



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION AGENDA
September 27, 2022, 6:00 P.M.
Council Chambers, City Hall
205 S. Main Street**

WATCH THE LIVE BROADCAST

This meeting will be broadcast live through the City's website and by telephone. Members of the public who wish to watch this meeting, and not speak or participate in the discussion, may watch the live broadcast by

1. Going to the City's website;
2. Clicking on "GOVERNMENT";
3. Clicking on "AGENDAS AND MINUTES";
4. Clicking on the "[click here](#)" link that is located to the right of "LIVE STREAMING."

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Announcements
 - Calendar of upcoming holidays and meetings.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

If you wish to address the City Council on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the City Council regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

If you wish to address the City Council on a matter not posted on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary

before the meeting begins. Speakers shall have a time limit of three (3) minutes. This meeting segment is limited to a total of thirty (30) minutes.

IV. CONSENT AGENDA

Items in the Consent Agenda consist of non-controversial or “housekeeping” items required by law. Council members may request prior to a motion and vote on the Consent Agenda that one or more items be withdrawn from the Consent Agenda and considered individually. Following approval of the Consent Agenda, excepting the items requested to be removed, the City Council will consider and act on each item so withdrawn individually.

- A. City Council Minutes (09-13-2022)
- B. Financial Report (August 2022)

V. INFORMATIONAL ITEMS

These Informational Items are intended solely to keep the City Council appraised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members who serve as a liaison to a particular board or commission may report to the City Council regarding that body’s most recent and/or upcoming meetings and activities. Council members may also deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not required or requested. **Matters that require City Council action shall be considered and acted on only if an item related thereto is included in the Consent Agenda or the Regular Agenda.**

Consideration and discussion regarding the following matters, minutes and reports, which consideration and discussion may also include or pertain to individual items and projects set forth in such matters, minutes and reports, as well as related background information and plans for future completion, performance or resolution as may be necessary to understand such individual items and projects and the City’s related operation:

- A. City Amenities Board
 - 1. Possible Council Liaison Report
- B. Farmersville Community Development Board (Type B)
 - 1. Possible Council Liaison Report.
 - 2. Financial Report
- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Possible Council Liaison Report
 - 2. Financial Report
- D. Main Street Board
 - 1. Possible Council Liaison Report.

2. Financial Report.

E. Parks & Recreation Board

1. Possible council Liaison Report

F. Planning & Zoning Commission

1. Possible Council Liaison Report.

G. TIRZ Board

1. Possible Council Liaison

2. Financial Report

VI. PUBLIC HEARING

A. "Public hearing to consider Public Hearing to consider discuss and act upon a request to consider an amendment to the Code of Ordinances, City of Farmersville, Texas, as heretofore amended, through the amendment of Chapter 77, "Zoning," by adopting a new article that will create a Historic Preservation Overlay Zoning District that will allow for the protection and preservation of individual historic structures and properties as well as the protection and preservation of both potential and designated historic districts together with individual historic structures and properties and contributing structures and properties within such potential and designated historic districts by and through the adoption of ordinances containing by way of illustration, and not limitation: definitions; design guidelines; the establishment of a historic preservation body; a process through which structures and districts are designated as being historic; minimum maintenance requirements; a certificate of appropriateness process for modifications to and renovations of historic structures and contributing structures; prohibitions against demolition of historic structures and contributing structures whether by neglect or otherwise; and, a permitting process for demolition of dangerous and substandard historic structures and contributing structures. The Farmersville City Council will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District."

B. "Public hearing to consider discuss and hear public comments regarding the invasive aquatic plant named "hydrilla" and Triploid Grass Carp at South Lake Park situated at 1601 Old Josephine Road, Farmersville, Texas/"

VII. READING OF ORDINANCES

- A. Consider, discuss and act upon Ordinance #O-2022-0927-001, regarding amendment of Chapter 77 "Zoning", by adopting a new article that will create a Historic Preservation Overlay Zoning District.
- B. Consider, discuss and act upon Ordinance #O-2022-0927-002, regarding Hydrilla and Triploid Grass Carp at South Lake Park.
- C. Consider, discuss and act upon Ordinance #O-2022-0927-003 regarding amening the Master Fee Schedule to increase water and wastewater fees and other fees and rates.

- D. Consider, discuss and act upon Ordinance #O-2022-0927-004 regarding the negotiated settlement between the Atoms Cities Steering Committee (ACSC) and Atmos Energy Corp. Mid Tx Division.
- E. Consider, discuss and act upon Ordinance #O-2022-0927-005 regarding Sanitation Solutions Price Increase.

VIII. REGULAR AGENDA

- A. Consider, discuss and act upon an interlocal agreement with Collin County and the City of Farmersville for Fire Inspection and Fire Plan Review Services.
- B. Consider, discuss and act upon a Minor Replat for Fowler Addition (316 S. Johnson St.).
- C. Consider, discuss and act upon a Minor Replat for Gaddy South Addition Lot 1 Block A.
- D. Consider, discuss and act upon Farmersville Economic Development Corporation (4A) regarding projects and budget for FY 2022-2023.
- E. Consider discuss and act upon Farmersville Community Development Corporation (4B) regarding projects and budget for FY 2022-2023.
- F. Consider, discuss and act upon a Presentation by City Manager White, regarding Municipal Development District (MDD).

IX. REQUESTS TO BE PLACED ON FUTURE AGENDAS

X. ADJOURNMENT

Dated this the 22nd day of September 2022.

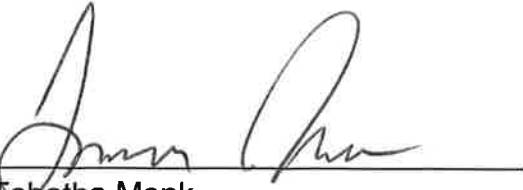


Bryon Wiebold, Mayor

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advise necessitated by the deliberation or discussion of said items (as needed) listed on the agenda, as authorized by Texas Government code Section 551.071(a) ("Consultation with Attorney, Closed Meeting").

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted September 22nd , 2022 by 5:30 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.


Tabatha Monk
City Secretary



I. Preliminary Matters

SEPTEMBER 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Parks & Recs Board Meeting 5:00 pm	2	3 Farmersville Market 9:00 am
4	5 City Hall Closed – Labor Day	6	7	8	9	10
11	12 Main Street Meeting 4:30 pm FCDC (4B) Meeting 6:00 pm	13 City Council Meeting 6:00 pm	14	15 FEDC (4A) Meeting 6:00 pm	16	17
18	19	20 P&Z Meeting 6:00 pm	21	22 City Amenities Board Meeting 4:00 pm	23	24
25	26	City Council Meeting 6:00 pm	27	28	29	30

OCTOBER 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 Old Time Saturday
2	3	4	5	6 Parks & Recs Board Meeting 5:00 pm	7	8
9 Main Street Meeting 4:30 pm	10 FCDC (4B) Meeting 6:00 pm	11 City Council Meeting 6:00 pm	12	13	14	15
16	17	18 P&Z Meeting 6:00 pm	19	20 FEDC (4A) Meeting 6:00 pm	21	22
23	24	25 City Council Meeting 6:00 pm	26	27 City Amenities Board Meeting 4:00 pm	28	29
30	31					

**II. Public Comment on agenda items (FOR NON-
PUBLIC HEARING AGENDA ITEMS)**

Agenda Section	Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)
Section Number	II.
Subject	Public Comment on agenda items (FOR NON-PUBLIC HEARING AGENDA ITEMS)
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	NA
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	If you wish to address the City Council on a posted item on this agenda, please fill out a "Speaker Sign-Up" card and present it to the City Secretary before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the City Council for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the City Council regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Mayor may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.
Action	NA

III. cITIZEN COMMENTS ON MATTERS NOT ON AGENDA

Agenda Section	cITIZEN COMMENTS ON MATTERS NOT ON AGENDA
Section Number	III
Subject	cITIZEN COMMENTS ON MATTERS NOT ON AGENDA
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	NA
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
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Action	NA

IV. Consent Agenda

Agenda Section	Consent Agenda
Section Number	IV.A
Subject	Minutes 9-13-22
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action



**FARMERSVILLE CITY COUNCIL
REGULAR SESSION MINUTES
September 13, 2022, 6:00 P.M.
Council Chambers, City Hall
205 S. Main Street**

I. PRELIMINARY MATTERS

- Mayor, Bryon Wiebold, called the meeting to order at 6:00 p.m. Council members, Craig Overstreet, Terry Williams, Ted Wagner, Mike Henry, and Lance Hudson were in attendance. City staff members City Manager, Ben White, City Secretary, Tabatha Monk, Finance Director, Daphne Hamlin; Assistant City Manager Mike Sullivan, Warrant Officer Rick Ranspot and City Attorney were present.
- Prayer was led by Rick Ranspot and the pledges to the United States and Texas flags were led by Mayor Wiebold.
- The Mayor announced to please check the City Calendar for any upcoming closings for holidays and meeting dates/times.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA

- No one spoke under this item.

III. CITIZEN COMMENTS ON MATTERS NOT ON AGENDA

- No one spoke under this item.

IV. CONSENT AGENDA

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discussion the Financial Budget Report, Public Works Report and City Manager Report.

- A. Board of Adjustments Minutes (08-23-22)
- B. City Council Minutes (08--23-2022)
- C. Public Works Report.
- D. City Manager Report

Councilmember Overstreet made a motion to approve both sets of minutes and withdraw the Public Works Report and City Managers Report for discussion.

Councilmember Henry seconded the motion.
The motion was approved unanimously (5-0).

Councilmember Overstreet made a motion to approve the Public Works Report.

Councilmember Henry seconded the motion.
The motion was approved unanimously (5-0).

Councilmember Henry made a motion to approve the City Manager Report.

Councilmember Williams seconded the motion.
The motion was approved unanimously (5-0).

V. **INFORMATIONAL ITEMS**

These Informational Items are intended solely to keep the City Council apprised of the actions and efforts of the various boards and commissions serving the City of Farmersville. Council members who serve as a liaison to a particular board or commission may report to the City Council regarding that body's most recent and/or upcoming meetings and activities. Council members may also deliberate and/or request further information or clarification regarding any one or more of the items contained in this provision. City Council approval of, or action on, these items is not required or requested. **Matters that require City Council action shall be considered and acted on only if an item related thereto is included in the Consent Agenda or the Regular Agenda.**

Consideration and discussion regarding the following matters, minutes and reports, which consideration and discussion may also include or pertain to individual items and projects set forth in such matters, minutes and reports, as well as related background information and plans for future completion, performance or resolution as may be necessary to understand such individual items and projects and the City's related operation:

- A. City Amenities Board
 - 1. Possible Council Liaison Report: (**Councilmember Wagner** advised no quorum.)

- B. Farmersville Community Development Board (Type B)
 - 1. Possible Council Liaison Report: (**Councilmember Henry** advised he did not attend due to a conflict with another meeting.)
- C. FEDC Farmersville Economic Development Board (Type A)
 - 1. Possible Council Liaison Report: (**Councilmember Williams** advised no meeting.)
- D. Main Street Board
 - 1. Possible Council Liaison Report: (**Councilmember Overstreet** no meeting.)
- E. Parks & Recreation Board
 - 1. Possible Council Liaison Report: (**Councilmember Wagner** advised they discussed getting the pee wee contracts in order. They discussed the J.W. Spain ball fields. Mr. White updated them on some items that still needed to be done. Briefly discussed 4B grants they are hoping to get.)
- F. Planning & Zoning Commission
 - 1. Possible Council Liaison Report: (**Councilmember Hudson** advised meeting is next week.)
- G. TIRZ Board
 - 1. Possible Council Liaison Report: (**Councilmember Overstreet** advised no meeting.)

VI. PUBLIC HEARING

- A. "Public hearing on the Fiscal Year 2022-2023 proposed budget to allow proponents and opponents of the proposed budget to present their views. (No one spoke under this public hearing)."

Mayor Wiebold opened the public hearing at 6:17 p.m.

Mayor Wiebold closed the public hearing at 6:17 p.m.

- B. "Public hearing on Tax Rate to allow proponents and opponents of the tax rate to present their views. (No one spoke under this public hearing)."

Mayor Wiebold opened the public hearing at 6:17 p.m.

Mayor Wiebold closed the public hearing at 6:18 p.m.

VII. READING OF ORDINANCES

- A. "Consider, discuss and act upon the first and only reading of Ordinance #O-2022-0913-001 adopting and approving the budget for FY 2022-2023.
 - Mr. Latham updated the Council on this item."
 - **Councilmember Overstreet** asked Mr. Lathan to verify that this budget approval was for the City only and not 4A, 4B or TIRZ.

- Mr. Latham advised **Councilmember Overstreet** he was correct this was the City budget only and the other budgets would follow at a later meeting.
- **Councilmember Henry** made a motion to approve.
- **Councilmember Williams** seconded the motion to approve.
- The motion passed unanimously (5-0)."

B. "Consider, discuss and act upon the first and only reading of Ordinance #O-2022-0913-005 to ratify the property tax revenue increase in the Fiscal year 2022-2023 Budget as a result of the City receiving more revenues from property taxes than the previous fiscal year."

- Mr. Latham updated the Council on this item
- **Councilmember Williams** made a motion to approve.
- **Councilmember Wagner** seconded the motion to approve.
- The motion passed unanimously (5-0)."

C. "Consider, discuss and act upon the first and only reading of Ordinance #O-2022-0913-002 adopting the FY 2022-2023 tax appraisal roll."

- Mr. Latham updated the Council on this item.
- **Councilmember Overstreet** made a motion to approve.
- **Councilmember Henry** seconded the motion to approve.
- The motion passed unanimously (5-0)."

D. "Consider, discuss and act upon the first and only reading Ordinance #O-2022-0913-003 adopting the tax rate for FY 2022-2023."

- Mr. Latham updated the Council on this item.
- **Councilmember Williams** made a motion to approve.
- **Councilmember Henry** seconded the motion to approve.
- The motion passed unanimously (5-0)."

E. "Consider, discuss and act upon Ordinance #O-2022-0913-004 regarding the City of Farmersville Hotel Occupancy Tax."

- Mr. Latham updated the Council on this item.
- **Councilmember Overstreet** had questions about the requirements of the entities to report to the state and any procedures that are in place or to make sure we have procedures in place.
- **Councilmember Overstreet** made a motion to approve.
- **Councilmember Hudson** seconded the motion to approve.
- The motion passed unanimously (5-0)."

VIII REGULAR AGENDA

A. "Consider, discuss, and act upon an interlocal agreement with Collin County for facility construction and use of the Collin County Animal Shelter."

- City Manager, Mr. White updated the City Council on this item.
- **Councilmember Henry** made a motion to approve.
- **Councilmember Williams** seconded the motion to approve.

- The motion passed unanimously (5-0).”

B. “Consider, discuss and act upon Resolution R-2022-0913-001 to designate authorized signatories for the 2021 Texas CDBG program, grant agreement number DCM21-0423.”

- Mr. White presented and updated the City Council on this item.
- **Councilmember Overstreet** made a motion to approve and make a change to Section 1 to add “the Mayor or City Manager” in the first 2 bullet points.
- **Councilmember Henry** seconded the motion.
- The motion was passed unanimously (5-0).

C. “Consider, discuss and act upon Resolution R-2022-0913-002 adopting required Texas CDBG Civil Rights Policy.”

- Mr. White updated the Council on this item.
- Mr. White answered questions from the City Council.
- **Councilmember Henry** made a motion to approve.
- **Councilmember Williams** seconded the motion.
- The motion passed unanimously (5-0).

D. “Consider, discuss and act upon a Proclamation to declare April as Fair Housing Month.”

- Mr. White updated the Council on this item.
- **Councilmember Overstreet** made a motion to approve this contract.
- **Councilmember Henry** seconded the motion.
- The motion passed unanimously (5-0).

IX.BUDGET WORKSESSTION

No items to discuss.

X.REQUESTS TO BE PLACED ON FUTURE AGENDAS

Councilmember Overstreet: wants Hydrilla addressed.at South Lake.

Councilmember Henry wanted to verify that 4A and 4B budgets will be on the next agenda. Possibly TIRZ as well.

XI.ADJOURNMENT

Mayor Wiebold adjourned the meeting at 6:43 p.m.

APPROVE:

Bryon Wiebold, Mayor

ATTEST:

Tabatha Monk, City Secretary

Agenda Section	Consent Agenda
Section Number	IV.B
Subject	Financial Report (August 2022)
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action



City of Farmersville
August 2022
Financial Report

Daphne Hamlin
d.hamlin@farmersvilletx.com

MEMO

To: Benjamin White, City Manager

From: Daphne Hamlin, City Accountant

Date: September 21, 2022

Subject: August 2022 Budget Report (unaudited)

Financial Reporting is available for review on the City website. www.farmersvilletx.com. Press OpenGov button ;> Press Stories button at the top under City logo; Press City of Farmersville August 2022 Financial Report.

General Fund and Enterprise Fund Budget Summary with (2) year comparison:

	2021-2022 Budget	Revenues vs. Expenses	2021-2022 to Date	2020-2021 Actual	2019-2020 Actual
General Fund Revenue	4,207,462	Revenue to Date	3,936,089	3,808,208	3,307,701
General Fund Expense	4,198,659	Expenses to Date	3,761,930	3,833,907	3,229,658
Water Fund Revenue	1,861,471	Revenue to Date	1,940,332	1,755,581	1,724,144
Water Fund Impact Fee Revenue	86,570	Revenue to Date	21,225	96,947	54,172
Water Fund Expense	1,948,041	Expenses to Date	1,528,375	1,486,865	1,651,280
Wastewater Fund Revenue	1,449,850	Revenue to Date	1,396,478	1,276,778	1,063,933
Wastewater Fund Impact Fee Revenue	275,770	Revenue to Date	5,754	318,794	61,261
Wastewater Fund Expense	1,834,126	Expenses to Date	1,440,210	1,313,913	1,447,716
Electric Fund Revenue	4,398,735	Revenue to Date	4,113,455	4,468,866	3,542,775
Electric Fund Expense	4,398,735	Expenses to Date	4,096,601	4,309,065	3,829,035
Refuse Fund Revenue	521,407	Revenue to Date	521,772	480,768	463,152
Refuse Fund Expense	521,407	Expenses to Date	511,960	437,681	426,553

Cash Summary

The cash summary and revenue vs. expenses for the General Fund and Enterprise Funds are attached.

SUMMARY OF CASH BALANCES AUGUST 2022

ACCOUNT: CBTX (0815)	Interest Earned	Restricted	Assigned	Account Balance
Clearing Accounts				
General Fund			\$ (505,675.85)	
Refuse Fund			\$ (335.01)	
Water Fund			\$ 502,563.00	
Wastewater Fund			\$ 453,814.11	
Electric Fund			\$ (767,493.17)	
Cares Act Funding		\$ 460,314.30		
CC Child Safety		\$ 16,311.58		
Park Fund		\$ -		
Waterwaste Bond Fund		\$ -		
Law Enf Training		\$ 3,899.81		
Disbursement Fund		\$ 2,143.33		
LakeHaven Mud		\$ 5,000.00		
Library Donation Fund		\$ 490.96		
Court Tech/Sec		\$ 26,451.84		
JW Spain Grant		\$ 47,129.02		
Radio Note		\$ 6,082.79		
CC Bond Farmersville Parkway		\$ -		
2019 Farmersville Parkway		\$ (14,557.94)		
Equipment Replacement		\$ 5,322.29		
Interest Earned	\$ 57.36			
TOTAL:	\$ 57.36	\$ 558,587.98	\$ (317,126.92)	\$ 241,461.06
Debt Service Accounts				
County Tax Deposit (cbtx 0807)(Debt Service)	\$ 3.28	\$ 32,605.34		
Debt Service Reserve (Texpool 0014) (2 months rsv)	\$ 883.78	\$ 482,005.41		
TOTAL:	\$ 887.06	\$ 514,610.75		\$ 514,610.75
Appropriated Surplus Investment Accounts				
Customer meter deposits (Texpool 0008)	\$ 210.04	\$ 114,566.12		
Water Dev. Board (Texstar 1110)	\$ 798.05	\$ 478,920.00		
2019 C/O Street (Texstar 0190)	\$ 116.16	\$ -		
Listcon Escrow(Texstar 0300)	\$ -	\$ 10.07		
Police Seized Funds	\$ -	\$ 1,831.05		
Summit Property Sewer Escrow (cbtx 231)	\$ 0.30	\$ 16,714.76		
TOTAL:	\$ 1,124.55	\$ 612,042.00	\$ -	\$ 612,042.00
Unassigned Surplus Investment Accounts				
Gen Fund Acct. (Texpool 0004)(Reso. 90 Day Reserve)	\$ 3,051.86	\$ 1,661,485.59		
Water/WW Fund (Texpool 0003)(Operating 90 day)	\$ 1,063.22	\$ 579,890.16		
Water/WW Fund (Texpool 00017)(Capital)	\$ 936.01	\$ 510,512.88		
Elec. Fund (Texpool 0005) (Operating)	\$ 91.90	\$ 50,000.00		
Elec. Fund (Texpool 0016)(Capital)	\$ 1,178.09	\$ 642,549.43		
Elec. Surcharge (Texpool 0015)	\$ 236.07	\$ 128,753.92		
Money Market Acct. (cbtx 092)	\$ 27.99		\$ 74,534.19	
TOTAL:	\$ 6,585.14	\$ 3,573,191.98	\$ 74,534.19	\$ 3,647,726.17
Contractor Managed Accounts Nonspendable				
NTMWD Sewer Plant Maint. Fund	\$ -	\$ -		
TOTAL APPROPRIATED SURPLUS	\$ -	\$ -	\$ -	\$ -
TOTAL CASH & INVESTMENT ACCOUNTS		\$ 5,258,432.71	\$ (242,592.73)	\$ 5,015,839.98

SUMMARY OF CASH BALANCES AUGUST 2022

FEDC 4A Board Investment & Checking Account					
FEDC 4A Checking Account(Independent Bank 7909)	\$	121.07	\$	484,671.84	
FEDC 4A Checking Account(Independent Bank 452)	\$	4,488.91	\$	1,919,337.68	
FEDC 4A Investment Account (Texpool 0001)	\$	133.45	\$	72,784.02	
TOTAL:	\$	4,743.43	\$	2,476,793.54	\$ - \$ 2,476,793.54

FCDC 4B Board Investment & Checking Account					
FCDC 4B Checking Account (Independent Bank 9724)	\$	135.96	\$	513,813.45	
FCDC 4B Investment Account (Texpool 0001)	\$	1,007.69	\$	549,638.48	
TOTAL:	\$	1,143.65	\$	1,063,451.93	\$ - \$ 1,063,451.93

TIRZ Account					
County Tax Deposits (cbtx 01276)	\$	7.05	\$	77,938.31	
TIRZ Texpool Account (xxx019)	\$	1,993.01	\$	1,054,831.29	
TOTAL:	\$	2,000.06	\$	1,132,769.60	\$ - \$ 1,132,769.60

Main Street Account					
Farmersville Main Street Account (Ind Fin. 8204)	\$	-	\$	15,273.63	
TOTAL:	\$	-	\$	15,273.63	\$ - \$ 15,273.63

Note: Standard & Poor's Rating Service assigned A+/long-term stable rating to Farmersville, Texas, 11-2018

I hereby certify that the City of Farmersville's Investment Portfolio is in compliance with the City's investment strategy as expressed in the City's Investment Policy (Resolution 99-17, and with relevant provisions of the law.

The Public Funds Investment Act (Sec.2256.008) requires the City's Investment Officer to obtain 10 hrs. of continuing education each period from a source approved by the governing body. Listed below are courses Daphne Hamlin completed to satisfy that requirement:

Daphne Hamlin
Daphne Hamlin, City Investment Officer

May 2-3,2022 NCTCOG - Public Funds Inv Act.

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
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REVENUE SUMMARY

00-REVENUE	4,207,462	236,902.75	3,936,089.85	0.00	271,372.15	93.55
TOTAL REVENUES	4,207,462	236,902.75	3,936,089.85	0.00	271,372.15	93.55

EXPENDITURE SUMMARY

00-TRANSFER OUT						
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-TRANSFER OUT	0	0.00	0.00	0.00	0.00	0.00

11-MAYOR & CITY COUNCIL						
PERSONNEL SERVICES	2,040	170.00	1,870.00	0.00	170.00	91.67
CONTRACTS & PROF. SVCS	1,000	0.00	0.00	0.00	1,000.00	0.00
MAINTENANCE	500	0.00	0.00	0.00	500.00	0.00
PERSONNEL RELATED ITEMS	14,123	0.00	6,840.03	0.00	7,282.97	48.43
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 11-MAYOR & CITY COUNCIL	17,663	170.00	8,710.03	0.00	8,952.97	49.31

12-ADMINISTRATION						
PERSONNEL SERVICES	251,321	20,005.37	257,331.35	0.00	6,010.35)	102.39
CONTRACTS & PROF. SVCS	276,953	19,347.39	276,183.21	0.00	769.79	99.72
CONST. MATL./TOOLS/EQUIP	0	0.00	0.00	0.00	0.00	0.00
MAINTENANCE	143,748	5,300.11	129,490.81	0.00	14,257.19	90.08
UTILITIES	25,450	2,913.31	32,933.13	0.00	7,483.13)	129.40
SUPPLIES	38,300	72,335.08)	20,200.15	0.00	18,099.85	52.74
PERSONNEL RELATED ITEMS	62,000	1,683.00	45,611.19	0.00	16,388.81	73.57
CAPITAL EXPENDITURES	0	0.00	0.00	0.01)	0.01	0.00
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 12-ADMINISTRATION	797,772	23,085.90)	761,749.84	0.01)	36,022.17	95.48

13-DEVELOPMENT SERVICES						
PERSONNEL SERVICES	156,803	13,130.22	146,639.67	0.00	10,163.33	93.52
CONTRACTS & PROF. SVCS	7,100	0.00	0.00	0.00	7,100.00	0.00
MAINTENANCE	3,635	344.63	3,640.78	0.00	5.78)	100.16
UTILITIES	360	30.00	120.00	0.00	240.00	33.33
SUPPLIES	4,000	140.09	1,018.51	0.00	2,981.49	25.46
PERSONNEL RELATED ITEMS	5,000	397.05	1,275.19	0.00	3,724.81	25.50
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 13-DEVELOPMENT SERVICES	176,898	14,041.99	152,694.15	0.00	24,203.85	86.32

14-MUNICIPAL COURT						
PERSONNEL SERVICES	162,884	11,682.22	144,289.89	0.00	18,594.11	88.58
CONTRACTS & PROF. SVCS	26,400	1,775.00	21,989.80	0.00	4,410.20	83.29
MAINTENANCE	18,527	1,293.46	16,049.84	0.00	2,477.16	86.63
UTILITIES	1,740	108.28	1,286.65	0.00	453.35	73.95

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: AUGUST 31ST, 2022

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
SUPPLIES	7,500	397.81	4,547.87	0.00	2,952.13	60.64
PERSONNEL RELATED ITEMS	11,330	889.27	9,288.18	0.00	2,041.82	81.98
CAPITAL EXPENDITURES	1,750	0.00	5,738.06	0.00	3,988.06	327.89
TOTAL 14-MUNICIPAL COURT	230,131	16,146.04	203,190.29	0.00	26,940.71	88.29
15-LIBRARY						
PERSONNEL SERVICES	106,695	8,050.78	92,660.91	0.00	14,034.09	86.85
CONTRACTS & PROF. SVCS	200	0.00	0.00	0.00	200.00	0.00
MAINTENANCE	24,045	2,066.47	18,013.75	0.00	6,031.25	74.92
UTILITIES	13,540	1,918.53	13,370.88	0.00	169.12	98.75
SUPPLIES	3,650	595.32	1,177.77	0.00	2,472.23	32.27
PERSONNEL RELATED ITEMS	6,684	190.28	5,897.28	0.00	786.72	88.23
CAPITAL EXPENDITURES	15,000	1,397.32	12,071.12	0.00	2,928.88	80.47
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 15-LIBRARY	169,814	14,218.70	143,191.71	0.00	26,622.29	84.32
16-CIVIC/CENTER						
CONTRACTS & PROF. SVCS	0	0.00	0.00	0.00	0.00	0.00
UTILITIES	17,450	1,856.74	15,760.21	0.00	1,689.79	90.32
TOTAL 16-CIVIC/CENTER	17,450	1,856.74	15,760.21	0.00	1,689.79	90.32
21-POLICE DEPT.						
PERSONNEL SERVICES	989,982	82,849.00	863,178.41	0.00	126,803.59	87.19
CONTRACTS & PROF. SVCS	98,855	18.88	87,840.99	0.00	11,014.01	88.86
CONST. MATL./TOOLS/EQUP	1,000	6.50	828.17	0.00	171.83	82.82
MAINTENANCE	91,800	7,519.99	91,097.47	15,629.70	14,927.17	116.26
UTILITIES	43,628	3,033.61	32,918.68	0.00	10,709.32	75.45
SUPPLIES	72,100	4,198.47	67,128.89	3,299.94	1,671.17	97.68
PERSONNEL RELATED ITEMS	39,272	1,216.25	24,994.94	0.00	14,277.06	63.65
CAPITAL EXPENDITURES	50,826	8,145.00	24,040.30	0.00	26,785.70	47.30
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 21-POLICE DEPT.	1,387,463	106,987.70	1,192,027.85	18,929.64	176,505.51	87.28
22-FIRE DEPT.						
PERSONNEL SERVICES	235,363	18,643.95	209,677.24	0.00	25,685.76	89.09
CONTRACTS & PROF. SVCS	55,536	560.00	32,178.28	0.00	23,357.72	57.94
CONST. MATL./TOOLS/EQUP	0	0.00	464.33	0.00	464.33	0.00
MAINTENANCE	28,840	2,310.12	21,525.87	83.52	7,230.61	74.93
UTILITIES	2,640	105.98	1,165.78	0.00	1,474.22	44.16
SUPPLIES	26,200	3,000.94	20,304.77	0.00	5,895.23	77.50
PERSONNEL RELATED ITEMS	26,205	368.00	21,770.72	0.00	4,434.28	83.08
CAPITAL EXPENDITURES	17,024	0.00	17,024.83	0.00	0.83	100.00
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 22-FIRE DEPT.	391,808	24,988.99	324,111.82	83.52	67,612.66	82.74
31-STREET						
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 31-STREET	0	0.00	0.00	0.00	0.00	0.00

% OF YEAR COMPLETED: 91.67

100-GENERAL FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
34-STREET SYSTEM						
PERSONNEL SERVICES	86,125	33,044.68	148,812.28	0.00 (	62,687.28)	172.79
CONTRACTS & PROF. SVCS	14,800	0.00	140.00	0.00	14,660.00	0.95
CONST. MATL./TOOLS/EQUP	215,013	24,972.40	157,385.37	5,179.50	52,448.13	75.61
MAINTENANCE	3,500	0.00	1,058.76	0.00	2,441.24	30.25
UTILITIES	6,350	451.59	6,280.87	0.00	69.13	98.91
SUPPLIES	6,150	1,088.26	8,473.64	0.00 (	2,323.64)	137.78
PERSONNEL RELATED ITEMS	1,500	0.00	0.00	0.00	1,500.00	0.00
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 34-STREET SYSTEM	333,438	59,556.93	322,150.92	5,179.50	6,107.58	98.17
60-PUBLIC WORKS BLDG						
PERSONNEL SERVICES	92,324	2,500.88	104,166.61	0.00 (	11,842.61)	112.83
CONTRACTS & PROF. SVCS	23,500	3,480.00	21,285.00	0.00	2,215.00	90.57
CONST. MATL./TOOLS/EQUP	102,272	248.62	87,502.72	0.00	14,768.95	85.56
MAINTENANCE	11,799	118.20	3,750.37	0.00	8,048.96	31.78
UTILITIES	23,268	3,558.79	28,363.63	0.00 (	5,095.63)	121.90
SUPPLIES	1,000	0.00	344.50	0.00	655.50	34.45
PERSONNEL RELATED ITEMS	1,000	0.00	868.49	0.00	131.51	86.85
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 60-PUBLIC WORKS BLDG	255,163	9,906.49	246,281.32	0.00	8,881.68	96.52
39-PARKS						
PERSONNEL SERVICES	81,952	3,955.71	92,919.28	0.00 (	10,967.28)	113.38
CONTRACTS & PROF. SVCS	51,750	5,140.00	65,460.07	0.00 (	13,710.07)	126.49
CONST. MATL./TOOLS/EQUP	34,125	0.00	23,937.23	0.00	10,187.77	70.15
MAINTENANCE	16,500	1,101.00	12,471.52	0.00	4,028.48	75.58
UTILITIES	75,885	7,930.84	58,284.46	0.00	17,600.54	76.81
SUPPLIES	4,500	210.00	1,955.46	0.00	2,544.54	43.45
PERSONNEL RELATED ITEMS	500	0.00	0.00	0.00	500.00	0.00
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 39-PARKS	265,212	18,337.55	255,028.02	0.00	10,183.98	96.16
71-DEBT SERVICE						
DEBT SERVICE	155,847	11,426.37	137,034.22	0.00	18,812.78	87.93
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 71-DEBT SERVICE	155,847	11,426.37	137,034.22	0.00	18,812.78	87.93
TOTAL EXPENDITURES						
	4,198,659	254,551.60	3,761,930.38	24,192.65	412,535.97	90.17
REVENUE OVER/ (UNDER) EXPENDITURES						
	8,803 (	17,648.85)	174,159.47 (	24,192.65}	141,163.82)	1,703.59

100-GENERAL FUND

% OF YEAR COMPLETED: 91.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE	1,707,900	4,476.80	1,702,444.38	0.00	5,455.62	99.68
100.00.5711.000 AD VALOREM TAX	0	427.02	3,356.00	0.00	3,356.00)	0.00
100.00.5712.000 CC CONV FEE COURT	39,500	1,594.88	26,763.93	0.00	12,736.07	67.76
100.00.5713.000 DEL. TAX, PEN. & INT.	0	0.00	0.00	0.00	0.00	0.00
100.00.5714.000 CC CONV FEE UTILITY	0	0.00	0.00	0.00	0.00	0.00
100.00.5715.000 TIRZ	0	0.00	0.00	0.00	0.00	0.00
100.00.5721.000 SALES TAX	634,500	66,558.22	716,062.55	0.00	81,562.55)	112.85
100.00.5722.000 BEVERAGE TAX	8,500	877.83	8,219.00	0.00	281.00	96.69
100.00.5723.000 HOTEL OCCUPANCY TAX	0	0.00	542.66	0.00	542.66)	0.00
100.00.5730.000 FRANCHISE FEES - GARBAGE	35,100	3,206.25	34,814.76	0.00	285.24	99.19
100.00.5731.000 FRANCHISE FEES - GAS	29,000	0.00	28,928.33	0.00	71.67	99.75
100.00.5732.000 SKYBEAM	58,320	4,836.30	53,199.30	0.00	5,120.70	91.22
100.00.5733.000 ELEC. FUND FRANCHISE FEE	10,800	0.00	13,712.52	0.00	2,912.52)	126.97
100.00.5734.000 FRANCHISE FEES - TELE-	3,000	2,113.58	3,470.92	0.00	470.92)	115.70
100.00.5735.000 FRANCHISE FEES - CABLE	19,000	6,662.52	26,510.99	0.00	7,510.99)	139.53
100.00.5736.000 FRANCHISE FEES - OTHER	0	0.00	0.00	0.00	0.00	0.00
100.00.5740.000 ANNEXATION FEE	0	0.00	0.00	0.00	0.00	0.00
100.00.5741.000 PERMITS & INSPECTIONS	150,000	5,760.94	89,842.28	0.00	60,157.72	59.89
100.00.5741.001 ALCOHOL BEVERAGE PERMIT	350	0.00	67.50	0.00	282.50	19.29
100.00.5742.000 PLANNING & ZONING FEES	54,097	0.00	11,422.50	0.00	42,674.50	21.11
100.00.5743.000 FEES (ANIMAL REG)	50	0.00	45.00	0.00	5.00	90.00
100.00.5744.000 PENALTIES	125,000	9,104.01	97,568.38	0.00	27,431.62	78.05
100.00.5745.000 CNTY FIRE RUNS	113,272	0.00	113,338.44	0.00	66.44)	100.06
100.00.5746.000 UNION SHED RENTAL	500	0.00	300.00	0.00	200.00	60.00
100.00.5747.000 COUNTY LIBRARY FUND	31,378	0.00	23,534.13	0.00	7,843.87	75.00
100.00.5748.000 MICRO CHIP PROGRAM	0	0.00	1.65	0.00	1.65)	0.00
100.00.5752.000 SENIOR CENTER DONATIONS	0	0.00	664.25	0.00	664.25)	0.00
100.00.5753.000 DONATIONS	0	0.00	0.00	0.00	0.00	0.00
100.00.5754.000 GRANT PROCEEDS	0	0.00	22,269.70	0.00	22,269.70)	0.00
100.00.5758.000 T-MOBILE LEASE	16,747	0.00	15,007.40	0.00	1,739.60	89.61
100.00.5759.000 GAMING MACHINE LICENSE	0	0.00	0.00	0.00	0.00	0.00
100.00.5762.000 INTEREST EARNED	1,200	3,109.22	9,175.49	0.00	7,975.49)	764.62
100.00.5763.000 FEDC 4A STAFF SUPPORT	1,000	0.00	0.00	0.00	1,000.00	0.00
100.00.5765.000 RENT E. TX. MED CTR.	12,000	2,000.00	11,000.00	0.00	1,000.00	91.67
100.00.5766.000 FEDC IMPROVEMENT FUND	0	0.00	0.00	0.00	0.00	0.00
100.00.5767.000 OTHER REVENUE	0	0.00	0.00	0.00	0.00	0.00
100.00.5768.000 S W BELL LEASE	2,055	0.00	1,115.03	0.00	939.97	54.26
100.00.5769.000 OTHER INCOME	30,000	309.00	22,901.57	0.00	7,098.43	76.34
100.00.5769.001 CARES ACT REFUND	0	0.00	0.00	0.00	0.00	0.00
100.00.5769.002 FARMERSVILLE LIGHTS DONA	66,671	4,874.87	71,545.86	0.00	4,874.86)	107.31
100.00.5769.003 FVILLE LIGHT CARRIAGE RI	331	0.00	331.00	0.00	0.00	100.00
100.00.5769.004 CHRISTMAS TREE SALE	24,052	0.00	22,177.49	0.00	1,874.51	92.21
100.00.5771.000 ATHLETIC COMPLEX	0	0.00	0.00	0.00	0.00	0.00
100.00.5772.000 PUBLIC WORKS REVENUE	0	0.00	10,436.30	0.00	10,436.30)	0.00
100.00.5774.000 ALARM FEE	500	75.00	525.00	0.00	25.00)	105.00
100.00.5775.000 TEXAS FOREST SERVICE GRA	0	0.00	0.00	0.00	0.00	0.00
100.00.5777.000 BRICK CAMPAIGN	0	0.00	0.00	0.00	0.00	0.00
100.00.5778.000 PARK DEDICATION FEE	0	0.00	0.00	0.00	0.00	0.00

CITY OF FARMERSVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: AUGUST 31ST, 2022

100-GENERAL FUND

% OF YEAR COMPLETED: 91.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
100.00.5779.000 TIRZ ADMIN. REIMBURSEMEN	0	0.00	0.00	0.00	0.00	0.00
100.00.5791.000 4B SUPPORT REVENUE	1,000	0.00	0.00	0.00	1,000.00	0.00
100.00.5792.000 ADM.SUPPORT CHARGES	20,710	1,725.82	18,984.05	0.00	1,725.95	91.67
100.00.5793.000 RENT RECEIVED	3,600	300.00	3,300.00	0.00	300.00	91.67
100.00.5794.000 CIVIC RENT	5,500	200.00	4,137.50	0.00	1,362.50	75.23
100.00.5795.000 4B SALARY	84,635	0.00	0.00	0.00	84,635.00	0.00
100.00.5799.000 CAPITAL LEASE REFUNDING	0	0.00	0.00	0.00	0.00	0.00
100.00.5899.000 SALE OF EQUIPMENT	0	0.00	0.00	0.00	0.00	0.00
100.00.5939.000 FORESTRY SVC GRANT	0	0.00	0.00	0.00	0.00	0.00
100.00.5940.000 INSURANCE CLAIM REFUND	0	0.00	1,059.42	0.00	1,059.42)	0.00
100.00.5991.000 TRANSFERS IN-OTHER FUNDS	1,464,286	118,690.49	1,326,336.88	0.00	137,949.12	90.58
100.00.5992.000 SALE OF FIXED ASSETS	69,800	0.00	53,366.50	0.00	16,433.50	76.46
100.00.5994.000 LEASE PURCHASE PROCEEDS	0	0.00	0.00	0.00	0.00	0.00
100.00.5995.000 TRANSFERS-RESERVE	0	0.00	0.00	0.00	0.00	0.00
100.00.5998.000 TRANS.IN- GEN.FND.SURPLU	0	0.00	0.00	0.00	0.00	0.00
100.00.5999.000 TRANS.IN-PARK IMP.SURPLU	0	0.00	0.00	0.00	0.00	0.00
100.00.5999.001 TIRZ TRANSFER OUT	(616,892)	0.00	612,388.81)	0.00	4,503.19)	99.27
TOTAL 00-REVENUE	4,207,462	236,902.75	3,936,089.85	0.00	271,372.15	93.55
TOTAL REVENUE	4,207,462	236,902.75	3,936,089.85	0.00	271,372.15	93.55

700-WATER FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
REVENUE SUMMARY						
00-REVENUE	1,948,041	297,865.92	1,961,557.95	0.00	(13,516.95)	100.69
TOTAL REVENUES	1,948,041	297,865.92	1,961,557.95	0.00	(13,516.95)	100.69
EXPENDITURE SUMMARY						
00-TRANSFER OUT						
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-TRANSFER OUT	0	0.00	0.00	0.00	0.00	0.00
12-ADMINISTRATION						
PERSONNEL SERVICES	153,494	10,616.74	118,236.64	0.00	35,257.36	77.03
CONTRACTS & PROF. SVCS	650	0.00	114.60	0.00	535.40	17.63
MAINTENANCE	29,705	9,537.49	39,948.06	0.00	(10,243.06)	134.48
UTILITIES	5,750	602.67	5,814.48	0.00	(64.48)	101.12
SUPPLIES	3,000	442.88	2,383.90	0.00	616.10	79.46
PERSONNEL RELATED ITEMS	25,313	2,495.14	26,851.40	0.00	(1,538.40)	106.08
TOTAL 12-ADMINISTRATION	217,912	23,694.92	193,349.08	0.00	24,562.92	88.73
52-STORM WATER SYSTEM						
PERSONNEL SERVICES	0	0.00	0.00	0.00	0.00	0.00
CONTRACTS & PROF. SVCS	0	0.00	0.00	0.00	0.00	0.00
CONST. MATL./TOOLS/EQUIP	0	0.00	0.00	0.00	0.00	0.00
UTILITIES	0	0.00	0.00	0.00	0.00	0.00
SUPPLIES	0	0.00	0.00	0.00	0.00	0.00
PERSONNEL RELATED ITEMS	0	0.00	0.00	0.00	0.00	0.00
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 52-STORM WATER SYSTEM	0	0.00	0.00	0.00	0.00	0.00
35-WATER DEPT.						
PERSONNEL SERVICES	233,703	15,959.90	229,609.11	0.00	4,093.89	98.25
CONTRACTS & PROF. SVCS	134,155	1,777.91	48,271.49	0.00	85,883.51	35.98
CONST. MATL./TOOLS/EQUIP	264,686	20,357.88	159,274.01	3,637.28	101,774.71	61.55
MAINTENANCE	20,120	3,969.02	30,408.77	0.00	(10,288.77)	151.14
UTILITIES	40,364	3,826.21	33,366.96	0.00	6,997.04	82.67
SUPPLIES	845,136	71,577.43	710,305.04	0.00	134,830.96	84.05
PERSONNEL RELATED ITEMS	20,150	505.42	12,036.62	0.00	8,113.38	59.74
CAPITAL EXPENDITURES	49,941	0.00	36.36	0.00	49,904.64	0.07
TRANSFERS	121,874	10,156.17	111,717.87	0.00	10,156.13	91.67
TOTAL 35-WATER DEPT.	1,730,129	128,129.94	1,335,026.23	3,637.28	391,465.49	77.37
TOTAL EXPENDITURES						
TOTAL EXPENDITURES	1,948,041	151,824.86	1,528,375.31	3,637.28	416,028.41	78.64
REVENUE OVER/(UNDER) EXPENDITURES						
REVENUE OVER/(UNDER) EXPENDITURES	0	146,041.06	433,182.64	(3,637.28)	429,545.36)	0.00

700-WATER FUND

% OF YEAR COMPLETED: 91.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
700.00.5714.000 CC CONV. FEE	13,000	6,662.82	45,918.51	0.00 (	32,918.51)	353.22
700.00.5743.000 CONNECT FEE	21,000	1,590.00	14,308.28	0.00	6,691.72	68.13
700.00.5744.000 PENALTIES	0	2,862.06	19,427.75	0.00 (	19,427.75)	0.00
700.00.5745.000 AGREEMENTS AND CONTRACTS	188,000	42,865.71	202,213.23	0.00 (	14,213.23)	107.56
700.00.5746.000 IMPACT FEE	86,570	0.00	21,225.00	0.00	65,345.00	24.52
700.00.5751.000 CITY WATER SALES	1,628,551	242,584.08	1,638,377.78	0.00 (	9,826.78)	100.60
700.00.5752.000 CHANGE IN UTILITY DEPOSIT	0	0.00	0.00	0.00	0.00	0.00
700.00.5753.000 WATER TAP FEES	10,570	0.00	7,060.00	0.00	3,510.00	66.79
700.00.5762.000 INTEREST EARNED	350	1,301.25	3,761.40	0.00 (	3,411.40)	1,074.69
700.00.5767.000 OTHER REVENUE	0	0.00	0.00	0.00	0.00	0.00
700.00.5769.000 OTHER REVENUE	0	0.00	9,266.00	0.00 (	9,266.00)	0.00
700.00.5800.000 CONTRIBUTED CAPITAL	0	0.00	0.00	0.00	0.00	0.00
700.00.5993.000 TRANSFER IN	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-REVENUE	1,948,041	297,865.92	1,961,557.95	0.00 (13,516.95)	100.69

TOTAL REVENUE	1,948,041	297,865.92	1,961,557.95	0.00 (13,516.95)	100.69
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705-WASTEWATER
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

REVENUE SUMMARY						
	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE	1,725,620	135,090.81	1,402,232.93	0.00	323,387.07	81.26
TOTAL REVENUES	1,725,620	135,090.81	1,402,232.93	0.00	323,387.07	81.26
EXPENDITURE SUMMARY						
00-TRANSFER OUT						
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-TRANSFER OUT	0	0.00	0.00	0.00	0.00	0.00
12-ADMINISTRATION						
PERSONNEL SERVICES	135,219	6,578.35	77,303.92	0.00	57,915.08	57.17
TOTAL 12-ADMINISTRATION	135,219	6,578.35	77,303.92	0.00	57,915.08	57.17
36-WASTEWATER SYSTEM						
PERSONNEL SERVICES	179,566	1,650.61	93,260.22	0.00	86,305.78	51.94
CONTRACTS & PROF. SVCS	41,170	692.67	34,929.33	0.00	6,240.67	84.84
CONST. MATL./TOOLS/EQUP	74,441	0.00	46,327.88	0.00	28,113.12	62.23
MAINTENANCE	654,380	48,008.00	563,392.63	0.00	90,987.37	86.10
UTILITIES	26,660	330.39	20,511.71	0.00	6,148.29	76.94
SUPPLIES	5,500	1,193.24	9,689.96	0.00	4,189.96	176.18
PERSONNEL RELATED ITEMS	5,000	0.00	2,150.00	0.00	2,850.00	43.00
DEBT SERVICE	359,410	0.00	359,010.00	0.00	400.00	99.89
CAPITAL EXPENDITURES	100,000	0.00	1,920.00	0.00	98,080.00	1.92
TRANSFERS	252,780	21,065.00	231,715.00	0.00	21,065.00	91.67
TOTAL 36-WASTEWATER SYSTEM	1,698,907	72,939.91	1,362,906.73	0.00	336,000.27	80.22
TOTAL EXPENDITURES	1,834,126	79,518.26	1,440,210.65	0.00	393,915.35	78.52
REVENUE OVER/ (UNDER) EXPENDITURES	(108,506)	55,572.55 (	37,977.72)	0.00 (	70,528.28)	35.00

705-WASTEWATER

% OF YEAR COMPLETED: 91.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
705.00.5741.000 SEWER SALES	1,431,050	132,417.41	1,373,356.68	0.00	57,693.32	95.97
705.00.5743.000 FEES	0	0.00	0.00	0.00	0.00	0.00
705.00.5744.000 PENALTIES	15,000	1,737.39	18,303.17	0.00	3,303.17	122.02
705.00.5745.000 AGREEMENTS AND CONTRACTS	0	0.00	0.00	0.00	0.00	0.00
705.00.5746.000 IMPACT FEE	275,770	0.00	5,754.00	0.00	270,016.00	2.09
705.00.5753.000 SEWER TAP FEE	3,600	0.00	1,860.00	0.00	1,740.00	51.67
705.00.5762.000 INTEREST EARNED	200	936.01	2,959.08	0.00	2,759.08	1,479.54
705.00.5767.000 OTHER REVENUE	0	0.00	0.00	0.00	0.00	0.00
705.00.5800.000 CONTRIBUTED CAPITAL	0	0.00	0.00	0.00	0.00	0.00
705.00.5995.000 TRANSFER IN RESERVES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-REVENUE	1,725,620	135,090.81	1,402,232.93	0.00	323,387.07	81.26

TOTAL REVENUE	1,725,620	135,090.81	1,402,232.93	0.00	323,387.07	81.26
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715-ELECTRIC FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

REVENUE SUMMARY						
	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE	4,398,735	576,918.22	4,113,455.40	0.00	285,279.60	93.51
TOTAL REVENUES	4,398,735	576,918.22	4,113,455.40	0.00	285,279.60	93.51
EXPENDITURE SUMMARY						
00-TRANSFER OUT						
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-TRANSFER OUT	0	0.00	0.00	0.00	0.00	0.00
12-ADMINISTRATION						
PERSONNEL SERVICES	134,874	4,222.36	52,670.78	0.00	82,203.22	39.05
TOTAL 12-ADMINISTRATION	134,874	4,222.36	52,670.78	0.00	82,203.22	39.05
37-ELECTRIC DEPT.						
PERSONNEL SERVICES	520,705	42,344.18	495,608.49	0.00	25,096.51	95.18
CONTRACTS & PROF. SVCS	89,000	15,046.54	41,948.50	4,032.40	43,019.10	51.66
CONST. MATL./TOOLS/EQUIP	109,321	19,321.06	82,897.76	36,648.16	10,224.92	109.35
MAINTENANCE	22,773	2,036.42	46,957.12	0.00	24,184.12	206.20
UTILITIES	14,375	1,226.93	11,929.13	0.00	2,445.87	82.99
SUPPLIES	2,161,974	247,072.18	2,156,708.36	0.00	5,265.64	99.76
PERSONNEL RELATED ITEMS	36,000	1,697.75	14,305.97	0.00	21,694.03	39.74
DEBT SERVICE	220,507	161,311.25	223,194.98	0.00	2,687.98	101.22
CAPITAL EXPENDITURES	150,000	18,640.50	109,441.88	35,131.04	5,427.08	96.38
TRANSFERS	939,206	78,267.16	860,938.76	0.00	78,267.24	91.67
TOTAL 37-ELECTRIC DEPT.	4,263,861	586,963.97	4,043,930.95	75,811.60	144,118.45	96.62
TOTAL EXPENDITURES	4,398,735	591,186.33	4,096,601.73	75,811.60	226,321.67	94.85
REVENUE OVER/(UNDER) EXPENDITURES	0	14,268.11	16,853.67	75,811.60	58,957.93	0.00

715-ELECTRIC FUND

% OF YEAR COMPLETED: 91.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
715.00.5743.000 FEES	7,900	390.00	5,646.78	0.00	2,253.22	71.48
715.00.5744.000 PENALTIES	40,000	5,369.69	41,896.97	0.00	1,896.97	104.74
715.00.5745.000 AGREEMENTS AND CONTRACTS	0	0.00	0.00	0.00	0.00	0.00
715.00.5751.000 ELECTRICITY SALES	3,400,535	551,042.73	3,123,071.21	0.00	277,463.79	91.84
715.00.5752.000 CHANGE IN ELECTRIC DEPOS	0	0.00	0.00	0.00	0.00	0.00
715.00.5755.000 SURCHARGE	150,000	18,609.74	129,139.56	0.00	20,860.44	86.09
715.00.5757.000 PCA (POWER COST ADJ)	800,000	0.00	809,631.92	0.00	9,631.92	101.20
715.00.5762.000 INTEREST	300	1,506.06	4,068.96	0.00	3,768.96	1,356.32
715.00.5767.000 OTHER REVENUE	0	0.00	0.00	0.00	0.00	0.00
715.00.5770.000 SALES TAX REVENUE	0	0.00	0.00	0.00	0.00	0.00
715.00.5991.000 TRANSFER IN	0	0.00	0.00	0.00	0.00	0.00
715.00.5995.000 TRANSFER IN ELEC NOTE	0	0.00	0.00	0.00	0.00	0.00
715.00.5998.000 TRANSFER IN RESERVES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-REVENUE	4,398,735	576,918.22	4,113,455.40	0.00	285,279.60	93.51
TOTAL REVENUE	4,398,735	576,918.22	4,113,455.40	0.00	285,279.60	93.51

REVENUE SUMMARY		CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE		521,407	47,883.66	521,772.37	0.00	365.37)	100.07
TOTAL REVENUES		521,407	47,883.66	521,772.37	0.00	365.37)	100.07
EXPENDITURE SUMMARY							
32-REFUSE DEPT-							
PERSONNEL SERVICES	0	0.00	0.00	0.00	0.00	0.00	0.00
CONTRACTS & PROF. SVCS	408,581	37,510.92	408,381.46	0.00	0.00	199.54	99.95
CONST. MATL./TOOLS/EQUIP	110,426	9,357.22	101,378.82	0.00	0.00	9,047.18	91.81
MAINTENANCE	0	0.00	0.00	0.00	0.00	0.00	0.00
UTILITIES	2,400	200.00	2,200.00	0.00	0.00	200.00	91.67
PERSONNEL RELATED ITEMS	0	0.00	0.00	0.00	0.00	0.00	0.00
CAPITAL EXPENDITURES	0	0.00	0.00	0.00	0.00	0.00	0.00
TRANSFERS	0	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL 32-REFUSE DEPT.	521,407	47,068.14	511,960.28	0.00	0.00	9,446.72	98.19
35-WATER DEPT.							
SUPPLIES	0	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL 35-WATER DEPT.	0	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	521,407	47,068.14	511,960.28	0.00	0.00	9,446.72	98.19
REVENUE OVER/(UNDER) EXPENDITURES	0	815.52	9,812.09	0.00	0.00	9,812.09)	0.00

720-REFUSE FUND

% OF YEAR COMPLETED: 91.67

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
00-REVENUE						
720.00.5743.000 FEES	0	0.00	0.00	0.00	0.00	0.00
720.00.5744.000 PENALTIES	6,260	551.48	5,624.02	0.00	635.98	89.84
720.00.5745.000 AGREEMENTS AND CONTRACTS	0	0.00	0.00	0.00	0.00	0.00
720.00.5751.000 RESIDENTIAL TRASH COLL	243,372	22,717.76	248,231.36	0.00	4,859.36)	102.00
720.00.5752.000 COMMERCIAL TRASH COLLECT	180,426	16,209.94	175,655.54	0.00	4,770.46	97.36
720.00.5755.000 RECYCLE	84,005	7,728.98	84,844.95	0.00	839.95)	101.00
720.00.5755.001 RECYCLE FRANCHISE FEE	7,344	675.50	7,416.50	0.00	72.50)	100.99
720.00.5762.000 INTEREST EARNED	0	0.00	0.00	0.00	0.00	0.00
720.00.5767.000 OTHER REVENUE	0	0.00	0.00	0.00	0.00	0.00
720.00.5768.000 BRUSH AND CHIPPING AND P	0	0.00	0.00	0.00	0.00	0.00
720.00.5770.000 HHW	0	0.00	0.00	0.00	0.00	0.00
720.00.5995.000 TRANSFER IN RES	0	0.00	0.00	0.00	0.00	0.00
TOTAL 00-REVENUE	521,407	47,883.66	521,772.37	0.00	365.37)	100.07
TOTAL REVENUE	521,407	47,883.66	521,772.37	0.00	365.37)	100.07

V. Informational Items

Agenda Section	Informational Item
Section Number	V.A
Subject	City Amenities Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Item
Section Number	V.B
Subject	Farmersville Community Development Board (Type B)
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	1. Possible Council Liaison Report 2. Financial Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



Farmersville Community Development Corporation 4B

August 2022

Financial Report

Daphne Hamlin
d.hamlin@farmersvilletx.com

Farmersville Community Development Corp 4B
August 2022

Statement Balance 8-1-2022	\$585,959.09
Deposits:	\$-
Sales Tax:	\$33,279.11
Checks cleared (3090,3092,3093,3101-3107)	\$(105,550.71)
Now Checking Int. .30%	\$135.96
Wire Fee	\$(10.00)
Balance 8-31-2022	\$513,813.45

Outstanding Transactions	
Sales Tax	
checks	
CD Interest	
Balance 9-9-2022	\$513,813.45

Outstanding checks:

Farmersville Community Development Corporation
Financial Statement
For the Fiscal Year Ended September 30, 2022

	FY2022	October	November	December	January	February	March	April	May	June	July	August	September	Actual	%
	Budget													YTD	
Revenue:															
Sales Tax Collections	\$300,000	\$25,431	\$33,747	\$30,194	\$32,479	\$34,279	\$29,815	\$27,969	\$42,083	\$35,711	\$33,041	\$ 33,279		\$ 358,028	119.34%
Interest Income	\$ 150	\$ 13	\$ 79	\$ 92	\$ 100	\$ 95	\$ 101	\$ 116	\$ 128	\$ 135	\$ 144	\$ 136		\$ 1,139	
Total Revenue	\$ 300,150	\$ 25,444	\$ 33,826	\$ 30,286	\$ 32,579	\$ 34,374	\$ 29,916	\$ 28,085	\$ 42,211	\$ 35,846	\$ 33,185	\$ 33,415	\$0.00	\$359,167	119.66%
Expenses															
Admin Fee	\$ 500	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10	\$ 10		\$ 110	
Sound System Monthly Subscription (PJ255)	\$ 500		\$ 82	\$ 41					\$ 43		\$ 85	\$ 43		\$ 295	59.00%
Total Main Street Program														\$ -	0.00%
Parks and Recreation														\$ -	
City Park planning and Bridge Repair	\$ 76,000									\$ 63,210				\$ 63,210	90.30%
Chaparral Trail Upgrade Project MM5.1 to MM11.2 (PJ246)	\$ 150,000														
Chaparral Trail Upgrade Project MM11.2 to MM13.2 (PJ237)	\$ 50,000														
Total Parks and Recreation	\$ 276,000													\$ -	0.00%
Bain Honaker Paving	\$ 10,000											8,000		\$ -	80.00%
Museum	\$ 10,000													\$ -	0.00%
Total Museum														\$ -	
Civic Organizations														\$ -	0.00%
COC Events, promotions, and Publications (PJ237)	\$ 3,600													\$ -	
COC Tourism, Infrastructure and Job Retention (PJ259)	\$ 21,400									\$ 5,232		16,561		\$ 21,793	101.84%
NETT Grant (PJ251)	\$ 5,000													\$ -	0.00%
Rotary Club	\$ 550													\$ -	0.00%
Total Civic Organizations	\$ 30,550													\$ -	0.00%
Special Events														\$ -	
Sparks of Freedom (PJ238)	\$ 6,000													\$ -	100.00%
Music in the Park 2022 (PJ265)	\$ 3,500													\$ 1,000	28.57%
Cops & Rodgers/National Night Out (PJ241/251)	\$ 5,530									\$ 1,158	4,372			\$ 5,530	100.00%
Chaparral Trail Open Day Even (PJ266)	\$ 500													\$ -	0.00%
Total Special Events	\$ 17,530													\$ -	0.00%
FCDC Projects														\$ -	
Billboard Promotion (PJ252)	\$ 5,400		\$ 450	\$ 450			\$ 1,350	\$ 450	\$ 450	\$ 450	\$ 450	900		\$ 4,500	83.33%
The Reiss Group	\$ 3,000		\$ -	\$ 500			\$ 500	\$ 250	\$ 250	\$ 500	\$ 250	250		\$ 2,250	75.00%
Texas Bulletins	\$ 8,400													\$ -	0.00%
Total FCDC Projects														\$ -	
Maintenance/Professional Services/Marketing														\$ -	
Reimburse City for Accounting Services	\$ 2,500								\$ 334		\$ 538	1,182		\$ -	0.00%
Legal Services	\$ 7,500													\$ 2,877	38.36%
Mays Building Taxes	\$ 2,000													\$ -	0.00%
Total Maintenance/Professional Svc./Main.	\$ 12,000													\$ -	0.00%
Total Expenses	\$ 348,900	\$ 10	\$ 542	\$ 1,001	\$ 10	\$ 10	\$ 2,683	\$ 460	\$ 1,087	\$ 960	\$ 79,484	\$31,318	\$ -	\$117,565	33.69%
Excess Revenue Over Expenses	(48,830)	25,434	33,284	29,285	32,569	34,364	27,234	27,625	41,124	34,886	(46,299)	2,097	-	241,602	
TEXPOOL Balance															
Interest Income-TEXPOOL		\$ 546,860.10	\$ 546,896.52	\$ 546,913.61	\$ 546,931.03	\$ 546,946.40	\$ 546,974.97	\$ 547,046.33	\$ 547,183.12	\$ 547,172.50	\$ 547,913.10	\$ 548,630.79			
Total Available Texpool Funds		\$ 16.42	\$ 17.09	\$ 17.42	\$ 17.45	\$ 26.49	\$ 71.36	\$ 136.79	\$ 289.40	\$ 450.58	\$ 707.69	\$ 1,007.69			
		\$ 546,896.52	\$ 546,913.61	\$ 546,931.03	\$ 546,946.48	\$ 546,974.97	\$ 547,046.33	\$ 547,183.12	\$ 547,472.52	\$ 547,923.10	\$ 548,630.79	\$ 549,638.46	\$ -		

Farmersville Community Development Corporation
Cumulative Income Statement
For the Fiscal Year Ended, September 30, 2022

FY2021/2022		Particulars												Actual	%
	Budget	October	November	December	February	March	April	May	June	July	August	September	YTD		
Revenue:															
Sales Tax Collections	\$300,000	\$25,431	\$33,747	\$30,194	\$34,279	\$29,815	\$27,969	\$42,083	\$35,712	\$33,041	\$33,279		\$358,029	119.34%	
Interest Income	150	13	79	92	95	101	116	128	\$135	\$144	\$135		\$1,138		
Total Revenue	\$300,150	\$25,444	\$33,826	\$30,286	\$34,374	\$29,916	\$28,085	\$42,211	\$35,847	\$33,185	\$33,414	\$0.00	\$359,167		
Expenses															
Admin Fee		\$10	10	10	10	10	10	10	\$10	10	10		\$110		
Sound System Monthly Subscription (PJ255)	\$500		82	41				43		\$86	\$43		\$295	59.01%	
Total Main Street Program	\$500												\$	0.00%	
Parks and Recreation															
City Park planning and Bridge Repair (PJ246)	\$70,000									\$63,210			\$63,210	90.30%	
Chaparral Trail Upgrade Project MM5.1 to MM11.2 (PJ237)	\$150,000												\$		
Chaparral Trail Upgrade Project MM11.2 to MM13.2 (PJ237)	\$50,000												\$		
Total Parks and Recreation	\$270,000												\$		
Museum															
Bain Honaker Painting	\$10,000								\$8,000				\$8,000	80.00%	
Total Museum	\$10,000												\$		
Civic Organizations															
COC Events, promotions, and Publications (PJ237)	\$3,600												\$		
COC Tourism, Infrastructure and Job Retention (PJ259)	\$21,400								\$5,232	\$16,562			\$21,794	101.84%	
NETT Grant (PJ251)	\$5,000												\$		
Rotary Club	\$550												\$		
Total Civic Organizations	\$30,550												\$		
Special Events															
Sparks of Freedom (PJ238)	\$8,000								\$8,000				\$8,000	100.00%	
Music in the Park 2022 (PJ265)	\$3,500								\$1,000				\$1,000	28.57%	
Cops & Rodders/National Night Out (PJ241/281)	\$5,530								\$1,158	\$4,372			\$5,530	100.00%	
Chaparral Trail Open Day Even (PJ266)	\$500												\$		
Total Special Events	\$17,530												\$		
FCDC Projects															
Billboard Promotion (PJ252)															
The Reiss Group	\$5,400		\$450.00	\$450.00		1350	450	450	\$450		900		\$4,500	83.33%	
Texas Bulletins	\$3,000			\$500.00		500		250	\$500	250	250		\$2,250	75.00%	
Total FCDC Projects	\$8,400												\$		
Maintenance/Professional Services/Marketing															
Reimburse City for Accounting Services	\$2,500												\$		
Legal Services	\$7,500							334	\$	538	\$1,183		\$2,877	38.35%	
Mays Building Taxes	\$2,000												\$		
Total Maintenance/Professional Svc./Main.	\$12,000												\$		
Total Expenses	\$348,980	\$10	\$542	\$1,001	\$10	\$2,682	\$460	\$1,087	\$960	\$79,484	\$31,319	\$-	\$117,566	33.69%	
Excess Revenue Over Expenses	(48,830)	25,434	33,284	29,285	34,364	27,234	27,625	41,124	34,887	(46,299)	(31,319)	-			

```

9-09-2022      8:04 AM
FUND           : 250-EDC/CDC
DEPT           : N/A
POST DATE TRAN # REFERENCE PACKET=====DESCRIPTION===== VENDOR INV/JE #
PERIOD TO USE: Aug-2022 THRU Aug-2022
ACCOUNTS: .00.1112.000 THRU .00.1112.000
NOTE =====AMOUNT=====
=====BALANCE=====

```

CASH ACCT #B	B E G I N N I N G	B A L A N C E
.00.1112.000		
8/11/22	8/11 A25141 CHK: 003094	
8/11/22	8/11 A25142 CHK: 003095	
8/11/22	8/11 A25143 CHK: 003096	
8/11/22	8/11 A25144 CHK: 003097	
8/11/22	8/11 A25145 CHK: 003098	
8/11/22	8/11 A25146 CHK: 003099	
8/11/22	8/11 A25147 CHK: 003100	
8/11/22	8/11 A25148 CHK: 003101	
8/11/22	8/11 A25149 CHK: 003102	
8/11/22	8/11 A25150 CHK: 003103	
8/11/22	8/11 A25151 CHK: 003104	
8/11/22	8/11 A25152 CHK: 003105	
8/11/22	8/11 A25153 CHK: 003106	
8/11/22	8/11 A25154 CHK: 003107	
8/23/22	9/09 B33213 Deposit 000000	
8/31/22	9/09 B33212 Deposit 082022	
8/31/22	9/09 B33212 Deposit 082022	
	=====	
	AUGUST ACTIVITY DB:	33,415.07
	JE# 008746	
	JE# 008745	
	CR:	31,319.19CR
		2,095.88

```

000 ERRORS IN THIS REPORT!

** REPORT TOTALS **
----- DEBITS ----- CREDITS -----
BEGINNING BALANCES:
511,717.61                                0.00
REPORTED ACTIVITY:
33,415.07                                31,319.19CR
ENDING BALANCES:
545,132.68                                31,319.19CR
TOTAL FUND ENDING BALANCE:
513,813.49

```

```

000 ERRORS IN THIS REPORT!

** REPORT TOTALS **
BEGINNING BALANCES:
REPORTED ACTIVITY:
ENDING BALANCES:
TOTAL FUND ENDING BALANCE:

--- DEBITS --- CREDITS ---
511,717.61 0.00
33,415.07 31,319.19CR
545,132.68 3,319.19CR
513,813.49


```

Agenda Section	Informational Item
Section Number	V.C
Subject	FEDC Farmersville Economic Development Board (Type A)
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	1. Possible Council Liaison Report 2. Financial Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action



Farmersville Economic Development Corporation 4A

August 2022

Financial Report

Daphne Hamlin
d.hamlin@farmersvilletx.com

Farmersville Economic Development Corp 4A

August 2022

Statement Balance 08-01-2022	\$476,271.66
Deposits:	
Sales Tax:	\$33,279.11
Cking Int .30%	\$121.07
Cleared Checks 1347	\$(25,000.00)
Ending Balance:	\$484,671.84

Outstanding Transactions

Sales Tax	
Transfer to Texpool	
CD Interest	
Outstanding checks	
Balance 09-09-2022	\$484,671.84

Farmersville Economic Development Corporation
Cumulative Income Statement
For the 12 Months Ended, September 30, 2022

FY 2021	October	November	December	January	February	March	April	May	June	July	August	September	YTD
Budget													
Beginning Bank Balance	\$159,643.94	\$187,742.02	\$221,600.51	\$253,716.99	\$288,888.24	\$318,738.08	\$ 345,867.49	\$373,926.05	\$411,160.20	\$445,079.86	\$451,271.66		
Deposits													
Sales Tax Collections	\$304,800.00	\$25,431.45	\$30,193.59	\$32,479.37	\$34,279.41	\$28,815.65	\$ 27,969.14	\$42,083.34	\$35,711.89	\$33,041.41	\$33,279.11		\$358,031.15
Interest Income (7909)	\$5,200.00	\$44.59	\$60.91	\$69.84	\$70.43	\$76.27	\$ 89.42	\$100.81	\$107.79	\$115.37	\$121.07		\$904.41
Loan Repayment	\$7,866.00	\$2,622.04	\$2,622.04	\$2,622.04									\$10,488.16
Transfer to new account													
Transfer to Texpool													
Prior year expenses		\$12,357.06)	\$(750.00)										
Now Account Interest (8452)	\$975.16	\$472.09	\$487.95	\$488.08	\$440.95	\$437.90	\$ 472.67	\$488.54	\$472.91	\$488.79	\$488.91		\$5,713.95
Texpool Interest	\$2.12	\$2.29	\$2.38	\$2.35	\$3.51	\$9.46	\$ 18.17	\$38.33	\$59.67	\$93.71	\$133.45		\$365.44
Total Revenue	\$317,866.00	\$ 187,742.02	\$ 253,716.99	\$ 288,888.24	\$ 323,238.08	\$ 348,630.00	\$ 373,926.05	\$ 416,110.20	\$ 446,979.88	\$ 478,236.66	\$ 484,671.84	\$ -	\$ 375,503.11
Expenses:													
Administration Expenses													
Administration	\$1,000.00												\$-
Meeting Expenses	\$1,000.00												\$201.25
Dues/School/Travel	\$5,200.00	\$201.25											\$-
EDC Position	\$40,000.00												
TEX 21	\$2,500.00												\$2,500.00
Office Supplies	\$200.00												\$262.50
Legal Service	\$2,500.00												\$-
Total Administration	\$52,400.00												\$-
Marketing/Promotion Expenses													
Marketing/Promotion	\$8,000.00												\$-
Expenses/Advertising	\$7,500.00												\$-
Website update	\$500.00												\$-
Rotary Sponsorship	\$1,000.00												\$-
Chamber Sponsorship													\$-
Small Business	\$500.00												\$-
Entrepreneurship Conf													\$-
Collin College Sponsorship	\$3,500.00												\$-
Total Expenditures	\$73,400.00	\$-	\$-	\$-	\$4,500.00	\$2,762.50	\$-	\$-	\$-	\$-	\$-	\$-	\$3,500.00
Directive Business Incentives													
Educ Action Plan	\$30,000.00												\$-
Collin College Road	\$244,000.00								\$1,900.00	\$1,965.00			\$8,815.00
Facade Grant Program	\$40,000.00									\$25,000.00			\$-
Total Development Cost	\$314,000.00												\$25,000.00
Total Expenditures	\$387,400.00	\$-	\$-	\$-	\$4,500.00	\$2,762.50	\$-	\$4,950.00	\$1,900.00	\$25,965.00	\$-	\$-	\$33,815.00
Revenue vs Expenditures													\$41,278.75
From Reserves	(\$69,534)												
Total Expenditures	\$69,534.00												
Ending Bank Balance	\$187,742.02	\$221,600.51	\$253,716.99	\$288,888.24	\$318,738.08	\$345,867.50	\$373,926.05	\$411,160.20	\$445,079.88	\$451,271.66	\$484,671.84		\$41,278.75
Now Account	\$1,914,598.89	\$1,915,070.98	\$1,915,558.93	\$1,916,047.01	\$1,916,487.96	\$1,916,925.86	\$1,917,398.53	\$1,917,887.07	\$1,918,359.98	\$1,918,848.77	\$1,919,337.68		
Texpool Balance	\$72,420.70	\$72,422.99	\$72,425.37	\$72,427.72	\$72,431.23	\$72,440.69	\$72,458.86	\$72,497.19	\$72,556.86	\$72,650.57	\$72,784.02		
Total Available Funds	\$2,174,761.61	\$2,209,094.48	\$2,241,701.29	\$2,277,382.97	\$2,307,657.27	\$2,335,234.05	\$2,363,783.44	\$2,401,544.46	\$2,435,996.72	\$2,442,771.00	\$2,476,793.54	\$-	

```

9-09-2022 9:51 AM
FUND : 255-EDC 4A
DEPT : N/A
POST DATE TRAN # REFERENCE
PACKET=====DESCRIPTION===== VEND INV/JE #
PERIOD TO USE: Aug-2022 THRU Aug-2022
ACCOUNTS: .00.1111.000 THRU .00.1111.000
NOTE =====AMOUNT=====
=====BALANCE=====

```

.00.1111.000		CASH ACCOUNT	B E G I N N I N G		B A L A N C E		
8/31/22	9/09	B33214	Deposit	000000	07491	FEDC AUGUST 2022	JE# 008747
8/31/22	9/09	B33214	Deposit	000000	07491	FEDC AUGUST 2022	JE# 008747
=====							CR: 33,400.18
							0.00
							451,392.74
							451,392.74
							484,671.85
							451,271.67

```

*****
000 ERRORS IN THIS REPORT!
*****
** REPORT TOTALS **
----- DEBITS ----- CREDITS -----
BEGINNING BALANCES:
451,271.67 0.00
REPORTED ACTIVITY:
33,400.18 0.00
ENDING BALANCES:
484,671.85 0.00
TOTAL FUND ENDING BALANCE:
484,671.85

```

** REPORT TOTALS **	--- DEBITS ---	--- CREDITS ---
BEGINNING BALANCES:	451,271.67	0.00
REPORTED ACTIVITY:	33,400.18	0.00
ENDING BALANCES:	484,671.85	0.00
TOTAL FUND ENDING BALANCE:	484,671.85	

9-09-2022 9:51 AM
FUND : 255-EDC 4A
DEPT : N/A
POST DATE TRAN # REFERENCE

DETAIL LISTING
PACKET=====DESCRIPTION===== VENDOR INVOICE #

9-09-2022 9:51 AM
FUND : 255-EDC 4A
DEPT : N/A
POST DATE TRAN # REFERENCE

PERIOD TO USE: Aug-2022 THRU Aug-2022
ACCOUNTS: .00.1173.000 THRU .00.1173.000
NOTE =====AMOUNT=====

1
PAGE: 1

00.1173.000
IB NOW ACCOUNT

BEGINNING BALANCE

8/31/22 9/09 B33214

07491 FEDDC AUGUST 2022
AUGUST ACTIVITY DB:

488.91 0.00

JE# 008747

488.91 1,919,337.68

1,918,848.77

000 ERRORS IN THIS REPORT!

** REPORT TOTALS **

BEGINNING BALANCES: 1,918,848.77

REPORTED ACTIVITY: 488.91

ENDING BALANCES: 1,919,337.68

TOTAL FUND ENDING BALANCE: 1,919,337.68

DEBITS --- CREDITS ---

0.00 0.00

0.00 0.00

0.00 0.00

9-09-2022 9:52 AM
FUND : 255-EDC 4A
DEPT : N/A

9-09-2022 9:52 AM
FUND : 255-EDC 4A
DEPT : N/A

POST DATE TRAN # REFERENCE

TXPL INVESTMENT ACCOUNT 4A
B E G I N N I N G B A L A N C E

00.1171.000
8/31/22 9/09 B33214

07491 FEDC AUGUST 2022
AUGUST ACTIVITY DB:

000 ERRORS IN THIS REPORT!

** REPORT TOTALS **
BEGINNING BALANCES:
REPORTED ACTIVITY:
ENDING BALANCES:
TOTAL FUND ENDING BALANCE:

--- DEBITS ---
72,650.57
133.45
72,784.02

--- CREDITS ---
0.00
0.00
0.00

00.1171.000
8/31/22 9/09 B33214

07491 FEDC AUGUST 2022
AUGUST ACTIVITY DB:

000 ERRORS IN THIS REPORT!

** REPORT TOTALS **
BEGINNING BALANCES:
REPORTED ACTIVITY:
ENDING BALANCES:
TOTAL FUND ENDING BALANCE:

--- DEBITS ---
72,650.57
133.45
72,784.02

--- CREDITS ---
0.00
0.00
0.00

9-09-2022 9:52 AM
FUND : 255-EDC 4A
DEPT : N/A

9-09-2022 9:52 AM
FUND : 255-EDC 4A
DEPT : N/A

POST DATE TRAN # REFERENCE

TXPL INVESTMENT ACCOUNT 4A
B E G I N N I N G B A L A N C E

00.1171.000
8/31/22 9/09 B33214

07491 FEDC AUGUST 2022
AUGUST ACTIVITY DB:

000 ERRORS IN THIS REPORT!

** REPORT TOTALS **
BEGINNING BALANCES:
REPORTED ACTIVITY:
ENDING BALANCES:
TOTAL FUND ENDING BALANCE:

--- DEBITS ---
72,650.57
133.45
72,784.02

--- CREDITS ---
0.00
0.00
0.00

00.1171.000
8/31/22 9/09 B33214

07491 FEDC AUGUST 2022
AUGUST ACTIVITY DB:

000 ERRORS IN THIS REPORT!

** REPORT TOTALS **
BEGINNING BALANCES:
REPORTED ACTIVITY:
ENDING BALANCES:
TOTAL FUND ENDING BALANCE:

--- DEBITS ---
72,650.57
133.45
72,784.02

--- CREDITS ---
0.00
0.00
0.00

Agenda Section	Informational Item
Section Number	V.D
Subject	Main Street Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.2. Financial Report
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



Main Street
August 2022
Financial Report

Daphne Hamlin
d.hamlin@farmersvilletx.com



Farmersville Main Street
Operating Account
Financial Statement
8-1-2022 thru 8-31-2022

Beginning Balance:	August 1, 2022	<u>\$17,270.00</u>
Plus:		\$500.00
		<u>\$17,770.00</u>

Less:

\$17,770.00

Designations	Restricted Audie Murphy Day Monies	\$ 8,384.15
	Restricted Sign & Paint Grant Monies	\$ 450.00
		<u>\$ 8,834.15</u>
	Unrestricted Funds	\$8,935.85

Ending Balance:	August 30, 2022
------------------------	-----------------

Check Register:	
Jason Acevedo Check #4182	(\$99.22)
City of Farmersville Check #4183	(\$460.00)
City of Farmersville Check #4184	(\$417.15)
reimburse city	(\$3,858.09)
Ending Balance:	\$ 12,935.54

Agenda Section	Informational Item
Section Number	V.E
Subject	Parks & Recreation Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 13, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Item
Section Number	V.F
Subject	Planning & Zoning Commission
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	1. Possible Council Liaison Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Informational Item
Section Number	V.G
Subject	TIRZ Board
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	1. Possible Council Liaison Report 2. Financial Report
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



TIRZ
August 2022
Financial Report

Daphne Hamlin
d.hamlin@farmersvilletx.com

TIRZ
August 2022

Statement Balance 07-29-2022	\$77,931.26
Deposits:	\$92,637.51
Cking Int CBTX .10%	\$7.05
Bond Payment	\$(92,637.51)
Statement balance 08-31-2022	\$77,938.31

Outstanding Transactions

Balance 09-20-2022	\$77,938.31
--------------------	-------------

TIRZ
Cumulative Income Statement
For the 12 Months Ended, September 30, 2022

	FY 2021	October	November	December	January	February	March	April	May	June	July	August	September	YTD
Beginning Bank Balance	Budget													
Deposits:		\$31,560.81	\$25,033.43	\$25,034.91	\$25,036.12	\$24,286.84	\$1,649.21	1,649.21	\$77,911.84	\$77,918.67	\$77,925.07	\$77,931.26		
Ad Valorem Tax Collection	\$617,200.00						\$ 812,388.81							
County Tax Collection	\$74,737.00						\$ 76,260.71							
Interest Income eking	\$250.00	\$1.36	\$1.48	\$1.21	\$0.52	\$0.08	\$ 1.92		\$6.83	\$6.40	\$6.19	\$7.05		\$33.04
Misc deposit														
wire fee														
Transfer to Texpool							\$ (612,388.81)							
Transfer From Texpool		\$16.09	\$16.71	\$17.10	\$17.02	\$5,000.00	\$89.17	154.19	\$604.25	\$940.73	\$1,477.38	\$1,993.01		\$92,637.51
Texpool Interest		\$31,562.17	\$25,034.91	\$25,036.12	\$25,036.64	\$29,312.43	\$1,649.21	\$77,911.84	\$77,918.67	\$77,925.07	\$77,931.26	\$170,975.82		\$5,331.36
Total Revenue	\$692,187.00													
Expenses:														
Administration	\$2,000.00													
Meeting Expenses	\$2,000.00													
Dues/School/Travel	\$2,000.00													
Office Supplies														
Legal Service	\$7,500.00	\$6,528.74												\$6,528.74
Debt Service														
Interest Payment (PJ116)	\$65,275.00				\$750.00	\$27,637.51						\$27,637.51		\$65,275.02
Principal Payment (PJ116)	\$65,000.00											\$65,000.00		
Directive Business Incentives														
Street Construction, Concrete, Welch Drive, Panel Replacement (PJ122)	\$300,000.00													
Economic Development	\$200,000.00													
TIRZ General Fund Transfer (PJ261)	\$40,000.00													
Total Expenditures	\$673,775.00	\$6,528.74			\$750.00	\$27,637.51	\$-	\$-				\$92,637.51		\$127,553.76
Revenue vs Expenditures														(\$127,554)
From Reserves														
Ending Bank Balance		\$25,033.43	\$25,034.91	\$25,036.12	\$24,286.64	\$1,674.92	\$1,649.21	\$77,911.84	\$77,918.67	\$77,925.07	\$77,931.16	\$77,938.31		
Texpool Balance		\$534,764.72	\$534,781.43	\$534,798.53	\$534,815.55	\$529,841.26	\$529,910.43	\$1,142,456.43	\$1,143,057.68	\$1,143,998.41	\$1,145,475.79	\$1,054,831.29		
Total Available Funds		\$559,798.15	\$559,816.34	\$559,834.65	\$559,102.19	\$531,516.18	\$531,559.64	\$1,220,368.27	\$1,220,976.36	\$1,221,923.48	\$1,223,406.95	\$1,132,769.60		

VI. PUBLIC HEARING

Agenda Section	Public Hearing Notice
Section Number	VI. A
Subject	Historical Preservation Overlay District
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	PH Notice
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none">• City Council discussion as required
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Farmersville Planning & Zoning Commission at 6:00 p.m. on Tuesday, September 20, 2022, in the City Hall Council Chambers at 205 S. Main St. to consider an amendment to the Code of Ordinances, City of Farmersville, Texas, as heretofore amended, through the amendment of Chapter 77, "Zoning," by adopting a new article that will create a Historic Preservation Overlay Zoning District that will allow for the protection and preservation of individual historic structures and properties as well as the protection and preservation of both potential and designated historic districts together with individual historic structures and properties and contributing structures and properties within such potential and designated historic districts by and through the adoption of ordinances containing by way of illustration, and not limitation: definitions; design guidelines; the establishment of a historic preservation body; a process through which structures and districts are designated as being historic; minimum maintenance requirements; a certificate of appropriateness process for modifications to and renovations of historic structures and contributing structures; prohibitions against demolition of historic structures and contributing structures whether by neglect or otherwise; and, a permitting process for demolition of dangerous and substandard historic structures and contributing structures.

The Farmersville Planning & Zoning Commission will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District.

All interested citizens are hereby notified of their right to appear and be heard on the matter. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Farmersville City Council at 6:00 p.m. on Tuesday, September 27, 2022 in the City Hall Council Chambers at 205 S. Main St. to consider an amendment to the Code of Ordinances, City of Farmersville, Texas, as heretofore amended, through the amendment of Chapter 77, "Zoning," by adopting a new article that will create a Historic Preservation Overlay Zoning District that will allow for the protection and preservation of individual historic structures and properties as well as the protection and preservation of both potential and designated historic

districts together with individual historic structures and properties and contributing structures and properties within such potential and designated historic districts by and through the adoption of ordinances containing by way of illustration, and not limitation: definitions; design guidelines; the establishment of a historic preservation body; a process through which structures and districts are designated as being historic; minimum maintenance requirements; a certificate of appropriateness process for modifications to and renovations of historic structures and contributing structures; prohibitions against demolition of historic structures and contributing structures whether by neglect or otherwise; and, a permitting process for demolition of dangerous and substandard historic structures and contributing structures.

The Farmersville City Council will also consider designating the properties and structures situated in the Central Area (CA) zoning district classification as being subject to the new Historic Preservation Overlay Zoning District.

All interested citizens are hereby notified of their right to appear and be heard on the matter. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

Agenda Section	Public Hearing Notice
Section Number	VI. B
Subject	South Lake Triploid Grass Carp
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	PH Notice
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none">• City Council discussion as required
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action

NOTICE OF PUBLIC HEARING

The Farmersville City Council will hold a public hearing in the City of Farmersville Council Chambers at City Hall, 205 S. Main St., at 6:00 p.m. on Tuesday, September 27, 2022, to discuss and hear public comments regarding South Lake at South Lake Park situated at 1601 Old Josephine Road, Farmersville, Texas.

South Lake is being impacted by a non-native, invasive aquatic plant named "hydrilla." Hydrilla produces oxygen when the sun is shining on it but uses oxygen up during nighttime hours through respiration. Dense hydrilla chokes out native plant communities and can stress aquatic animals and adversely change the dynamics of fish populations. Hydrilla can also facilitate the spread of disease to waterfowl and raptors.

While moderate coverage (10% to 20%) of submersed vegetation can be beneficial to fish populations and improve fishing success, hydrilla coverage in South Lake currently exceeds 50% of the reservoir's surface area, and results in reduced boater and shoreline access. In July 2022, Texas Parks and Wildlife's Aquatic Habitat Enhancement Team conducted a herbicide treatment of approximately 17 acre-feet of the lake adjacent to the single boat ramp and fishing pier on South Lake to improve access. Cost of the herbicide used during the treatment was approximately \$3,543.75 total, or \$202.50/acre-foot.

To improve recreational access to South Lake and the overall health of the fish community, the city is considering a low-density stocking of sterile Triploid Grass Carp (White Amur) in Fall 2022, as a biological control option to reduce the coverage of hydrilla lake wide. Considering the high costs associated with routine, annual herbicide treatments, grass carp present a more cost-effective option for long-term management of hydrilla.

Triploid Grass Carp is a sterile (non-reproducing) form of grass carp. This fish is primarily a plant-eater and is a relatively inexpensive and effective biological tool to control some, but not all, species of nuisance aquatic vegetation. Grass Carp is also an invasive species, which is why the City will be obtaining sterile (non-reproducing) form of grass carp and adding the barriers needed to keep the fish in South Lake with the guidance and assistance of Texas Parks and Wildlife. A permit is required to possess, transport, and stock Triploid Grass Carp in public or private water per the regulations in the Texas Administrative Code. It is a violation of Texas law to catch and possess and take Triploid Grass Carp from a body of water that has a permit for such fish.

All interested citizens are hereby notified of their right to appear and be heard on the matter. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing.

VII. READING OF ORDINANCES

Agenda Section	Reading of Ordinances
Section Number	VII. A
Subject	Historical Preservation Overlay District Ordinance
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Ordinance #O-2022-0927-001
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> Planning and Zoning Commission recommended approval of this Ordinance with the exception of striking Sec. 77 – 121 Designation of Other Historic Districts. (Page 31 and part of page 32).
Action	<ul style="list-style-type: none"> Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove Move item to another agenda. _____ No motion, no action

**CITY OF FARMERSVILLE
ORDINANCE # O-2022-0927-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, BY AMENDING CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF SECTION 77-54, "SPECIAL DISTRICT REGULATIONS," BY ADOPTING A NEW SUBSECTION (C) ENTITLED "HISTORIC PRESERVATION OVERLAY ZONING DISTRICT (HD)" THAT ESTABLISHES AN OVERLAY ZONING DISTRICT THAT WILL ALLOW FOR THE PROTECTION AND PRESERVATION OF INDIVIDUAL HISTORIC STRUCTURES AND PROPERTIES AS WELL AS THE PROTECTION AND PRESERVATION OF BOTH POTENTIAL AND DESIGNATED HISTORIC DISTRICTS TOGETHER WITH INDIVIDUAL HISTORIC STRUCTURES AND PROPERTIES AND CONTRIBUTING STRUCTURES AND PROPERTIES WITHIN SUCH POTENTIAL AND DESIGNATED HISTORIC DISTRICTS, AND THROUGH THE ADOPTION OF A NEW ARTICLE VII ENTITLED "HISTORIC PRESERVATION OVERLAY ZONING DISTRICT (HD) STANDARDS" THAT CONTAINS BY WAY OF ILLUSTRATION, AND NOT LIMITATION: DEFINITIONS; DESIGN GUIDELINES; THE ESTABLISHMENT OF A HISTORIC PRESERVATION BODY; A PROCESS THROUGH WHICH STRUCTURES AND DISTRICTS ARE DESIGNATED AS BEING HISTORIC; MINIMUM MAINTENANCE REQUIREMENTS; A CERTIFICATE OF APPROPRIATENESS PROCESS FOR MODIFICATIONS TO AND RENOVATIONS OF HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES; PROHIBITIONS AGAINST DEMOLITION OF HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES WHETHER BY NEGLECT OR OTHERWISE; AND, A PERMITTING PROCESS FOR DEMOLITION OF DANGEROUS AND SUBSTANDARD HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas ("City") is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, and its Home Rule Charter; and

WHEREAS, Chapter 211 of the Texas Local Government Code, as amended, authorizes a municipality to adopt and update zoning ordinances for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

WHEREAS, the City has previously adopted a Zoning Ordinance under the authority of Chapter 211 of the Texas Local Government Code, which Zoning Ordinance is codified as Chapter 77 of the Farmersville Code; and

WHEREAS, Section 211.003(b) of the Texas Local Government Code provides that in the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.

WHEREAS, Section 211.005(a) of the Texas Local Government Code authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district.

WHEREAS, Section 214.00111 of the Texas Local Government Code provides additional authority to preserve substandard buildings as historic property which applies only to a municipality that is designated as a certified local government by the state historic preservation officer as provided by 16 U.S.C.A. Section 470, *et seq.*

WHEREAS, the City Council of the City of Farmersville, Texas ("City Council"), desires to amend Chapter 77 of the Farmersville Code to provide a Historic Preservation Overlay Zoning District to protect the historic structures and areas within the City; and

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended the adoption of a Historic Preservation Overlay Zoning District; and

WHEREAS, all legal requirements, conditions, and prerequisites have been complied with prior to these matters coming before the City Council of the City of Farmersville; and

WHEREAS, the City Council of the City of Farmersville, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the City of Farmersville and of all testimony and information submitted during said public hearings, has determined that in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, the Historic Preservation Overlay Zoning District should be adopted as provided herein; and

WHEREAS, the City Council of the City of Farmersville, Texas, does hereby find and determine that the adoption of this Ordinance is in the best interest of the public health, safety, morals, and general welfare of the City of Farmersville.

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

SECTION 1. INCORPORATION OF FINDINGS

The findings set forth above are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2. AMENDING CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF SECTION 77-54, "SPECIAL DISTRICT REGULATIONS," BY ADOPTING A NEW SUBSECTION (C) ENTITLED "HISTORIC PRESERVATION OVERLAY ZONING DISTRICT (HD)" THAT ESTABLISHES AN OVERLAY ZONING DISTRICT THAT WILL ALLOW FOR THE PROTECTION AND PRESERVATION OF INDIVIDUAL HISTORIC STRUCTURES AND PROPERTIES AS WELL AS THE PROTECTION AND PRESERVATION OF BOTH POTENTIAL AND DESIGNATED HISTORIC DISTRICTS TOGETHER WITH INDIVIDUAL HISTORIC STRUCTURES AND PROPERTIES AND CONTRIBUTING STRUCTURES AND PROPERTIES WITHIN SUCH POTENTIAL AND DESIGNATED HISTORIC DISTRICTS

From and after the effective date of this Ordinance Chapter 77, "Zoning Ordinance," of the Farmersville Code is amended through the amendment of Section 77-54, "Special District Regulations," by adopting a new Subsection (c) entitled "Historic Preservation Overlay Zoning District (HD)" to read as follows:

"Sec. 77-54. – Special District Regulations.

[Subparagraphs (a) and (b) remain unchanged.]

**(c) Historic Preservation Overlay Zoning District (HD)
Suffix**

- (1) The City Council of the City of Farmersville hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. The City therefore establishes the Historic Preservation Overlay Zoning District designated by the Suffix "HD."
- (2) The Historic Preservation Overlay Zoning District is intended initially to protect the "Downtown Historic District" or the "Farmersville Commercial District" as listed in the Nation

Register of Historic Places by the U.S. Department of Interior, Reference Number 100000670 as of February 21, 2017. The City plans to provide notice and hold public hearings as required by state law to apply the Historic Preservation Overlay Zoning District to that geographic area in the future, And to such other Historic Landmarks, Historic Properties and other Historic Districts as may be requested by the owners of such additional properties in the future.

- (3) The rules and regulations applicable to and within the Historic Preservation Overlay Zoning District are set out in detail in Article VII, "Historic Preservation Overlay Zoning District (HD) Standards" of this Chapter 77, "Zoning," of the Farmersville Code.
- (4) The Historic Preservation Overlay Zoning District is intended to:
 - (a) protect and enhance the landmarks and districts which represent distinctive elements of Farmersville's historic, architectural, and cultural heritage;
 - (b) foster civic pride in the accomplishments of the past;
 - (c) protect and enhance Farmersville's attractiveness to visitors thereby providing support for and stimulating the economic benefits of local commerce and tourism;
 - (d) insure the harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources;
 - (e) promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city; and

- (f) encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation.”

SECTION 3. AMENDING CHAPTER 77, “ZONING,” THROUGH THE ADOPTION OF A NEW ARTICLE VII ENTITLED “HISTORIC PRESERVATION OVERLAY ZONING DISTRICT (HD) STANDARDS” THAT CONTAINS BY WAY OF ILLUSTRATION, AND NOT LIMITATION: DEFINITIONS; DESIGN GUIDELINES; THE ESTABLISHMENT OF A HISTORIC PRESERVATION BODY; A PROCESS THROUGH WHICH STRUCTURES AND DISTRICTS ARE DESIGNATED AS BEING HISTORIC; MINIMUM MAINTENANCE REQUIREMENTS; A CERTIFICATE OF APPROPRIATENESS PROCESS FOR MODIFICATIONS TO AND RENOVATIONS OF HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES; PROHIBITIONS AGAINST DEMOLITION OF HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES WHETHER BY NEGLIGENCE OR OTHERWISE; AND, A PERMITTING PROCESS FOR DEMOLITION OF DANGEROUS AND SUBSTANDARD HISTORIC STRUCTURES AND CONTRIBUTING STRUCTURES

From and after the effective date of this Ordinance Chapter 77, “Zoning Ordinance,” of the Farmersville Code is amended by adopting a new Article VII entitled “Historic Preservation Overlay Zoning District (HD) Standards” to read as follows:

**“ARTICLE VII. - HISTORIC PRESERVATION OVERLAY
ZONING DISTRICT (HD) STANDARDS**

Sec. 77.110. – Definitions.

Architectural Details shall mean the small details like moldings, carved woodwork, etc. that add character to a building.

Alteration shall mean any act or process that changes one of more historic, architectural, or physical features of an area, site, place, and/or structure including, but not limited to the erection, construction, reconstruction or removal of any structure.

Applicant means a person seeking a designation or authorization under this Chapter or the person's designated and duly authorized agent or representative. This term may include the property owner, occupant of the site, the Historic Preservation Commission (“HPC”) or City Council.

Appurtenant features means the features that define the design of a building or property including but not limited to porches, railings; columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.

Archeological property/site means any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

Building shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

Certificate of Appropriateness shall mean a permit or order obtained from the City of Farmersville indicating approval of plans for alteration, construction, or removal affecting a designated landmark or property within a designated district.

Certified Local Government means a local government that has been certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, and to develop and maintain community planning and education programs.

Contributing building shall mean a historic building that is at least 70 years old or older that retains the physical characteristics that existed during its period of significance. The building's physical integrity is determined by reviewing the following seven aspects: location, setting, design, construction, workmanship, and/or association with historical persons or events.

Design Guidelines shall mean guidelines of appropriateness or compatibility of building design within a community or historic district. Often in the form of a handbook, design guidelines contain drawings accompanying "do's and don'ts" for a property owner. The Historic Preservation Commission has authority to administer design guidelines.

Design review shall refer to the decision-making process conducted by the Historic Preservation Commission or an appointed Historic Preservation Officer that is guided by reviewing and comparing the classic or traditional design style and guidelines applicable to the architectural style of a historic structure against the designs and alterations proposed in a building owner's application for a certificate of appropriateness.

Demolition by Neglect shall mean allowing a building to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Downtown Historic District is the Farmersville Commercial District as listed in the Nation Register of Historic Places by the U.S. Department of Interior, Reference Number 100000670 as of February 21, 2017.

Exterior Architectural Feature shall mean but not be limited to architectural style and general arrangement of such portion of the exterior of a structure as is designed to be open to the view from a public way.

Façade shall mean every face, side, and angle of the entire building that is visible from a public right-of-way including the parapet, whether front, sides, or rear facade.

Historic designations means an official recognition of the significance of a building, property or district. Designation can occur on three different levels:

Federal - The National Register of Historic Places (for both individual buildings and entire districts);

State - Recorded Texas Historic landmarks (only for individual buildings) and State Archeological Landmarks; or

County – A National Register of Historical Places – Collin County Texas, historical properties, historic district, lodging, shopping and restaurant renovation opportunities.

Local - designated under a municipal historic ordinance either individually as a landmark or as a locally designated district.

Historic Districts, designated by the suffix “HD,” shall mean any neighborhood or region designated by the City Council as being a part of the Historic Preservation Overlay Zoning District.

Historic Landmarks, designated by the suffix “HL,” shall mean a building, structure object or site designated by City Council as a historic landmark.

Historic Preservation means the protection, reconstruction, rehabilitation, repair and restoration of places and structures of historic, architectural, or archeological Significance.

Historic Preservation Commission (HPC) shall mean the five-member Board established under this ordinance and appointed by City Council.

Historic Preservation Easement means a voluntary legal agreement, typically in the form of a deed, which permanently protects a significant historic property. A historic preservation easement is a perpetual easement through which the owner granting the easement is assured that the property’s historic character will be preserved. In addition, an owner who donates a historic preservation easement may be eligible for one or more forms of federal tax benefits.

Historic Rehabilitation shall mean the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Historic Resource shall mean any building, structure, object or site that is 50 years or older or any resource that has been identified as a high or medium priority because of its unique history or architectural characteristics.

Historic Resources Survey means a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

Integrity means the authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

Inventory means a list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

Local Historic District means a geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the City. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not are subject to the regulations of the district.

Local Historic Landmark means any site, building, structure, or landscape of historic significance that receives designation by the City pursuant to this Chapter.

Minor Alteration shall mean the installation or alteration to awnings, fences, gutters, downspouts, and incandescent lighting fixtures; restoration of original architectural features that constitute a change from the existing condition; alterations to signs; and additions and changes not visible from any street to the rear of the main structure or to an accessory structure.

National Register of Historic Places shall mean the nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission.

Object means a physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

Order of Demolition shall mean an order issued by the Historic Preservation Commission indicating approval of plans for demolition of a designated landmark or property within a designated district.

Ordinary Maintenance shall mean repair of any exterior or architectural feature of a landmark or property within a historic district which does not involve a change to the architectural or historic value, style or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

Overlay District shall mean zoning, applied over one or more other districts, creates a second, mapped zone that is superimposed over the conventional zoning districts. Overlay districts typically provide for a higher level of regulations in certain areas such as transit station areas, downtown areas, and historic districts, but may also be used to permit exceptions or less restrictive standards (fewer parking spaces in a downtown or transit station area, or more density in an economic development area).

Owner shall mean the individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.

Preservation shall mean the stabilization of an historic building, its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

Preservation Easement means a voluntary legal agreement that permanently protects the historic character of a historic property. Under the terms of a typical preservation easement, a property owner places restrictions on the development of, or changes to, the property and transfers these restrictions to a qualified organization whose mission includes environmental protection, land conservation, open space preservation, or historic preservation. The organization to which the Preservation Easement is conveyed must have the resources to manage and enforce the restrictions provided for

in the easement and have a commitment to do so. Once recorded, the easement restrictions become part of the property's chain of title and "run with the land" in perpetuity, thus binding not only the owner who grants the easement but all future owners as well. Preservation Easements may also be referred to as "deed restrictions," "covenants," or "equitable servitudes."

Preservationist shall mean someone with experience, education or training in the field of preservation.

Reconstruction shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building as it appeared at a specific period of time. A technique used earlier in the 20th century; reconstruction is rarely used today because of the preference to use limited financial resources to preserve existing historic buildings.

Recorded Texas Historical Landmark shall mean a state designation for buildings important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. State historical landmarks receive greater legal protection than National Register of Historic Places designations.

Rehabilitation means the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Restoration shall mean returning a property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

Secretary of the Interior Standards for Rehabilitation shall mean the standards established by the Secretary of the Interior for advising federal agencies on the preservation/rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

Site means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location

itself possesses historical, cultural, or archeological value regardless of the value of any existing structure.

Stabilization Proposal is a document that provides the historic preservation commission and officer a step-by-step plan to mitigate the need to demolish a building by explaining work to be done to stabilize said building. This proposal shall include the name of the contractor, a timeline, and work to be done.

State Archeological Landmark shall mean a designation made by the Texas Historical Commission and, in the case of privately owned property, with the landowner's permission. Although called "archeological" landmarks, this designation can include buildings as well as archeological sites. For a building to be designated as a State Archeological Landmark, it must first be listed on the National Register of Historic Places. Damage to a State Archeological Landmark is subject to criminal, not civil, penalties.

State Historic Preservation Office (SHPO) shall mean the State Office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966 as amended and subsequent legislation. The Executive Director of the Texas Historical Commission serves as SHPO for the State of Texas.

Structure is a term used to distinguish specific types of functional constructions from buildings that are usually made for purposes other than creating shelter.

Zoning means a police power measure, enacted by a municipality, including the City, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

Sec. 77.111. – Historic Preservation Commission; Initial appointment of members; reappointment; removal.

- (a) *Appointment and reappointment.* There is hereby created a commission to be known as the Historic Preservation Commission, which Commission is sometimes referred to herein as the "HPC." The Historic Preservation Commission shall consist of five

members appointed by majority vote of the City Council identified as Places One through Five. The initial members shall serve as follows: one member (Place One) shall be appointed to serve for one year, or until their successor is appointed; and two members (Places Two and Three) shall be appointed to serve for two years, or until their successors are appointed; and two members (Places Four and Five) shall be appointed to serve for three years, or until their successors are appointed. Thereafter, each member appointed or reappointed shall serve a term not to exceed three-years until the member resigns or is removed as herein provided. All members may serve a maximum of two consecutive terms three-year terms. After serving two consecutive three-year terms, a member will not be eligible for re-appointment to the commission for a period of one term (three years).

- (b) *Commission Members.* All members of the Commission shall be residents of the City. To the extent available among the residents of the City, the Commission should consist of the following:

- (1) A majority of its members (3) should own contributing buildings in the historic downtown area;
- (2) At least one member should be a business owner operating in a contributing building in the historic downtown area;
- (3) At least one member should be an architect, planner, or representative of a design profession; and
- (4) One member should be a member of the City of Farmersville Historic Society.

Regardless of background, each member of the HPC should have a known and demonstrated interest, competence, or knowledge in historic preservation within the City of Farmersville, Texas.

- (c) *Removal.* Members of the Historic Preservation Commission serve at the will and pleasure of the City

Council. Any member may be removed before their terms of office expire.

Sec. 77-112. – Duties and Functions of the Historic Preservation Commission.

The purpose and object of the Historic Preservation Commission is to act as an advisory board to the City Council regarding historic preservation and as the City Council may deem beneficial to the City. In this regard the Historic Preservation Commission may, subject to the final authority of the City Council:

- (a) Prepare rules and procedures as necessary to carry out the business of the Commission, which rules and procedures must be approved by the City Council;
- (b) Maintain written minutes that record all action taken by the Commission and the reasons for taking such actions;
- (c) Adopt criteria for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which criteria must be approved by the City Council;
- (d) Approve or deny applications for Certificates of Appropriateness pursuant to this Article;
- (e) Conduct historic property surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in the historic preservation overlay district within the City
- (f) Recommend following receipt of a request and public hearing and notice, as required by law, the designation of resources as historic landmarks and historic districts to the Planning and Zoning Commission and/or City Council;
- (g) Recommend to City Council conferral of recognition upon the owners of historic landmarks and/or properties within historic districts by means of certificates, plaques, or markers;

- (h) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs;
- (i) Make recommendations to the City Council concerning utilization of state, federal or private funds to promote the preservation of historic landmarks and historic districts within the City;
- (j) Prepare specific design guidelines for the review of historic landmarks and districts; and
- (k) Notify property owners of conditions which may place a historic landmark at risk or jeopardize the historic integrity of the historic district or historic landmark.

Sec. 77-113. – Meetings of the Historic Preservation Commission.

- (a) The Historic Preservation Commission shall meet at least monthly if business is at hand.
- (b) Special meetings may be called at any time by the Chairman or on the written request of any two Commission members or on the written request of the City Manager.
- (c) All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Gov't Code Chapter 551.
- (d) A quorum for the transaction of business shall consist of not less than three members of the Commission.

Sec. 77-114. – Authority of the Historic Preservation Commission.

The Historic Preservation Commission is hereby generally empowered, subject to any restrictions imposed by the Farmersville Code and state or federal law, to:

- (a) Make recommendations to the City Council regarding any need for staffing and professional consultants to carry out the duties of the HPC.

- (b) Adopt parliamentary rules and procedures necessary to carry out the business of the HPC, which rules and procedures shall be subject to approval by the City Council.
- (c) Review and make recommendations to the Planning and Zoning Commission and City Council regarding the designation of Historic Landmarks and the delineation of Historic Districts.
- (d) Recommend and subject to City Council consent confer recognition upon the owners of Historic Landmarks or properties within Historic Districts by means of certificates, plaques, or markers.
- (e) Review and recommend to the Planning and Zoning Commission and the City Council (and any other impacted City Boards and Commissions) all proposed changes to the zoning ordinance, building code, general plan or other adopted policies of the City that may affect the purpose of the Article.
- (f) Conduct public hearings and provide comment regarding buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (g) Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within the Historic Preservation Overlay Zoning District and any other Historic Districts located in the City. Such information shall be maintained securely, made accessible to the public and should be updated at least one time every ten (10) years.
- (h) Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Archaeological Landmark, National Register property and any locally designated Landmark, as deemed necessary.

- (i) Create subcommittees from among its membership and delegate to those subcommittees such responsibilities as may facilitate the Commission's efforts to carry out the purposes of this Article in a more efficient manner.
- (j) Maintain written meeting minutes, which are recorded by City staff, reflecting all matters considered by and actions taken by the HPC and the reasons supporting the HPC's actions.
- (k) Develop, prepare, and adopt specific Design Guidelines that must be approved by the City Council, for use in the review of all Certificates of Appropriateness applications.
- (l) Prepare and submit annually to the City Council a report summarizing the goals and objectives and work completed during the previous year by the HPC and any recommended budgetary items.
- (m) Make recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of Historic Landmarks and Historic Districts within the City.
- (n) Recommend to City Council the acquisition of endangered Historic Landmarks by demolition where the preservation thereof is essential to the purpose of this Article and where private preservation is not feasible.
- (o) Propose incentive program(s) to City Council for local property owners of Historic Landmarks or within Local Historic Districts.
- (p) Recommend to the City Council whether donations of Preservation Easements as well as any other gift of value for the purpose of historic preservation should be accepted.
- (q) Provide comment to the Texas Historical Commission on any federal undertakings (projects utilizing federal funds or requiring a federal permit) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

Sec. 77.115. – Historic Preservation Officer; Appointment and Responsibilities.

- (a) The City Manager or their designee will appoint a qualified city official, or staff person to serve as Historic Preservation Officer (HPO) subject to the City Council's allocation of funding for such purpose. The HPO must have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the City may be appointed by City Council as HPO.
- (b) The HPO shall be a non-voting member of the Commission tasked with administering this ordinance and advising the Commission on matters submitted to it.
- (c) In addition to serving as representative of the Commission, the HPO is responsible for coordinating the City's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.
- (d) The HPO shall be aware of the condition of all structures within the Historic District or any designated Historic Landmark. The HPO will notify property owners of conditions that may put a Historic Structure at risk or jeopardize the historic integrity of the Historic district or Historic Landmark.

Sec. 77.116 – CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR NEW CONSTRUCTION AFFECTING HISTORIC LANDMARKS OR HISTORIC DISTRICTS

- (a) The requirements for a Certificate of Appropriateness impact the following:
 - (1) All Buildings; and
 - (2) New construction within the Local Historic District

- (b) Certificate of Appropriateness (“COA”) for Alteration or New Construction Affecting Historic Landmarks or Historic Districts:

Persons shall obtain a Certificate of Appropriateness to carry out: any exterior new construction, reconstruction, alteration, restoration, exterior new rehabilitation, or relocation of any Historic Landmark or on any property within a Historic District. Likewise, any person making any material change in the light fixtures, signs, sidewalks, fences, steps, paving, building exteriors or other exterior elements in a Historic District or to a Historic Landmark, visible from a public right-of-way in that Historic District or Historic Landmark, which affect the appearance and cohesiveness of any Historic Landmark or any property within the Historic District shall obtain a Certificate of Appropriateness prior to commencing work.

- (c) Criteria for Approval of a Certificate of Appropriateness.

Approval or disapproval of applications for Certificates of Appropriateness shall be determined by the Historic Preservation Commission, following a public hearing on the matter. In considering an application for a Certificate of Appropriateness, the Commission shall be guided by any specific design guidelines adopted for a particular district or landmark.

- (d) Certification of Appropriateness Application Procedure

- (1) Prior to the commencement of any work requiring a Certificate of Appropriateness, the owner shall file an application for such a certificate with the Commission. The application shall contain:
 - a. The physical address of the property to be modified;
 - b. The name, address, telephone number of the applicants;
 - c. A detailed description of the proposed work;

- d. Elevation drawings of the proposed work and changes, if available;
 - e. Samples or a description of materials proposed to be used;
 - f. If the proposal includes signs or lettering, a scale drawing/example showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property; and
 - g. Current photographs of the property and adjacent properties as well as historical photographs, if available, and photographs of the current area for which the COA is sought shall be provided to the staff liaison for the HPC.
- (2) The Historic Preservation Commission shall issue a Certificate of Appropriateness prior to the City's issuance of a building permit for the proposed work.
 - (3) The COA required by this Article shall be in addition to and not in lieu of any building permit that may be required by any other Ordinance of the City of Farmersville.
 - (4) The Historic Preservation Commission shall review an application for a Certificate of Appropriateness at a regularly scheduled meeting or special called meeting of the HPC within forty-five (45) days from the date the application is determined to be administratively complete.
 - (5) The applicant will be afforded an opportunity to speak regarding the application for a Certificate of Appropriateness at the HPC's meeting.
 - (6) The Commission may take one of the following actions on the application for a Certificate of

Appropriateness: approve, deny, or approve with modifications.

- (7) If the Historic Preservation Commission does not act on the application for a Certificate of Appropriateness within ninety (90) days of the date the Application is determined to be administratively complete, the Certificate of Appropriateness shall be deemed to have been approved.
- (8) All decisions of the Historic Preservation Commission shall be in writing. The Commission's decision shall state its findings pertaining to approval, denial, or modification of the application for a Certificate of Appropriateness. A copy of the Commission's written decision regarding the Certificate of Appropriateness shall be sent to the applicant.
- (9) Additional copies of the Commission's written decision regarding the Certificate of Appropriateness shall be filed as part of the public record on that property and dispersed to the Building Inspections & Permits Department of the City. The approval or conditional approval of a Certificate of Appropriateness is not, and shall not be interpreted as being, a substitute for a building permit and does not assure the issuance of a building permit.
- (10) An applicant for a Certificate of Appropriateness dissatisfied with the Commission's denial or conditional approve of their Application for a Certificate of Appropriateness may appeal that decision to the City Council within thirty (30) days after receipt of notification of the HPC's action.
- (11) If the applicant appeals the HPC's decision, the City Council shall hold a public hearing after providing notice and publication. The City Council may affirm the decision of the Historic Preservation Commission or issue such determination as the City Council believes to be correct.

- (12) As with the determination of the HPC, the decision of the City Council shall also be reduced to writing and distributed in the same fashion as the original determination of the Historic Preservation Commission. The decision of the City Council shall not be interpreted as being, a substitute for a building permit and also does not assure the issuance of a building permit.

(e) Certificate of Appropriateness Required for Demolition

The review of an administratively complete application for a Certificate of Appropriateness by the Historic Preservation Commission is required prior to the issuance of a demolition permit of a Historic Landmark or a property within a Historic District including secondary buildings and landscape features, as provided for in subsections (f), (g) and (h) of this section.

(f) Economic Hardship Application Procedure

(1) For Deviations.

- (a) After receiving written notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness under Subsection (d), above, the applicant shall have the right to seek deviations from the applicable criteria and design guidelines based on economic hardship. In the alternative, the applicant may raise the existence of economic hardship simultaneously with the original Certificate of Appropriateness. To be entitled to relief from based on economic hardship, the applicant must prove by a preponderance of the evidence that they will have no reasonable opportunity to recover the cost of the proposed work if they are required to perform the work in accordance with the criteria and design guidelines identified by the HPC.

- (b) The applicant must provide the Historic Preservation Commission evidence of an economic hardship as a justification for a deviation from the applicable criteria and design guidelines for a Certificate of Appropriateness based on economic hardship by the applicant. The Commission must review such evidence to confirm whether an economic hardship exists before a Certificate of Appropriateness with deviations to the applicable criteria and design guidelines may be issued based on economic hardship.
- (c) If the Historic Preservation Commission finds that the applicant would have no reasonable opportunity to recover the cost of the proposed work if performed in accordance with the criteria and the design guidelines, the HPC may grant a deviation from the criteria and any applicable design guidelines and may issue a Certificate of Appropriateness for the required work, with or without conditions. If the HPC finds that the applicant has failed to satisfy this burden of proof, the Certificate of Appropriateness will be denied.
- (d) The following factors may be considered by the Historic Preservation Commission in determining whether and to what extent a Certificate of Appropriateness with one or more deviations from the criteria and any applicable design guidelines should be considered:
 - (1) The cost to perform the work in compliance with the criteria and design guidelines and the value of the property;
 - (2) The extent to which a deviation is necessary to allow the owner a

reasonable opportunity to recover the cost of the work;

- (3) Whether granting the deviation will harm an existing or proposed Historic Landmark, Historic District or Historic Property designated with a high priority rating; and/or
- (4) Whether the proposed work is in harmony with the spirit and purposes of this Article.

(2) For Demolition.

- (a) After receiving written notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness under Subsection (e), above, for a proposed demolition has been denied, the applicant shall have the right to seek relief based on economic hardship. In the alternative, the applicant may raise the existence of economic hardship simultaneously with the original Certificate of Appropriateness for demolition. The Commission must confirm that a hardship exists before a Certificate of Appropriateness for demolition shall be issued.
- (b) When a claim of economic hardship is made, due to the effect of this ordinance, the applicant must prove that:
 - (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return;

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed; and/or

(4) The structure or property is in such a condition as to be irreparably damaged and, as such, poses a nuisance to the surrounding area and is a threat to the health, safety and general welfare of the community.

(3) The Process.

(a) The applicant shall consult in good faith with the Historic Preservation Commission and other local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the Historic Landmark or property. Evidence of the applicant's efforts must be shown to the Commission.

(b) The Historic Preservation Commission shall hold a public hearing on the application within sixty (60) days from the date the application is determined to be administratively complete by the City.

(c) Following the hearing regarding economic hardship, the Historic Preservation Commission has thirty (30) days to prepare a written decision regarding the claimed economic hardship associated with the Historic Landmark or property. If the Commission does not act within ninety (90) days after the Application for a claimed hardship is deemed administratively complete, the hardship application shall be deemed approved.

- (d) All decisions of the Historic Preservation Commission shall be in writing. The Commission's decision shall state its findings pertaining to approval, denial, or modification of the application for the alleged economic hardship as it applies to a Certificate of Appropriateness. A copy of the Commission's written decision shall be sent to the applicant by mail.
- (e) Additional copies of the Commission's written decision regarding the Certificate of Appropriateness shall be filed as part of the public record on that property and dispersed to the Building Inspections & Permits Department of the City. The approval or conditional approval of a Certificate of Appropriateness is not, and shall not be interpreted as being, a substitute for a building permit and does not assure the issuance of a building permit.
- (f) The Commission's decision shall state the reasons for granting or denying the economic hardship application related to the Certificate of Appropriateness or demolition permit.
- (g) An applicant for a Certificate of Appropriateness dissatisfied with the Commission's denial or conditional approve of their Application for a Certificate of Appropriateness may appeal that decision to the City Council within thirty (30) days after receipt of notification of the HPC's action.
- (h) If the applicant appeals the HPC's decision, the City Council shall hold a public hearing after providing notice and publication. The City Council may affirm the decision of the Historic Preservation Commission or issue such determination

as the City Council believes to be correct.

- (i) As with the determination of the HPC, the decision of the City Council shall also be reduced to writing and distributed in the same fashion as the original determination of the Historic Preservation Commission. The decision of the City Council shall not be interpreted as being, a substitute for a building permit and also does not assure the issuance of a building permit.
- (g) *Enforcement.* All work performed pursuant to a Certificate of Appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building official to periodically inspect any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Historic Preservation Commission and verification by the building official, the building official shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Once compliance is confirmed by the building official, the stop work order may be lifted by the receipt of a written notice of compliance by the official to the Building Inspections and Permits Department.

Sec.77-117. -- ORDINARY MAINTENANCE.

Nothing in this Article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a Historic Landmark or Historic Property within a Historic District that does not involve a change in design, material, or outward appearance. In-kind replacement or repair is included in this definition of ordinary maintenance.

Sec. 77-118. -- DEMOLITION BY NEGLECT.

No owner or person with an interest in real property designated as a Historic Landmark or included within a Historic District shall permit the property to fall into a serious

state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the Historic District as a whole or the life and character of the Historic Property itself. Examples of such deterioration shall include:

- (a) Deterioration of exterior walls or other vertical supports;
- (b) Deterioration of roofs or other horizontal members;
- (c) Deterioration of exterior chimneys;
- (d) Deterioration or crumbling stucco or mortar;
- (e) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors; and/or
- (f) Deterioration of any feature so as to create a hazardous condition that could lead to the claim that demolition is necessary for the public health, safety and welfare.

Section 77.119. -- ARCHITECTURAL ELEMENTS

- (a) *New Development or Construction.* All new structures and expansions within the Historic Overlay Zoning District and the Historic Downtown District shall require the approval of a Certificate of Appropriateness before any work begins and must have front, side and rear facades comprised of wood, brick, masonry, stone, stucco, or glass that are consistent with existing buildings in the same general area. Architectural metal accents, such as copper or bronze may be used to accent structural elements. No metal buildings shall be permitted.
- (b) *Existing structures.* Every reasonable effort shall be made to refurbish, rehabilitate and/or adapt any existing structures in the Historic Overlay Zoning District and the Historic Downtown District shall require the approval of a Certificate of Appropriateness before any work begins and shall require minimal alteration of

any distinctive architectural features or characteristics of the structure and shall remain harmonious with the historical character of existing buildings in the same general area.

- (c) The design of walls and other structures located on the same site, including those used for screening, within the Historic Overlay Zoning District and the Historic Downtown District shall require the approval of a Certificate of Appropriateness before any work begins and shall generally be constructed of the same or similar materials as the primary building on the lot consistent with the historical character of the main building.
- (d) Paint colors must be taken from an appropriate historical palette.
- (e) Provided, however, with regard to subsections (a) through (c), above, an applicant must present a Certificate of Appropriateness to the Historic Preservation Commission, together with a site plan and specifications that include elevation drawings and proposed alternative materials which meet or exceed the appearance and durability requirements of this Article.

Sec. 77.120. -- DESIGNATION OF HISTORIC LANDMARKS

- (a) The owner of a Historical Landmark or a Historical Property may submit a request to have their Historical Landmark or Historical Property designated as a Local Historic Landmark or Historical Property through the Historical Preservation Overlay Zoning District (HD).
- (b) Designation of Historic Landmarks is accomplished through the zoning process by having the Historical Preservation Overlay Zoning District (HD) applied to the property and amending the official zoning map for the City of Farmersville to reflect the application of the Overlay District. Such an amendment must be approved by ordinance of City Council, following notice, public hearing, and recommendations by both the Historic Preservation Commission and the City Planning and Zoning Commission, in that order to the City Council and a final determination by the City

Council following applicable notice and a public hearing.

- (c) Property owners of proposed Historic Landmarks shall be notified prior to the hearing of the Historic Preservation Commission, on the recommended designation. At the Historic Preservation Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence that will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic landmark.
- (d) The recommendation of the Historic Preservation Commission regarding a request to rezone a Historic Landmark with the Historical Preservation Overlay Zoning District (HD) shall be submitted to the City Secretary for consideration by the City Planning & Zoning Commission. The City Planning & Zoning Commission shall give notice and conduct its hearing on the proposed zoning case and thereafter forward its recommendation to the City Council for final determination following notice and public hearing on the request.
- (e) Upon designation of a building, object, site, or structure as a Historic Landmark, the City Council shall cause the designation to be recorded in the official zoning maps of the City of Farmersville. The official zoning map should indicate the designated Historic Landmarks with an appropriate mark.
- (f) Criteria for the Designation of Historic Landmarks. A Historic Landmark may be designated if it:
 - (1) Possesses significance in history, architecture, archaeology, or culture.
 - (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
 - (3) Is associated with the lives of persons significant in our past; embodies the distinctive characteristics of a type, period, or method of construction.

- (4) Represents the work of a master designer, builder, or craftsman.
- (5) Represents an established and familiar visual feature of the city.
- (6) Possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- (7) Has yielded, or may be likely to yield, information important in prehistory or history.

Sec. 77-121. -- DESIGNATION OF OTHER HISTORIC DISTRICTS

- (a) Designation of Historic Districts is accomplished by amendment to the official zoning map for the City of Farmersville. Such an amendment must be approved by ordinance of City Council, following a public hearing and recommendation by the City Planning & Zoning Commission.
- (b) Owners of property within a proposed Historic District shall be notified prior to the hearing of the Historic Preservation Commission, on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of the record regarding the historic, architectural, or cultural importance of the proposed Historic District.
- (c) Upon recommendation of the Historic Preservation Commission, the proposed Historic District shall be submitted to the Secretary of the City Planning & Zoning Commission. The City Planning & Zoning Commission shall give notice and conduct its hearing on the proposed designation and forward its recommendation regarding the proposed Historic District to the City Council after which the City Council will provide notice and conduct a public hearing in accordance with state law and make a final determination regarding the designation of the proposed Historic District.

- (d) Upon designation of a Historic District, the City Council shall cause the designated boundaries to be recorded on the Official Zoning Map of the City of Farmersville.
- (e) Criteria for the Designation of Historic Districts:
 - (1) Contains properties and an environmental setting which meet one or more of the criteria for designation of a landmark; and
 - (2) Constitutes a distinct section of the city.

Sec. 77.122. – ENFORCEMENT

All work performed pursuant to a certificate of appropriateness issued under this ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the HPC and verification by the HPO, the building inspector shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to apply for a hearing before the HPC to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work is in effect until a decision is rendered by the HPC on the application.

Sec. 77.123. – PENALTIES

It shall be unlawful to construct reconstruct significantly alter restore or demolish any building or structure designated as a Landmark or in a designated District in violation of the provisions of this Article. The city in addition to other remedies may institute any appropriate action or proceeding to prevent such unlawful construction reconstruction significant alteration or demolition to restrain correct or abate such violation or to prevent any illegal act business or maintenance in and about such premises including acquisition of the property

- 1) Any person firm or corporation violating any provision of this division shall be guilty of a class C misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00 or more than two thousand dollars

(\$2,000.00). Each day the violation continues shall be considered a separate offence. Such remedy under this section is in addition to the abatement restitution.”

SECTION 4. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 5. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 6. PENALTY

Any person, firm, corporation, or business entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Farmersville from filing suit to enjoin the violation. The City of Farmersville retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7. PUBLICATION

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 8. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 9. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10. EFFECTIVE DATE

The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of Farmersville, and this Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of Farmersville, Texas

PASSED on first and only reading on the ____ day of _____, 2022, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS ____ DAY OF _____, 2022.

APPROVED:

BY: _____
BRYON WIEBOLD
Mayor

ATTEST:

TABATHA MONK
City Secretary

APPROVED AS TO FORM AND LEGALITY:

ALAN D. LATHROM
City Attorney

Agenda Section	Reading of Ordinances
Section Number	VI. B
Subject	Southlake Triploid Grass Carp Ordinance
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Ordinance #O-2022-0927-002 <i>Will send tomorrow</i>
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> • City Council discussion as required
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Reading of Ordinances
Section Number	VII. C
Subject	Master Fee Schedule Ordinance
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Ordinance #O-2022-0927-003 <i>Will send tomorrow</i>
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> • City Council discussion as required
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Reading of Ordinances
Section Number	VII. D
Subject	Atmos Settlement Ordinance
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Ordinance #O-2022-0927-004
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none"> • City Council discussion as required
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

ORDINANCE NO. O-2022-0927-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Farmersville, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the

Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2022 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$115 million on a system-wide basis with an Effective Date of October 1, 2022; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$115 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$115 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of ACSC in processing the Company's 2022 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 8. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.

Section 11. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 27TH DAY OF SEPTEMBER 2022.

Bryon Wiebold, Mayor

ATTEST:

Tabatha Monk, City Secretary

APPROVED AS TO FORM:

Alan Lathrom, City Attorney

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 21.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 21.60 per month
Commodity Charge – All Ccf	\$0.36223 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 63.50 per month
Rider CEE Surcharge	(\$ 0.01) per month ¹
Total Customer Charge	\$ 63.49 per month
Commodity Charge – All Ccf	\$ 0.14137 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Agreement
An Agreement for Gas Service may be required.

Notice
Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions
In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Base Use/Heat Use Factors

Weather Station	Residential		Commercial	
	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Abilene	10.58	0.1422	88.85	0.6666
Austin	9.90	0.1372	233.56	0.7819
Dallas	14.17	0.1938	186.38	0.9394
Waco	10.07	0.1308	140.10	0.7170
Wichita Falls	11.43	0.1398	131.57	0.5610

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2021

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,715,323	\$ 982,708	\$ 3,137,022	\$ 313,319	\$ (341,412)	
2	Allocation to Mid-Tex	44.72%	44.72%	76.88%	100.00%	76.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	\$ 3,669,182
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.88%	79.88%	38.60%	11.00%	38.60%	
11							
12							
13	Total Pension Account Plan	\$ 612,700		\$ 931,100			\$ 1,543,800
14	Total Post-Employment Benefit Plan		\$ 351,016			\$ (101,335)	249,681
15	Total Supplemental Executive Benefit Plan			\$ 34,465			34,465
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 612,700	\$ 351,016	\$ 931,100	\$ 34,465	\$ (101,335)	\$ 1,827,946

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.

2. Mid-Tex is proposing that the Fiscal Year 2022 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount.

3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

July 28, 2022

MODEL STAFF REPORT FOR RESOLUTION OR ORDINANCE

BACKGROUND AND SUMMARY

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2022, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2021, entitled it to additional system-wide revenues of \$141.3 million.

Application of the standards set forth in ACSC’s RRM Tariff reduces the Company’s request to \$115 million, \$83.26 million of which would be applicable to ACSC members. ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$95.8 million instead of the claimed \$141.3 million.

The Executive Committee recommends a settlement at \$115 million. The Effective Date for new rates is October 1, 2022. ACSC members should take action approving the Resolution/Ordinance before September 30, 2022.

RATE TARIFFS

Atmos generated rate tariffs attached to the Resolution/Ordinance will generate \$115 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

BILL IMPACT

The impact of the settlement on average residential rates is an increase of \$4.60 on a monthly basis, or 6.7 percent. The increase for average commercial usage will be \$14.34 or 4.3 percent. Atmos provided bill impact comparisons containing this figures.

SUMMARY OF ACSC'S OBJECTION TO THE UTILITIES CODE SECTION 104.301 GRIP PROCESS

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

RRM SAVINGS OVER GRIP

While residents outside municipal limits must pay rates governed by GRIP, there are some cities served by Atmos Mid-Tex that chose to remain under GRIP rather than adopt RRM. Additionally, the City of Dallas adopted a variation of RRM which is referred to as DARR. When

new rates become effective on October 1, 2022, ACSC residents will maintain an economic monthly advantage over GRIP and DARR rates.

Comparison to Other Mid-Tex Rates (Residential)

	<u>Average Bill</u>	<u>Compared to RRM Cities</u>
RRM Cities:	\$73.22	-
DARR:	\$71.96	(\$1.26)
ATM Cities:	\$78.72	\$5.50
Environs:	\$78.53	\$5.31

Note: DARR rate is as-filed 1/22/22. Also note that DARR uses a test year ending in September rather than December.

EXPLANATION OF “BE IT RESOLVED” PARAGRAPHS:

1. This section approves all findings in the Resolution/Ordinance.
2. This section adopts the RRM rate tariffs and finds the adoption of the new rates to be just, reasonable, and in the public interest.
3. This section makes it clear that Cities may challenge future costs associated with gas leaks like the explosion in North Dallas or the evacuation in Georgetown.
4. This section finds that existing rates are unreasonable. Such finding is a necessary predicate to establishment of new rates. The new tariffs will permit Atmos Mid-Tex to recover an additional \$115 million from ACSC Cities.
5. This section approves an exhibit that establishes a benchmark for pensions and retiree medical benefits to be used in future rate cases or RRM filings.
6. This section requires the Company to reimburse the City for expenses associated with review of the RRM filing, settlement discussions, and adoption of the Resolution/Ordinance approving new rate tariffs.
7. This section repeals any resolution or ordinance that is inconsistent with the Resolution/Ordinance.

8. This section finds that the meeting was conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
9. This section is a savings clause, which provides that if any section is later found to be unconstitutional or invalid, that finding shall not affect, impair, or invalidate the remaining provisions of this Resolution/Ordinance. This section further directs that the remaining provisions of the Resolution/Ordinance are to be interpreted as if the offending section or clause never existed.
10. This section provides for an effective date upon passage.
11. This section directs that a copy of the signed Resolution/Ordinance be sent to a representative of the Company and legal counsel for ACSC.

CONCLUSION

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover \$141.3 million in additional system-wide revenues, the RRM settlement at \$115 million for ACSC Cities reflects substantial savings to ACSC Cities. Settlement at \$115 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution/Ordinance before September 30, 2022. New rates become effective October 1, 2022.

ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2021

Line No.						Current	Proposed	Change
1	Rate R @ 43.8 Ccf							
2	Customer charge					\$ 20.85		
3	Consumption charge	43.8	CCF	X \$ 0.27979	=	12.25		
4	Rider GCR Part A	43.8	CCF	X \$ 0.35744	=	15.66		
5	Rider GCR Part B	43.8	CCF	X \$ 0.35918	=	15.73		
6	Subtotal					\$ 64.49		
7	Rider FF & Rider TAX					4.13		
8	Total	\$ 64.49		X 0.06408	=	\$ 68.62		
9								
10	Customer charge						\$ 21.55	
11	Consumption charge	43.8	CCF	X \$ 0.36223	=		15.87	
12	Rider GCR Part A	43.8	CCF	X \$ 0.35744	=		15.66	
13	Rider GCR Part B	43.8	CCF	X \$ 0.35918	=		15.73	
14	Subtotal					\$ 68.81		
15	Rider FF & Rider TAX					4.41		
16	Total	\$ 68.81		X 0.06408	=	\$ 73.22	\$ 4.60	6.71%
17								
18								
19	Rate C @ 345.7 Ccf							
20	Customer charge					\$ 56.50		
21	Consumption charge	345.7	CCF	X \$ 0.12263	=	42.39		
22	Rider GCR Part A	345.7	CCF	X \$ 0.35744	=	123.56		
23	Rider GCR Part B	345.7	CCF	X \$ 0.26532	=	91.71		
24	Subtotal					\$ 314.16		
25	Rider FF & Rider TAX					20.13		
26	Total	\$ 314.16		X 0.06408	=	\$ 334.29		
27								
28	Customer charge						\$ 63.50	
29	Consumption charge	345.7	CCF	X \$ 0.14137	=		48.87	
30	Rider GCR Part A	345.7	CCF	X \$ 0.35744	=		123.56	
31	Rider GCR Part B	345.7	CCF	X \$ 0.26532	=		91.71	
32	Subtotal					\$ 327.64		
33	Rider FF & Rider TAX					20.99		
34	Total	\$ 327.64		X 0.06408	=	\$ 348.63	\$ 14.34	4.29%
35								

ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATE
TEST YEAR ENDING DECEMBER 31, 2021

[illegible]

Agenda Section	Reading of Ordinances
Section Number	VII. E
Subject	Sanitation Solutions Price Increase Ordinance
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Ordinance #O-2022-0927-005
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	<ul style="list-style-type: none">• City Council discussion as required
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action

**SANITATION
SOLUTIONS**

Mr. Paul Boyer, Honorable Mayor and
Councilmembers
City of Farmersville
205 South Main Street
P.O. Box
Farmersville, Texas 75442-2209

Ref: Price Increase Request

Honorable Mayor and City Council:

Sanitation Solutions would like to take this opportunity to thank you for allowing us to service the solid waste needs for the Farmersville, Texas community. As you are aware, on each anniversary of the effective date, the Base Rate is increased or decreased in accordance with the most recently published CPI index.

This is in accordance with the solid waste agreement of Article 2.4, which refers to the following paragraph on Page 4 of 39, Items A, B,. We present our request in anticipation that the City will consider and approve a 7.31% increase based on the most recent CPI data and landfill increase. (Copy attached) The requested increase will be effective October 1, 2022.

The following is the calculation used to derive the increase percentage:

Last posted index for the month of May – 2021	251.228
Last posted index for the month of May – 2022	274.196
Index Increase	22.968
Percentage Increase	9.14%
Landfill Increase – Increase this fiscal year	0.00%
Effective combined increase percentage	9.14%
80% Percent of Net Percentage Change	7.31%

Attached are copies of the worksheets detailing the increases and resulting rates.

Sanitation Solutions has worked hard to bring the City great value and stretch your City dollars.

We present our request in anticipation that the City will consider and approve our requested increase based upon increased costs in **General Liability Insurance, Truck and Equipment Costs, and Landfill Compliance Costs.**

Should you have any questions regarding our services, please contact myself at 214-448-1041.

Thank you for understanding that this price increase means that we can continue to maintain our superior standard of service for the up-coming years.

Again, we appreciate your business and look forward to continuing our relationship with the City of Farmersville and its citizens.

Sincerely,

Mr. Woodie Brantley
Municipal Marketing Representative

City of Farmersville

Contract Start Date 10/01/16

Date of Last Increase 10/01/21

Amount of Last Increase 4.00%

CPI Calculation		Month	Year
CPI-U All Items Base Index	251.228	May	2021
CPI-U All Items Current Index	274.196	May	2022
Net Change in Index	22.968		
Net % Change	9.14%		

RESIDENTIAL RATE INCREASE WORKSHEET

Residential	
Current Total Residential Rate	\$ 9.59
Current Collection Portion of Rate	\$ 9.59
(Based on 70% Operations Component)	
Current CPI Increase %	9.14%
(See Attached BLS Index Sheet)	
Increase to Collection Portion of Rate	\$ 0.88
New Collection Portion of Rate	\$ 10.47

Current Total Residential Rate	\$ 9.59
Current Landfill Portion of Rate	\$ -
(Based on 30% Landfill Component)	
Disposal Rate Last Year (\$18.55 ton)	\$ 7.42 (per compacted yard)
Disposal Rate for Upcoming Year (\$18.55 ton)	\$ 7.42 (per compacted yard)
Net Change in Disposal Rate	0.00%
Increase to Landfill Portion of Rate	\$ -
New Landfill Portion of Rate	\$ -

New Total Residential Rate	\$ 10.47
Net Increase To Residents	\$ 0.88
Net % Increase	9.14%

Actual Percentage Increase - 7.31% 7.31% 80% percent of net percentage chang

COMMERCIAL RATE INCREASE WORKSHEET

Residential Collection 1x Weekly		Additional		
	Recycle	Cart(s)		
Current Rate	\$ -	\$ 5.33	\$ -	\$ -
Increase %	7.31%	7.31%	7.31%	7.31%
Amount of Increase	\$ -	\$ 0.39	\$ -	\$ -
New Commercial Hand Rate	\$ -	\$ 5.72	\$ -	\$ -

Commercial Hand Collect 1x Weekly		First	Additional	Additional
	Hand	Polycart(s)	Polycart(s)	Polycart(s)
	Collection			
Current Rate	\$ -	\$ 23.49	\$ 15.98	\$ -
Increase %	7.31%	7.31%	7.31%	7.31%
Amount of Increase	\$ -	\$ 1.72	\$ 1.17	\$ -
New Commercial Hand Rate	\$ -	\$ 25.21	\$ 17.15	\$ -

<u>Commercial Containers</u>	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk	Ex sched
2-yard - Current Rate	\$ 57.12	\$ 95.69	\$ -	\$ -	\$ -	\$ -	\$ 30.90
Increase %	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%
Increase Amount	\$ 4.18	\$ 6.99	\$ -	\$ -	\$ -	\$ -	\$ 2.26
New Contract Rate	\$ 61.30	\$ 102.68	\$ -	\$ -	\$ -	\$ -	\$ 33.16

	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk	Ex sched
3-yard - Current Rate	\$ 64.82	\$ 118.82	\$ -	\$ -	\$ -	\$ -	\$ 37.29
Increase %	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%
Increase Amount	\$ 4.74	\$ 8.69	\$ -	\$ -	\$ -	\$ -	\$ 2.73
New Contract Rate	\$ 69.56	\$ 127.51	\$ -	\$ -	\$ -	\$ -	\$ 40.02

	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk	Ex sched
4-yard - Current Rate	\$ 74.14	\$ 143.51	\$ -	\$ -	\$ -	\$ -	\$ 43.68
Increase %	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%
Increase Amount	\$ 5.42	\$ 10.49	\$ -	\$ -	\$ -	\$ -	\$ 3.19
New Contract Rate	\$ 79.56	\$ 154.00	\$ -	\$ -	\$ -	\$ -	\$ 46.87

	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk	Ex sched
6-yard - Current Rate	\$ 115.62	\$ 209.97	\$ 281.35	\$ 331.09	\$ -	\$ -	\$ 50.07
Increase %	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%
Increase Amount	\$ 8.45	\$ 15.35	\$ 20.57	\$ 24.20	\$ -	\$ -	\$ 3.66
New Contract Rate	\$ 124.07	\$ 225.32	\$ 301.92	\$ 355.29	\$ -	\$ -	\$ 53.73

	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk	Ex sched
8-yard - Current Rate	\$ 135.85	\$ 239.20	\$ 316.48	\$ 366.25	\$ -	\$ -	\$ 56.46
Increase %	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%	7.31%
Increase Amount	\$ 9.93	\$ 17.49	\$ 23.13	\$ 26.77	\$ -	\$ -	\$ 4.13
New Contract Rate	\$ 145.78	\$ 256.69	\$ 339.61	\$ 393.02	\$ -	\$ -	\$ 60.59

ROLL OFF INCREASE WORKSHEET

	<u>Current rate</u>	<u>Increase %</u>	<u>Increase Amt</u>	<u>New Rate</u>
Delivery Charge	\$ 95.88	7.31%	\$ 7.01	\$ 102.89
Open Top Rental 20 Yl	\$ 4.00	7.31%	\$ 0.29	\$ 4.29
Open Top Rental 30 Yl	\$ 4.00	7.31%	\$ 0.29	\$ 4.29
Open Top Rental 40 Yl	\$ 4.00	7.31%	\$ 0.29	\$ 4.29
20-yd OT-Haul	\$ 383.51	7.31%	\$ 28.03	\$ 411.54
30-yd OT-Haul	\$ 442.11	7.31%	\$ 32.32	\$ 474.43
40-yd OT-Haul	\$ 490.05	7.31%	\$ 35.82	\$ 525.87
6 Yard FEL Compactor	\$ -	7.31%	\$ -	\$ -
3x per wk Flat Rate	\$ -	7.31%	\$ -	\$ -
Sludge Box	\$ -	7.31%	\$ -	\$ -

NOTE: DELIVERY AND HAUL RATES ARE ADJUSTED BY CPI %
DISPOSAL RATES WILL REMAIN A PASS THROUGH TO THE CUSTOMER

Miscellaneous Rates

	<u>Current rate</u>	<u>Increase Amt</u>	<u>New rate</u>
Containers with gates	\$ -	\$ -	\$ -
Containers with locks	\$ 5.33	\$ 0.39	\$ 5.72
Containers with casters	\$ -	\$ -	\$ -
Dry Run Fee	\$ -	\$ -	\$ -

Amendment to "SOLID WASTE COLLECTION AND DISPOSAL AGREEMENT"

EXHIBIT A
WASTE DISPOSAL SERVICE CONTRACT
CITY OF FARMERSVILLE, TEXAS

EFFECTIVE DATE 10/01/22

Residential: - Hand Collection \$ 10.47 per residence per month

Residential: - Curbside Recycling(s) \$ - per month

Each Additional Polycart(s): \$ 17.15 per month

Commercial Containers:

Size	1xwk	2xwk	3xwk	4xwk	5xwk	6xwk	Ex Sched
	\$ -	\$ -	N/A	N/A	N/A	N/A	N/A
(1st Polycart)	\$ 25.21	\$ -	N/A	N/A	N/A	N/A	N/A
Additional Carts	\$ 17.15	\$ -	N/A	N/A	N/A	N/A	N/A
Additional Carts	\$ -	\$ -	N/A	N/A	N/A	N/A	N/A
2 - yard	\$ 61.30	\$ 102.68	\$ -	\$ -	\$ -	\$ -	\$ 33.16
3 - yard	\$ 69.56	\$ 127.51	\$ -	\$ -	\$ -	\$ -	\$ 40.02
4 - yard	\$ 79.56	\$ 154.00	\$ -	\$ -	\$ -	\$ -	\$ 46.87
6 - yard	\$ 124.07	\$ 225.32	\$ 301.92	\$ 355.29	\$ -	\$ -	\$ 53.73
8 - yard	\$ 145.78	\$ 256.69	\$ 339.61	\$ 393.02	\$ -	\$ -	\$ 60.59

Containers with gates \$ - per collection/ per month additional
Containers with locks \$ 5.72 per collection/ per month additional
Containers with casters \$ - per collection/ per month additional
Dry Run Fee \$ - per month each additional

Roll Off Containers:

Size	Delivery	Rental	Haul	Disposal
20YD/ OT	\$ 102.89	\$ 4.29 per day	\$ 411.54	Landfill Gate Rate
30YD/ OT	\$ 102.89	\$ 4.29 per day	\$ 474.43	Landfill Gate Rate
40YD/ OT	\$ 102.89	\$ 4.29 per day	\$ 525.87	Landfill Gate Rate
6 Yard FEL Compac	\$ -	\$ - per day	\$ -	Landfill Gate Rate
3x per wk Flat Rate	\$ -	\$ - per day	\$ -	Landfill Gate Rate
Sludge Box	\$ -	\$ - per day	\$ -	Landfill Gate Rate

SANITATION SOLUTIONS

CITY OF FARMERSVILLE, TEXAS

BY: _____
General Manger

BY: _____
Mayor

DATE _____

DATE _____

2022 - Calculation

CPI for All Urban Consumers (CPI-U)
Original Data Value

Series Id: CUURS37ASAO
Not Seasonally Adjusted
Series Title: All items in Dallas-Fort Worth-Arlington, TX, all urban
Area: Dallas-Fort Worth-Arlington, TX
Item: All items
Base Period: 1982-84=100
Years: 2012 to 2022

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2012	209,203		212,618		212,226		211,267		214,033		212,901		212,227	211,520	212,935
2013	213,696		216,465		215,670		216,979		217,068		215,450		215,995	215,550	216,441
2014	216,291		218,715		219,590		219,543		219,380		217,188		218,392	218,469	218,316
2015	214,899		217,487		218,484		218,676		217,507		217,104		217,500	217,375	217,625
2016	217,164		218,877		220,717		221,507		221,923		222,259		220,677	219,223	222,132
2017	223,082		223,782		225,264		225,613		229,056		229,352		226,103	224,203	228,003
2018	229,132		230,272		234,034		233,570		234,563		234,487		232,788	231,570	234,007
2019	233,915		236,495		237,485		238,891		239,815		238,768		237,732	236,420	239,045
2020	238,935		238,865		236,317		239,888		240,658		239,544		239,081	237,910	240,253
2021	242,513		246,995		251,228		253,319		254,950		257,394		251,620	247,420	255,820
2022	261,499		269,347		274,196									269,525	

REGULAR AGENDA

Agenda Section	Regular Agenda
Section Number	VIII.A
Subject	ILA CC FD
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Contract documents requiring signatures
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action



Contract Modification Document

Office of the Purchasing Agent
Collin County Administration Building
2300 Bloomdale Rd, Ste 3160
McKinney, TX 75071
972-548-4165

Vendor:	<u>City of Farmersville</u>	Contract No.	<u>2018-286</u>
	<u>205 S. Main St.</u>	Contract:	<u>Fire Inspection and Fire Plan Review</u>
	<u>Farmersville, TX 75442</u>		<u></u>
	<u></u>		<u></u>

YOU ARE DIRECTED TO MAKE THE FOLLOWING MODIFICATION TO THIS CONTRACT

Item #1 Extend Agreement for the period of October 1, 2022, through September 30, 2023 at the same rates eastablished in the original Agreement.

Except as provided herein, all terms and conditions of the contract remain in full force and effect and may only be modified in writing signed by both parties.

Amendment No. 3 has been accepted and authorized by authority of Collin County Commissioners Court
by Court Order No. _____ effective on 10/1/2022.

ACCEPTED BY:

SIGNATURE

(Print Name)

TITLE: _____
DATE: _____

SIGNATURE

Michelle Charnoski, NIGP-CPP, CPPB
(Print Name)

TITLE: Purchasing Agent
DATE: _____

HISTORICAL INFORMATION

Awarded by Court Order No. 2018-563-07-16

Renewal	<u>1</u>	Court Order No	<u>2020-016-01-06</u>		
Renewal	<u>2</u>	Court Order No	<u>2021-169-02-22</u>		
Renewal	<u>3</u>	Court Order No	<u>2021-1091-11-01</u>		
Renewal	<u>4</u>	Court Order No			
Amendment	<u>No. 1</u>	Court Order No.	<u>2021-169-02-22</u>	Summary	<u>Renewal 2</u>
Amendment	<u>No. 2</u>	Court Order No.	<u>2021-1091-11-01</u>	Summary	<u>Renewal 3</u>
Amendment	<u>No. 3</u>	Court Order No.		Summary	<u>Renewal 4</u>

Agenda Section	Regular Agenda
Section Number	VIII.B
Subject	Minor Plat Fowler Addition
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Letter from Engineer / Documents
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action



September 15, 2022

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Fowler Addition Replat
Dated August 2022

Mr. White:

The above referenced project has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant.

It is recommended that Fowler Addition Replat be approved. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Jacob Dupuis'.

Jacob Dupuis, PE
Discipline Lead

Agenda Section	Regular Agenda
Section Number	VIII.C
Subject	Minor Plat Gaddy Addition
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Letter from Engineer / Documents
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action



September 16, 2022

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Gaddy South Addition Minor Plat
Dated September 2022

Mr. White:

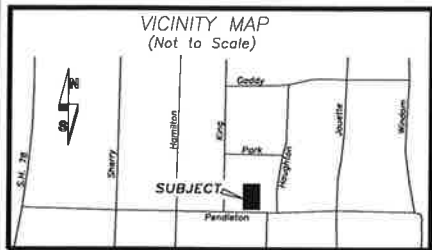
The above referenced project has been reviewed according to the ordinances of the City of Farmersville and been found to be compliant.

It is recommended that the Gaddy South Addition Minor Plat be approved. Please contact me if you have any questions.

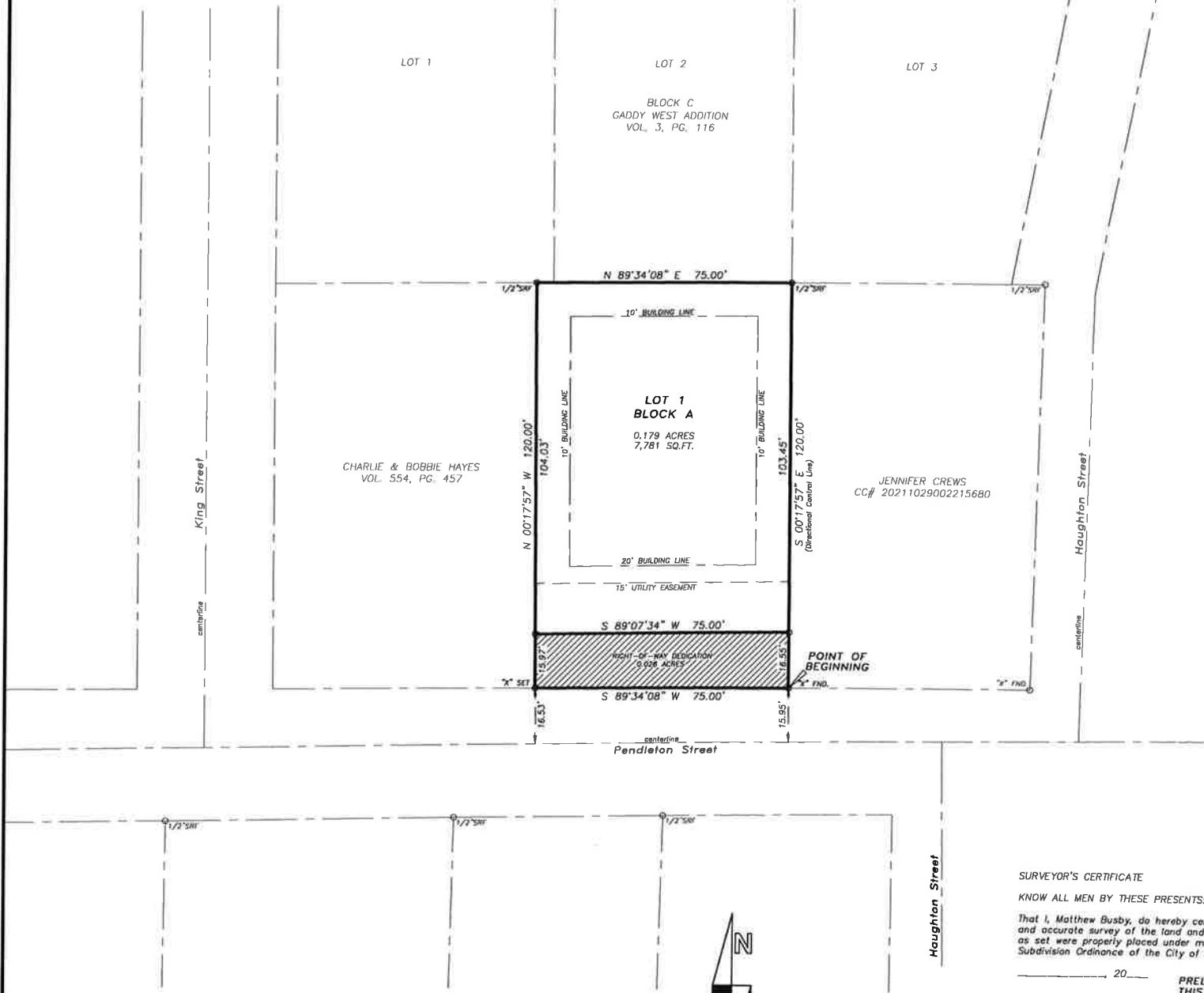
Sincerely,

A handwritten signature in black ink that reads 'Jacob Dupuis'.

Jacob Dupuis, PE
Discipline Lead



Subject tract is located within the Farmersville Independent School District (F.I.S.D.).



UTILITIES TO BE PROVIDED BY:
WATER: City of Farmersville, CCN# 13009
ELECTRIC: City of Farmersville
SEWER: City of Farmersville

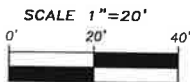
SRS = STEEL ROD SET
SRF = STEEL ROD FOUND
O DENOTES A 3/8" STEEL ROD SET CAPPED "BOUNDARY SOLUTIONS"
UNLESS OTHERWISE NOTED.

Notes:
1) Purpose of this Replat is to create 1 platted Lot.
2) Subdivision is located in Farmersville ISD.
3) Verify exact location of underground utilities prior to construction.
4) Bearings based on Texas Plane Coordinate System, Texas North Central Zone 4202, NAD83.

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

FLOOD NOTE:
Subject tract located in Zone 'X' as scaled from F.I.R.M. Panel 48085C0340J, dated June 2, 2009.

Zone 'X' - "areas determined to be outside the 0.2% annual chance floodplain."



SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Matthew Busby, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Farmersville.

_____, 20____
PRELIMINARY & FOR REVIEW ONLY.
THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE.

Matthew Busby
R.P.L.S. No. 5751

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Matthew Busby, Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____

Notary Public in and for the State of Texas

My Commission Expires On: _____

PROPERTY OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, FID Land & Development, LLC, is the owner of a tract of land situated in the W.B. Williams Survey, A-952, City of Farmersville, Collin County, Texas, being all of that called 0.207 acres of land described in deed to FID Land & Development, LLC as recorded under CC# 2022000101758 of the Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at an "X" found on the North line of Pendleton Street, at the Southeast corner of said 0.207 acres, and at the Southwest corner of that tract of land described in deed to Jennifer Crews as recorded under CC# 20211029002215680 of the Official Public Records of Collin County, Texas;

THENCE South 89 degrees 34 minutes 08 seconds West, 75.00 feet along the North line of said Pendleton Street to an "X" set, at the Southwest corner of said 0.207 acres, and at the Southeast corner of that tract of land described in deed to Charlie & Bobbie Hayes as recorded in Volume 554, Page 457 of the Deed Records of Collin County, Texas;

THENCE North 00 degrees 17 minutes 57 seconds West, 120.00 feet to a 1/2 inch steel rod found at the Northwest corner of said 0.207 acres, at the Northeast corner of said Hayes tract, and on the South line of Lot 1, Block C of Gaddy West Addition as recorded in Volume 3, Page 116 of the Plat Records of Collin County, Texas;

THENCE North 89 degrees 34 minutes 08 seconds East, 75.00 feet to a 1/2 inch steel rod found at the Northeast corner of said 0.207 acres, at the Southeast corner of Lot 2, and at the Southwest corner of Lot 3;

THENCE South 00 degrees 17 minutes 57 seconds East, 120.00 feet along the East line of said 0.207 acres to the POINT OF BEGINNING, containing 0.207 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, FID Land & Development, LLC, does hereby adopt this plat designating the herein above described property as Minor Plat of Gaddy South Addition, Lot 1, Block A, an addition to the City of Farmersville, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes and any improvements or growths shall be constructed or placed upon, over or across the easements and right-of-ways as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Farmersville. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Farmersville's use thereof.

The City of Farmersville and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Farmersville and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Farmersville, Texas.

WITNESS, my hand this the _____ day of _____, 20____.

BY:

Authorized Representative
FID Land & Development, LLC

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires On: _____

APPROVAL CERTIFICATE:

APPROVED

Presiding Officer
City of Farmersville, Texas

Date

ATTEST

Board, Commission or City Secretary
City of Farmersville, Texas

Date

MINOR PLAT OF GADDY SOUTH ADDITION LOT 1, BLOCK A

Being all of that called 0.207 acres of land described in deed to FID Land & Development, LLC as recorded under CC# 2022000101758 of the Official Public Records of Collin County, Texas.

TOTAL ACRES = 0.207 ACRES
CITY OF FARMERSVILLE
COLLIN COUNTY, TEXAS
W.B.WILLIAMSSURVEY, A-952

OWNER:
FID Land & Development, LLC
P.O. Box 592
Princeton, TX 75407

SURVEYOR:
Boundary Solutions
P.O. Box 250
Caddo Mills, TX 75135
214-499-8472


B.S.I. Job# 2207-005

Agenda Section	Regular Agenda
Section Number	VIII.D
Subject	4A Budget and Projects
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Budget
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action


City of Farmersville

		2018-2019	2019-2020	2020-2021	2021-2022	2021-2022	2021-2022	2022-2023
		Actual	Actual	Actual	Current Budget	6 month Actual	Revised Budget	Proposed Budget
255-EDC 4A								
REVENUES								
255.00.5721.000	EDC SALES TAX	\$ 251,118	\$ 289,925	\$ 328,380	\$ 304,800	\$ 185,946	\$ 388,947	\$ 388,947
255.00.5762.000	INTEREST INCOME	\$ 30,120	\$ 12,969	\$ 10,775	\$ 5,200	\$ 3,694	\$ 7,489	\$ 7,490
255.00.5769.000	OTHER INCOME	-	-	\$ 28,842	\$ 7,866	\$ 10,488	-	
255.00.5993.000	TRANSFER IN	\$ (249,080)	-	\$ 257,279	-	-	-	
TOTAL REVENUE		\$ 32,158	\$ 302,894	\$ 625,276	\$ 317,866	\$ 200,128	\$ 396,436	\$ 396,437
PERSONNEL SERVICES								
255.37.6111.000	SALARIES, REGULAR				\$ 40,000			\$ 63,750
255.37.6112.000	Accrued Wages							
255.37.6113.000	SALARIES, OVERTIME							
255.37.6114.000	SALARIES, PRORATED							
255.37.6115.000	SALARIES, PART-TIME							
255.37.6141.000	FICA EXPENSE							\$ 4,877
255.37.6142.000	HEALTH INSURANCE							\$ 8,000
255.37.6143.000	WORKERS COMP							\$ 150
255.37.6145.000	UNEMPLOYMENT INSURANCE							\$ 250
255.37.6146.000	RETIREMENT EXPENSE							\$ 6,375
255.37.6147.000	VACATION LIABILITY							
TOTAL PERSONNEL SERVICES					\$ 40,000			\$ 83,402
CONTRACTS & PROF. SVC								
255.41.6210.000	PROFESSIONAL SERVICE	\$ 1,000	-	\$ 4,725	\$ 1,000	-	\$ 1,000	\$ 9,600
255.41.6211.000	LEGAL SERVICE	-	-	\$ 1,243	\$ 2,500	\$ 263	\$ 762	\$ 4,500
255.41.6218.000	ENGINEERING	\$ 8,190	-	\$ 3,290	-	-	-	
TOTAL CONTRACTS & PROF. SVC		\$ 9,190	\$ -	\$ 9,258	\$ 3,500	\$ 263	\$ 1,762	\$ 14,100
MAINTENANCE								
255.41.6361.000	BUILDING MAINTENANCE							
255.41.6362.000	MOTOR VEHICLE MAINT.							
255.41.6363.000	OFFICE EQUIP. MAINT.							
255.41.6366.000	COMPUTER MAINTENANCE							\$ 7,500
255.41.6367.000	INFO TECH							
TOTAL MAINTENANCE:								\$ 7,500
SUPPLIES								
255.41.6591.000	OFFICE SUPPLIES	\$ 61	-	-	\$ 200	-	\$ 200	\$ 1,200
255.41.6592.000	COLLIN COLLEGE SUPPL	\$ 23,392	\$ 63,560	\$ 7,500	\$ 3,500	-	\$ 3,500	\$ 3,500
255.41.6592.001	CHAMBER/ROTARY/SN	-	\$ 1,000	\$ 1,000	\$ 2,000	\$ 1,000	\$ 1,500	\$ 1,500
TOTAL SUPPLIES		\$ 23,453	\$ 64,560	\$ 8,500	\$ 5,700	\$ 1,000	\$ 5,200	\$ 6,200
PERSONNEL RELATED ITEMS								
255.41.6611.000	CONTIGENCY							\$ 30,000
255.41.6612.000	TRAVE/SCHOOL/DUES	\$ 4,077	\$ 4,984	\$ 5,685	\$ 6,200	\$ 2,500	\$ 201	\$ 18,000
255.41.6612.001	TEX-21	-	-	-	\$ 2,500	-	\$ 2,500	\$ 2,500
255.41.6621.000	SPECIAL EVENTS	\$ 1,500	-	-	-	\$ 3,500	-	
255.41.6651.000	ADVERTISING/MARKET	\$ 26	\$ 195	\$ 201	\$ 8,000	-	-	\$ 31,115
255.41.6651.001	WEBSITE UPDATE	-	-	-	\$ 7,500	-	-	
255.41.6651.002	EDC ROUND TABLE	-	-	-	-	-	-	\$ 1,500
255.41.6696.000	FACADE GRANTS	\$ 25,000	-	\$ 25,000	\$ 40,000	-	\$ 25,000	\$ 50,000
TOTAL PERSONNEL RELATED ITEMS		\$ 30,603	\$ 5,179	\$ 30,886	\$ 64,200	\$ 6,000	\$ 27,701	\$ 133,115
CAPITAL EXPENDITURES								
255.41.6821.000	CAPITAL PURCHASES	-	-	-	-	-	-	
255.41.6821.001	EDC ACTION PLAN	-	-	-	\$ 30,000	-	\$ 14,815	\$ 10,000
255.41.6821.002	ROAD FOR COLLIN COL	-	-	-	\$ 244,000	-	\$ 244,000	

City of Farmersville

 Farmersville DISCOVER YOUR TEXAS TOWNSHIP	2018-2019	2019-2020	2020-2021	2021-2022	2021-2022	2021-2022	2022-2023
	Actual	Actual	Actual	Current Budget	6 month Actual	Revised Budget	Proposed Budget
TOTAL CAPITAL EXPENDITURES				\$ 274,000		\$ 258,815	\$ 10,000
TOTAL EDC EXPENSES	\$ 63,246	\$ 69,739	\$ 48,644	\$ 387,400	\$ 7,263	\$ 293,478	\$ 254,317
FUND TOTAL PROFIT (LOSS)	\$ (31,088)	\$ 233,155	\$ 576,632	\$ (69,534)	\$ 192,865	\$ 102,958	\$ 142,120

Agenda Section	Regular Agenda
Section Number	VIII.E
Subject	4B Budget and Projects
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Budget
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	City Council discussion as required
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action

		2018-2019	2019-2020	2020-2021	2021-2022	2021-2022	2021-2022	2022-2023
		Actual	Actual	Actual	Current Budget	6 month Actual	Revised Budget	Proposed Budget
FUND 250 FCDC								
REVENUE								
42-ECONOMIC DEVELOPMENT								
250.42.5721.000	SALES TAX #B	251,118	289,925	328,380	300,000	185,946	300,000	300,000
250.42.5762.000	INTEREST EARNED #B	6,262	3,234	255	150	587	150	150
TOTAL FCDC REVENUE		257,380	293,159	328,635	300,150	186,533	300,150	300,150
250-EDC/CDC								
EXPENSES								
42-COMMUNITY DEVELOPMENT								
CONTRACTS & PROF. SVC.								
250.42.6210.000	PROFESSIONAL SERVICES	29,943	47,447	42,904	2,500	-	2,500	
250.42.6211.000	LEGAL SERVICES #B	-	-	753	7,500	823	7,500	10,000
250.42.6212.000	AUDIT FEES #B	-	-	-	-	-	-	
250.42.6214.000	ONION SHED EXPENSE	-	-	-	-	-	-	
250.42.6215.000	START UP COST	-	-	-	-	-	-	
250.42.6217.000	CHAMBER OF COMMERCE	15,000	15,000	20,000	25,000	-	25,000	15,000
250.42.6231.000	FLAGPOLES	-	-	-	-	-	-	
TOTAL CONTRACTS & PROF. SVC.		44,943	62,447	63,657	35,000	823	35,000	25,000
CONST. MATL./TOOLS/EQUIP								
250.42.6317.000	TRANSFERS	-	-	-	-	-	-	
TOTAL CONST. MATL./TOOL/EQUIP								
MAINTENANCE								
250.42.6361.000	BUILDING MAINT	-	150	-	-	-	-	
250.42.6364.000	SOUND SYSTEM	-	4,505	482	500	164	500	
250.42.6367.000	INFO TECH	708	1,169	617	-	-	-	
250.42.6372.000	MISC	4,674	810	-	-	-	-	
250.42.6375.000	IRRIGATIONS SYTEM	-	-	-	-	-	-	
TOTAL MAINTENANCE		5,382	6,634	1,099	500	164	500	-
UTILITIES								
250.42.6472.000	TELEPHONE	-	-	-	-	-	-	
TOTAL UTILITIES								
SUPPLIES								
250.42.6562.000	COF REIMBURSEMENT	1,000	1,000	-	2,500	-	2,500	1,000
250.42.6591.000	OFFICE SUPPLIES #B	2,657	2,525	1,053	-	-	-	
250.42.6592.000	COLLIN COLLEGE SUPPOR	-	-	-	-	-	-	
TOTAL SUPPLIES		3,657	3,525	1,053	2,500	-	2,500	1,000
PERSONNEL RELATED ITEMS								
250.42.6612.000	TRAVEL/SCHOOL/DUES #B	5,811	8,125	1,574	-	-	-	
250.42.6621.000	SPECIAL EVENTS	-	-	150	500	-	500	
250.42.6631.000	INSURANCE-4B	-	-	-	-	-	-	
250.42.6651.000	ADVERTISING #B	959	676	603	-	-	-	
250.42.6652.000	HISTORICAL MARKER FOR	-	-	-	-	-	-	
250.42.6655.000	SPLASHPAD	-	-	-	-	-	-	
TOTAL PERSONNEL RELATED ITEMS		6,770	8,801	2,327	500	-	500	-
SPECIAL PROJECTS SERVICE								
250.42.6719.000	SPAIN COMPLEX RENOVA	-	-	-	-	-	-	
250.42.6721.000	MATCHING GRANT 72113	-	-	-	-	-	-	
250.42.6722.000	MARKETING EXPENSE	7,975	13,324	11,300	8,400	3,950	8,400	10,000
250.42.6724.000	CHRISTMAS EXPENSE	-	8,755	15,000	-	-	-	

		2018-2019	2019-2020	2020-2021	2021-2022	2021-2022	2021-2022	2022-2023
Farmersville DISCOVER YOUR TOWN'S HERITAGE		Actual	Actual	Actual	Current Budget	6 month Actual	Revised Budget	Proposed Budget
250.42.6725.000	LAND PURCHASE	-	-	-	-	-	-	-
250.42.6726.000	MAY TAXES	993	1,086	1,044	2,000	-	2,000	2,000
250.42.6727.000	MUSEUM PLANNING	6,141	19,174	14,932	-	-	-	-
250.42.6727.001	DOWNTOWN/MS PROJEC	-	-	-	-	-	-	-
250.42.6727.002	20 YEAR CELEBRATION IN	-	-	-	-	-	-	-
250.42.6727.003	NIGHT AT THE MUSEUM	-	-	-	-	-	-	-
250.42.6727.004	NATIONAL NIGHT OUT	-	-	752	-	-	-	-
250.42.6727.005	FVILLE PD COPS & ROBBE	-	-	3,330	5,530	-	5,530	8,401
250.42.6727.006	QUILT GUILD	-	3,000	-	-	-	-	-
250.42.6727.007	ROTARY CLUB	-	-	-	550	-	550	-
	CHAPARRAL OPEN DAY	-	-	-	-	-	-	500
250.42.6728.000	CHAPARRAL TRAIL	5,000	-	5,000	200,000	-	-	200,000
250.42.6729.000	FIREWORKS	6,500	6,500	929	8,000	-	8,000	10,000
250.42.6730.000	BAIN-HONAKER	-	5,300	4,500	10,000	-	10,000	12,000
250.42.6731.000	GRASS SEED	-	-	-	-	-	-	-
250.42.6732.000	SECURITY SYSTEM	-	-	-	-	-	-	-
250.42.6733.000	PD FOUR WHEELER	-	-	-	-	-	-	-
250.42.6734.000	KIOSKS	-	-	-	-	-	-	-
250.42.6735.000	NATIONAL REG DIST PROJ	-	-	-	-	-	-	-
250.42.6736	BLEACHERS	-	-	-	-	-	-	-
250.42.6736.000	BLEACHERS	-	-	-	-	-	-	-
250.42.6737.000	JAZZ FESTIVAL	-	-	-	-	-	-	-
250.42.6737.001	MUSIC IN THE PARK	800	-	2,700	3,500	-	3,500	6,000
250.42.6738.000	ONION SHED REPAIR	-	-	-	-	-	-	-
250.42.6740.000	JW SPAIN FIELDS	-	-	-	-	-	-	75,000
250.42.6741.000	SAFETY EQUIPMENT	11,313	100	-	-	-	-	-
	ARBOR DAY	-	-	-	-	-	-	300
	AUDIE MURPHY DAY	-	-	-	-	-	-	6,000
	OPEN SPACE GRANT	-	-	-	-	-	-	350,000
	JW SPAIN CONCESSION	-	-	-	-	-	-	35,700
250.42.6742.000	NORTHEAST TEXAS COALI	-	5,000	-	5,000	-	5,000	5,000
SPECIAL PROJECTS SERVICE		38,722	62,239	59,487	242,980	3,950	42,980	720,901
CAPITAL EXPENDITURES								
250.42.6821.000	CAPITAL IMPROVEMENT /	-	-	-	-	-	-	-
250.42.6821.001	GAZEBO RESTORATION	-	-	2,037	-	-	-	-
250.42.6821.002	FIBER OPTIC	-	-	-	-	-	-	-
250.42.6821.003	RAMBLER PARK SWING SE	-	-	-	-	-	-	-
250.42.6821.004	ADA SURFACING	-	-	-	-	-	-	-
250.42.6821.005	JW SPAIN BATTING CAGE	-	-	1,375	-	-	-	-
250.42.6821.006	IOOF DRIVEWAY	-	-	10,000	-	-	-	-
250.42.6831.000	CAPITAL EQUIP PURCHAS	4,797	18,603	399	-	-	-	-
TOTAL CAPITAL EXPENDITURES		4,797	18,603	13,811	-	-	-	-
TRANSFERS								
250.42.6911.000	INTEREST EXPENSE	1,940	-	-	-	-	-	-
250.42.6990.000	DEPRECIATION EXPENSE	-	1,003	-	-	-	-	-
250.42.6991.000	TRANSFERS OUT	(249,080)	-	-	-	-	-	-
TOTAL TRANSFERS		(247,140)	1,003	-	-	-	-	-
TOTAL FUND EXPENSES		(142,869)	163,252	141,434	281,480	4,937	81,480	746,901
TOTAL FUND PROFIT (LOSS)		400,249	129,907	187,201	18,670	181,596	218,670	(446,751)
TRANSFER FROM RESERVES								446,751

Agenda Section	Regular Agenda
Section Number	VIII.E
Subject	Presentation MDD
To	Mayor and Council Members
From	Ben White, City Manager
Date	September 27, 2022
Attachment(s)	Budget
Related Link(s)	http://www.farmersvilletx.com/government/agendas_and_minutes/city_council_meetings.php
Consideration and Discussion	Documents
Action	<ul style="list-style-type: none">• Motion/second/vote<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Approve with Updates<input type="checkbox"/> Disapprove• Motion/second/vote to continue to a later date. _____<ul style="list-style-type: none"><input type="checkbox"/> Approve<input type="checkbox"/> Disapprove• Move item to another agenda. _____• No motion, no action

Legal Q&A

Bill Longley, TML Legislative Counsel

Q. What is a municipal development district (MDD)?

A. An MDD is a political subdivision created by a city to plan, acquire, establish, develop, construct, or renovate one or more development projects beneficial to the district. TEX. LOC. GOV'T CODE §§ 377.021 and 377.022. An MDD closely resembles a Type B economic development corporation (EDC), with some key differences (discussed below). The MDD is funded through a dedicated local sales and use tax that must be approved by the voters in an election held within the district. *Id.* § 377.101.

The concept of an MDD was first introduced in a limited capacity in 1999, when the Texas Legislature authorized the City of Aransas Pass to create an MDD. In 2001, legislation passed to provide that any city located in multiple counties could hold an election to adopt an MDD. Finally, in 2005, the Texas Legislature amended Chapter 377 of the Local Government Code to enable any city to establish an MDD. According to the Texas Comptroller at the time of this writing, 40 cities have created MDDs. (Website of Texas Comptroller of Public Accounts, *Special Purpose District Sales and Use Tax*, <https://comptroller.texas.gov/taxes/sales/spd.php>.)

Q. What are the authorized rates of the MDD sales tax levy?

A. The rate of an MDD sales tax may be one-eighth, one-fourth, three-eighths, or one-half of one percent of the cost of goods sold within the MDD that are subject to sales taxes. *Id.* § 377.104. The combined rate of all local sales taxes within the district, however, may not exceed two percent. *Id.* § 377.101(c).

Q. What may an MDD sales tax be spent on?

A. An MDD sales tax is a dedicated city sales tax, meaning its proceeds can only be spent on certain authorized projects (as distinguished from a general purpose tax which can be spent on any lawful city purpose).

An MDD sales tax is an economic development tax that can be spent on authorized "development projects," which include any of the following:

- (1) Any "project" as that word is defined by Sections 505.051 through 505.158 of the Local Government Code. *Id.* § 377.001(3)(A). In other words, the MDD tax automatically encompasses any project available to a similarly-sized Type B EDC.
- (2) A convention center facility or related improvements such as a civic center or auditorium. *Id.* § 377.001(3)(B).
- (3) Parking lots for such convention or related facilities. *Id.* § 377.001(3)(B).

- (4) Civic center hotels. *Id.* § 377.001(3)(B). This authority can be quite important; funding of civic center hotels with other funds, such as hotel occupancy taxes, can be controversial both legally and politically.

Q. Can an MDD be created to encompass the city's extraterritorial jurisdiction (ETJ)?

A. Yes. When a city holds the election to create a district, the district may be created in: (1) all or part of the boundaries of the city; (2) all or part of the boundaries of the city and all or part of the boundaries of the city's ETJ; or (3) all or part of the city's ETJ. *Id.* § 377.002.

While the MDD statute authorizes the boundaries of the MDD to include the city's ETJ upon the creation of the district, it should be noted that there is no express statutory authority to later modify the boundaries of the ETJ. In other words, an MDD that is initially created to only include the city limits cannot later be expanded – by election or otherwise – to include the city's ETJ.

Q. If the MDD so closely resembles an EDC, why not just create a Type A or Type B EDC instead?

A. There are several distinctions between an MDD and an EDC sales tax that might make the MDD preferable to an EDC in a particular city:

- (1) The scope of projects that can be funded with an MDD sales tax is slightly larger than that of a Type B EDC sales tax (see above).
- (2) An MDD sales tax need not be levied over the entire corporate limits of a city, as an EDC sales tax must. This can be useful for cities that straddle county boundaries and are thus "maxed out" at their two-percent local sales tax cap in some areas of the city but not in others. The statute states that the city can create the district (and thus levy the tax) in "all or part of the boundaries of the municipality." *Id.* § 377.002(a)(1).
- (3) As mentioned above, an MDD sales tax may be imposed in a city's ETJ if the voters of the entire district approve the tax. *Id.* § 377.002(a)(2). The MDD sales tax is the only city sales tax that may be levied in the ETJ of a city.
- (4) The MDD statute does not have the same level of detailed restrictions that the EDC statute does. For example, the EDC statute prevents the city from giving aid to an EDC. *Id.* § 501.007(a). The MDD statute contains no such restriction. The MDD statute only references the Type B EDC law to define the permissible projects of an MDD; it does not incorporate the other procedural and substantive aspects of the EDC statutes.
- (5) The board of an MDD consists of a minimum of four persons. *Id.* § 377.051(a). A Type B corporation has a seven-member board. *Id.* § 505.051. Many Type B EDC cities, particularly smaller cities, report difficulty in locating persons willing to serve on the Type B EDC board. The smaller MDD board can help in this regard.

Q. Can an MDD spend its revenue for authorized projects outside the district?

A. One area where MDDs clearly have less flexibility than an EDC relates to spending on projects located outside the boundaries of the district. An EDC may undertake projects outside of the city limits with permission of the governing body that has jurisdiction over the property. *See Id.* § 501.159. For instance, if a potential project is located completely within the jurisdiction of another city, the corporation would need approval of the city council of that city before funding the project.

An MDD, on the other hand, is only authorized to fund projects located within the boundaries of the district. As a general matter, an MDD may use money in the development project fund only to “pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects *in the district*” (Emphasis added.) *Id.* § 377.072(a). So if the boundaries of an MDD include the corporate boundaries of the city, the MDD is not clearly authorized to spend money on projects located in the ETJ.

Q. Is an MDD required to follow certain procedures when selling or conveying real property owned by the MDD?

A. Yes. Unlike an EDC, an MDD is considered to be a political subdivision of the state. *Id.* § 377.022. As such, an MDD must comply with laws that are generally applicable to political subdivisions. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

Q. Is an MDD required to have bylaws?

A. No. Chapter 377 of the Local Government code is silent regarding the adoption of MDD bylaws. Because MDDs operate in a similar manner to EDCs, and state statute specifically provides for the creation of EDC bylaws, many cities also adopt MDD bylaws. Unlike EDCs, there is no specific procedure to follow to adopt or amend MDD bylaws.

Q. The ability of a Type B EDC to fund commercial and retail economic development projects depends on the size and/or Type B revenues of the city. Does this distinction extend to an MDD as well?

A. Likely so. The MDD statute, when listing eligible projects that can be funded by the MDD sales tax, incorporates by reference the section of the Type B laws that contains the population/revenue distinction with respect to commercial and retail projects. *Id.* § 377.001(3)(A).

Thus, a court would likely find that the ability of an MDD to engage in general commercial and retail economic development projects depends on the same population/revenue distinction that is contained in the Type B statute. Specifically, an MDD district with less than 20,000 population, or less than \$50,000 in revenues from the MDD sales tax in each of the two preceding years, may fund commercial and retail economic development projects with the MDD sales tax. *Id.* §§ 505.156 and 505.158.

MDDs that don't meet either of those criteria would be limited to Type B projects other than commercial and retail. These MDDs could fund projects that are of a more "blue collar" variety (the statute uses the term "primary jobs"), such as industry and manufacturing, as well as certain targeted infrastructure projects, and recreational or community facilities, among other things. *Id.* §§ 501.101, 501.103 and 505.152. Such a district would still have the additional MDD projects available to it such as convention centers and civic center hotels.

Q. If a city wants to replace an EDC sales tax with an MDD sales tax, can it use a combined ballot proposition?

A. Section 321.409 of the Texas Tax Code authorizes a city to repeal or lower one city sales tax, and raise or adopt a different city sales tax, all with one combined ballot proposition. The fact that this can be accomplished by one combined ballot proposition protects the city's interest by eliminating the risk that one tax will be voted out by the citizens without the other tax being voted in. A combined ballot proposition must be worded to contain substantially the same language required by law for each of the two taxes individually. TEX. TAX CODE § 321.409(b).

Although a city is permitted to have a combined ballot proposition to switch from an EDC sales tax to a MDD sales tax, doing so could create a unique problem. If the boundaries of a proposed MDD are to include all or a portion of the city's ETJ, then the MDD would cover a different taxing area than would the EDC. As a result, the combined ballot proposition would either: (1) allow voters living outside the city limits in the ETJ to vote to terminate the EDC sales tax that was never imposed on them in the first place; or (2) would allow voters inside the city limits to impose the MDD sales tax in an area in which the actual residents living in that area did not have the opportunity to vote.

In at least one instance, the comptroller's office refused to honor the results of a combined ballot proposition to replace the EDC sales tax with the MDD sales tax because the city permitted voters in the ETJ to vote on the proposition that would (in part) abolish the EDC sales tax, even though that tax was never imposed in the ETJ. Because the comptroller has taken this position in the past, a city should consider using two separate ballot propositions if the boundaries of the MDD will differ at all from the boundaries of the EDC.

Q. May MDD sales taxes be pledged to pay off bonds?

A. Yes, MDD sales taxes may be pledged to pay off bonds, including revenue and refunding bonds, or other obligations to pay the costs of a legal MDD development project. TEX. LOC. GOV'T CODE § 377.073.

Ben White

From: Alan Lathrom <alathrom@bhlaw.net>
Sent: Friday, July 23, 2021 1:32 PM
To: Ben White
Subject: MDDs - Overview

Ben,

Here is the general overview of MDDs from the *Texas Municipal League Economic Development Handbook*, 2020 Edition.

Municipal Development Districts

In 2005, the Texas Legislature passed legislation enabling all cities to establish municipal development districts, which are governed by Chapter 377 of the Local Government Code. Prior to 2005, only cities which were located in two neighboring counties could take advantage of Chapter 377. These districts are financed through an additional sales tax approved by the city's voters, a tax which is similar to the economic development sales tax discussed in Chapter I of this handbook.

There are two possible advantages of a municipal development district sales tax over an economic development sales tax: (1) the municipal development district tax need not be levied over the entire city, which is useful for cities that are at the two-percent sales tax "cap" in some portion of the city but not in others; and (2) it is the only municipal sales tax that may be levied in a city's extraterritorial jurisdiction (ETJ).

Creation of a Municipal Development District

A city may create a municipal development district comprising all or part of its city limits, all or part of its ETJ, or any combination of all or part of these areas.¹²⁸² To create a district, a city must call an election through an order that defines the proposed boundaries of the district.¹²⁸³ The ballot at this election must be printed to allow voting for or against the following proposition:¹²⁸⁴

Authorizing the creation of the *(insert name of district)* Municipal Development District and the imposition of a sales and use tax at the rate of *(insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate)* of one percent for the purpose of financing development projects beneficial to the district.

In the order calling the election, the city may provide that the district boundaries will automatically conform to future changes in the city's boundaries, as when increased through annexation, and also to future changes in the city's ETJ, through annexation and population growth.¹²⁸⁵ If the voters turn down creation of the district, a subsequent election to establish a district may not be held within a year of the first election.¹²⁸⁶

Sales Tax

Chapter 323 of the Tax Code generally governs the specifics of assessing and administering the tax.¹²⁸⁷ The district may not impose a sales and use tax that would result in a combined local tax

1281 Id. §§ 375.263(b), .264.
1282 Id. § 377.002.
1283 Id. § 377.021(a)-(b).
1284 Id. § 377.021(c).
1285 Id. § 377.021(g).
1286 Id. § 377.021(e) (Currently, this means that cities will have to wait through one election date, either in May or November, as there are only two uniform election dates).
1287 Id. § 377.102(a).

rate of more than two percent in any location in the district.¹²⁸⁸ The sales tax rate adopted must be one-eighth, one-fourth, three-eighths, or one-half of one percent.¹²⁸⁹ The rate may be changed at a subsequent election.¹²⁹⁰ The ballot at this election must be printed to allow voting for or against the following proposition:¹²⁹¹

The adoption of a sales and use tax at the rate of *(insert one-fourth, three-eighths, or one-half, as appropriate)* of one percent .

The adoption of the tax or a change in its rate takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the comptroller receives notice of the election’s results.¹²⁹² Revenue from the sales tax must be deposited in the district’s development project fund.¹²⁹³

Rights and Powers of the District and its Board

The district must establish a development project fund, which may have separate accounts within the fund.¹²⁹⁴ The district must deposit the sales tax proceeds and all revenue from the sale of bonds or other obligations into the fund.¹²⁹⁵ The money in the fund may be used to pay costs associated with development projects in the district, including maintenance and operation costs, as well as to pay costs relating to bonds or other obligations.¹²⁹⁶ A development project may consist of a Type B project as defined by the Development Corporation Act (see Chapter I of this handbook).¹²⁹⁷ Also, a project may include a convention center facility or related improvements, including parking facilities and civic center hotels.¹²⁹⁸

The district may: ¹²⁹⁹

- accept grants or loans;
- buy, sell, and lease property;
- employ necessary personnel;
- enter into contracts with public and private parties;
- adopt rules to govern its operation; and

1288 Id. § 377.101(c).

1289 Id. § 377.103.
1290 Id. § 377.104(a).
1291 Id. § 377.104(c).
1292 Id. § 377.106.
1293 Id. § 377.108.
1294 Id. § 377.072(a).
1295 Id. § 377.072(b).
1296 Id. § 377.072(c)-(e) (A district located in a county with a population of 3.3 million or more [Harris County] may spend money on development projects in the ETJ of the city where the district is located. Also, a district that is located in a municipality with a population of more than 5,000 and less than 6,000 and that is located wholly in a county with a population of more than 20,000 and less than 25,000 and that borders the Brazos River [Rockdale])).
1297 Id. § 377.001(3)(A).
1298 Id. § 377.001(3)(B).
1299 Id. § 377.071(a)-(b).

- perform any act necessary to the full exercise of the district's power.

It may not levy an ad valorem tax.¹³⁰⁰ It may issue bonds or other obligations to pay the costs of a development project after approval by the attorney general.¹³⁰¹ The district is a political subdivision of Texas and the city that created it which makes it subject to the Open Meetings Act and the Public Information Act.¹³⁰² The district must comply with other laws that are generally applicable to political subdivisions, as well. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

The district is governed by a board of at least four directors, although it would be best to have an odd number of directors to prevent tie votes.¹³⁰³ The board is appointed by the district-creating city council. Directors serve staggered two-year terms, so the initial terms must have about half the directors serving two-year terms and about half serving one- or three-year terms. Directors may be removed by the city council without cause. Directors must reside in the city or its ETJ.¹³⁰⁴ An employee or officer of the city or a member of the city council may serve as a director, but this person may not have a personal interest in a contract executed by the district.¹³⁰⁵ Board members are not compensated, but may be reimbursed for actual and necessary expenses.¹³⁰⁶ Board meetings must be in the city that created the district, not in the ETJ or elsewhere.¹³⁰⁷

Repeal of the Sales Tax

By order, the district can repeal the sales tax if a majority of the registered voters in the district vote at an election to repeal the sales tax.¹³⁰⁸ The ballot at this election must be printed to allow voting for or against the following proposition:¹³⁰⁹

The repeal of the sales and use tax for financing development projects in the *(insert name of district)* Municipal Development District.

The repeal of the tax takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the

comptroller receives notice of the election's results.¹³¹⁰ However, if the district has outstanding bonds or obligations at the time of the election, then the district continues to collect the tax until these bonds or obligations are paid, at which time the district should notify the comptroller.¹³¹¹

1300 Id. § 377.071(c).

1301 Id. § 377.073.

1302 Id. § 377.022.

1303 Id. § 377.051.

1304 See id. § 377.051(e) (Rockdale MDD is allowed to appoint directors that resides in the independent school district that serves the majority of the district).

1305 Id. § 377.051(d).

1306 Id. § 377.052.

1307 Id. § 377.053.

1308 Id. § 377.104(a).

1309 Id. § 377.104(d).

1310 Id. §§ 377.106, .107(c).

1311 Id. § 377.107(a)-(b).

Thanks,
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**Type A - B Development Corporations
and Municipal Development Districts
Permitted Projects Summary[®]**



Information is derived from the Texas Local Government Code (LGC). *Please confer with your legal representative prior to engaging in projects.*

Type A	Type B	MDD	Project Criteria
na	na	W	[377.001.3] In this Chapter, Development Project means: (A) a "project" as that term is defined by Sections 505.151-505.158; or (B) a convention center facility or related improvement such as a convention center, civic center, civic center building, civic center hotel, or auditorium, including parking areas or facilities that are used to park vehicles and that are located at or in the vicinity of other convention center facilities.
na	na	App	[377.072.c] Except as provided by Subsection 377.072.d (<i>in County greater than 3.3M in 1990 Census</i>), the district may use money in the development project fund only to: 1) pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects in the district; or 2) pay the principal of, interest on, and other costs relating to bonds or other obligations issued by the district or to refund bonds or other obligations; or 3) pay the costs of operating or maintaining one or more development projects during the planning, acquisition, establishment, development, construction, or renovation or while bonds or other obligations for the planning, acquisition, establishment, development, construction, or renovation are outstanding.
			[501.101] The <i>land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements</i> that are found by the board to be required or suitable for the development, retention or expansion of:
P	P	P	• Manufacturing and industrial facilities
P	P	P	• Research and development facilities
P	P	P	• Military facilities , including closed or realigned military bases
W ²	W ²	P	• Transportation facilities , including airports, hangars, railports, rail switching facilities, maintenance and repair facilities, cargo facilities, related infrastructure located on or adjacent to an airport or railroad facility, marine ports, inland ports, mass commuting facilities, and parking facilities
W ²	W ²	P	• Sewage or solid waste disposal facilities
P	P	P	• Recycling facilities
W ²	W ²	P	• Air or water pollution control facilities
W ²	W ²	P	• Facilities for furnishing water to the public
P	P	P	• Distribution centers
P	P	P	• Small warehouse facilities capable of serving as decentralized storage and distribution centers
P	P	P	• Primary job training facilities for use by institutions of higher education
P	P	P	• Regional or national corporate headquarters facilities
W	W	W	[501.102] Job training required or suitable for the promotion of development and expansion of business enterprises and other enterprises described by this subtitle, as provided by Section 501.162.
			[501.103] Expenditures that are found by the board of directors to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, limited to:
W	W	W	• Streets and roads, rail spurs, water and sewer utilities, electric utilities, or gas utilities, drainage, site improvements, and related improvements;
W	W	W	• Telecommunications and Internet improvements; or
W	W	W	• Beach remediation along the Gulf of Mexico



Type A	Type B	MDD	Project Criteria
p*	p*	p	<p>[501.104] The <i>infrastructure, improvements, land acquisition, buildings, or expenditures</i> that are for the creation or retention of primary jobs QR* jobs that are included in NAIS sector number 926120, Regulation and Administration of Transportation Programs, for corresponding index entry for Coast Guard (except the Coast Guard Academy); and are found by the board of directors to be required or suitable for:</p> <p>(A) promoting or supporting a military base in active use to prevent the possible future closure or realignment of the base; or</p> <p>(B) attracting new military missions to a military base in active use; or</p> <p>(C) redeveloping a military base that has been closed or realigned, including a military base closed or realigned according to the recommendation of the Defense Base Closure and Realignment Commission under the Defense Base Closure and Realignment Act of 1990.</p>
W	W	W	<p>[501.105] <i>Land, buildings, equipment, facilities, improvements, and expenditures</i> found by the board of directors to be required or suitable for use for a career center, if the area to be benefited by the career center is not located in the taxing jurisdiction of a junior college district.</p>
See LGC for details			<p>[501.106] Airport facilities or other projects by corporations authorized by certain border municipalities.</p>
See LGC for details			<p>[501.107] Infrastructure projects by corporations authorized by municipalities in certain border counties.</p>
App	App	App	<p>[501.152] In this subtitle, "cost," with respect to a project, means the cost of the acquisition, cleanup, construction, reconstruction, improvement, or expansion of a project, including: the cost of acquiring all land, rights-of-way, property rights, easements, and interests; the cost of all machinery and equipment; financing charges; the cost of inventory, raw materials, and other supplies; research and development costs; interest accruing before and during construction and until the first anniversary of the date the construction is completed, regardless of whether capitalized; necessary reserve funds; the cost of estimates, including estimates of cost and revenue; the cost of engineering or legal services; the cost of plans, specifications, or surveys; other expenses necessary or incident to determining the feasibility and practicability of acquiring, cleaning, constructing, reconstructing, improving, and expanding the project; administrative expenses; and other expenditures necessary or incident to: acquiring, cleaning, constructing, reconstructing, improving, and expanding the project; placing the project in operation; and financing or refinancing the project, including refunding any outstanding obligations, mortgages, or advances issued, made, or given by a person for a cost described by this section.</p>
W	W	W	<p>[501.162] [504.305] A corporation may spend tax revenue received under this subtitle for job training offered through a business enterprise only if the business enterprise has committed in writing to:</p> <ul style="list-style-type: none"> • Create new jobs that pay wages that are at least equal to the prevailing wage for the applicable occupation in the local labor market area; or • Increase its payroll to pay wages that are at least equal to the prevailing wage for the applicable occupation in the local labor market area.
See LGC for details			<p>[501.163] Use of tax revenue for job-related training by <i>certain corporations</i>.</p>
W	W	-	<p>[502.052] A corporation may, as authorized by the corporation's board of directors, spend tax revenue received under this subtitle for the <i>development, improvement, expansion, or maintenance of facilities</i> relating to the operation of commuter rail, light rail, or motor buses.</p>
App	na	na	<p>[504.101]⁴ A Type A corporation has the powers and is subject to the limitations of a corporation created under another provision of this subtitle outside of this chapter (<i>see 501.101</i>). To the extent of a conflict between this chapter and another provision of this subtitle, this chapter prevails.</p>



Type A	Type B	MDD	Project Criteria
			[504.103.c] ⁴ A project the primary purpose of which is to provide:
W	-	-	• A general aviation business service airport that is an integral part of an industrial park;
W	-	-	• A port-related facility to support waterborne commerce; or
W	-	-	• An airport-related facility , IF the authorizing municipality: A) is wholly or partly located within 25 miles of an international border; and B) has, at the time the project is approved by the corporation as provided by this subtitle: 1) a population of less than 50,000; or 2) an average rate of unemployment that is greater than the state average rate of unemployment during the most recent 12-month period for which data is available that precedes the date the project is approved.
App	na	na	[504.105] (a) Except as provided by Subsection (b), a Type A corporation may spend not more than 10 percent of the corporate revenues for promotional purposes . (b) A Type A corporation may spend not more than 25 percent of the corporate revenues for promotional purposes if the authorizing municipality: is located in two counties; has a population of less than 24,250 according to the 1990 federal census; and is located wholly or partly within 10 miles of a federal military reservation.
App	na	na	[504.171] (a) This section applies only to a Type A corporation the creation of which was authorized by a municipality: (1) that has also authorized the creation of a Type B corporation; and (2) that has a population of 7,500 or less. (b) Notwithstanding Section 504.152, if permitted by ordinance of the authorizing municipality, a Type A corporation to which this section applies may undertake any project that a Type B corporation , the creation of which was authorized by the same municipality, may undertake under Chapter 505 .
W ³	W ³	-	[504.304.b] ⁴ [505.305] The cleanup of contaminated property .
na	App	na	[505.103] A Type B corporation may spend not more than 10 percent of the corporate revenues for promotional purposes .
W ¹	W	W	[505.151] In this Chapter, "project" means <i>land, buildings, equipment, facilities, expenditures and improvements</i> included in the definition of "projects" under Chapter 501, including: (1) job training as provided by Section 501.162; and (2) recycling facilities. <i>(Note that 505.151 authorizing projects allowed by Type B corporations only includes those projects under Chapter 501, and does not include "targeted infrastructure" in its authorization.)</i>
W ¹	W	W	[505.152] Land, buildings, equipment, facilities, and improvements found by the board of directors to be required or suitable for use for professional and amateur sports , including children's sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by this section.
W ¹	W	W	[505.153] Land, buildings, equipment, facilities, and improvements found by the board of directors to be required or suitable for the promotion of development and expansion of affordable housing , as described by 42 U.S.C. Section 12745.



Type A	Type B	MDD	Project Criteria
W ¹	W	W	[505.154] <i>Land, buildings, equipment, facilities, and improvements</i> found by the board of directors to be required or suitable for: 1) The development or improvement of water supply facilities , including dams, transmission lines, well field developments, and other water supply alternatives; or 2) The development and institution of water conservation programs , including incentives to install water-saving plumbing fixtures, educational programs, brush control programs, and programs to replace malfunctioning or leaking water lines and other water facilities.
P ¹	P	W	[505.155] <i>Land, buildings, equipment, facilities, and improvements</i> found by the board of directors to promote or develop new or expanded business enterprises that <i>create or retain primary jobs</i> , including: (1) a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipally owned improvements , and any improvements or facilities related to a project described by this subdivision; and (2) Any other project that the board of directors in the board's discretion determines promotes or develops new or expanded business enterprises that <i>create or retain primary jobs</i> .
W ¹	W	W	[505.156] <i>Land, buildings, equipment, facilities, and improvements</i> found by the board of directors to be required or suitable for the development, retention, or expansion of business enterprises if the project is undertaken by a Type B corporation authorized to be created by a municipality: 1) That has not for each of the preceding two fiscal years received more than \$50,000 in revenues from sales and use taxes imposed under this chapter; and 2) The governing body of which has authorized the project by adopting a resolution only after giving the resolution at least two separate readings conducted at least one week apart.
W ¹	W	W	[505.1561] <i>Land, buildings, equipment, facilities, and improvements</i> found by the board of directors to be required or suitable for the development or expansion of airport or railport facilities , including hangars, maintenance and repair facilities, cargo facilities, and related infrastructure located on or adjacent to an airport or railport facility, if the project is undertaken by a Type B corporation authorized to be created by a municipality: 1) That enters into a development agreement with an entity in which the entity acquires a leasehold or other possessory interest from the corporation and is authorized to sublease the entity's interest for other projects authorized by Sections 505.151 through 505.156; and 2) The governing body of which has authorized the development agreement by adopting a resolution at a meeting called as authorized by law.
See LGC for details			[505.157] Projects in landlocked communities .
W ¹	W	W	[505.158] For a Type B corporation authorized to be created by a municipality with a population of 20,000 or less , "project" also includes the <i>land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements</i> found by the corporation's board of directors to promote new or expanded business development . A Type B corporation may not undertake a project authorized by this section that requires an expenditure of more than \$10,000 until the governing body of the corporation's authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings.
W ¹	W ³	-	[505.202] A specific sports venue project , including related infrastructure, or for a specific category of sports venue projects, including related infrastructure.

Note: Please advise me of any potential errors in the representation and I will research to resolve. glast@EDPBestPractices.com

Legend / Notes:

- LGC = Texas Local Government Code
- P = Permitted only with creation or retention of Primary Jobs
- W = Permitted with or without Primary Job requirement
- App = Applies to that section
- Blue text is a comment or observation and not part of the LGC.
- ¹Only permitted after an election has been approved pursuant to Section 504.152 authorizing the Type A corporation to fund certain Type B projects as authorized in Chapter 505. Also see Section 504.171 for cities less than 7,500 in population.
- ²Except as restricted by Section 504.103 which prohibits this type of project as its primary purpose but allows this type of project when it is intended "to benefit property acquired for a project that has another primary purpose." *(This section is silent to the Primary Job requirement. Summary assumes that the Primary Job requirement is not applicable here because 504 overrides 501 according to 504.101.)*
- ³Only if the use of tax proceeds for that purpose is authorized by a majority of the voters of the authorizing municipality voting at an election held for that purpose.
- ⁴Chapter 504 is limited in applicability to municipalities that meet the requirements noted in Section 504.002.



COMPARISON OF TYPE A, TYPE B AND MDD ECONOMIC DEVELOPMENT ENTITIES

Nature of the Entities

<u>Type A</u>	<u>Type B</u>	<u>MDD</u>
Misc. limiting provisions	All Cities	All Cities
A corporation which administers the sales and use tax	A corporation which administers the sales and use tax	Not a corporation - a district and political subdivision of the state and the city
Files Articles of Incorporation	Files Articles of Incorporation	No Articles of Incorporation (not a corporation)
Corporation is governed by the Development Corporation Act of 1979 found now in Chapters 501-505 of the Local Gov't Code ("LGC") and the Texas Non-Profit Corporation Act (Business Organizations Code formerly Art. 1396-1.01. V.T.C.S)	Same as Type A	Created by LGC Ch. 377
Bylaws	Bylaws	Authorized to adopt rules to govern the operation of the district and its employees and property [LGC §377.071(5)]
Not a political subdivision	Not a political subdivision	Political subdivision of the state and the city [LGC §377.022]
Boundaries: City limits	Boundaries: City limits	Boundaries of MDD: (1) within all or part of city limits; (2) within all or part of city limits and ETJ; or (3) within all or part of ETJ
Tax: 1/8, 1/4, 3/8 or 1/2 of 1% of sales and use tax	Same	Same

*This paper does not constitute legal advice. Laws may have changed since time of drafting.

Board of Directors

<u>Type A</u>	<u>Type B</u>	<u>MDD</u>
At least 5 members; appointed by the city council No residency requirements	Seven members exactly; appointed by the city council; three members of the Board must not be employees, officers or city council members Certain residency restrictions apply	Governed by a board of at least four directors; appointed by the city council (All council could be directors. I would recommend at least a 5 member board for purposes of a quorum)
May be removed by city council at will	Same	Same
Terms not to exceed 6 years	2-year terms (not necessarily staggered)	Staggered two-year terms
Qualification are not specified by statute	If City has population less than 20,000, must be a resident of the city; of the county in which the majority of the city is located; or reside within 10 miles of the city in a county which borders the county in which a majority of the city is located.	Director must reside within boundaries of the City or the MDD
All expenditures authorized require approval by City Council	Same	Establishes a Development Project Fund by resolution to pay costs of planning, acquiring, establishing, developing, constructing or renovating a project, and for operating and maintaining a project. [LGC §377.072]
Conflict of Interest: Ch. 171, LGC does not apply; Bylaws apply	Conflict of Interest: Ch. 171, LGC does not apply; Bylaws apply	Conflict of Interest: Ch. 171, LGC does apply; and may not have a personal interest in a contract executed by the district other than as an employee, officer, or member of the city council [LGC §377.051]
Compensation: Reimbursement only	Same	Same [LGC §377.052]
Quorum: Majority of entire membership	Same Majority of entire membership	Quorum: Not specified in LGC Ch. 377, Gov't Code Ch. 551 is applicable

Administrative Expenses

<u>Type A</u>	<u>Type B</u>	<u>MDD</u>
Authorized to pay the administrative expenses (including staff) to implement the projects.	Same	Employ necessary personnel [LGC §377.071(4)]

Open Meeting, Public Hearings and Public Information

<u>Type A</u>	<u>Type B</u>	<u>MDD</u>
Subject to TOMA (Gov’t Code, Ch. 551) [LGC §501.072]	Same	Subject to TOMA as a political subdivision
Meetings to be held in the city or county in some cases (new law)	Same	Meetings to be held in the city
Public Hearings: Not required for Type A projects. But they are required for Type B (LGC Ch. 505) projects. Type A can do Type B projects if hold a special election on a uniform election date or for City’s under 7, 500 in population, adopt an ordinance. [LGC §504.152 - §504.153] Plus: two (2) separate readings are required by the City Council if the project expenditure is \$10,000 or more. [LGC §505.158(b)]	Public Hearings: At least one public hearing is required on a proposed project before spending money to undertake the project unless the project is a project that is defined under Subchapter C, Ch. 501 of the LGC) and if the population of the city is < 20,000. [LGC §505.159]	Public Hearings: None; no publications, public hearings, or performance agreements are required.
60 day waiting period to expend funds following first public notice of a Type B project only	Same	None
Subject to Public Information Act (Gov’t Code Ch. 552) [LGC §501.072]	Same	Subject to PIA as a political subdivision

Projects

Type A

Type B

MDD

Intended for manufacturing and industrial development	For economic development and community development	Very similar to Type B ("for the purpose of finance development projects beneficial to the district") [LGC §377.021]
<p><u>Projects that Create or Retain Primary Jobs</u></p> <p>A Type "A" economic development corporation may fund the following projects provided the projects create or retain "<u>primary jobs</u>:"</p> <p>See LGC §501.002 for definition of "<u>primary job</u>" which means a "job that is ... available at a company for which a majority of the products or services of that company are <u>ultimately exported</u> to regional, statewide, national or international markets <u>infusing new dollars</u> into the local economy"; and that is included in one of nearly sixteen (16) NAICS sector codes.¹</p> <p>See LGC §§501.101 and 504.103 for description of projects authorized under Chapters 501 and 504.</p> <p><u>Authorized Projects for "Primary Jobs" under §501.101:</u></p> <p>(1) manufacturing and industrial facilities;</p>	<p><u>Projects that Create or Retain Primary Jobs</u></p> <p>A Type "B" economic development corporation may fund the following projects, <u>provided</u> the projects create or retain "<u>primary jobs</u>:"</p> <p>Type B corporations may provide land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements (one or more) that are for the creation or retention of primary jobs and that are found by the board of directors to be required or suitable for the development, retention, or expansion of:</p> <p>(1) manufacturing and industrial facilities;</p> <p>(2) research and development facilities;</p> <p>(3) military facilities, including closed or realigned military bases;</p> <p>(4) transportation facilities (including but not limited to airports, ports, mass commuting facilities, and parking facilities);</p> <p>(5) sewage or solid waste disposal facilities;</p>	<p>Same as Type B [LGC §505.151-505.158]</p> <p>Plus:</p> <p>A convention center facility or related improvement such as a convention center, civic center, civic center building, civic center hotel, or auditorium, including parking areas or facilities that are used to park vehicle and that are located at or in the vicinity of other convention center facilities.</p> <p>[LGC §377.001(3)]</p>

¹ The NAICS sector code categories include: crop production; animal production; forestry and logging; commercial fishing; support activities for agriculture and forestry; mining; utilities; manufacturing; wholesale trade; transportation and warehousing; information; securities, commodity contracts, and other financial investments and related activities; scientific research and development services; management of companies and enterprises; telephone call centers; correctional institutions; and a job included within National Security sector number 928110.

<p>(2) research and development facilities;</p> <p>(3) military facilities;</p> <p>(4) recycling facilities;</p> <p>(5) distribution center;</p> <p>(6) small warehouse facilities;</p> <p>(7) primary job training facility by institutions of higher education; and</p> <p>(8) regional or national corporate headquarters; and</p> <p>(9) water distribution facilities.</p> <p>[LGC §501.101]</p> <p><u>LGC § 501.101 projects which are excluded under Chapter 504 – for Type A corporations</u></p> <p>(1) transportation facilities ;</p> <p>(2) sewage or solid waste disposal facilities;</p> <p>(3) air or water pollution control facilities;</p> <p>[LGC §504.103]</p>	<p>(6) recycling facilities;</p> <p>(7) air or water pollution control facilities;</p> <p>(8) distribution centers;</p> <p>(9) small warehouse facilities capable of serving as decentralized storage and distribution centers;</p> <p>(10) primary job training facilities for use by institutions of higher education; and</p> <p>(11) regional or national corporate headquarters facilities.</p> <p>[LGC 505.151; See LGC § 501.101]</p> <p>Type B corporations may provide land, buildings, equipment, facilities, and improvements found by the board of directors to promote or develop new or expanded business enterprises <u>that create or retain primary jobs</u>, including a project to provide:</p> <p>(1) public safety facilities;</p> <p>(2) streets and roads;</p> <p>(3) drainage and related improvements;</p> <p>(4) demolition of existing structures;</p> <p>(5) general municipally owned improvements; and</p> <p>(6) any improvements or facilities that are related to any of those projects and any other project that the board in its discretion determines promotes or develops new or expanded business enterprises <u>that create or retain primary jobs</u>.</p> <p>[LGC §505.155]</p>	
<p><u>Projects that are NOT Required to Create or Retain Primary Jobs</u></p>	<p><u>Projects that are NOT Required to Create or Retain Primary Jobs</u></p>	

<p>Additionally, Type A corporations may fund the following projects <u>without creating or retaining primary jobs</u>:</p> <p><u>Ch. 501 Authorized Projects:</u></p> <p>(1) job training classes [LGC §501.102, See also §501.162];</p> <p>(2) <u>certain targeted infrastructure projects necessary to promote or develop new or expanded business enterprises</u>, limited to streets and roads, rail spurs, water and sewer utilities, and electric utilities, gas utilities, drainage, <u>site improvements, and related improvements</u>, telecommunications and Internet improvements, and beach remediation along the Gulf of Mexico [LGC §501.103];</p> <p>3) land, buildings, equipment, facilities, and expenditures required or suitable for a career center not located within the taxing jurisdiction of a junior college [LGC § 501.105];</p> <p><u>Ch. 504 (expressly Type A) Projects:</u></p> <p>(4) a general aviation business airport which is an integral part of an industrial park [LGC §504.103(c)(1)];</p> <p>(5) port related facilities [LGC §504.103(c)(2)];</p> <p>(6) airport-related facilities for communities located 25 miles from U.S./Mexico border only [LGC § 504.103(c)(3)];</p>	<p>Additionally, Type B corporations may fund the following projects <u>without creating or retaining primary jobs</u>:</p> <p><u>Ch. 501 Authorized Projects:</u></p> <p>(1) job training classes [LGC §505.151; See §501.162];</p> <p>(2) <u>certain targeted infrastructure projects necessary to promote or develop new or expanded business enterprises</u>, limited to streets and roads, rail spurs, water and sewer utilities, and electric utilities, gas utilities, drainage, <u>site improvements, and related improvements</u>, telecommunications and Internet improvements, and beach remediation along the Gulf of Mexico [LGC §501.103];</p> <p>(3) land, buildings, equipment, facilities, and expenditures required or suitable for a career center not located within the taxing jurisdiction of a junior college [LGC § 501.105];</p> <p><u>Ch. 505 (expressly Type B) Projects:</u></p> <p>(4) <u>land, buildings, facilities, and related improvements that enhance projects</u> consisting of professional and amateur (including children's) sports, athletic, entertainment, tourist, convention, and public park purposes and events [Local Gov't Code § 505.152];</p> <p>(5) affordable housing projects [LGC §505.153];</p> <p>(6) water supply facilities projects, with the requisite voter approval [LGC § 505.154(1) and § 505.304];</p>	
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<p><u>Ch. 502 Projects:</u> (7) development, improvement, expansion, or maintenance of facilities relating to the operation of commuter rail, light rail, or motor buses [LGC § 502.052];</p>	<p>(7) water conservation programs, with the requisite voter approval [LGC § 505.154(2) and § 505.304]; (8) development or expansion of airport or railport facilities, including hangars, maintenance and repair facilities, cargo facilities, and related infrastructure located on or adjacent to an airport or railport facility, if the project is undertaken by a Type B corporation and enters into a development agreement with an entity who acquires a leasehold or other possessory interest from the Type B corporation and is authorized to sublease the entity's interest for other authorized projects [LGC § 505.1561]; and</p> <p><u>Ch. 502 Projects:</u> (9) development, improvement, expansion, or maintenance of facilities relating to the operation of commuter rail, light rail, or motor buses [LGC § 502.052];</p> <p><u>Ch. 505 Certain Small Cities Projects:</u> <u>(10) Type B corporations with a city population of 20,000 or less, may provide land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the board of directors to promote new or expanded business development, provided projects which require an expenditure of more than \$10,000 the city council must adopt a resolution authorizing the project after giving the resolution at least two (2) separate readings [LGC § 505.158].</u></p>	
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<p><u>Ch. 504 Additional Projects</u> <u>(8) Type “B” projects with voter approval</u> [LGC § 504.152 - .153]; and</p>	<p>Note: LGC §505.158 the operative word here is “<u>expenditures</u>” versus “<u>improvements</u>” as found in other provisions.</p>	
<p><u>Ch. 504 Promotional Purposes:</u> <u>(9) promotional projects</u> [LGC § 504.105].</p>	<p><u>Ch. 503 Promotional Purposes:</u> <u>(11) promotional projects</u> [LGC § 505.103].</p>	
<p><u>Performance Agreements</u> <u>(w/ Business Enterprises):</u> Necessary for Projects under §§501.101-501.107 and §§505.151 – 505.161 [See §501.158]</p>	<p><u>Performance Agreements</u> <u>(w/ Business Enterprises):</u> Necessary for Projects under §§501.101-501.107 and §§505.151 – 505.161 [See §501.158]</p>	
<p><u>HB 3302 – Recently adopted as LGC §504.171</u> (Effective 06/17/11)</p> <p><u>Type A corporations in Cities with population under 7,500 having both a Type A and a Type B EDC may now, if permitted by ordinance of the authorizing municipality, undertake any project that a Type B corporation may undertake under Chapter 505.</u></p> <p>Until this new provision, a Type A could undertake a Type B project only by conducting a special election to gain public approval and conduct a public hearing.</p>	<p><u>Payment of Maintenance and Operation Costs:</u></p> <p>LGC §505.303 allows payment of M & O costs <u>of a publicly owned and operated project “purchased or constructed under this Chapter.” (Ch. 505)</u></p>	

Organization	First Name	Last Name	Title	Email	Phone
City of Aubrey	Mark	Kaiser	City Administrator	mkaiser@aubreytx.gov	(940) 440-9343
City of Azle-MDD	Tom	Muir	City Manager / Executive Director	tmuir@cityofazle.org	(817) 444-7076
City of Bangs-EDC-MDD	Carrol	Wells	President	carrolwells@gmail.com	(325) 752-6223
City of Boyd	Greg	Arrington	City Administrator	garrington@cityofboyd.com	(940) 433-5166
City of Brownwood-MDD	Ray	Tipton	Executive Director	rtipton@brownwoodtexas.gov	(325) 646-9600
City of Early-MDD	Larry	McConn	ACM / Director	lmcconn@earlytx.net	(325) 643-5451
City of Fato	Justin	Weiss	ACM, Economic & Community Development	jweiss@cityoffate.com	(972) 771-4601
City of La Vernia-MDD	Yvonne	Griffin	Executive Director	info@laverniamdd.org	(830) 779-2371
City of Murphy-MDD	Jared	Mayfield	Director of E-C Dev.	jmayfield@murphytx.org	(972) 468-4006
City of Oak Point-EDC-MDD	Stephen	Ashley	City Manager	sashley@oakpointtexas.com	(972) 294-2312
City of Ovilla-EDC-B	Glennell	Miller	City Secretary	pwoodall@cityofovilla.org	(972) 617-7262
City of Rockdale-MDD	Rhonda	Wagner	Executive Assistant	rwagner@rockdalemdd.org	(512) 446-2111
Town of Cross Roads	Kristi	Gilbert	Interim Town Administrator	k.gilbert@crossroadstx.gov	(940) 363-9693

MUNICIPAL DEVELOPMENT DISTRICT (MDD)

SALES TAX

What is a municipal development district sales tax?

An MDD is a political subdivision created by a city to plan, acquire, establish, develop, construct, or renovate one or more development projects beneficial to the district.²⁷⁴ An MDD closely resembles a Type B economic development corporation (EDC), with some key differences (discussed below). The MDD is funded through a dedicated local sales and use tax that must be approved by the voters in an election held within the district.²⁷⁵ *Id.* § 377.101.

The concept of an MDD was first introduced in a limited capacity in 1999, when the Texas Legislature authorized the City of Aransas Pass to create an MDD. In 2001, legislation passed to provide that any city located in multiple counties could hold an election to adopt an MDD. Finally, in 2005, the Texas Legislature amended Chapter 377 of the Local Government Code to enable any city to establish an MDD.

How much can the MDD sales tax levy be?

The rate of an MDD sales tax may be one-eighth, one-fourth, three-eighths, or one-half of one percent of the cost of goods sold within the MDD that are subject to sales taxes.²⁷⁶ The combined rate of all local sales taxes within the district, however, cannot exceed two percent.²⁷⁷

What may an MDD sales tax be spent on?

An MDD sales tax is a dedicated city sales tax, meaning its proceeds can only be spent on certain authorized projects (as distinguished from a general purpose tax, which can be spent on any lawful city purpose).

An MDD sales tax is an economic development tax that can be spent on authorized “development projects,” which include any of the following:

- (1) Any “project” as that word is defined by Sections 505.051 through 505.158 of the Local Government Code.²⁷⁸ In other words, the MDD tax automatically encompasses any project available to a similarly-sized Type B economic development corporation.

²⁷⁴ TEX. LOC. GOV'T CODE §§ 377.021 and 377.022.

²⁷⁵ TEX. LOC. GOV'T CODE § 377.101.

²⁷⁶ TEX. LOC. GOV'T CODE § 377.104.

²⁷⁷ TEX. LOC. GOV'T CODE § 377.101(c).

²⁷⁸ TEX. LOC. GOV'T CODE § 377.001(3)(A).

- (2) A convention center facility or related improvements such as a civic center or auditorium.²⁷⁹
- (3) Parking lots for such convention or related facilities.²⁸⁰
- (4) Civic center hotels.²⁸¹ This authority can be quite important; funding of civic center hotels with other funds, such as hotel occupancy taxes, is controversial both legally and politically.

Can an MDD be created to encompass the city's extraterritorial jurisdiction (ETJ)?

Yes. When a city holds the election to create a district, the district may be created in: (1) all or part of the boundaries of the city; (2) all or part of the boundaries of the city and all or part of the boundaries of the city's ETJ; or (3) all or part of the city's ETJ.²⁸²

While the MDD statute authorizes the boundaries of the MDD to include the city's ETJ upon the creation of the district, it should be noted that there is no express statutory authority to later modify the boundaries of the ETJ. In other words, an MDD that is initially created to only include the city limits cannot later be expanded—by election or otherwise—to include the city's ETJ.

If the MDD sales tax so closely resembles a Type B economic development sales tax, why not just enact a Type B economic development tax instead?

There are several distinctions between an MDD tax and a Type B tax that might make the MDD tax preferable to a particular city:

- (1) The scope of projects that can be funded with an MDD sales tax is slightly larger than a Type B sales tax (see above);
- (2) An MDD sales tax need not be levied over the entire corporate limits of a city, as a Type B sales tax must. This can be useful for cities that straddle county boundaries and are thus "maxed out" at their two-percent local sales tax cap in some areas of the city but not in others. The statute states that the city can create the district (and thus levy the tax) in "all or part of the boundaries of the municipality."²⁸³ A city might choose to limit the application of the tax to certain areas of the city for other reasons as well, including economic development considerations.

²⁷⁹ TEX. LOC. GOV'T CODE § 377.001(3)(B).

²⁸⁰ TEX. LOC. GOV'T CODE § 377.001(3)(B).

²⁸¹ TEX. LOC. GOV'T CODE § 377.001(3)(B).

²⁸² TEX. LOC. GOV'T CODE § 377.002.

²⁸³ TEX. LOC. GOV'T CODE § 377.002(a)(1).

- (3) As mentioned above, an MDD sales tax may be imposed in a city's extraterritorial jurisdiction (ETJ) if the voters of the entire district approve the tax.²⁸⁴ The MDD sales tax is the only city sales tax that may be levied in the ETJ of a city.
- (4) The MDD statute does not have the same level of detailed restrictions that the Type B statute does. For example, the EDC statute prevents the city from giving aid to an EDC.²⁸⁵ The MDD statute contains no such restriction. The MDD statute only references the Type B law to define the permissible projects of an MDD; it does not incorporate the other procedural and substantive aspects of the EDC statutes.
- (5) The board of an MDD consists of a minimum of four persons.²⁸⁶ A Type B corporation has a seven-member board.²⁸⁷ Many Type B cities, particularly smaller cities, report difficulty in locating persons willing to serve on the Type B board. The smaller MDD board can help in this regard.

Can an MDD spend its revenue for authorized projects outside the district?

One area where MDDs clearly have less flexibility than an EDC relates to spending on projects located outside the boundaries of the district. An EDC may undertake projects outside of the city limits with permission of the governing body that has jurisdiction over the property.²⁸⁸ For instance, if a potential project is located completely within the jurisdiction of another city, the corporation would need approval of the city council of that city before funding the project.

An MDD, on the other hand, is only authorized to fund projects located within the boundaries of the district. As a general matter, an MDD may use money in the development project fund only to "pay the costs of planning, acquiring, establishing, developing, constructing, or renovating one or more development projects *in the district*." (Emphasis added.)²⁸⁹ So if the boundaries of an MDD include only the corporate boundaries of the city, the MDD is not clearly authorized to spend money on projects located in the ETJ.

Is an MDD required to follow certain procedures when selling or conveying real property owned by the MDD?

Yes. Unlike an EDC, an MDD is considered to be a political subdivision of the state.²⁹⁰ As such, an MDD must comply with laws that are generally applicable to political subdivisions. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

²⁸⁴ TEX. LOC. GOV'T CODE § 377.002(a)(2).

²⁸⁵ TEX. LOC. GOV'T CODE § 501.007(a).

²⁸⁶ TEX. LOC. GOV'T CODE § 377.051(a).

²⁸⁷ TEX. LOC. GOV'T CODE § 505.051.

²⁸⁸ TEX. LOC. GOV'T CODE § 501.159.

²⁸⁹ TEX. LOC. GOV'T CODE § 377.072(a).

²⁹⁰ TEX. LOC. GOV'T CODE § 377.022.

Is an MDD required to have bylaws?

No. Chapter 377 of the Local Government code is silent regarding the adoption of MDD bylaws. Because MDDs operate in a similar manner to EDCs, and state statute specifically provides for the creation of EDC bylaws, many cities also adopt MDD bylaws. Unlike EDCs, there is no specific procedure to follow to adopt or amend MDD bylaws.

The ability of a Type B corporation to fund commercial and retail economic development projects depends on the size and/or Type B revenues of the city. Does this distinction extend to an MDD sales tax as well?

The likely answer is yes. The MDD statute, when listing eligible projects that can be funded by the MDD sales tax, incorporates by reference the section of the Type B laws that contains the population/revenue distinction with respect to commercial and retail projects.²⁹¹

Thus, a court would likely find that the ability of an MDD to engage in general commercial and retail economic development projects depends on the same population/revenue distinction that is contained in the Type B statute.

Specifically, an MDD district with less than 20,000 population, *or* less than \$50,000 in revenues from the MDD sales tax in each of the two preceding years, may fund commercial and retail economic development projects with the MDD sales tax.²⁹²

MDDs that don't meet either of those criteria would be limited to Type B projects other than commercial and retail. Typically, such projects are of a more "blue collar" variety (the statute uses the term "primary jobs"), such as industry and manufacturing, as well as certain targeted infrastructure projects, and recreational and community facilities, among other things. Such a district would still have the additional projects available to it such as convention centers and civic center hotels.

What is the procedure for levying an MDD sales tax?

Following are the procedures for levying an MDD sales tax.

- (1) **Draft Order of Election.** The city must draft an order that does the following: (a) defines the boundaries of the proposed MDD; (b) calls for an election to be held within those boundaries for the creation of the district and the levy of a sales tax, with the ballot proposition containing the following exact language:

"Authorizing the creation of the _____ Municipal Development District (insert name of district) and the imposition of a sales and use tax at the rate of _____ of

²⁹¹ TEX. LOC. GOV'T CODE § 377.001(3)(A).

²⁹² TEX. LOC. GOV'T CODE §§ 505.156 and 505.158.

*one percent (insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate) for the purpose of financing development projects beneficial to the district.”;*²⁹³ and

(c) provides that the district boundaries automatically conform to any changes in the boundaries of the city or the ETJ (this provision is optional).²⁹⁴

- (2) **Call the Election.** The city council calls the election on creation of the MDD and the MDD sales tax by passing the order in step 1 above at a properly noticed public meeting.²⁹⁵
- (3) **Conduct the Election.** The city holds the election on the creation of the MDD and the MDD sales tax on one of the two uniform election dates under Section 41.001 of the Texas Election Code (the first Saturday in May, or the first Tuesday after the first Monday in November).²⁹⁶
- (4) **Notify Comptroller.** If the election is successful, the city should send a copy of the order and canvass documents to the comptroller’s office, and request that the comptroller begin remitting the MDD sales tax to the city. The new tax won’t officially be in effect until the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date on which the comptroller receives a notice of the results of the election adopting, changing, or repealing the tax.²⁹⁷
- (5) **Appoint the MDD Board.** The city council should next appoint a board of directors to govern the MDD. The board must consist of at least four members, who serve staggered two-year terms.²⁹⁸ Directors may be removed by the city council at any time without cause. Board members must reside in the city that created the MDD or in the city’s ETJ. City councilmembers, city officers, and city employees may be members of the board, but may not have a personal interest in a contract executed by the district.²⁹⁹
- (6) **Establish Development Project Fund.** The board of the MDD then must pass a resolution establishing the “development project fund.”³⁰⁰ It is into this fund that the sales tax proceeds are deposited and spent on authorized MDD projects (see above).

If a city wants to replace an EDC sales tax with an MDD sales tax, can it use a combined ballot proposition?

Section 321.409 of the Texas Tax Code authorizes a city to repeal or lower one city sales tax, and raise or adopt a different city sales tax, all with one combined ballot proposition. The fact

²⁹³ TEX. LOC. GOV’T CODE § 377.021(b).

²⁹⁴ TEX. LOC. GOV’T CODE § 377.021(g).

²⁹⁵ TEX. LOC. GOV’T CODE § 377.021(a).

²⁹⁶ TEX. LOC. GOV’T CODE § 377.021(g).

²⁹⁷ TEX. LOC. GOV’T CODE § 377.106.

²⁹⁸ TEX. LOC. GOV’T CODE § 377.051(c).

²⁹⁹ TEX. LOC. GOV’T CODE § 377.021(d).

³⁰⁰ TEX. LOC. GOV’T CODE § 377.072(a).

that this can be accomplished by one combined ballot proposition protects the city's interest by eliminating the risk that one tax will be voted out by the citizens without the other tax being voted in. A combined ballot proposition must be worded to contain substantially the same language required by law for each of the two taxes individually.³⁰¹

Although a city is permitted to have a combined ballot proposition to switch from an EDC sales tax to a MDD sales tax, doing so could create a unique problem. If the boundaries of a proposed MDD are to include all or a portion of the city's ETJ, then the MDD would cover a different taxing area than would the EDC. As a result, the combined ballot proposition would either: (1) allow voters living outside the city limits in the ETJ to vote to terminate the EDC sales tax that was never imposed on them in the first place; or (2) would allow voters inside the city limits to impose the MDD sales tax in an area in which the actual residents living in that area did not have the opportunity to vote.

In at least one instance, the comptroller's office refused to honor the results of a combined ballot proposition to replace the EDC sales tax with the MDD sales tax because the city permitted voters in the ETJ to vote on the proposition that would (in part) abolish the EDC sales tax, even though that tax was never imposed in the ETJ. Because the comptroller has taken this position in the past, a city should consider using two separate ballot propositions if the boundaries of the MDD will differ at all from the boundaries of the EDC.

May MDD sales taxes be pledged to pay off bonds?

Yes, MDD sales taxes may be pledged to pay off bonds, including revenue and refunding bonds, or other obligations to pay the costs of a legal MDD development project.³⁰²

OPEN RECORDS CHARGES

What are open records charges?

Open records charges are fees that a city is authorized to charge in order to reimburse the city for the expense of providing copies of public records in compliance with Public Information Act requests.

³⁰¹ TEX. TAX CODE § 321.409(b).

³⁰² TEX. LOC. GOV'T CODE § 377.073.

may be dissolved by the board only after any remaining bonded indebtedness has been repaid or defeased in accordance with the order or resolution authorizing the issuance of the bonds.¹²⁸¹

Municipal Development Districts

In 2005, the Texas Legislature passed legislation enabling all cities to establish municipal development districts, which are governed by Chapter 377 of the Local Government Code. Prior to 2005, only cities which were located in two neighboring counties could take advantage of Chapter 377. These districts are financed through an additional sales tax approved by the city's voters, a tax which is similar to the economic development sales tax discussed in Chapter I of this handbook.

There are two possible advantages of a municipal development district sales tax over an economic development sales tax: (1) the municipal development district tax need not be levied over the entire city, which is useful for cities that are at the two-percent sales tax "cap" in some portion of the city but not in others; and (2) it is the only municipal sales tax that may be levied in a city's extraterritorial jurisdiction (ETJ).

Creation of a Municipal Development District

A city may create a municipal development district comprising all or part of its city limits, all or part of its ETJ, or any combination of all or part of these areas.¹²⁸² To create a district, a city must call an election through an order that defines the proposed boundaries of the district.¹²⁸³ The ballot at this election must be printed to allow voting for or against the following proposition:¹²⁸⁴

Authorizing the creation of the *(insert name of district)* Municipal Development District and the imposition of a sales and use tax at the rate of *(insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate)* of one percent for the purpose of financing development projects beneficial to the district.

In the order calling the election, the city may provide that the district boundaries will automatically conform to future changes in the city's boundaries, as when increased through annexation, and also to future changes in the city's ETJ, through annexation and population growth.¹²⁸⁵ If the voters turn down creation of the district, a subsequent election to establish a district may not be held within a year of the first election.¹²⁸⁶

Sales Tax

Chapter 323 of the Tax Code generally governs the specifics of assessing and administering the tax.¹²⁸⁷ The district may not impose a sales and use tax that would result in a combined local tax

¹²⁸¹ *Id.* §§ 375.263(b), .264.

¹²⁸² *Id.* § 377.002.

¹²⁸³ *Id.* § 377.021(a)-(b).

¹²⁸⁴ *Id.* § 377.021(c).

¹²⁸⁵ *Id.* § 377.021(g).

¹²⁸⁶ *Id.* § 377.021(e) (Currently, this means that cities will have to wait through one election date, either in May or November, as there are only two uniform election dates).

¹²⁸⁷ *Id.* § 377.102(a).

VII. Other Economic Development Initiatives

rate of more than two percent in any location in the district.¹²⁸⁸ The sales tax rate adopted must be one-eighth, one-fourth, three-eighths, or one-half of one percent.¹²⁸⁹ The rate may be changed at a subsequent election.¹²⁹⁰ The ballot at this election must be printed to allow voting for or against the following proposition:¹²⁹¹

The adoption of a sales and use tax at the rate of (insert one-fourth, three-eighths, or one-half, as appropriate) of one percent .

The adoption of the tax or a change in its rate takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the comptroller receives notice of the election's results.¹²⁹² Revenue from the sales tax must be deposited in the district's development project fund.¹²⁹³

Rights and Powers of the District and its Board

The district must establish a development project fund, which may have separate accounts within the fund.¹²⁹⁴ The district must deposit the sales tax proceeds and all revenue from the sale of bonds or other obligations into the fund.¹²⁹⁵ The money in the fund may be used to pay costs associated with development projects in the district, including maintenance and operation costs, as well as to pay costs relating to bonds or other obligations.¹²⁹⁶ A development project may consist of a Type B project as defined by the Development Corporation Act (see Chapter I of this handbook).¹²⁹⁷ Also, a project may include a convention center facility or related improvements, including parking facilities and civic center hotels.¹²⁹⁸

The district may:¹²⁹⁹

- accept grants or loans;
- buy, sell, and lease property;
- employ necessary personnel;
- enter into contracts with public and private parties;
- adopt rules to govern its operation; and

¹²⁸⁸ *Id.* § 377.101(c).

¹²⁸⁹ *Id.* § 377.103.

¹²⁹⁰ *Id.* § 377.104(a).

¹²⁹¹ *Id.* § 377.104(c).

¹²⁹² *Id.* § 377.106.

¹²⁹³ *Id.* § 377.108.

¹²⁹⁴ *Id.* § 377.072(a).

¹²⁹⁵ *Id.* § 377.072(b).

¹²⁹⁶ *Id.* § 377.072(c)-(e) (A district located in a county with a population of 3.3 million or more [Harris County] may spend money on development projects in the ETJ of the city where the district is located. Also, a district that is located in a municipality with a population of more than 5,000 and less than 6,000 and that is located wholly in a county with a population of more than 20,000 and less than 25,000 and that borders the Brazos River [Rockdale])).

¹²⁹⁷ *Id.* § 377.001(3)(A).

¹²⁹⁸ *Id.* § 377.001(3)(B).

¹²⁹⁹ *Id.* § 377.071(a)-(b).

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- perform any act necessary to the full exercise of the district’s power.

It may not levy an ad valorem tax.¹³⁰⁰ It may issue bonds or other obligations to pay the costs of a development project after approval by the attorney general.¹³⁰¹ The district is a political subdivision of Texas and the city that created it which makes it subject to the Open Meetings Act and the Public Information Act.¹³⁰² The district must comply with other laws that are generally applicable to political subdivisions, as well. This includes Chapter 272 of the Local Government Code, which establishes a notice and bidding process for the sale of real property by a political subdivision.

The district is governed by a board of at least four directors, although it would be best to have an odd number of directors to prevent tie votes.¹³⁰³ The board is appointed by the district-creating city council. Directors serve staggered two-year terms, so the initial terms must have about half the directors serving two-year terms and about half serving one- or three-year terms. Directors may be removed by the city council without cause. Directors must reside in the city or its ETJ.¹³⁰⁴ An employee or officer of the city or a member of the city council may serve as a director, but this person may not have a personal interest in a contract executed by the district.¹³⁰⁵ Board members are not compensated, but may be reimbursed for actual and necessary expenses.¹³⁰⁶ Board meetings must be in the city that created the district, not in the ETJ or elsewhere.¹³⁰⁷

Repeal of the Sales Tax

By order, the district can repeal the sales tax if a majority of the registered voters in the district vote at an election to repeal the sales tax.¹³⁰⁸ The ballot at this election must be printed to allow voting for or against the following proposition:¹³⁰⁹

The repeal of the sales and use tax for financing development projects in the (insert name of district) Municipal Development District.

The repeal of the tax takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the comptroller receives notice of the election’s results.¹³¹⁰ However, if the district has outstanding bonds or obligations at the time of the election, then the district continues to collect the tax until these bonds or obligations are paid, at which time the district should notify the comptroller.¹³¹¹

¹³⁰⁰ *Id.* § 377.071(c).
¹³⁰¹ *Id.* § 377.073.
¹³⁰² *Id.* § 377.022.
¹³⁰³ *Id.* § 377.051.
¹³⁰⁴ *See id.* § 377.051(e) (Rockdale MDD is allowed to appoint directors that resides in the independent school district that serves the majority of the district).
¹³⁰⁵ *Id.* § 377.051(d).
¹³⁰⁶ *Id.* § 377.052.
¹³⁰⁷ *Id.* § 377.053.
¹³⁰⁸ *Id.* § 377.104(a).
¹³⁰⁹ *Id.* § 377.104(d).
¹³¹⁰ *Id.* §§ 377.106, .107(c).
¹³¹¹ *Id.* § 377.107(a)-(b).

REQUEST FOR FUTURE AGENDA ITEMS

ADJOURNMENT