present to the City Administrator or authorized representative proof of qualification for such exemption.

VIOLATIONS AND PENALTY

- (a) Violation of any of the provisions of this Ordinance shall upon conviction, be punishable by a fine not to exceed Two Thousand and no/100 (\$2,000.00) Dollars for each offense, and each and every day such violation shall continue shall constitute a separate offense.
- (b) In addition to any criminal enforcement, the City or any individual may pursue any available civil remedies deemed appropriate and necessary.

SEVERABILITY

The terms and provisions of this Ordinance shall be deemed to be severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such decisions shall not affect any other remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

REPEALER

All ordinances or parts of ordinances inconsistent or in conflict herewith are hereby repealed.

EFFECTIVE DATE

This Ordinance shall take effect immediately from its passage and publication of the caption as the law in such cases provides.

EMERGENCY

It being for the public welfare that this Ordinance be passed, creates an emergency and public

necessity, and the rule requiring this Ordinance be read on three (3) separate occasions be, and the same is hereby waived, and this Ordinance shall now be placed on its third and final reading for passage, and shall be in full force and effect from and after its passage and approval and publication, as provided by law.

Duly Passed by the City Council of the City of Parker, Texas, on this 11 day of
May, 1999

David Hammel
David Hammel, Mayor

ATTEST:

Betty McMenamy
Betty McMenamy, City Secretary

APPROVED AS TO FORM;

James E. Shepherd
James E. Shepherd, City Attorney

ORDINANCE NO. 498

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS PROVIDING FOR THE RULES AND REGULATIONS FOR THE OPERATION OF THE CITY OF PARKER POLICE DEPARTMENT, THE POWERS AND DUTY OF OFFICERS AND PATROLMEN, THE RATIFICATION OF THE ESTABLISHMENT OF THE POLICE DEPARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EMERGENCY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Parker, Texas, desires in this Ordinance to set forth the powers and duties for officers and patrolmen of the City of Parker Police Department, and to provide for the health, welfare, and safety of the citizens of Parker, Texas;

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

SECTION 1. CHIEF OF POLICE, DIRECTOR OF POLICE DEPARTMENT.

The director of the Police Department shall be the Chief of Police. The Police Department shall be composed of a Chief of Police and such other officers, patrolmen and employees as the City Council may provide.

The City Administrator shall recommend to the City Council the number of officers, patrolmen and employees in addition to the Chief. The City Administrator, or Mayor, shall, after being authorized by the City Council by resolution, appoint temporary policemen or guards in cases of emergency.

The Chief of Police shall have immediate direction and control of the Police Department, subject to the supervision of the City Administrator and also subject to such rules, regulations, and orders as the City Administrator may prescribe not inconsistent with the Ordinances of the City, and shall promulgate all orders, rules and regulations governing the conduct of the Department which when approved by the City Administrator and City Council, shall in addition to applicable laws and provisions, ordinances, constitute the rules of the administration and conduct of the Department.

The selection, appointment and promotion of Police Officers shall be on the merit basis.

SECTION 2. AUTHORITY OF POLICEMEN

The officers and patrolmen constituting the Police Department of the City of Parker shall be and they are hereby vested with all the powers and authority given to them as Peace Officers under the laws of the State of Texas in taking cognizance of, and enforcing the criminal laws of the State and the ordinances and regulations of the City within the limits of the City, and it shall be the duty

of each such officer and patrolmen to use his best endeavors to:

- A. Prevent the commission within the City of offenses against the laws of the State and against the ordinances and regulations of the City.
- B. To observe and enforce all such laws, ordinances and regulations.
- C. To detect and arrest offenders against the same to preserve the good order of the City.
- D. To secure the inhabitants thereof from violence, and the property therein from injury.

Such Policemen shall execute any criminal warrant for arrest, or any writ, subpoenas or other process that may be placed in their hands by the duly constituted authorities of the City. No Policemen shall receive any fee or other compensation for any service rendered in the performance of his duty other than the salary paid him by the City, nor shall he receive a fee as a witness in any case arising under the criminal laws of this State or under the ordinances or regulations of the City and prosecuted in the Corporation Court of the City or in any Criminal Court in Collin County.

SECTION 3. SUSPENSION OF POLICEMEN - HEARING.

The Chief of Police shall have the exclusive right to suspend any of the officers or employees who may be under his jurisdiction and control for incompetence, neglect of duty, immorality, illegal substance abuse, drunkenness or failure to obey orders given by the proper authority. If any officer or employee be suspended, as herein provided, the Chief of Police shall forthwith in writing, certify the fact, together with the cause for suspension, to the City Administrator, who shall within ten (10) days from the receipt of such certificate, if demanded by the suspended officer or employee so to do, proceed to inquire into the cause of the suspension and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal, and such judgment shall be final.

SECTION 4: 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. The creation of the Police Department at its inception in the City of Parker is ratified and approved. Any ordinances in conflict with this Ordinance are repealed to the extent that they are in conflict with the terms and conditions of this Ordinance.

SECTION 5. EMERGENCY.

The need for expansion of the City of Parker Police Department to provide for the needs of

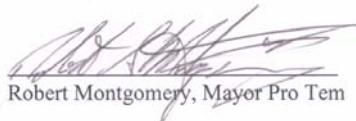
the citizens of the City of Parker to promote health, safety, and welfare of the public, creates an urgency and emergency that necessitates that this Ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides, and it is accordingly so ordained.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

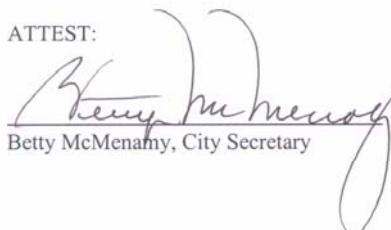
ADOPTED by the City Council of the City of Parker, Texas, on this 13 day of March, 2001.

APPROVED:



Robert Montgomery, Mayor Pro Tem

ATTEST:



Betty McMenamy, City Secretary

APPROVED AS TO FORM:



James E. Shepherd, City Attorney

ORDINANCE NO. 515

(Fire Department)

AN ORDINANCE MODIFYING ORDINANCE NO. 258 PERTAINING TO THE VOLUNTEER FIRE DEPARTMENT OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING THE METHOD FOR THE SELECTION OF OFFICERS AND MEMBERS THEREOF, PROVIDING FOR CITY COUNCIL APPOINTMENT OF THE CHIEF AND ASSISTANT CHIEF OF THE FIRE DEPARTMENT, AND THE CITY FIRE MARSHAL, PROVIDING AUTHORITY FOR THE DESTRUCTION OF BUILDINGS AND STRUCTURES IN EMERGENCY AND HAZARDOUS CASES, PROVIDING FOR RIGHT OF WAY AND UNOBSTRUCTED USE OF STREETS FOR FIRE APPARATUS WHILE EN ROUTE TO A FIRE, PROVIDING FOR ARREST OF SUSPECTED PERSON OR PERSONS WHO ARE NOISY, DISORDERLY, OR HINDER, RESIST OR REFUSE TO OBEY ALL OFFICERS ON DUTY AT THE SCENE OF A FIRE; MAKING IT UNLAWFUL FOR ANY PERSON NOT A MEMBER OF THE DEPARTMENT TO INTERFERE WITH ANY MEMBER OF THE DEPARTMENT IN THE DISCHARGE OF DUTIES; MAKING IT UNLAWFUL FOR ANY PERSON NOT A MEMBER OF THE FIRE DEPARTMENT TO HANDLE OR IN ANY WAY INTERFERE WITH APPARATUS BELONGING TO THE FIRE DEPARTMENT WITHOUT AUTHORIZATION FROM THE FIRE DEPARTMENT; PROVIDING FOR OPERATIONAL PROVISIONS OF THE DEPARTMENT; AND REVOKING COUNCIL APPROVAL OF PARKER VOLUNTEER FIRE DEPARTMENT BYLAWS AND AUTHORIZING NEW FIRE DEPARTMENT REGULATIONS; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED \$1,000 FOR EACH OFFENSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EMERGENCY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Parker has experienced significant population growth since the establishment of a Parker Volunteer Fire Department in 1983; and ,

WHEREAS, the increase in population growth has brought with it a demand for increased services from the City for the health, safety and welfare of the residents; and

WHEREAS, the City's long range plans do include provisions for additional infrastructure, police and emergency medical services, and fire department services; and

WHEREAS, the City Council has directed that a review of all City services be undertaken; and

WHEREAS, one of the areas to be modified and expanded are the services which can be rendered by the Fire Department; and

WHEREAS, the City wishes to be proactive in the continuing development of all City services, including the Fire Department; and

WHEREAS, the continuing evaluation of all City services may, in part, result in the establishment of some paid positions within the Parker Fire Department, in addition to the volunteer services ;

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

SECTION 1. ORGANIZATION

The Parker Volunteer Fire Department will continue to be primarily an organization of volunteers, governed by its officers. From time to time, and as needed, the City Council may establish paid positions in the Department. If not specifically resolved or ordained by the Council in the form of a resolution or an ordinance, each position in the Fire Department shall be that of a volunteer. Employees and volunteers may be reimbursed their ordinary and necessary expenses.

SECTION 2. OFFICERS

The Officers of the Fire Department shall be as follows: Chief, Assistant Chief and Fire Marshal. It shall be the responsibility of the Chief to appoint the training officer, Treasurer, Secretary, Captain (tactical position), equipment manager, and other tactical positions. All members of said Department shall perform such duties as may be prescribed from time to time by the direction of the City Council, to be executed by the Chief of the Department.

SECTION 3. OFFICERS' DUTIES AND POWERS

A. The Chief of the Fire Department shall be the executive officer of the Department. It shall be his duty and that of his assistant to see that the laws, ordinances, orders, rules and regulations concerning the said department and the operation thereof are carried into full force and effect. It shall be the duty of the Chief to enforce such rules and regulations made from time to time to secure discipline in said Department. He/she shall have the authority to suspend and/or terminate the services of any officer, employee, or volunteer, with the consent of the Mayor. Notwithstanding any other provision of this Ordinance, all personnel of the Fire Department in all capacities serve only as needed, and may be released, relieved, or discharged at will, with or without cause.

Additional duties for the Fire Chief are as follows:

1. Approve all expenditures of budgeted funds;
2. Appoint all committees;
3. Enforce membership and attendance guidelines;
4. Prepare budget working in conjunction with Treasurer and submit budget to City Council for approval; and
5. Approve items purchased by Department donated funds (fundraisers) with approval of three-fourths (3/4) majority of the active members in attendance.

B. The City Council shall appoint the Fire Chief, Assistant Chief and Fire Marshal by a majority vote of the City Council. The appointed officers serve at the pleasure of the Council.

C. The officers appointed by the City Council shall have the following requirements and training to qualify for their positions:

1. Fire Chief:
 - a. An ability to interact and work with all members.
 - b. An ability to work with City Council on all aspects of Department requirements.
 - c. Minimum of thirty (30) hours training in incident command.
 - d. Knowledge of City government functions and how they relate to the Fire Department.
 - e. Ten years of paid or volunteer fire service.
 - f. Minimum of sixty (60) hours training in officer development.
 - b. Held prior tactical or officer position.
 - g. No less than basic certification from the SFFMA.
2. Assistant Chief:
 - a. An ability to interact and work with all members.
 - b. An ability to work with City Council on all aspects of Department requirements.
 - c. Minimum of thirty (30) hours training in incident command.
 - d. Knowledge of City government functions and how they relate to the Fire Department.
 - e. Five years of paid or volunteer fire service.
 - f. Minimum of thirty(30) hours training in officer development.
3. Fire Marshal:
 - a. Shall be a certified police officer;
 - b. Have the ability to work with Fire Department personnel.

- c. Have the ability to work with the City Council.
- d. Have knowledge of City government functions, and how they relate to his or her position.

SECTION 4: CHAIN OF COMMAND

It shall be the duty of the Chief of the Department and the Assistant Chief to immediately report to the location of a fire and take proper measures for extinguishing and/or containing the fire. The Chief shall have sole command over all other officers, all members of the Department and all other persons who may be present at the fire. The Chief shall take all proper measures for extinguishing the fires and protection of property and for preservation of the laws of the State and ordinances of the City and regulations respecting fires. In the absence of the Chief, the Assistant Chief shall be in command. In the absence of the Chief and the Assistant Chief, the Captain shall be in command.

SECTION 5. FIRE DAMAGE MITIGATION

During a fire, the Chief, or the commanding officer on the scene, with the concurrence of the Mayor, may direct that a building or other structure be torn down or destroyed for the purpose of extinguishing the fire, or slowing the spread of the fire to other property. Prior to the destruction of any building, the Chief, or the commanding officer in charge, with the concurrence of the Mayor, shall have determined that the building or the structure to be destroyed is hazardous to the personnel on the site, and/or is likely to catch fire, increasing the damage at the location. Neither the City, any City official, nor any member of the Fire Department, shall be liable for the emergency destruction of buildings, structures, or properties destroyed to mitigate the effects of the fire in progress, or to protect the lives and safety of the persons and personnel fighting the fire.

SECTION 6. EMERGENCY RIGHT OF WAY

All moving apparatus of the Fire Department shall have the paramount right-of-way through all streets, thoroughfares, lanes, alleys, places and courts of the City when en route to a fire and such apparatus, together with all other vehicles contiguous thereto shall take and keep to the right hand side of the street unless the same be obstructed, in order to give the apparatus of the Fire Department the unobstructed use of the streets.

SECTION 7. FIRE BOUNDARIES

The Fire Department shall have the right, in time of fire, to place ropes or guards across all streets, thoroughfares, lanes or alleys on which shall be situated any building on fire and at such other points as it may deem expedient and necessary. The members of the Department who have been assigned by the Chief for policing purposes shall prevent any and all persons, (except officers and members of the Fire Department and owners and occupants of such buildings, endangered by the

existing fires), from crossing the lines designated by ropes or guards.

SECTION 8. CRIMINAL INVESTIGATIONS

It shall be the duty of the Fire Marshal to enforce all State and Local Ordinances pertaining to fire prevention and to investigate all fires for possible arson. The Police Department will assume this responsibility in the absence of the Fire Marshal.,

SECTION 9. PUBLIC SAFETY

During the progress of a fire within the limits of the City of Parker, and for a reasonable time after its extinguishment, it shall be lawful for the Mayor, Chief of Police or any policemen in the City, or Chief or other officer in command of the Fire Department, to arrest and keep in custody all suspected persons and persons who conduct themselves in a noisy or disorderly manner, or hinder, resist or refuse to obey any such officers while acting in the discharge of his duty.

SECTION 10. AUTHORITY IN EMERGENCY

The officers mentioned in the preceding section shall be vested with full power and authority to request all persons present at any fire in the City to assist in the discharge of any duty under the supervision of such fire in the extinguishments of same, or the removal and preservation of property, provided that the persons shall not be bound to obey such officers unless the officers shall wear their badge of office, or unless their official title be known, or be made known to such persons.

SECTION 11. UNLAWFUL INTERFERENCE WITH PERSONNEL

It shall be unlawful for any person or persons not a member of said Fire Department to interfere with, or in any manner hinder any member or employee of said Fire Department in the discharge of his duties as such.

SECTION 12. UNLAWFUL INTERFERENCE WITH APPARATUS

It shall be unlawful for any person or persons not a member of said Fire Department to handle, or in any way interfere with any apparatus belonging to or used by said Fire Department, either at a fire or while traveling to or returning from a fire, or while standing in the Fire Department quarters, or at any time, unless such person or persons is requested to do so by an officer of said Department.

SECTION 13. POLICY AND PROCEDURES AUTHORIZED

With the passage of this Ordinance, the Fire Department is provided the opportunity and is requested to incorporate those portions of the Fire Departments Bylaws into the Fire Departments

operations and procedures manual as may be necessary to carry out the terms and conditions of this Ordinance. Any prior express or implied approval of the Fire Department's Bylaws by the City is revoked, and the Bylaws are revoked, in order to eliminate the conflict between the terms of this Ordinance, and the policies and procedures manual adopted by the Fire Department.

SECTION 14. PENALTY CLAUSE

Any person, firm, company, partnership, corporation, or association violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount of One Thousand Dollars (\$1,000.00) for each such violation, and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

SECTION 15. REPEALING CLAUSE.

That all ordinances of the City of Parker, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 16: 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.

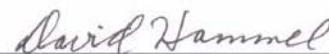
SECTION 17. EMERGENCY.

The need to provide for the needs of the citizens of the City of Parker to promote health, safety, and welfare of the public, creates an urgency and emergency that necessitates that this Ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides, and it is accordingly so ordained.

SECTION 18. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

ADOPTED by the City Council of the City of Parker, Texas, on this 4th day of December, 2001.

APPROVED:

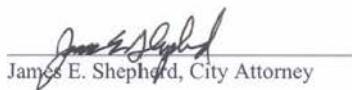


David Hammel, Mayor

ATTEST:


Betty McMenamy, City Secretary

APPROVED AS TO FORM:


James E. Shepherd, City Attorney

ORDINANCE NO. 537

*(Creation of the Office of Municipal Attorney
and Appointment of Municipal Attorney)*

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
CREATING THE MUNICIPAL OFFICER POSITION OF MUNICIPAL ATTORNEY;
PROVIDING FOR DIRECTION BY THE CITY COUNCIL; APPOINTING A
MUNICIPAL ATTORNEY; PROVIDING A REPEALING CLAUSE; PROVIDING A
SEVERABILITY CLAUSE AND; PROVIDING A PENALTY CLAUSE AND AN
EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Collin County, Texas, desires to create and continue the municipal office of Municipal Attorney, and

WHEREAS, the Parker City Council desires to provide for the initial appointment and periodic reappointment of the Municipal Attorney,

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

SECTION 1. That the Parker City Council, pursuant to the Texas Local Government Code §22.071, hereby creates the municipal officer position of Municipal Attorney.

SECTION 2. Said Municipal Attorney shall be licensed to practice law in the State of Texas, shall maintain said law license in good standing with the State Bar of Texas, and shall maintain malpractice insurance while acting as an officer of the municipality.

SECTION 3. The Municipal Attorney shall represent the City of Parker in all legal matters pertaining to the City at the discretion and direction of the Parker City Council. The Municipal Attorney shall not permit conflicts to occur by rendering legal advice or representing agents, employees, or officers of the City, whether individually or collectively, except in their official capacities as agents, employees or officers of the City and then only in matters pertaining to the City and in the best interest of the City.

SECTION 4. The Parker City Council hereby appoints John Boyle, Jr. as the Municipal Attorney for the City of Parker.

SECTION 5. That all provisions of the Ordinances of the City of Parker in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. That this Ordinance, and every provision hereof, shall be considered severable,

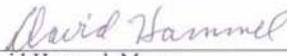
and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

SECTION 7. Any person, firm, or corporation violating any of the provisions this ordinance shall be subject to the same penalty as provided for in this ordinance, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollar (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Parker, Texas, on the 16 day of April, 2003.

APPROVED:



David Hammel, Mayor

ATTEST:



Betty McMenamy, City Secretary

APPROVED AS TO FORM:

Andy Messer, City Attorney

ORDINANCE NO. 540

(Creation of the Office of Municipal Engineer
and Appointment of Municipal Engineer)

**AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS,
CREATING THE MUNICIPAL OFFICER POSITION OF MUNICIPAL
ENGINEER, PROVIDING FOR DIRECTION BY THE CITY COUNCIL;
APPOINTING A MUNICIPAL ENGINEER; PROVIDING A REPEALING
CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND; PROVIDING A
PENALTY CAUSE AND AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Parker, Collin County, Texas, desires to create and continue the municipal office of Municipal Engineer, and

WHEREAS, the Parker City Council desires to provide for the initial appointment and periodic reappointment of the Municipal Engineer,

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

SECTION 1. That the Parker City Council, pursuant to the Texas Local Government Code ' 22.071, hereby creates the municipal officer position of Municipal Engineer.

SECTION 2. Said Municipal Engineer shall be licensed to practice engineering in the State of Texas and shall maintain said license in good standing with the State of Texas and shall maintain malpractice insurance while acting as an officer of the municipality.

SECTION 3. The Municipal Engineer shall represent the City of Parker in all engineering matters pertaining to the City at the discretion and direction of the Parker City Council. The Municipal Engineer shall not permit conflicts to occur by rendering engineering advice or representing agents, employees, or officers of the City, whether individually or collectively, except in their official capacities as agents, employees or officers of the City and then only in matters pertaining to the City and in the best interest of the City. The Municipal Engineer shall also not permit conflicts to occur by representing persons, firms or corporations coming to, or doing business with, the City of Parker with projects, plans or drawings to be reviewed by the Municipal Engineer.

SECTION 4. The Parker City Council hereby appoints Jeff Williams as the Municipal Engineer for the City of Parker.

SECTION 5. That all provisions of the Ordinances of the City of Parker in conflict with the provisions of this Ordinance are hereby appealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

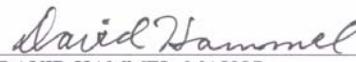
SECTION 6. That this Ordinance, and every provision hereof, shall be considered severable and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

SECTION 7. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be subject to the same penalty as provided for in this Ordinance, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred (\$500.00) Dollars for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

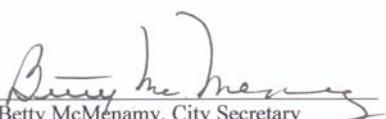
SECTION 8. This Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED AND APPROVED, by the City Council of the City of Parker, Texas, on the 29 day of April, 2003.

APPROVED:


DAVID HAMMEL, MAYOR

ATTEST:


Betty McMenamy, City Secretary

APPROVED AS TO FORM:

W. Andrew Messer, Municipal Attorney

RESOLUTION 2007-158

A RESOLUTION OF THE CITY OF PARKER, AUTHORIZING DEPARTMENT HEADS TO SURPLUS CITY PROPERTY WITH A RESIDUAL VALUE LESS THAN ONE HUNDRED AND ONE \$101.00; PROVIDING A PENALTY CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the Parker City Council is authorized to remove from service any City property that is deemed unserviceable, unusable or surplus; and,

WHEREAS, the Department Heads (Administrator, Police Chief and Fire Chief) of the City of Parker are responsible for City property under their care, custody and control; and,

WHEREAS, the Parker City Council desires to surplus and dispose of property listed below;

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

SECTION 1. The City of Parker City Council may remove from service any property of the City of Parker, that has a residual value of less than ONE HUNDRED AND ONE \$101.00 and is deemed unserviceable, unusable or surplus. Such removal may occur after specific property is approved by the Council, by Resolution.

SECTION 2. Items removed from service, may be auctioned, or disposed of via City refuse. If auctioned, proceeds from the sale will be deposited in the City's General Fund.

SECTION 3. Surplus Items will be documented in the City's Property Inventory List. The Inventory will show a final disposition of "SURPLUS" and the date the property's was declared surplus, and the exact disposition of the property, including complete identification of persons or organizations acquiring the surplus property.

SECTION 4. The Council finds the items listed on the attached Schedule 1, consisting of 29 items, to be surplus. The City Administrator may dispose of each item, and provide a report of each items disposition.

SECTION 5. This Resolution shall become effective upon its passage.

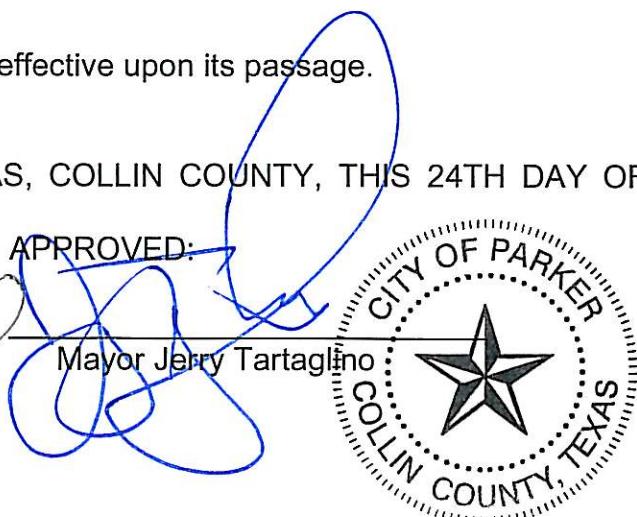
APPROVED BY THE CITY OF PARKER, TEXAS, COLLIN COUNTY, THIS 24TH DAY OF APRIL, 2007.

ATTESTED:

Carrie S. Smith
City Secretary Carrie Smith, TRMC

APPROVED:

Mayor Jerry Tartaglino



SCHEDULE 1

2007 Surplus Inventory Items		
	Item Description	Inventory Number or Model
1	CASIO 10-KEY CALCULATOR	1143
2	COFFEE MAKER	303
3	DEDICATED SERVICE FRAME	NO NUMBER
4	KEYBOARD	3801
5	KEYBOARD	B227
6	KEYBOARD	7193
7	MOUSE	420
8	SCAN JET SCANNER	214
9	TOP OPEN FILE CASE	132
10	TAN IN COLOR CARD DRAWER	171
11	CHAIR	318
12	4 DR CABINET	407
13	4 DR CABINET	408
14	2 DR CABINET	236
15	4 DR CABINET	409
16	DELL MONITOR	218
17	DELL MONITOR	360
18	DELL MONITOR	294
19	OB MONITOR 10"	1161
20	MONITOR	160
21	MONITOR	157
22	MONITOR	341
23	COMPUTER PARTS	289
24	DATA SWITCH	1173
25	MATRIX PRINTER	1172
26	AUDIO MIXER	1184
27	COMPUTER REGULATOR	1009
28	RADIO	1050
29	RADIO	1048
30		

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.

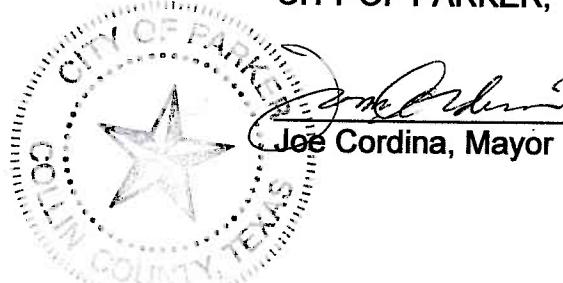
SECTION 4. Payment. All checks for reimbursement shall be supported by appropriate documentation of the expense.

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.

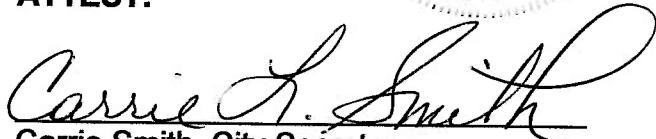
DULY RESOLVED AND ADOPTED by the City Council of the City of Parker, Texas, on this the 3rd day of February, 2009.

CITY OF PARKER, TEXAS



Joe Cordina, Mayor

ATTEST:



Carrie Smith, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney

Resolution 2009-253

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

Pg 2 of 2

RESOLUTION NO. 2022-688
(2021-2022 Investment Policy)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, DECLARING THAT THE CITY COUNCIL HAS COMPLETED ITS REVIEW AND REVISION OF THE INVESTMENT POLICY AND INVESTMENT STRATEGIES OF THE CITY; ADOPTING THE 2021-2022 INVESTMENT POLICY ATTACHED HERETO AS EXHIBIT "A"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the Public Funds Investment Act, Chapter 2256.005, Texas Government Code, the City Council of the City of Parker, Texas by resolution adopted an investment policy; and

WHEREAS, Section 2256.005, Texas Government Code requires the City Council to review the investment policies and investment strategies not less than annually and to adopt a resolution or order stating the review has been completed and recording any changes made to either the investment policies or investment strategies;

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

SECTION 1. The City Council of the City of Parker has completed its review of the investment policies and investment strategies. The changes to be made are as indicated in the attached redline of the 2021-2022 Investment Policy, attached as Exhibit "A" hereto. A clean version of the updated 2021-2022 Investment Policy is attached hereto as Exhibit "B."

SECTION 2. The City of Parker 2021-2022 Investment Policy attached hereto as Exhibit "B" is hereby adopted and shall govern the investment policies and investment strategies for the City, and shall define the authority of the Investment Officers and any additional Investment Committee members from and after the effective date of this resolution.

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

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said resolution which shall remain in full force and effect.

SECTION 5. This resolution shall become effective immediately from and after its passage.

RESOLUTION 2022-688
(2021-2022 Investment Policy)

Page 1

DULY RESOLVED AND ADOPTED by the City Council of the City of Parker, Texas, on this the 19th day of April, 2022.

CITY OF PARKER:



Lee Pettle
Lee Pettle, Mayor

ATTEST:

Patti Scott Grey
Patti Scott Grey, City Secretary

APPROVED AS TO LEGAL FORM:

L. M. Lansford III
Larence M. Lansford, III, City Attorney

City of Parker
2021-2022 Investment Policy

GLOSSARY of COMMON TREASURY TERMS

Agencies: Federal agency securities.

Asked: The price at which securities are offered.

Bid: The price offered for securities.

Bankers' Acceptance (BA): A draft of bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; he does not position. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets.

CDARS: Certificate of Deposit Account Registry Service – A program that allows a depositor to deposit funds at one bank in excess of the FDIC insured limit, with the excess funds being divided and deposited in other banks in the CDARS program. The purpose of CDARS is to help depositors who invest in money market accounts or certificate of deposits (CD's) to stay below FDIC insurance limits at any given bank. Usually, to avoid exceeding FDIC limits at a single bank, consumers deposit their money in different banks. CDARS is a program that eliminates the need to go from bank to bank in order to deposit money and is comprised of a network of banks.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Comprehensive Annual Financial Report (CAFR): The official annual report for the City includes five combined statements and basic financial statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed statistical section.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment (DVP): There are two methods of delivery of securities: delivery versus payment and delivery versus receipt (DVR) (also called free). Delivery versus payment means delivery of securities with an exchange of money for the securities. Delivery versus receipt means delivery of securities with an exchange of a signed receipt for the securities.

Discount: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest-bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, for example, U.S. Treasury bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, for example, S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

Federal Funds Rate (the “Fed Rate”): The rate of interest at which Federal funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Home Loan Banks (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks in relation to member commercial banks.

Federal National Mortgage Association (FNMA or Fannie Mae): FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and secondary loans in addition to fixed rate mortgages. FNMA's securities are highly liquid and widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The president of the New York Federal Reserve Bank is a permanent member while the other presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines

regarding purchases and sales of government securities in the open market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States was created by Congress and consisting of a seven-member Board of Governors in Washington, D.C., twelve (12) regional banks, and numerous about 5,700 commercial banks that are members of the system.

Finance Director: Shall reference the head of the Finance Department which position may be titled Finance Manager.

Government National Mortgage Association (GNMA or Ginnie Mae): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. The security holder is protected by the full faith and credit of the U.S. Government. Ginnie Mae securities are backed by FHA, VA, or FMHM mortgages. The term pass-through is often used to describe Ginnie Maes.

Investment Committee: Consists of the Mayor, City Administrator, Finance Director, and two other Council Members appointed by resolution.

Investment Officer: Consists of the City Administrator and Finance Director.

Investment Official: Consists of the Mayor, City Administrator, Finance Director, two other Council Members appointed by resolution, or staff selected by the Investment Committee.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable quantities can be purchased at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement: To protect investors, many public investors will request that repurchase agreements be preceded by a master repurchase agreement between the investor and the financial institution or dealer. The master agreement should define the nature of the transaction, identify the relationship between the parties, establish normal practices regarding ownership and custody of the collateral securities during the term of the investment, provide remedies in the case of default by either party, and clarify issues of ownership. The master repurchase agreement protects the investor by eliminating the

uncertainty of ownership and hence, allows investors to liquidate collateral if a bank or dealer defaults during the term of the agreement.

Maturity: The date on which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Offer: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A primary dealer is made up of a group of government securities dealers that submits daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and is subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

Prudent Person Rule: An investment standard. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Qualified Public Depositories: A financial institution that does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, and that has segregated for the benefit of the Public Deposit Protection Commission eligible collateral having a value of not less than its maximum liability and which has been approved by the commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (RP or REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance

their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SEC Rule 15C3-1: See Uniform Net Capital Rule.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Structured Notes: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and Corporations, which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

Treasury Bills (T Bills): A non-interest-bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

Treasury Bond: Long-term U.S. Treasury securities having initial maturities of more than ten years.

Treasury Notes: Intermediate-term, coupon-bearing U.S. Treasury securities having initial maturities from one to ten years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income return on an investment, expressed as a percentage. (a) **Income Yield** is obtained by dividing the current dollar income by the current market price of the security. (b) **Net Yield or Yield to Maturity** is the current income yield minus any premium above par.

ARTICLE I

PURPOSE AND NEED FOR POLICY

Chapter 2256 of the Government Code, as amended from time to time by the Texas State Legislature (“Public Funds Investment Act”) requires each city to adopt rules governing its investment practices and to define the authority of the Investment Officer and any additional Investment Committee members. The 2021-2022 Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and prudent fiscal management of the City of Parker, Collin County, Texas funds.

ARTICLE II

SCOPE

The Investment Policy applies to the investment and management of all funds under direct authority of the City of Parker, Collin County, Texas.

A. These funds are accounted for in the City’s Annual Financial Report and include the following:

- (1) General Fund;
- (2) Special Revenue Funds;
- (3) Capital Project Funds;
- (4) Enterprise Funds;
- (5) Trust and Agency Funds, to the extent not required by law or existing contract to be kept segregated and managed separately;
- (6) Debt Service Funds, including reserves and sinking funds to the extent not required by law or existing contract to be kept segregated and managed separately; and
- (7) Any new fund created by the City unless specifically exempted from this policy by the City or by law.

This investment policy shall apply to all transactions involving the financial assets and related activity of all the foregoing funds.

B. This policy **excludes:** shall not govern funds which are managed under separate investment programs in accordance with Section 2256.004 of the Public Fund Investment Act. Such funds currently include the Other Post-Employment Funds and the Deferred Compensation Funds.

- (1) Employee Retirement and Pension Funds administered or sponsored by the City.
- (2) Defeased bond funds held in trust escrow accounts.

C. Review and Amendment

The City Council is required by state statute and by this investment policy to review this investment policy and investment strategies not less than annually and to adopt a resolution stating the review has been completed and recording any changes made to either the policy or strategy statements.

ARTICLE III

PRUDENCE

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.

In determining whether an Investment **Officer Official** has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- (2) whether the investment decision was consistent with the written investment policy of the City.

All participants in the investment program will seek to act responsibly as custodians of the public trust. Investment **Officers Officials** will avoid any transaction that might impair public confidence in the City's ability to govern effectively. Investment Officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the City recognizes that in a marketable, diversified portfolio, occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment rate of return.

Investment Officials, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for market price changes, provided that these deviations from expectations are reported immediately to the Mayor and the City Council of the City of Parker, and that appropriate action is taken by the **Finance Director Investment Officer** to control adverse developments.

ARTICLE IV

OBJECTIVES

A. Preservation and Safety of Principal

Preservation of capital is the foremost objective of the City. Each investment transaction shall seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value.

B. Liquidity

The City's investment portfolio will remain liquid to enable the City to meet all operating requirements, which can be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

C. Yield

The investment portfolio of the City shall be designed to meet or exceed the average rate of return on 91-day U.S. treasury bills throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. Legal constraints on debt proceeds that are not exempt from federal arbitrage regulations are limited to the arbitrage yield of the debt obligation. Investment Officers **Officials** will seek to maximize the yield of these funds in the same manner as all other City funds. However, if the yield achieved by the City is higher than the arbitrage yield, positive arbitrage income will be averaged over a five-year period, netted against any negative arbitrage income and the net amount shall be rebated to the federal government as required by federal regulations.

ARTICLE V
RESPONSIBILITY AND CONTROL

A. Delegation - Investment Officers; **Investment Committee**

Management responsibility for the investment program is hereby delegated to the Finance Director. The City Administrator and Finance Director are hereby designated as "Investment Officers" pursuant to the Public Fund Investment Act Section 2256.005 subsection f.

~~Management responsibility to establish written procedures for the operation of the investment program consistent with this investment policy has been assigned to the Investment Officer, who shall be appointed by the City Council. The appointment is for a term of one year, and until a successor is qualified and appointed by the Council. Appointments are to be made for the Investment Officer, and the Investment Committee within June of each year, or as soon thereafter as possible. The review of this investment policy shall also take place in June of each year, as noted in Article IIIC, above. Such procedures shall include explicit delegation of authority to persons responsible for the daily cash management operation, the execution of investment transactions, overall portfolio management and investment reporting. The Investment Officer shall be the chair of the Investment Committee and may delegate the daily investment responsibilities to either an internal Investment Official or an external investment advisor in combination with an internal Investment Official. The Investment Officer and/or his or her representative(s) will be limited by conformance with all federal regulations, ordinances, and the statements of investment strategy. The Investment Officer and members of the Investment Committee are collectively referred to as "Investment Officials." The Mayor is a non-voting member and the City Administrator is a full member of the Investment Committee.~~

B. Subordinates

No person shall engage in an investment transaction except as provided under the terms of this policy, the procedures established by the City Council and the explicit authorization by the ~~Finance Director Investment Officer, with approval of the City Council, to withdraw, transfer, deposit and invest the City's funds. The City Council, by resolution,~~

~~has authorized and appointed these individuals.~~ The **Finance Director** **Investment Officer** shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates. ~~Investment Officials, if any are appointed by the City Council.~~

C. Internal Controls

Internal controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by Investment Officials. Controls deemed most important would include: control of collusion, separation of duties, third-party custodial safekeeping, avoidance of bearer-form securities, clear delegation of authority, specific limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized Investment Officials, and documentation of and rationale for investment transactions.

In conjunction with the annual independent audit, a compliance audit of management controls on investments and adherence to the Investment Policy and the Investment Strategy shall be performed by the City's independent auditor.

D. Ethics and Conflicts of Interest

Any Investment Official of the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement disclosing that personal business interest. ~~Investment Officials~~ **An investment officer** who ~~are~~ **is** related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship with the Texas Ethics Commission and the City Council. For purposes of this section, an Investment Official has a personal business relationship with a business organization if:

- (1) the Investment Official owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
- (2) funds received by the **Investment Officer** ~~investment officer~~ from the business organization exceed 10 percent of the **Investment Officer's** ~~investment officer's~~ gross income for the previous year; or
- (3) the Investment Official has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the Investment Official.

Investment Officials of the City shall refrain from personal and business activities involving any of the City's custodians, depositories, broker/dealers or investment advisors, which may influence the ~~official's~~ **officer's** ability to conduct his duties in an unbiased manner. Investment Officials will not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the City's business for personal investment decisions, will in all respects subordinate their personal investment

transactions to those of the City, particularly with regard to the timing of purchase and sales and will keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

E. Investment Training Requirements

The Investment Officers, and all members of the Investment Committee as may be required, or prudent, shall attend at least one ten-hour training session relating to their investment responsibilities within 12 months after assuming their duties. In addition to this ten-hour requirement, all members of the Investment Committee should receive not less than eight hours of instruction in their investment responsibilities at least once in every two-year period that begins on the first day of the fiscal year. This training is optional but preferred as long as the City continues to invest in interest-bearing deposit accounts or certificates of deposit only. The investment training session shall be provided by an independent source approved by the investment committee. For purposes of this policy, an “independent source” from which investment training shall be obtained shall include a professional organization, an institute of higher learning or any other sponsor other than a Business Organization with whom the City of Parker may engage in an investment transaction. Such training shall include education in investment controls, credit risk, market risk, investment strategies, and compliance with investment laws, including the Texas State Public Funds Investment Act. ~~A list will be maintained of the number of hours and conferences attended for each Investment Official and a report of such information will be provided to the City Council. Investment “officials” include the Mayor, City Administrator, Finance Director, two Council Members appointed by resolution, or staff selected by the Investment Committee. Investment “officials” includes the Investment Officers and may include the Mayor or other member(s) of the City Council, or staff selected by the City Council as alternate Budget or Investment Officer(s).~~

ARTICLE VI INVESTMENT STRATEGY STATEMENTS

The City of Parker portfolio will be structured to benefit from anticipated market conditions and to achieve a reasonable return. Relative value among asset groups shall be analyzed and pursued as part of the investment program within the restrictions set forth by the investment policy.

The City of Parker maintains portfolios, which utilize four specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios.

A. Operating Funds

Suitability - All investments authorized in the Investment Policy are suitable for Operating Funds.

Preservation and Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Liquidity - Investment strategies for the pooled operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The dollar-weighted average maturity of operating funds, based on the stated final maturity date of each security, will be calculated and limited to one year or less. Constant \$1 NAV investment pools and money market mutual funds shall be an integral component in maintaining daily liquidity. Investments for these funds shall not exceed an 18-month period from date of purchase.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Operating Funds shall be the 91-day Treasury bill.

B. Reserve and Deposit Funds

Suitability - All investments authorized in the Investment Policy are suitable for Reserve and Deposit Funds.

Preservation and Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Liquidity - Investment strategies for reserve and deposit funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate reserve fund from investments with a low degree of volatility. Except as may be required by the bond ordinance, specific to an individual issue, investments should be of high quality, with short-to-intermediate-term maturities. The dollar-weighted average maturity of reserve and deposit funds, based on the stated final maturity date of each security, will be calculated and limited to three years or less.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Reserve and Deposit Funds shall be the 91-day Treasury bill.

C. Bond and Certificate Capital Project Funds and Special Purpose Funds

Suitability - All investments authorized in the Investment Policy are suitable for Bond and Certificate Capital Project Funds and Special Purpose Funds.

Preservation and Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Liquidity - Investment strategies for bond and certificate capital project funds, special projects and special purpose funds portfolios will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The stated final maturity dates of investments held should not exceed the estimated project completion date or a maturity of no greater than five years. The dollar-weighted average maturity of bond and certificate capital project funds and special purpose funds, based on the stated final maturity date of each security, will be calculated and limited to three years or less.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Bond and Certificate Capital Project Funds and Special Purpose Funds shall be the 91-day Treasury bill. A secondary objective of these funds is to achieve a yield equal to or greater than the arbitrage yield of the applicable bond or certificate.

D. Debt Service Funds

Suitability - All investments authorized in the Investment Policy are suitable for Debt Service Funds.

Preservation and Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Liquidity - Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date. The dollar-weighted average maturity of debt service funds, based on the stated final maturity date of each security, will be calculated and limited to one year or less.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Debt Service Funds shall be the 91-day Treasury bill.

ARTICLE VII **AUTHORIZED INVESTMENTS**

- A. Obligations of the United States or its agencies and instrumentalities.
- B. Direct obligations of the State of Texas or its agencies and instrumentalities.
- C. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, the State of Texas, or the United States or its instrumentalities.
- D. Obligations of states, agencies, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than "A" or its equivalent.
- E. Joint Investment Pools of political subdivisions in the State of Texas, which invest in instruments and follow practices allowed by current law. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.
- F. Certificates of Deposit issued by a depository institution that has its main office or branch office in Texas:
 - (1) and such Certificates of Deposit are:
 - a. Guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successors; or
 - b. Secured by obligations described in Article VI, sections A through D above.
 - (2) or such depository institution contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code (Public Funds Investment Act) as amended.
- G. Fully collateralized repurchase or reverse repurchase agreements, including flexible repurchase agreements (flex repo), with a defined termination date secured by obligations of the United States or its agencies and instrumentalities pledged to the City held in the City's name by a third party selected by the City. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. The securities received for

repurchase agreements must have a market value greater than or equal to 103 percent at the time funds are disbursed. All transactions shall be governed by a Master Repurchase Agreement between the City and the primary government securities dealer or financial institution initiating Repurchase Agreement transactions.

The term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

H. No-load money market mutual funds if the mutual fund:

- (1) Is registered with and regulated by the Securities and Exchange Commission;
- (2) Has a dollar-weighted average stated maturity of 90 days or fewer; and
- (3) Includes in its investment objectives the maintenance of a stable net asset value of one dollar for each share.

I. Investments in compliance with Texas Government Code section 2256.010(b), generally known as the CDAR's program. [\(Resolution 2008-245 amendment to Investment Policy\)](#)

J. Investment instruments not authorized for purchase by the City of Parker include the following:

- (1) Bankers Acceptances;
- (2) "Bond" Mutual Funds;
- (3) Collateralized Mortgage Obligations of any type; and
- (4) Commercial Paper, except that the City can invest in local government investment pools and money market mutual funds that have commercial paper as authorized investments. A local government investment pool or money market mutual fund that invests in commercial paper must meet the requirements of Article VI, Sections E and H above.

ARTICLE VIII **PORTFOLIO AND INVESTMENT ASSET PARAMETERS**

A. Bidding Process for Investments

It is the policy of the City to require competitive bidding for all investment transactions (securities and bank C.D.s) except for:

- (1) transactions with money market mutual funds and local government investment pools (which are deemed to be made at prevailing market rates); and
- (2) treasury and agency securities purchased at issue through an approved broker/dealer.

At least three bids or offers must be solicited for all other investment transactions. In a situation where the exact security being offered is not offered by other dealers, offers on

the closest comparable investment may be used to establish a fair market price of the security. Security swaps are allowed as long as maturity extensions, credit quality changes and profits or losses taken are within the other guidelines set forth in this policy.

B. Maximum Maturities

The City of Parker will manage its investments to meet anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five years from the date of purchase.

C. Maximum Dollar-Weighted Average Maturity

Under most market conditions, the composite portfolio will be managed to achieve a one-year or less dollar-weighted average maturity. However, under certain market conditions. Investment Officials may need to shorten or lengthen the average life or duration of the portfolio to protect the City. The maximum dollar-weighted average maturity based on the stated final maturity, authorized by this investment policy for the composite portfolio of the City shall be three years.

D. Diversification

The allocation of assets in the portfolios should be flexible depending upon the outlook for the economy and the securities markets. In establishing specific diversification strategies, the following general policies and constraints shall apply.

- (1) Portfolio maturities and call dates shall be staggered in a way that avoids undue concentration of assets in a specific sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.
- (2) To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements. Risk of market price volatility shall be controlled through maturity diversification such that aggregate realized price losses on instruments with maturities exceeding one year shall not be greater than coupon interest and investment income received from the balance of the portfolio.
- (3) The following maximum limits, by instrument, are established for the City's total portfolio:
 - U.S Treasury Notes/Bills 100%
 - U.S. Government Agencies & Instrumentalities..... 100%
 - U.S. Treasury & U.S. Agency Callables..... 25%
 - Certificates of Deposit 25%
 - Repurchase Agreements (*See D. (4) below*)..... 50%
 - Money Market Mutual Funds (*See D.(5) below*) 100%
 - Local Government Investment Pools (*See D.(5) below*).... 100%
 - State of Texas Obligations & Agencies 25%
 - Obligations of states, agencies, cities and other political subdivisions of any state25%
 - CDARS 100%

- (4) The City shall not invest more than 50% of the investment portfolio in repurchase agreements, excluding bond proceeds and reserves.
- (5) The City shall not invest more than 90% of the investment portfolio in any individual money market mutual fund or government investment pool. **(Revised per Resolution No. 2018-588)**
- (6) The investment committee shall review diversification strategies and establish or confirm guidelines on at least an annual basis regarding the percentages of the total portfolio that may be invested in securities other than U.S. Government Obligations. The investment committee shall review quarterly investment reports and evaluate the probability of market and default risk in various investment sectors as part of its consideration.

ARTICLE IX

AUTHORIZED BROKER/DEALERS AND FINANCIAL INSTITUTIONS

A. **The Investment Committee** **Investment Officials** will maintain a list of financial institutions and broker/dealers selected by credit worthiness, who are authorized to provide investment services to the City. These firms may include:

- (1) all primary government securities dealers; and
- (2) those regional broker/dealers who qualify under Securities and Exchange Commission Rule 15C3-1(uniform net capital rule), and who meet other financial credit criteria standards in the industry.

The Investment **Committee** **Officials** may select up to six firms from the approved list to conduct a portion of the daily City investment business. These firms will be selected based on their competitiveness, participation in agency selling groups and the experience and background of the salesperson handling the account. The approved broker/dealer list will be reviewed and approved along with this investment policy at least annually by the investment committee **if applicable.**

B. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Investment **Officers** **Officials** with the following:

- (1) Audited financial statements;
- (2) Proof of National Association of Securities Dealers (N.A.S.D.) certification, unless it is a bank;
- (3) Resumes of all sales representatives who will represent the financial institution or broker/dealer firm in dealings with the City; and
- (4) An executed written instrument, by the qualified representative, in a form acceptable to the City and the business organization substantially to the effect that the business organization has received and reviewed the investment policy of the City and acknowledges that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted

between the City and the organization that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

ARTICLE X **SAFEKEEPING AND CUSTODY OF** **INVESTMENT ASSETS**

All security transactions, including collateral for repurchase agreements entered into by the City shall be conducted using the delivery vs. payment (DVP) basis. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the safekeeping bank. The only exceptions to DVP settlement shall be wire transactions for money market funds and government investment pools. The safekeeping or custody bank is responsible for matching up instructions from the City's Investment Officers Officials on an investment settlement with what is wired from the broker/dealer, prior to releasing the City's designated funds for a given purchase. The security shall be held in the name of the City or held on behalf of the City in a bank nominee name. Securities will be held by a third-party custodian designated by the Investment Committee Officials and evidenced by safekeeping receipts or statements. The safekeeping bank's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City. A safekeeping agreement must be in place, which clearly defines the responsibilities of the safekeeping bank.

ARTICLE XI **COLLATERAL**

The City's depository bank shall comply with Chapter 2257 of the Government Code, Collateral for Public Funds, as required in the City's bank depository contract.

A. Market Value

The Market Value of pledged Collateral must be equal to or greater than 102% of the principal and accrued interest for cash balances in excess of the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Share Insurance Fund (NCUSIF) insurance coverage. The Federal Reserve Bank and the Federal Home Loan Bank are designated as custodial agents for collateral. An Investment Officer authorized City representative will approve and release all pledged collateral. The securities comprising the collateral will be marked to market on a monthly basis using quotes by a recognized market pricing service quoted on the valuation date, and the City will be sent reports monthly.

B. Collateral Substitution

Collateralized investments often require substitution of collateral. The Safekeeping bank must contact an Investment Officer the City for approval and settlement. The substitution will be approved if its value is equal to or greater than the required collateral value.

C. Collateral Reduction

Should the collateral's market value exceed the required amount, the Safekeeping bank may request approval from **an Investment Officer** **the City** to reduce Collateral. Collateral reductions may be permitted only if the collateral's market value exceeds the required amount.

D. Holding Period

The City intends to match the holding periods of investment funds with liquidity needs of the City. In no case will the average maturity of investments of the City's operating funds exceed one year. The maximum final stated maturity of any investment shall not exceed five years. Investments in all funds shall be managed in such a way that the market price losses resulting from interest rate volatility would be offset by coupon income and current income received from the volume of the portfolio during a twelve-month period.

E. Insurance or Collateral

All deposits and investments of City funds other than direct purchases of U.S. Treasuries or Agencies shall be secured by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC or FSLIC. Evidence of the pledged collateral shall be maintained by the Finance Director or a third-party financial institution. Repurchase agreements shall be documented by a specific agreement noting the collateral pledge in each agreement. Collateral shall be reviewed weekly to assure that the market value of the pledged securities is adequate.

ARTICLE XII **INVESTMENT REPORTS**

A. Reporting Requirements

The **Finance Director** **Investment Officials** shall prepare a quarterly investment report in compliance with section 2256.023 of the Public Funds Investment Act of the State of Texas. The report shall be submitted to the City Council and the Investment Committee within **60** **45** days following the end of the quarter.

B. Investment Records

The **Finance Director** **Investment Officer** shall **handle inquiries relating to the investment records**, be responsible for the recording of investment transactions and the maintenance of the investment records with reconciliation of the accounting records and of investments carried out by an accountant. Information to maintain the investment program and the reporting requirements, including pricing or marking to market the portfolio, may be derived from various sources such as: broker/dealer research reports, newspapers, financial

on-line market quotes, direct communication with broker/dealers, market pricing services, investment software for maintenance of portfolio records, spreadsheet software, or external financial consulting services relating to investments.

C. Auditor Review

The City's independent external auditor must formally review the quarterly investment reports annually to ensure insure compliance with the State of Texas Public Funds Investment Act and any other applicable State Statutes. To protect and ensure the independent nature of the audit the Finance Director shall be the sole point of contact for the external auditor.

ARTICLE XIII **INVESTMENT COMMITTEE**

A. Members

An Investment Committee, consisting of the Mayor, City Administrator, Finance Director, and two other Council Members appointed by resolution for a term of one year and until successor is qualified and appointed by the Council, ~~The Investment Committee, consisting of the Mayor or his or her designee, the City Administrator, and the Investment Officer, and any other designated Investment Officials, if any,~~ shall review the City's investment strategies and monitor the results of the investment program at least quarterly. This review can be done by reviewing the quarterly written reports and by holding committee meetings as necessary. The committee will be authorized to invite other advisors to attend meetings as needed.

B. Scope

The Investment Committee shall include in its deliberations such topics as economic outlook, investment strategies, portfolio diversification, maturity structure, potential risk to the City's funds, evaluation and authorization of broker/dealers, rate of return on the investment portfolio, review and approval of training providers and compliance with the investment policy. The Investment Committee will also advise the City Council of any future amendments to the investment policy that are deemed necessary or recommended.

C. Procedures

The investment policy shall require the Investment Committee to provide minutes of investment information discussed at any meetings held. The committee should meet at least annually to discuss the investment program and policies.

City of Parker
2021-2022 Investment Policy

GLOSSARY of COMMON TREASURY TERMS

Agencies: Federal agency securities.

Asked: The price at which securities are offered.

Bid: The price offered for securities.

Bankers' Acceptance (BA): A draft of bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; he does not position. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets.

CDARS: Certificate of Deposit Account Registry Service – A program that allows a depositor to deposit funds at one bank in excess of the FDIC insured limit, with the excess funds being divided and deposited in other banks in the CDARS program. The purpose of CDARS is to help depositors who invest in money market accounts or certificate of deposits (CD's) to stay below FDIC insurance limits at any given bank. Usually, to avoid exceeding FDIC limits at a single bank, consumers deposit their money in different banks. CDARS is a program that eliminates the need to go from bank to bank in order to deposit money and is comprised of a network of banks.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Comprehensive Annual Financial Report (CAFR): The official annual report for the City includes five combined statements and basic financial statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed statistical section.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment (DVP): There are two methods of delivery of securities: delivery versus payment and delivery versus receipt (DVR) (also called free). Delivery versus payment means delivery of securities with an exchange of money for the securities. Delivery versus receipt means delivery of securities with an exchange of a signed receipt for the securities.

Discount: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest-bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, for example, U.S. Treasury bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, for example, S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

Federal Funds Rate (the “Fed Rate”): The rate of interest at which Federal funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Home Loan Banks (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks in relation to member commercial banks.

Federal National Mortgage Association (FNMA or Fannie Mae): FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and secondary loans in addition to fixed rate mortgages. FNMA's securities are highly liquid and widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The president of the New York Federal Reserve Bank is a permanent member while the other presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of government securities in the open market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States was created by Congress and consisting of a seven-member Board of Governors in Washington, D.C., twelve (12) regional banks, and numerous commercial banks that are members of the system.

Finance Director: Shall reference the head of the Finance Department which position may be titled Finance Manager.

Government National Mortgage Association (GNMA or Ginnie Mae): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. The security holder is protected by the full faith and credit of the U.S. Government. Ginnie Mae securities are backed by FHA, VA, or FMHM mortgages. The term pass-through is often used to describe Ginnie Maes.

Investment Committee: Consists of the Mayor, City Administrator, Finance Director, and two other Council Members appointed by resolution.

Investment Officer: Consists of the City Administrator and Finance Director.

Investment Official: Consists of the Mayor, City Administrator, Finance Director, two other Council Members appointed by resolution, or staff selected by the Investment Committee.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable quantities can be purchased at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement: To protect investors, many public investors will request that repurchase agreements be preceded by a master repurchase agreement between the investor and the financial institution or dealer. The master agreement should define the nature of the transaction, identify the relationship between the parties, establish normal practices regarding ownership and custody of the collateral securities during the term of the investment, provide remedies in the case of default by either party, and clarify issues of ownership. The master repurchase agreement protects the investor by eliminating the uncertainty of ownership and hence, allows investors to liquidate collateral if a bank or dealer defaults during the term of the agreement.

Maturity: The date on which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Offer: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

Primary Dealer: A primary dealer is made up of a group of government securities dealers that submits daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and is subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

Prudent Person Rule: An investment standard. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Qualified Public Depositories: A financial institution that does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, and that has segregated for the benefit of the Public Deposit Protection Commission eligible collateral having a value of not less than its maximum liability and which has been approved by the commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (RP or REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security "buyer" in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SEC Rule 15C3-1: See Uniform Net Capital Rule.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Structured Notes: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and Corporations, which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

Treasury Bills (T Bills): A non-interest-bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

Treasury Bond: Long-term U.S. Treasury securities having initial maturities of more than ten years.

Treasury Notes: Intermediate-term, coupon-bearing U.S. Treasury securities having initial maturities from one to ten years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income return on an investment, expressed as a percentage. (a) **Income Yield** is obtained by dividing the current dollar income by the current market price of the security. (b) **Net Yield** or **Yield to Maturity** is the current income yield minus any premium above par.

ARTICLE I **PURPOSE AND NEED FOR POLICY**

Chapter 2256 of the Government Code, as amended from time to time by the Texas State Legislature (“Public Funds Investment Act”) requires each city to adopt rules governing its investment practices and to define the authority of the Investment Officer and any additional Investment Committee members. The 2021-2022 Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and prudent fiscal management of the City of Parker, Collin County, Texas funds.

ARTICLE II **SCOPE**

The Investment Policy applies to the investment and management of all funds under direct authority of the City of Parker, Collin County, Texas.

A. These funds are accounted for in the City’s Annual Financial Report and include the following:

- (1) General Fund;
- (2) Special Revenue Funds;
- (3) Capital Project Funds;
- (4) Enterprise Funds;
- (5) Trust and Agency Funds, to the extent not required by law or existing contract to be kept segregated and managed separately;
- (6) Debt Service Funds, including reserves and sinking funds to the extent not required by law or existing contract to be kept segregated and managed separately; and
- (7) Any new fund created by the City unless specifically exempted from this policy by the City or by law.

This investment policy shall apply to all transactions involving the financial assets and related activity of all the foregoing funds.

B. This policy shall not govern funds which are managed under separate investment programs in accordance with Section 2256.004 of the Public Fund Investment Act. Such funds currently include the Other Post-Employment Funds and the Deferred Compensation Funds.

C. Review and Amendment

The City Council is required by state statute and by this investment policy to review this investment policy and investment strategies not less than annually and to adopt a resolution stating the review has been completed and recording any changes made to either the policy or strategy statements.

ARTICLE III

PRUDENCE

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.

In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- (2) whether the investment decision was consistent with the written investment policy of the City.

All participants in the investment program will seek to act responsibly as custodians of the public trust. Investment Officers will avoid any transaction that might impair public confidence in the City's ability to govern effectively. Investment Officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism which is worthy of the public trust. Nevertheless, the City recognizes that in a marketable, diversified portfolio, occasional measured losses are inevitable and must be considered within the context of the overall portfolio's investment rate of return.

Investment Officials, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for market price changes, provided that these deviations from expectations are reported immediately to the Mayor and the City Council of the City of Parker, and that appropriate action is taken by the Finance Director to control adverse developments.

ARTICLE IV

OBJECTIVES

A. Preservation and Safety of Principal

Preservation of capital is the foremost objective of the City. Each investment transaction shall seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value.

B. Liquidity

The City's investment portfolio will remain liquid to enable the City to meet all operating requirements, which can be reasonably anticipated. Liquidity will be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

C. Yield

The investment portfolio of the City shall be designed to meet or exceed the average rate of return on 91-day U.S. treasury bills throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. Legal constraints on debt proceeds that are not exempt from federal arbitrage regulations are limited to the arbitrage yield of the debt obligation. Investment Officers will seek to maximize the yield of these funds in the same manner as all other City funds. However, if the yield achieved by the City is higher than the arbitrage yield, positive arbitrage income will be averaged over a five-year period, netted against any negative arbitrage income and the net amount shall be rebated to the federal government as required by federal regulations.

ARTICLE V
RESPONSIBILITY AND CONTROL

A. Delegation - Investment Officers

Management responsibility for the investment program is hereby delegated to the Finance Director. The City Administrator and Finance Director are hereby designated as "Investment Officers" pursuant to the Public Fund Investment Act Section 2256.005 subsection f.

B. Subordinates

No person shall engage in an investment transaction except as provided under the terms of this policy, the procedures established by the City Council and the explicit authorization by the Finance Director to withdraw, transfer, deposit and invest the City's funds. The Finance Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinates

C. Internal Controls

Internal controls shall be designed to prevent losses of public funds arising from fraud, employee error, and misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by Investment Officials. Controls deemed most important would include: control of collusion, separation of duties, third-party custodial safekeeping, avoidance of bearer-form securities, clear delegation of authority, specific limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized Investment Officials, and documentation of and rationale for investment transactions.

In conjunction with the annual independent audit, a compliance audit of management controls on investments and adherence to the Investment Policy and the Investment Strategy shall be performed by the City's independent auditor.

D. Ethics and Conflicts of Interest

Any Investment Official of the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement disclosing that personal business interest. Investment Officials who are related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship with the Texas Ethics Commission and the City Council. For purposes of this section, an Investment Official has a personal business relationship with a business organization if:

- (1) the Investment Official owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
- (2) funds received by the Investment Officer from the business organization exceed 10 percent of the Investment Officer's gross income for the previous year; or
- (3) the Investment Official has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the Investment Official.

Investment Officials of the City shall refrain from personal and business activities involving any of the City's custodians, depositories, broker/dealers or investment advisors, which may influence the official's ability to conduct his duties in an unbiased manner. Investment Officials will not utilize investment advice concerning specific securities or classes of securities obtained in the transaction of the City's business for personal investment decisions, will in all respects subordinate their personal investment transactions to those of the City, particularly with regard to the timing of purchase and sales and will keep all investment advice obtained on behalf of the City and all transactions contemplated and completed by the City confidential, except when disclosure is required by law.

E. Investment Training Requirements

The Investment Officers, and all members of the Investment Committee as may be required, or prudent, shall attend at least one ten-hour training session relating to their investment responsibilities within 12 months after assuming their duties. In addition to this ten-hour requirement, all members of the Investment Committee should receive not less than eight hours of instruction in their investment responsibilities at least once in every two-year period that begins on the first day of the fiscal year. This training is optional but preferred as long as the City continues to invest in interest-bearing deposit accounts or certificates of deposit only. The investment training session shall be provided by an independent source approved by the investment committee. For purposes of this policy, an "independent source" from which investment training shall be obtained shall include a professional organization, an institute of higher learning or any other sponsor other than a Business Organization with whom the City of Parker may engage in an investment transaction. Such training shall include education in investment controls, credit risk, market risk, investment strategies, and compliance with investment laws, including the Texas State Public Funds Investment Act. Investment "officials" include the Mayor, City

Administrator, Finance Director, two Council Members appointed by resolution, or staff selected by the Investment Committee.

ARTICLE VI **INVESTMENT STRATEGY STATEMENTS**

The City of Parker portfolio will be structured to benefit from anticipated market conditions and to achieve a reasonable return. Relative value among asset groups shall be analyzed and pursued as part of the investment program within the restrictions set forth by the investment policy.

The City of Parker maintains portfolios, which utilize four specific investment strategy considerations designed to address the unique characteristics of the fund groups represented in the portfolios.

A. Operating Funds

Suitability - All investments authorized in the Investment Policy are suitable for Operating Funds.

Preservation and Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Liquidity - Investment strategies for the pooled operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The dollar-weighted average maturity of operating funds, based on the stated final maturity date of each security, will be calculated and limited to one year or less. Constant \$1 NAV investment pools and money market mutual funds shall be an integral component in maintaining daily liquidity. Investments for these funds shall not exceed an 18-month period from date of purchase.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Operating Funds shall be the 91-day Treasury bill.

B. Reserve and Deposit Funds

Suitability - All investments authorized in the Investment Policy are suitable for Reserve and Deposit Funds.

Preservation and Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Liquidity - Investment strategies for reserve and deposit funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate reserve fund from investments with a low degree of volatility. Except as may be required by the bond ordinance, specific to an individual issue, investments should be of high quality, with short-to-intermediate-term maturities. The dollar-weighted average maturity of reserve and deposit funds, based on the stated final maturity date of each security, will be calculated and limited to three years or less.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Reserve and Deposit Funds shall be the 91-day Treasury bill.

C. Bond and Certificate Capital Project Funds and Special Purpose Funds

Suitability - All investments authorized in the Investment Policy are suitable for Bond and Certificate Capital Project Funds and Special Purpose Funds.

Preservation and Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Liquidity - Investment strategies for bond and certificate capital project funds, special projects and special purpose funds portfolios will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The stated final maturity dates of investments held should not exceed the estimated project completion date or a maturity of no greater than five years. The dollar-weighted average maturity of bond and certificate capital project funds and special purpose funds, based on the stated final maturity date of each security, will be calculated and limited to three years or less.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Bond and Certificate Capital Project Funds and Special Purpose Funds shall be the 91-day Treasury bill. A secondary

objective of these funds is to achieve a yield equal to or greater than the arbitrage yield of the applicable bond or certificate.

D. Debt Service Funds

Suitability - All investments authorized in the Investment Policy are suitable for Debt Service Funds.

Preservation and Safety of Principal - All investments shall be high quality securities with no perceived default risk.

Liquidity - Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date. The dollar-weighted average maturity of debt service funds, based on the stated final maturity date of each security, will be calculated and limited to one year or less.

Marketability - Securities with active and efficient secondary markets will be purchased in the event of an unanticipated cash requirement.

Diversification - Maturities shall be staggered throughout the budget cycle to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.

Yield - The City's objective is to attain a competitive market yield for comparable securities and portfolio constraints. The benchmark for Debt Service Funds shall be the 91-day Treasury bill.

ARTICLE VII
AUTHORIZED INVESTMENTS

- A.** Obligations of the United States or its agencies and instrumentalities.
- B.** Direct obligations of the State of Texas or its agencies and instrumentalities.
- C.** Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, the State of Texas, or the United States or its instrumentalities.
- D.** Obligations of states, agencies, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than "A" or its equivalent.
- E.** Joint Investment Pools of political subdivisions in the State of Texas, which invest in instruments and follow practices allowed by current law. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

F. Certificates of Deposit issued by a depository institution that has its main office or branch office in Texas:

- (1) and such Certificates of Deposit are:
 - a. Guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or their successors; or
 - b. Secured by obligations described in Article VI, sections A through D above.
- (2) or such depository institution contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Government Code (Public Funds Investment Act) as amended.

G. Fully collateralized repurchase or reverse repurchase agreements, including flexible repurchase agreements (flex repo), with a defined termination date secured by obligations of the United States or its agencies and instrumentalities pledged to the City held in the City's name by a third party selected by the City. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. The securities received for repurchase agreements must have a market value greater than or equal to 103 percent at the time funds are disbursed. All transactions shall be governed by a Master Repurchase Agreement between the City and the primary government securities dealer or financial institution initiating Repurchase Agreement transactions.

The term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

H. No-load money market mutual funds if the mutual fund:

- (1) Is registered with and regulated by the Securities and Exchange Commission;
- (2) Has a dollar-weighted average stated maturity of 90 days or fewer; and
- (3) Includes in its investment objectives the maintenance of a stable net asset value of one dollar for each share.

I. Investments in compliance with Texas Government Code section 2256.010(b), generally known as the CDAR's program.

J. Investment instruments not authorized for purchase by the City of Parker include the following:

- (1) Bankers Acceptances;
- (2) "Bond" Mutual Funds;
- (3) Collateralized Mortgage Obligations of any type; and

(4) Commercial Paper, except that the City can invest in local government investment pools and money market mutual funds that have commercial paper as authorized investments. A local government investment pool or money market mutual fund that invests in commercial paper must meet the requirements of Article VI, Sections E and H above.

ARTICLE VIII **PORTFOLIO AND INVESTMENT ASSET PARAMETERS**

A. Bidding Process for Investments

It is the policy of the City to require competitive bidding for all investment transactions (securities and bank C.D.s) except for:

- (1) transactions with money market mutual funds and local government investment pools (which are deemed to be made at prevailing market rates); and
- (2) treasury and agency securities purchased at issue through an approved broker/dealer.

At least three bids or offers must be solicited for all other investment transactions. In a situation where the exact security being offered is not offered by other dealers, offers on the closest comparable investment may be used to establish a fair market price of the security. Security swaps are allowed as long as maturity extensions, credit quality changes and profits or losses taken are within the other guidelines set forth in this policy.

B. Maximum Maturities

The City of Parker will manage its investments to meet anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five years from the date of purchase.

C. Maximum Dollar-Weighted Average Maturity

Under most market conditions, the composite portfolio will be managed to achieve a one-year or less dollar-weighted average maturity. However, under certain market conditions, Investment Officials may need to shorten or lengthen the average life or duration of the portfolio to protect the City. The maximum dollar-weighted average maturity based on the stated final maturity, authorized by this investment policy for the composite portfolio of the City shall be three years.

D. Diversification

The allocation of assets in the portfolios should be flexible depending upon the outlook for the economy and the securities markets. In establishing specific diversification strategies, the following general policies and constraints shall apply.

- (1) Portfolio maturities and call dates shall be staggered in a way that avoids undue concentration of assets in a specific sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.
- (2) To attain sufficient liquidity, the City shall schedule the maturity of its investments to coincide with known disbursements. Risk of market price volatility shall be controlled through maturity diversification such that aggregate realized price losses on instruments with maturities exceeding one year shall not be greater than coupon interest and investment income received from the balance of the portfolio.
- (3) The following maximum limits, by instrument, are established for the City's total portfolio:
 - U.S Treasury Notes/Bills 100%
 - U.S. Government Agencies & Instrumentalities..... 100%
 - U.S. Treasury & U.S. Agency Callables..... 25%
 - Certificates of Deposit 25%
 - Repurchase Agreements (*See D. (4) below*)..... 50%
 - Money Market Mutual Funds (*See D. (5) below*) 100%
 - Local Government Investment Pools (*See D. (5) below*).... 100%
 - State of Texas Obligations & Agencies 25%
 - Obligations of states, agencies, cities and other political subdivisions of any state25%
 - CDARS 100%
- (4) The City shall not invest more than 50% of the investment portfolio in repurchase agreements, excluding bond proceeds and reserves.
- (5) The City shall not invest more than 90% of the investment portfolio in any individual money market mutual fund or government investment pool.
- (6) The investment committee shall review diversification strategies and establish or confirm guidelines on at least an annual basis regarding the percentages of the total portfolio that may be invested in securities other than U.S. Government Obligations. The investment committee shall review quarterly investment reports and evaluate the probability of market and default risk in various investment sectors as part of its consideration.

ARTICLE IX

AUTHORIZED BROKER/DEALERS AND FINANCIAL INSTITUTIONS

- A. The Investment Committee will maintain a list of financial institutions and broker/dealers selected by credit worthiness, who are authorized to provide investment services to the City. These firms may include:
 - (1) all primary government securities dealers; and

- (2) those regional broker/dealers who qualify under Securities and Exchange Commission Rule 15C3-1(uniform net capital rule), and who meet other financial credit criteria standards in the industry.

The Investment Committee may select up to six firms from the approved list to conduct a portion of the daily City investment business. These firms will be selected based on their competitiveness, participation in agency selling groups and the experience and background of the salesperson handling the account. The approved broker/dealer list will be reviewed and approved along with this investment policy at least annually by the investment committee if applicable.

- B. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Investment Officers with the following:

- (1) Audited financial statements;
- (2) Proof of National Association of Securities Dealers (N.A.S.D.) certification, unless it is a bank;
- (3) Resumes of all sales representatives who will represent the financial institution or broker/dealer firm in dealings with the City; and
- (4) An executed written instrument, by the qualified representative, in a form acceptable to the City and the business organization substantially to the effect that the business organization has received and reviewed the investment policy of the City and acknowledges that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

ARTICLE X **SAFEKEEPING AND CUSTODY OF** **INVESTMENT ASSETS**

All security transactions, including collateral for repurchase agreements entered into by the City shall be conducted using the delivery vs. payment (DVP) basis. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the safekeeping bank. The only exceptions to DVP settlement shall be wire transactions for money market funds and government investment pools. The safekeeping or custody bank is responsible for matching up instructions from the City's Investment Officers on an investment settlement with what is wired from the broker/dealer, prior to releasing the City's designated funds for a given purchase. The security shall be held in the name of the City or held on behalf of the City in a bank nominee name. Securities will be held by a third-party custodian designated by the Investment Committee and evidenced by safekeeping receipts or statements. The safekeeping bank's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City. A safekeeping agreement must be in place, which clearly defines the responsibilities of the safekeeping bank.

ARTICLE XI

COLLATERAL

The City's depository bank shall comply with Chapter 2257 of the Government Code, Collateral for Public Funds, as required in the City's bank depository contract.

A. Market Value

The Market Value of pledged Collateral must be equal to or greater than 102% of the principal and accrued interest for cash balances in excess of the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Share Insurance Fund (NCUSIF) insurance coverage. The Federal Reserve Bank and the Federal Home Loan Bank are designated as custodial agents for collateral. An Investment Officer will approve and release all pledged collateral. The securities comprising the collateral will be marked to market on a monthly basis using quotes by a recognized market pricing service quoted on the valuation date, and the City will be sent reports monthly.

B. Collateral Substitution

Collateralized investments often require substitution of collateral. The Safekeeping bank must contact an Investment Officer for approval and settlement. The substitution will be approved if its value is equal to or greater than the required collateral value.

C. Collateral Reduction

Should the collateral's market value exceed the required amount, the Safekeeping bank may request approval from an Investment Officer to reduce Collateral. Collateral reductions may be permitted only if the collateral's market value exceeds the required amount.

D. Holding Period

The City intends to match the holding periods of investment funds with liquidity needs of the City. In no case will the average maturity of investments of the City's operating funds exceed one year. The maximum final stated maturity of any investment shall not exceed five years. Investments in all funds shall be managed in such a way that the market price losses resulting from interest rate volatility would be offset by coupon income and current income received from the volume of the portfolio during a twelve-month period.

E. Insurance or Collateral

All deposits and investments of City funds other than direct purchases of U.S. Treasuries or Agencies shall be secured by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC or FSLIC. Evidence of the pledged collateral shall be maintained by the Finance Director or a third-party financial institution. Repurchase agreements shall be documented by a specific agreement noting the collateral pledge in

each agreement. Collateral shall be reviewed weekly to assure that the market value of the pledged securities is adequate.

ARTICLE XII **INVESTMENT REPORTS**

A. Reporting Requirements

The Finance Director shall prepare a quarterly investment report in compliance with section 2256.023 of the Public Funds Investment Act of the State of Texas. The report shall be submitted to the City Council and the Investment Committee within 60 days following the end of the quarter.

B. Investment Records

The Finance Director shall handle inquiries relating to the investment records, be responsible for the recording of investment transactions and the maintenance of the investment records with reconciliation of the accounting records and of investments carried out by an accountant. Information to maintain the investment program and the reporting requirements, including pricing or marking to market the portfolio, may be derived from various sources such as: broker/dealer research reports, newspapers, financial on-line market quotes, direct communication with broker/dealers, market pricing services, investment software for maintenance of portfolio records, spreadsheet software, or external financial consulting services relating to investments.

C. Auditor Review

The City's independent external auditor must formally review the quarterly investment reports annually to ensure compliance with the State of Texas Public Funds Investment Act and any other applicable State Statutes. To protect and ensure the independent nature of the audit the Finance Director shall be the sole point of contact for the external auditor.

ARTICLE XIII **INVESTMENT COMMITTEE**

A. Members

An Investment Committee, consisting of the Mayor, City Administrator, Finance Director, and two other Council Members appointed by resolution for a term of one year and until successor is qualified and appointed by the Council, shall review the City's investment strategies and monitor the results of the investment program at least quarterly. This review can be done by reviewing the quarterly written reports and by holding committee meetings as necessary. The committee will be authorized to invite other advisors to attend meetings as needed.

B. Scope

The Investment Committee shall include in its deliberations such topics as economic outlook, investment strategies, portfolio diversification, maturity structure, potential risk to the City's funds, evaluation and authorization of broker/dealers, rate of return on the investment portfolio, review and approval of training providers and compliance with the investment policy. The Investment Committee will also advise the City Council of any future amendments to the investment policy that are deemed necessary or recommended.

C. Procedures

The investment policy shall require the Investment Committee to provide minutes of investment information discussed at any meetings held. The committee should meet at least annually to discuss the investment program and policies.



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for Mayor Pettle
Estimated Cost:	Date Prepared:	December 31, 2024
Exhibits:	None	

AGENDA SUBJECT

UPDATE(S):

PROJECTS IN PROGRESS

FM2551

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

ENGINEERING REQUEST FOR QUALIFICATIONS (RFQs)

NOISE COMMITTEE

LEWIS LANE AND CHAPARRAL INTERSECTION WITH ALLEN HEIGHTS

PRESENTATION BY STAFF

ANY ADDITIONAL UPDATES

BOARDS AND COMMISSIONS

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/02/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ XX /2025



Council Agenda Item

Budget Account Code:	Meeting Date:	See above.
Budgeted Amount:	Department/ Requestor:	City Council
Fund Balance-before expenditure:	Prepared by:	City Secretary Scott Grey for Mayor Pettle
Estimated Cost:	Date Prepared:	December 31, 2024
Exhibits:	<u>None</u>	

AGENDA SUBJECT

ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$1,000 [RES. NO. 2024-801])

Pam and Allen Terrell donated cranberry bliss bars and pecan pie brownies valued at \$25 to the Police Department.

Bobby and Michelle Varner donated toffee gift box valued at \$70 to the Police Department.

Alyssa Aguilar donated bundt cakes valued at \$30 to the Police Department.

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/02/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ xx /2025



Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: City Council
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey
Estimated Cost:	Date Prepared: December 30, 2024
Exhibits:	<u>Future Agenda Items</u>

AGENDA SUBJECT

FUTURE AGENDA ITEMS

SUMMARY

Please review information provided.

POSSIBLE ACTION

City Council may direct staff to take appropriate action.

Inter – Office Use

Approved by:	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	01/02/2025
Interim City Attorney:	<i>Catherine Clifton</i>	Date:	01/02/2025 via Municode
Mayor	<i>Lee Pettle</i>	Date:	01/ XX /2025

FUTURE AGENDA ITEMS

	ITEM DESCRIPTION	CONTACT	Notes
2025			
Feb(Mar), May (July), Aug, Nov	Fire Department Quarterly Report	Miller	3rd Qtr 20241217 CC Agenda - Done
Feb(Mar), May (July), Aug, Nov	Investment Quarterly Report	Savage	3rd Qtr 2024 1119 - Done
Feb(Mar), May (July), Aug, Nov	Enterprise Update	Olson/Savage	Waiting on Update (2024 1002 CC Mrg - next week)
	Mayor Pettle 2024 1216 Update		Mayor Pettle 2024 1216 Update
January 21, 2025	Board/Commission appointments		P&Z - 2024 1217; ZBA (TBD); P&R (TBD)
Tentative 1/21/2025	St Paul ILA/agreement		Per Mayor Pettle 2025 0102 Municode Notes.
January 7, 2025	Deputy City Secretary if not done		
January 7, 2025	Enterprise Contract if not done		
January 7, 2025	Pump Station if not done		
TBD	Records Retention Policy		
TBD	Annual records review		
TBD	Engineering RFQs		Update - January 7, 2025
TBD	Any Plats ready		No plat submittals on 2024 1212
TBD	Any ILAs ready		
TBD	Any resolutions ready		
January 7, 2025	Any NTMWD or water issues necessary		
TBD	Leash law		
TBD	Sign ordinance for rezoning property		
TBD	Sign ordinance revisions		
TBD	City attorney		
	Mayor Pettle 2024 1216 Update		Mayor Pettle 2024 1216 Update
	Presentation:		

FUTURE AGENDA ITEMS

	ITEM DESCRIPTION	CONTACT	Notes
TBD	Town Hall		
	Mayor Pettle 2024 1216 Update		Mayor Pettle 2024 1216 Update
	Workshop:		
TBD	Comp plan with P and Z		Tentatively - 2025 0109
January 7, 2025	Personnel Manual		2025 1217 Workshop 1 (pgs 1-7)
TBD	Departmental reports		
	Mayor Pettle 2024 1216 Update		Mayor Pettle 2024 1216 Update
	Updates:		
January 7, 2025	2551		
	TCEQ		
	Projects in Progress		
January 7, 2025	Engineering review		
January 7, 2025	Noise Committee		
January 7, 2025	Lewis Lane and Chaparral Intersection with Allen Heights		
	Mayor Pettle 2024 1216 Update		Mayor Pettle 2024 1216 Update
	Future Agenda Items		
TBD	Southridge gate 2025		
TBD	Procedural Manual		
January 7, 2025	Personnel Manual		Workshop - 2024 1217
TBD	Procedures for Presentations		
TBD	Procedures for agendas		
TBD	Employment :Required time with city for paid training		
TBD	water impact fees (July 2025)		
TBD	CIP updates (April/May 2025)		

FUTURE AGENDA ITEMS

	ITEM DESCRIPTION	CONTACT	Notes
TBD	Microphones for Council Chambers, if not done		
TBD	Pump station if not done		
TBD	Records retention policy		
TBD	Annual records review		
TBD	Any ILAs needed		
TBD	St Paul ILA/agreement		
TBD	Attorney appointment		
TBD	Sign ordinance revisions consideration		
TBD	Leash law		
TBD	Sign ordinance for rezoning property		
TBD	Noise Ordinance		
TBD	Investment Policy	Savage	Per Mayor Pettle 2025 0102 Municode Notes. See top of FAI
TBD	Board/Commission appointments		
TBD	Deputy City Secy		
TBD	Engineering RFQs		