



**SEAGOVILLE CITY COUNCIL
MEETING AGENDA
MONDAY, SEPTEMBER 14, 2015**

WORK SESSION – 6:30 P.M.
Council Chambers, City Hall
702 N. Hwy 175

AGENDA

1. Presentation by Republic Services General Manager Kevin Flanagan
2. Discussion of agenda item(s)
3. Staff updates
4. Adjourn

REGULAR MEETING – 7:00 P.M.
Council Chambers, City Hall
702 N. Hwy 175

AGENDA

Invocation
Pledge of Allegiance
Mayor's Report
Recognition of Visitors / Proclamations / Presentations
Citizens Public Comment Period

[Each speaker will be allowed six (6) minutes to address the council on any item on the agenda except for Public Hearing items]

AGENDA (cont'd)

CONSENT AGENDA

- 1C.** Approval of minutes.
- 2C.** Approval of a Resolution authorizing the Interim City Manager to execute an Interlocal Agreement between the City of Seagoville and Dallas County Health and Human Services for food establishment inspections and environmental health services for Fiscal Year 2015-2016.
- 3C.** Approval of City of Seagoville's Investment Policy for Fiscal Year 2015-2016.
- 4C.** Approval of City of Seagoville Financial Policies for Fiscal Year 2015-2016.
- 5C.** Approval of a Resolution designating Mayor Dennis K. Childress and Finance Director Patrick Harvey as Authorized Representatives of TexPool.
- 6C.** Approval of a Resolution authorizing the Interim City Manager to execute an Interlocal Agreement between the City of Seagoville and Dallas County for street paving improvements to East Malloy Bridge Road between the East Fork Relief Bridge and the east city limit, Type "B" public roadway made pursuant to Master Road and Bridge Interlocal Maintenance Agreement between Dallas County, Texas and City of Seagoville, Texas in an amount not to exceed Twenty Six Thousand Six Hundred Twelve Dollars (\$26,612.00); and providing an effective date.

REPORTS/RECOMMENDATIONS/REQUESTS

- 7.** Conduct a public hearing to receive citizen input on the City of Seagoville Storm Water Plan.
- 8.** Discuss and consider an Ordinance amending the Code of Ordinances by adding a new Chapter 23A entitled "Storm Water Protection" relative to the regulation and prohibition of illicit discharges; defining terms; prohibiting certain discharges to the municipal separate storm sewer system; authorizing inspections and declaring such discharges a nuisance; prohibiting illicit connections to the municipal separate storm sewer system; providing for notices of violations and other administrative enforcement remedies; providing authority to suspend utility service; providing for civil and criminal enforcement; providing a penalty for failure to comply; providing a severability clause; repealing conflicting ordinances; and providing an effective date.
- 9.** Discuss and consider a Resolution accepting the Seagoville Economic Development Corporation budget for fiscal year October 1, 2015 through September 30, 2016.
- 10.** Discuss and consider an Ordinance approving and adopting a budget for all City funds for fiscal year October 1, 2015 through September 30, 2016 and providing that expenditures for said fiscal year shall be made in accordance with said budget; and declaring an effective date.

AGENDA (cont'd)

11. Discuss and consider an Ordinance levying the ad valorem taxes for the year 2015 at a rate of \$0.713800 per one hundred dollars (\$100.00) assessed valuation on all taxable property within the corporate limits of the City as of January 1, 2015; to provide revenues for current expenses and interest and sinking fund requirements; and providing for due and delinquent dates together with penalties and interest. This rate will raise more revenue from property taxes than last year's budget by an amount of \$120,856.
12. Discuss and consider a Resolution ratifying the budget for Fiscal Year 2015-2016 that will require raising more revenues by \$120,856 or 3.6% from property taxes than the previous year and of that amount \$54,251 is tax revenue to be raised from new property added to the tax roll this year; and providing an effective date.
13. Receive Councilmember Reports – Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.
14. Receive Citizen Comments – Citizens may speak 6 minutes each on any matter, other than personnel matters, or matters under litigation.
15. Receive Future Agenda Items – Items to be placed on a future agenda which no action or discussion will be taken at this meeting.
16. Adjourn.

Posted Thursday, September 10, 2015 by 6:00 P.M.



Dara Crabtree, City Secretary

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

The City of Seagoville does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. If you have a request for services that will make this program accessible to you, please contact the City of Seagoville at least 72 hours in advance at (972) 287-6819. (TDD access 1-800-RELAY-TX)

DATES TO REMEMBER

- Thursday, September 24, 2015 @ 6:30 p.m., Joint meeting with SEDC.
- Monday, October 5, 2015 @ 7:00 p.m., City Council meeting.
- Monday, October 12, 2015, City offices closed in observance of Columbus Day.
- Monday, October 19, 2015 @ 7:00 p.m., City Council meeting.

Agenda Item 1C

Approval of minutes.

BACKGROUND OF ISSUE:

Approval of minutes for meetings held on September 01, 2015.

FINANCIAL IMPACT:

N/A

**CITY COUNCIL
WORK SESSION
SEPTEMBER 01, 2015**

The City Council held a work session on Tuesday, September 01, 2015 at 6:30 p.m. with a quorum present, to wit:

Dennis Childress	Mayor
Tommy Lemond	Mayor Pro Tem
Rick Howard	Councilmember
Jose Hernandez	Councilmember, arrived 6:37 p.m.
Mike Fruin	Councilmember
Jon Epps	Councilmember

The following staff members were also present: Interim City Manager Pat Stallings, Finance Director Patrick Harvey, Public Works Director Steve Miller, Interim Public Works Director Phil DeChant, Library Director Liz Gant and City Secretary Dara Crabtree.

ITEM 2. STAR TRANSIT PRESENTATION.

Kim Britton and Ashley Ando with Star Transit provided a presentation including: outline of services; agency overview; current service available to Seagoville residents; fares; and service options. Questions and answers followed.

ITEM 1. DISCUSSION OF AGENDA ITEMS.

ITEM 8. Discussion included: discounts currently being offered to seniors, the disabled and blind; an exemption application to must be completed by requestor to receive the discount; developing exemption application for individuals wishing to file for blind exemption (currently no one on file with this exemption); verification process; and the annual cost to the city for this discount.

ITEM 9. Following a City Council inquiry, Interim City Manager Stallings stated the contract before the City Council was with a different firm from who was previously handling the collections.

The work session was adjourned at 7:02 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**CITY COUNCIL
REGULAR MEETING
SEPTEMBER 01, 2015**

The City Council held a regular meeting on Tuesday, September 01, 2015 at 7:13 p.m. with a quorum present, to wit:

Dennis Childress	Mayor
Tommy Lemond	Mayor Pro Tem
Rick Howard	Councilmember
Jose Hernandez	Councilmember
Mike Fruin	Councilmember
Jon Epps	Councilmember

The Invocation was provided by Phil Greenawalt. Mayor Childress led the Pledge of Allegiance.

MAYOR'S REPORT. Mayor Childress asked for prayers for all police officers safety; announced upcoming Reflections Community Chorus of Mesquite concert and Street Dance; and reported on recently attending Evelyn Barton's 101st birthday celebration at Seago Manor.

CITIZENS PUBLIC COMMENT PERIOD (items on the agenda). No one spoke.

CONSENT AGENDA.

Councilmember Hernandez made a motion, seconded by Councilmember Epps, to approve Consent Agenda Item 1C. A vote was cast 5 in favor, 0 against.

ITEM 1C. Approve minutes for meetings held on August 17, 2015.

ITEM 2. Mayor Childress opened the public hearing at 7:19 p.m. to receive citizen input on the proposed tax rate of \$0.713800 per \$100 valuation, which exceeds the effective tax rate calculated by the Dallas County Tax Assessor/Collector of \$0.681946 or 4.67%. This rate will raise more revenue from property taxes than last year's budget by an amount of \$120,856. No one spoke for or against the proposed tax rate. The public hearing was closed at 7:19 p.m.

ITEM 3. Councilmember Hernandez made a motion, seconded by Councilmember Howard, to direct staff to prepare an ordinance reflecting a tax rate of \$0.713800 per \$100 valuation, which exceeds the effective tax rate calculated by the Dallas County Tax Assessor/Collector of \$0.681946 or 4.67%. This rate will raise more revenue from property taxes than last year's budget by an amount of \$120,856. A vote was cast 5 for 0 against.

ITEM 4. Mayor Childress opened the public hearing at 7:21 p.m. to receive citizen input on the proposed FY 2015-2016 budget for all City funds. This budget will raise more property taxes than last year's budget by \$120,856 or 3.6%, and of that amount, \$54,251 is tax revenue to be raised from new property added to the tax roll this year. No one spoke for or against the proposed FY 2015-2016 budget. The public hearing was closed at 7:21 p.m.

ITEM 5. Councilmember Hernandez made a motion, seconded by Councilmember Howard, to direct staff to prepare an ordinance for FY 2015-2016 budget for all City funds as presented. This

budget will raise more property taxes than last year's budget by \$120,856 or 3.6%, and of that amount, \$54,251 is tax revenue to be raised from new property added to the tax roll this year. A vote was cast 5 for, 0 against.

ITEM 6. Councilmember Epps made a motion, seconded by Councilmember Hernandez, to approve the Hotel/Motel distribution grant agreements for the Chamber of Commerce. Councilmember Epps amended his motion to include the events: Mayfest /Cinco de Mayo (\$5,000.00), Seagofest (\$5,000.00) and Fireworks in the Park (\$5,000.00) for the total combined amount of \$15,000 for all three (3) grants, the amendment was accepted by Councilmember Hernandez. A vote was cast 5 for, 0 against.

ITEM 7. Councilmember Hernandez made a motion, seconded by Councilmember Howard, to approve the Second and Final Reading of Ordinance No. 16-15 amending Chapter 19, Division 2, Rates and Charges, by amending section 19.03.061, Water Rates and Section 19.03.062, Sewer Rates, to provide new rates for water and sewer services within the city; providing for a penalty clause; repealing conflicting ordinances; providing for the publication of the caption hereof; and providing an effective date. A vote was cast 5 for, 0 against.

ITEM 8. Following a discussion, Councilmember Hernandez made a motion, seconded by Councilmember Epps, to approve Ordinance No. 18-15 amending Chapter 19, Division 2, Rates and Charges, by amending Section 19.02.008, to provide new rates for sanitation service within the city; providing for a penalty clause; repealing conflicting ordinances; providing for the publication of the caption hereof; and providing an effective date. A vote was cast 4 for, 1 against (Fruin).

ITEM 9. Mayor Pro Tem Lemond made a motion, seconded by Councilmember Fruin, to approve Resolution No. 39-R-15 authorizing a collection fee in the amount of thirty percent (30%) of debts and accounts receivable, such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered by a municipal court serving the city, and amounts in cases in which the accused failed to appear as provided herein; and providing an effective date. A vote was cast 5 for, 0 against.

ITEM 10. COUNCILMEMBER REPORTS. No reports.

ITEM 11. CITIZEN COMMENTS. No one spoke.

ITEM 12. FUTURE AGENDA ITEMS.

Jose Hernandez – review of City Engineer services and need for RFP, City Council Rules of Procedure and street standards in place.

ITEM 13. The City Council recessed into Executive Session at 7:36 p.m. in compliance with Texas Government Code Section 551.074, Personnel, to deliberate the appointment, employment, and hiring of a public officer or employee, to wit: Interim City Manager and City Manager.

The City Council reconvened into open session at 9:26 p.m.

ITEM 14. No action was taken on any item as a result of the Executive Session.

ITEM 15. The meeting adjourned at 9:26 p.m.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Agenda Item 2C

Approval of a Resolution authorizing the Interim City Manager to execute an Interlocal Agreement between the City of Seagoville and Dallas County Health and Human Services for food establishment inspections and environmental health services for Fiscal Year 2015-2016.

BACKGROUND OF ISSUE:

Attached is the agreement between Dallas County and the City of Seagoville for food establishment inspections effective for FY 2015-2016.

Dallas County will perform two (2) inspections annually of each food establishment for \$150.00 per contract term and any other inspections requested for \$75.00 per inspection. This fee is the same as last year.

Dallas County will respond to Vector and/or mosquito control complaints on an as-needed basis at no additional cost.

In the event aerial spraying is needed to control St. Louis Encephalitis or West Nile Virus throughout the County, the City will have the option to participate in the County's emergency aerial mosquito spraying plan. Should the City agree to participate in the plan, the City will have to agree to pay the City's proportioned share of the cost.

FINANICIAL IMPACT:

This expenditure is included in the FY 2016 budget.

RESOLUTION NO. 40-R-15

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SEAGOVILLE AND DALLAS COUNTY HEALTH AND HUMAN SERVICES FOR FOOD ESTABLISHMENT INSPECTIONS AND ENVIRONMENTAL HEALTH SERVICES FOR FISCAL YEAR 2015-2016; PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Seagoville, Texas desires to enter into an Interlocal Agreement with Dallas County for Food Establishment Inspections and Environmental Health Services; and

WHEREAS, Dallas County will perform two inspections annually of each food establishment for one hundred fifty dollars (\$150.00) per contract term and any other inspections requested by the City for seventy-five dollars (\$75.00) per inspection; and

WHEREAS, all inspections will be made by a Registered Professional Sanitarian employed by DCHHS, in compliance with all state laws and regulations promulgated by the Texas Board of Health; and

WHEREAS, Dallas County will respond to Vector and/or mosquito control complaints on an as-needed basis at no additional cost; and

WHEREAS, in the event aerial spraying is needed to control St. Louis Encephalitis or West Nile Virus throughout the County, the City will have the option to participate in the County's emergency aerial mosquito spraying plan; and

WHEREAS, the City Council for the City of Seagoville, Texas has reviewed the Interlocal Agreement and has determined it to be in the best interest of the City of Seagoville to enter into said Agreement for Health Services.

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

SECTION 1. The Interim City Manager is hereby authorized, on behalf of the City of Seagoville, Texas to sign an Interlocal Agreement, a copy of which is attached hereto and incorporated herein as Exhibit "A", with Dallas County for Food Establishment Inspections and Environmental Health Services.

SECTION 2. All resolutions of the City of Seagoville heretofore adopted which are in conflict with the provisions of this resolution, and the same are hereby repealed, and all resolutions of the City of Seagoville not in conflict with the provisions hereof shall remain in full force and effect.

SECTION 3. If any article, paragraph, subdivision, clause or provision of this resolution, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 4. This resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY RESOLVED by the City Council of the City of Seagoville, Texas, this the 14th day of September, 2015.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

STATE OF TEXAS	§	INTERLOCAL AGREEMENT FOR FOOD
	§	ESTABLISHMENT INSPECTION AND
	§	ENVIRONMENTAL HEALTH SERVICES BETWEEN
	§	DALLAS COUNTY, ON BEHALF OF DALLAS
COUNTY OF DALLAS	§	COUNTY HEALTH AND HUMAN SERVICES, AND
	§	CITY OF SEGOVILLE

1. PARTIES

This Interlocal Agreement ("Agreement") is made by and between the City of Seagoville, Texas ("City"), a Texas municipal corporation, and Dallas County, Texas ("County"), on behalf of Dallas County Health and Human Services ("DCHHS"), a governmental entity, pursuant to the authorities granted by Texas Local Government Code Chapter 791, Interlocal Cooperation Act, Texas Health and Safety Code Chapters 437, Food and Drug Health Regulations, and 121, Local Regulation of Public Health, along with 25 Texas Administrative Code, Chapter 229, and any other applicable laws, as well as the City ordinance for inspection services of food establishments within City's jurisdiction and other environmental health services to City.

2. TERM

This Agreement is effective from October 1, 2015 through September 30, 2016 unless otherwise stated in this Agreement.

3. INSPECTION SERVICES AND REQUIREMENTS

- A. County will perform a minimum of two (2) inspections per Agreement Term of each food establishment for which the City has submitted an inspection request and for which a fee has been collected from the said food establishment;
- B. Additional follow-up inspections will be performed as deemed necessary by County;
- C. Any additional request for follow-up inspections by City of food establishments, including food establishments that are closed due to non-compliance with the State and other applicable rules and regulations will be charged additional fees;
- D. Each food establishment inspection will be made by a Registered Professional Sanitarian employed by DCHHS, in compliance with all state laws and regulations;
- E. An examination of the following will be made during each inspection: food and food protection; personnel; food equipment and utensils; water source; sewage; plumbing; toilet and hand-washing facilities; garbage and refuse disposal; insect, rodent, and animal control; floors, walls, and ceiling; light; ventilation; and other operations.

4. BUDGET AND PAYMENT TO COUNTY

- A. City will collect and submit to the County a minimum of One Hundred Fifty and 00/100 Dollars (\$150.00) per Agreement Term.

EXHIBIT "A"

- B. Beginning with the third food establishment inspection, City will pay a Seventy Five and 00/100 Dollars (\$75.00) fee for each additional inspection requested by City.
- C. City will collect Seventy Five and 00/100 Dollars (\$75.00) to be paid to the County for a re-opening or inspection fee of a food establishment that has been closed due to non-compliance of Chapter 437 of the Texas Health and Safety Code, or any other state rules and regulations.
- D. The fees are subject to change, upon prior written notice to City, if additional cost is associated with the services under this Agreement
- E. City shall pay County the stipulated fees within thirty (30) days of the monthly request for payment, or if County fails to make the payment request, then City shall pay the stipulated fees no later than the last date of this Agreement Term. Any payment not made within thirty (30) days of its due date shall bear interest in accordance with Chapter 2251 of the Texas Government Code.

5. OTHER ENVIRONMENTAL HEALTH SERVICES

- A. Upon written request from City, County will respond to Vector and/or Mosquito Control complaints. Ground application services will include spraying for adult mosquitoes ("adulticiding"), and treating standing water ("larvaciding") services.
- B. In the event aerial spraying is needed to control St. Louis Encephalitis or West Nile virus throughout the County, City will have the option to participate in the County's emergency aerial mosquito spraying plan. Should City agree to participate in the plan, City must provide written notice to County and agree to the following:
 - 1) Indicate the areas and amount of acres to be sprayed; and
 - 2) Pay City's proportioned share of the cost based upon the number of acres to be sprayed multiplied by the per-acre spraying cost.

6. RECORDS

City shall have the sole responsibility of responding to requests for records of food inspection results produced under this Agreement. County will make its best effort to forward any requests for such records that it received to City within three business days after County's receipt of such requests.

7. TERMINATION

- A. Without Cause: This Agreement may be terminated in writing, without cause, by either party upon thirty (30) days prior written notice to the other party;
- B. With Cause: The County reserves the right to terminate the Agreement immediately, in whole or in part, at its sole discretion, for the following reasons:
 - 1) Lack of, or reduction in, funding or resources;
 - 2) Non-performance;

- 3) City's improper, misuse or inept use of funds or resources; and/or
- 4) City's submission of data, statements and/or reports that are incorrect, incomplete and/or false in any way.

8. CITY ORDINANCE

In order for this Agreement to be valid, the City must have or adopt a City ordinance that provides for the inspection of food establishments by a Registered Professional Sanitarian. City must require the payment of a fee(s) by each food establishment. Ordinance enforcement shall be the responsibility of the City.

9. INDEMNIFICATION

County and City, including their respective employees and elected officials, agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any governmental immunity available to County or City under Texas and other applicable laws, and without waiving any available defenses under Texas and other applicable laws. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

10. INSURANCE

City agrees that it will at all times during the term of this Agreement maintain in full force and effect insurance, or self-insurance, to the extent permitted by applicable law under a plan of self-insurance, that is also maintained in accordance with sound accounting practices. It is expressly agreed that City will be solely responsible for all cost of such insurance; any and all deductible amounts in any policy; and in the event that the insurance company should deny coverage.

11. NOTICE

Any notice or certification required or permitted to be delivered under this Agreement shall be deemed to have been given when personally delivered, or if mailed, seventy-two (72) hours after deposit of the same in the United States Mail, postage prepaid, certified, or registered, return receipt requested, properly addressed to the contact person shown at the respective addresses set forth below, or at such other addresses as shall be specified by written notice delivered in accordance herewith:

COUNTY

Zachary Thompson, Director
Dallas County Health & Human Svcs.
2377 N. Stemmons Frwy., Suite 600
Dallas, Texas 75207-2710

CITY OF SEAGOVILLE

Patrick Stallings, City Manager
Attn: Dara Crabtree, City Secretary
702 N. Highway 175
Seagoville, Texas 75159

12. ENTIRE AGREEMENT AND AMENDMENT

This Agreement, including any Exhibits and Attachments, constitutes the entire agreement between

the parties and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written. No modification, amendment, novation, renewal or other alteration of this Agreement shall be effective unless mutually agreed upon in writing and executed by the parties.

13. COUNTERPARTS, NUMBER/GENDER AND HEADINGS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Words of any gender used in this Agreement shall be held and construed to include any other gender. Any words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise. Headings are for the convenience of reference only and shall not be considered in any interpretation of this Agreement.

14. SEVERABILITY

If any provision of this Agreement is construed to be illegal, invalid, void or unenforceable, this construction will not affect the legality or validity or any of the remaining provisions. The unenforceable or illegal provision will be deemed stricken and deleted, but the remaining provisions shall not be affected or impaired, and such remaining provisions shall remain in full force and effect.

15. FISCAL FUNDING CLAUSE

Notwithstanding any provisions contained in this Agreement, the obligations of the County under this Agreement are expressly contingent upon the availability of funding for each item and obligation for the term of the Agreement and any pertinent extensions. City shall not have a right of action against County in the event County is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding for any item or obligation from any source utilized to fund this Agreement or failure to budget or authorize funding for this Agreement during the current or future fiscal years. In the event that County is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding, or if funds become unavailable, County, at its sole discretion, may provide funds from a separate source or may terminate this Agreement by written notice to City at the earliest possible time prior to the end of its fiscal year.

16. DEFAULT/CUMULATIVE RIGHTS/MITIGATION

It is not a waiver of default if the non-defaulting party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Agreement are cumulative, and either party's use of any right or remedy will not preclude or waive its right to use any other remedy. These rights and remedies are in addition to any other rights the parties may have by law, statute, ordinance or otherwise. Both parties have a duty to mitigate damages.

17. IMMUNITY

This Agreement is expressly made subject to City's and County's Governmental Immunity, including, without limitation, Title 5 of the Texas Civil Remedies Code and all applicable State and federal laws. The parties expressly agree that no provision of this Agreement is in any way intended to constitute a waiver of any immunities from suit or from liability, or a waiver of any tort limitation, that City or County has by operation of law, or otherwise. Nothing in this Agreement is intended to benefit any third party beneficiary.

18. COMPLIANCE OF LAWS AND VENUE

In providing services required by this Agreement, City and County must observe and comply with all licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials, and all applicable federal, State, and local statutes, ordinances, rules, and regulations. Texas law shall govern this Agreement and venue shall lie exclusively in Dallas County, Texas.

19. RELATIONSHIP OF PARTIES

City is an independent contractor and not an agent, servant, joint enterpriser, joint venturer or employee of County. City and County agree and acknowledge that each entity shall be responsible for its own acts, forbearance, negligence and deeds, and for those of its agents or employees in conjunction with the performance of work covered under this Agreement.

20. SIGNATORY WARRANTY

City and County represent that each has the full right, power and authority to enter and perform this Agreement in accordance with all of the terms and conditions, and that the execution and delivery of Agreement have been made by authorized representatives of the parties to validly and legally bind the respective parties to all terms, performances and provisions set forth in this Agreement.

<signatures appear on following page>

COUNTY:

CITY OF SEAGOVILLE:

BY: _____
Clay Lewis Jenkins
County Judge

BY: _____
City Manager/Mayor

DATE: _____

DATE: _____

Recommended:

BY: _____
Zachary Thompson
Director, DCHHS

BY: _____
Title: _____

Approved as to Form*:

Approved as to Form:

CRAIG WATKINS
DISTRICT ATTORNEY

TERESA GUERRA SNELSON
CHIEF, CIVIL DIVISION

BY: _____
Melanie Barton
Assistant District Attorney

BY: _____
Title: _____

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

Agenda Item 3C

Approval of the City's Investment Policy for Fiscal Year 2015- 2016.

BACKGROUND OF ISSUE:

The City of Seagoville is required to review the investment policy annually and it is adopted as a part of the budget adoption process every year. City staff recommends no modifications to the current policy.

FINANCIAL IMPACT:

N/A

City of Seagoville, Texas
Investment Policy
Reviewed and Approved in Fiscal Year 2015-2016

I. Governing Authority

Legality

The City of Seagoville investment program shall be operated in conformance with federal, state, and other legal requirements, including all applicable State of Texas statutes related to the governing and management of public funds.

II. Scope

This policy applies to the investment of all funds, excluding the investment of employees' retirement funds.

1. Pooling of Funds

The City of Seagoville consolidates cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles. The City of Seagoville has investments in pool accounts and the pools are fully covered by pledged collateral. Some of the investment policy will address investments for which the City of Seagoville does not participate. The City Council has authorized in prior investment policies the investment into U.S. Treasury Obligations, U.S. Agency Securities, Certificates of Deposit, and TexPool. Adoption of the policy will provide for the use of TexSTAR as an optional investment pool. Any different investment instruments will require specific approval by the City Council prior to the investment.

III. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

1. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

a. Credit Risk

The City of Seagoville will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments to the types of securities listed in Section VII of this Investment Policy
- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City of Seagoville will do business in accordance with Section V
- Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

b. Interest Rate Risk

The City of Seagoville will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting the average maturity of the portfolio in accordance with this policy (see section VIII).

2. *Liquidity*

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). Alternatively, a portion of the portfolio may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.

3. *Yield*

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall generally be held until maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal.
- A security swap would improve the quality, yield, or target duration in the portfolio.
- Liquidity needs of the portfolio require that the security be sold.

IV. Standards of Care

1. *Prudence*

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

The "prudent person" standard states that, "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

2. *Ethics and Conflicts of Interest*

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose

any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City of Seagoville.

3. *Delegation of Authority*

Authority to manage the investment program is granted to designated official, hereinafter referred to as investment officer serving in the position of Finance Director. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and shall require one of the other two signature requirements as set out in the depository agreement..

V. **Authorized Financial Institutions, Depositories, and Broker/Dealers**

1. *Authorized Financial Institutions, Depositories, and Broker/Dealers*

A list will be maintained of financial institutions and depositories authorized to provide investment services. In addition, a list will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a minimum capital requirement of \$10,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines
- Proof of National Association of Securities Dealers (NASD) certification (not applicable to Certificate of Deposit counterparties)
- Proof of state registration
- Completed broker/dealer questionnaire (not applicable to Certificate of Deposit counterparties)
- Certification of having read and understood and agreeing to comply with the [entity's] investment policy.
- Evidence of adequate insurance coverage.

An annual review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the investment officer.

2. *Minority and Community Financial Institutions*

From time to time, the investment officer may choose to invest in instruments offered by minority and community financial institutions. In such situations, a waiver to certain parts of the criteria under Paragraph 1 may be granted. All terms and relationships will be fully disclosed prior to purchase and will be reported to the appropriate entity on a consistent basis and should be consistent with state or local law.

These types of investment purchases should be approved by the appropriate legislative or governing body in advance.

VI. Safekeeping and Custody

1. *Delivery vs. Payment*

All trades of marketable securities will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds.

2. *Safekeeping*

Securities will be held by an independent third-party custodian selected by the City as evidenced by safekeeping receipts in the City of Seagoville's name. The safekeeping institution shall annually provide a copy of their most recent report on internal controls (Statement of Auditing Standards No. 70, or SAS 70).

3. *Internal Controls*

The investment officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of Seagoville are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

The internal controls structure shall adhere to the following points:

- Control of collusion
- Separation of transaction authority from accounting and recordkeeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Dual authorizations of wire transfers
- Development of a wire transfer agreement with the lead bank and third-party custodian

Accordingly, the investment officer shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures or alternatively, compliance should be assured through the [entity] annual independent audit.

VII. Suitable and Authorized Investments

1. *Investment Types*

Consistent with the GFOA Policy Statement on State and Local Laws Concerning Investment Practices, the following investments will be permitted by this policy and are those defined by state and local law where applicable. Exceptions to the currently approved list of investments as provided in the Scope paragraph of the investment policy will require specific approval by the City Council prior to the investment into the instrument.

- U.S. Treasury obligations which carry the full faith and credit guarantee of the United States government and are considered to be the most secure instruments available;
- U.S. government agency and instrumentality obligations that have a liquid market with a readily determinable market value;

- Canadian government obligations (payable in local currency);
- Certificates of deposit and other evidences of deposit at financial institutions,
- Bankers' acceptances;
- Investment-grade obligations of state, provincial and local governments and public authorities;
- Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities; and
- Local government investment pools either state-administered or developed through joint powers statutes and other intergovernmental agreement legislation.

Investment in derivatives of the above instruments shall require authorization by the appropriate governing authority. (GFOA Recommended Practice on "Use of Derivatives by State and Local Governments," 2002.)

2. Collateralization

Where allowed by state law and in accordance with the GFOA Recommended Practices on the Collateralization of Public Deposits, full collateralization will be required on all demand deposit accounts, including checking accounts and non-negotiable certificates of deposit. (GFOA Recommended Practices)

VIII. Investment Parameters

1. Diversification

The investments shall be diversified by:

- limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities),
- limiting investment in securities that have higher credit risks,
- investing in securities with varying maturities, and
- Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations. (GFOA Recommended Practice on "Diversification of Investments in a Portfolio")

In establishing specific diversification strategies, the following general policies and constraints shall apply: Portfolio maturities shall be staggered to avoid undue concentration of assets in a specific maturity sector. Maturities selected shall provide for stability of income and reasonable liquidity.

For cash management funds:

- Liquidity shall be assured through practices ensuring that the next disbursement date and payroll date are covered through maturing investments or marketable U.S. Treasury bills.
- Risks of market price volatility shall be controlled through maturity diversification such that aggregate price losses on instruments with maturities exceeding one year shall not be greater than coupon interest and investment income received from the balance of the portfolio.
- The investment officer shall establish strategies and guidelines for the percentage of the total portfolio that may be invested in securities other than local government investment pools, repurchase agreements, Treasury bills or collateralized certificates of deposit. The investment officer shall conduct a quarterly review of these guidelines and evaluate the probability of market and default risk in various investment sectors as part of its considerations. In the event securities of this nature are approved by council, an

investment committee will be adopted to review these quarterly.

2. Maximum Maturities

To the extent possible, the City of Seagoville shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City of Seagoville will not directly invest in securities maturing more than one year from the date of purchase or in accordance with state and local statutes and ordinances.

3. Competitive Bids

The investment officer shall obtain competitive bids from at least two brokers or financial institutions on all purchases of investment instruments purchased on the secondary market.

IX. Reporting

1. Methods

The investment officer shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and the individual transactions executed over the last quarter. This management summary will be prepared in a manner which will allow the City of Seagoville to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the entity's chief administrative officer, the legislative body, and any pool participants as required by the City. The report will include the following:

- Listing of individual securities held at the end of the reporting period.
- Realized and unrealized gains or losses, if applicable, resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity (in accordance with Governmental Accounting Standards Board (GASB) requirements).
- Average weighted yield to maturity of portfolio on investments.
- Listing of investment by maturity date, if applicable.
- Market values (beginning and ending) for the reporting period, additions and changes, interest earned for the reporting period and for the fiscal year to date.
- Statement of compliance to all federal, state, and local investment statutes and policies.

X. Approval of Investment Policy

The investment policy shall be formally approved and adopted by the governing body of the City of Seagoville and reviewed annually.

XI. List of Attachments

The following, as applicable, are attached to this policy:

- Listing of authorized personnel,
- Listing of authorized broker/dealers, local investment pool and financial institutions,

Authorized Personnel:**Office of the 'Mayor'****Currently held, Dennis Childress****Office of the 'Finance Director'****Currently held, Patrick Harvey****Office of the 'Senior Accountant'****Currently held, Tanangelia Beatty****Authorized Dealers:****American National Bank****Home Bank****TexPool****TexSTAR****MultiBank Securities****LOGIC**

Agenda Item 4C

Approval of City of Seagoville's Financial Policies for Fiscal Year 2015-2016.

BACKGROUND OF ISSUE:

The Financial Policies constitute the framework upon which the City conducts its financial operations and builds the annual budget. The attached policies are consistent with those enacted in prior years and include no current revisions. The purpose of the City's financial policies is to provide guidelines to enable City staff to achieve a long-term stable financial condition while conducting daily operations and providing services to the community. The scope of the policies cover accounting, auditing, financial reporting, internal controls, fiscal, financial condition and reserves, revenue management, expenditure control and capital financing/debt management. As an integral part of the annual budget and commencement of the fiscal year, Council is asked to reaffirm its commitment to the City's financial policies.

FINANCIAL IMPACT:

N/A

City of Seagoville Financial Policies

Purpose Statement

The policies set forth below provide guidelines to enable the City staff to achieve a long-term, stable financial condition while conducting daily operations and providing services to the community. The City Manager and senior management follow these policies while developing the annual operating budget. The scope of these policies cover accounting, auditing, financial reporting, internal controls, fiscal, financial condition and reserve, revenue management, expenditure control and capital financing/debt management.

The long-range policies regarding financial management are as follows:

1. Exercise a discipline which allows the City to retain a sound financial condition.
2. Give recognition to the community's needs and ability to pay
3. Strive to retain the best possible rating on bonds

Accounting, Auditing and Financial Reporting

Accounting – The City's Director of Finance is responsible for establishing the chart of accounts and for properly recording financial transactions.

External Auditing – The City will be audited annually by outside independent accountants (auditors). The auditors must be a CPA firm and must demonstrate experience in the field of local government auditing. They must conduct the City's audit in accordance with generally accepted auditing standards and be knowledgeable in the Government Finance Officers Association (GFOA) Certificate of Achievement Program. The City will follow a five year rotation of outside independent auditors. The audited financial statements should be prepared within 180 days after the close of the fiscal year.

External Financial Reporting – The City will prepare and publish a Comprehensive Annual Financial Report (CAFR). The CAFR will be prepared in accordance with generally accepted accounting principles and will be presented annually to the Government Finance Officers Association (GFOA) for evaluation and awarding of the Certificate of Achievement for Excellence in Financial Reporting.

Interim Reporting – The Finance Department will prepare and issue timely reports on the City's fiscal status to the Mayor/Council and staff. This includes the following:

1. Monthly budget status reports to the City Manager and all Department Heads
2. Mid Year status report and fiscal year end projection of major funds (General and Water & Sewer funds)
3. Quarterly financial reports to Mayor and Council

Internal Controls

Written Procedures – The Director of Finance is responsible for developing written guidelines on accounting, cash handling and other financial matters which will be approved by the City Manager. The Finance Department will assist Department Directors, as needed, in tailoring such guidelines to fit each department's requirements.

Department Directors' Responsibility – Each Department Director is responsible to the City Manager to ensure that proper internal controls are followed throughout his or her department, that all guidelines on accounting and internal controls are implemented and that all independent auditor control recommendations are addressed.

Fiscal

Balanced Budget – Current available unrestricted operating revenue shall be sufficient to support current operating expenditures. Temporary shortages, or operating deficits, can and do occur, but they are not tolerated as extended trends. Measures are developed to provide additional revenue and/or reduced expenditures to eliminate operating deficits.

Long Range Planning – The budget process will be coordinated so as to identify major policy issues for City Council consideration in advance of the budget approval date so that proper decision analysis can be made.

Fixed Assets – Such assets will be reasonably safeguarded, properly accounted for and prudently used. The fixed asset inventory will be updated regularly.

Cash Management – The City's cash flow will be managed to maximize the investable cash in accordance with the City's investment policy.

Financial Condition and Reserve

Reserve Accounts – The General Fund unreserved undesignated fund balance should be adequate to handle unexpected decreases in revenues and a reasonable level for extraordinary unbudgeted expenditures. The General Fund balance policy should also be flexible enough to allow the City to weather economic downturns without raising taxes and/or reducing vital services. The General Fund is required to maintain a minimum 60 day reserve of budgeted expenditures.

City Enterprise Funds will compensate the General Fund for the general and administrative services thereby provided such as management, finance and personnel. The City will adopt annual utility rates which will generate revenues sufficient to cover operating expenses and meet the legal requirements of bond covenants. Rates will also fund adequate capital replacement of water distribution and sewerage collection systems. The Water and Sewer Fund is required to maintain a minimum of 60 days of budgeted expenses. These reserves are needed to protect against the possibility of temporary revenue shortfalls or unpredicted one-time expenditures.

Should either the General Fund reserve or the Water and Sewer Fund reserve fall below the minimum reserve requirement, revenue raising measures or expenditure reductions will be implemented to return the General Fund reserve and the Water and Sewer Fund reserve to the minimum level no later than the end of the following fiscal year.

Reserves (fund balance) will be used only for emergencies or to reduce balances in excess of current guidelines (60 days for the General Fund and 60 days for the Water and Sewer Fund), as long as they are spent for non-recurring items.

Revenue Management

Revenue Diversification – A diversified and stable revenue system will be maintained to shelter the City from short run fluctuations in any one revenue source.

Fees and Charges – The City will maximize utilization of user charges in lieu of property taxes for services that can be individually identified and where the costs are directly related to the level of service. There will be periodic review of fees and charges to ensure that fees provide adequate coverage of costs of service.

Use of One-time Revenues – One-time revenues will be used only for one-time expenditures. The City will avoid using temporary revenues to fund mainstream services.

Use of Unpredictable Revenue – The City will try to understand its revenue sources, and enact consistent collection policies so that assurances can be provided that the revenue base will materialize according to budgets and plans. Use of unpredictable revenue will depend upon management’s determination whether the revenue is considered a one time revenue or will recur annually.

Sufficiency – The benefits of revenue shall exceed the cost of producing the revenue.

Grants – Any potential grants shall be examined for matching requirements so that the source and availability of these funds may be determined before the grant application is made.

Utility Rates – The City shall review and adopt utility rates that shall generate revenues required to fully cover operating expenditures, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital needs.

Expenditure Control

Appropriations – The City Manager’s level of budgetary control is at the fund level for all funds. Modifications within a respective fund’s operating categories (materials, supplies and services) and/or modifications within the personnel and capital categories may be made with the approval of the City Manager. When a budget amendment among funds is necessary, it must be approved by the City Council.

Purchasing – All purchases shall be in accordance with both the City’s purchasing policy and state law.

Prompt Payment – All invoices will be paid upon 30 days of receipt in accordance with state law. Procedures will be used to take advantage of all cost effective purchase discounts. Payments will be processed to maximize the City’s investable cash.

Department Directors’ Responsibility - Each Department Director is held accountable for meeting program objectives and monitoring the use of budget funds expended to ensure compliance with the annual appropriated budget approved by the City Council.

Capital Financing and Debt Management

Debt Capacity, Issuance and Management – Long term debt will not be used for operating purposes. Capital projects financed through bond proceeds shall be financed for a period not to exceed the useful life of the project. When

appropriate, self-supporting revenues will pay debt service in lieu of property taxes. The Debt Service current fiscal year debt requirement shall not exceed debt service property tax, self-supporting revenue and balances carried forward from the prior year. Unspent capital project proceeds are transferred to debt service at the completion of the capital project.

The Finance Department will monitor all City debt annually with the preparation of the annual budget. The Finance Department will diligently monitor the City's compliance to its bond covenants. The Finance Department will maintain ongoing communications with bond rating agencies about the City's financial condition and follow a policy of full disclosure on every financial report. The City has and will continue to retain a Financial Advisor in connection with any debt issuance.

Agenda Item 5C

Approval of a Resolution designating Mayor Dennis K. Childress and Finance Director Patrick Harvey as Authorized Representatives of TexPool.

BACKGROUND OF ISSUE:

The Texas Government Investment Pool (TexPool), a public funds investment pool, was created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity and yield consistent with Public Investment Act.

The individuals, whose signatures appear in this Resolution, are Authorized Representatives of the City and are each authorized to transmit funds for investment in TexPool and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

FINANCIAL IMPACT:

N/A

CITY OF SEAGOVILLE
RESOLUTION NO. 41-R-15



RESOLUTION AMENDING
AUTHORIZED REPRESENTATIVES

WHEREAS, City of Seagoville / 77869

(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ *Texpool Prime*"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / *TexPool Prime* and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / *TexPool Prime* account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: Dennis K. Childress Title: Mayor
Phone/Fax/Email: (972) 287-6819 / (972) 287-3891 / mayor@seagoville.us
Signature: _____

2. Name: Patrick Harvey Title: Finance Director
Phone/Fax/Email: (972) 287-6800 / (972) 287-3891 / pharvey@seagoville.us
Signature: _____

ORIGINAL SIGNATURE AND DOCUMENT REQUIRED

TEX – REP

3. Name: _____ Title: _____
Phone/Fax/Email: _____
Signature: _____

4. Name: _____ Title: _____
Phone/Fax/Email: _____
Signature: _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Patrick Harvey, Finance Director

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name: Tanangelia Beatty Title: Senior Accountant
Phone/Fax/Email: (972) 287-6806 / (972) 287-3891 / tbeatty@seagoville.us

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the 14th day September, 2015.

Document is to be signed by your Board President, Mayor or County Judge and attested by your Board Secretary, City Secretary or County Clerk.

NAME OF PARTICIPANT: City of Seagoville

SIGNED: _____
Signature
Dennis K. Childress

Printed Name
Mayor

Title

ATTEST: _____
Signature
Dara Crabtree

Printed Name
City Secretary

Title

This document supersedes all prior Authorized Representative designations.

ORIGINAL SIGNATURE AND DOCUMENT REQUIRED

TEX -- REP

TexPool Participant Services • Federated Investors Inc
1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

06/13

Agenda Item 6C

Approval of a Resolution authorizing the Interim City Manager to execute an Interlocal Agreement between the City of Seagoville and Dallas County for street paving improvements to East Malloy Bridge Road between the East Fork Relief Bridge and the east city limit, Type "B" public roadway made pursuant to Master Road and Bridge Interlocal Maintenance Agreement between Dallas County, Texas and City of Seagoville, Texas in an amount not to exceed Twenty Six Thousand Six Hundred Twelve Dollars (\$26,612.00); and providing an effective date.

BACKGROUND OF ISSUE:

The City of Seagoville entered into an interlocal agreement with Dallas County on or about May 28, 2013 that allows the city to partner with the County's Road and Bridge Division to build street projects. Each project needs a formal Project Specific Agreement that requires City Council and Commissioner's Court approval.

Dallas County has prepared Project Specific Agreement that would provide for the reconstruction of East Malloy Bridge Road between the East Fork Relief Bridge and the city limit just past the levee.

The project scope includes repairing asphalt failures in the low water crossing areas with new asphalt, rebuilding the roadbed base with cement stabilization in the areas beyond the low water crossing areas, and applying a two (2) course chip seal driving surface over the entire length of the project.

Per the agreement, the City's share of the project cost is \$26,612.00. Funds are due prior to the County commencing their work.

City Council approval of this request is requested.

FINANCIAL IMPACT:

\$26,612.00 is available for this project from the CO Bond Sale.

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 42-R-15

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE THE PROJECT SPECIFIC AGREEMENT REGARDING EAST MALLOY BRIDGE ROAD BETWEEN THE EAST FORK RELIEF BRIDGE AND THE EAST CITY LIMIT, TYPE "B" PUBLIC ROADWAYS MADE PURSUANT TO MASTER ROAD AND BRIDGE INTERLOCAL MAINTENANCE AGREEMENT BETWEEN DALLAS COUNTY, TEXAS AND CITY OF SEAGOVILLE, TEXAS IN AN AMOUNT NOT TO EXCEED TWENTY SIX THOUSAND SIX HUNDRED TWELVE DOLLARS (\$26,612.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about May 28, 2013, the City Council for the City of Seagoville, Texas entered into an Interlocal Agreement where Dallas County agreed to provide partial funding for qualified Type "B" road and bridge maintenance projects; and

WHEREAS, the Project Specific Agreement, supplemental to the Master Interlocal Agreement for the purpose of transportation-related maintenance, repairs and improvements to be done on East Malloy Bridge Road between the East Fork Relief Bridge and the east city limit; and

WHEREAS, the City Council has reviewed the Agreement and finds it to be in the best interest of the citizens of Seagoville;

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

SECTION 1. The Interim City Manager is hereby authorized, on behalf of the City of Seagoville, Texas to sign a Project Specific Agreement for the purpose of transportation related maintenance, repairs and improvements to be done on East Malloy Bridge Road between the East Fork Relief Bridge and the east city limit, a copy of which is attached hereto and incorporated herein as Exhibit "A".

SECTION 2. This resolution shall take effect immediately from and after its passage and it is accordingly resolved.

DULY ORDERED by the City Council of the City of Seagoville, Texas, this the 14th day of September, 2015.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

PROJECT SPECIFIC AGREEMENT
RE: MALLOY BRIDGE ROAD, FROM THE EAST FORK RELIEF
BRIDGE TO EAST CITY LIMIT "TYPE B" PUBLIC ROADWAY -- MADE
PURSUANT TO MASTER ROAD & BRIDGE INTERLOCAL
MAINTENANCE AGREEMENT BETWEEN DALLAS COUNTY, TEXAS
AND CITY OF SEAGOVILLE, TEXAS

This Project Specific Agreement, (hereinafter "PSA"), supplemental to the Master Interlocal Agreement, is made by and between Dallas County, Texas (hereinafter "County") and the City of Seagoville, Texas (hereinafter "City"), acting by and through their duly authorized representatives and officials, for the purpose of transportation-related maintenance, repairs and improvements to be undertaken in certain designated blocks of enumerated public roadway as more fully set forth and described in Attachments "A" and "B", incorporated herein by reference ("Project").

WHEREAS, Chapter 791 of the Texas Government Code provides authorization for local governments to contract amongst themselves for the performance of governmental functions and services; and

WHEREAS, on or about May 28, 2013, County and City entered into a Master Interlocal Agreement ("Agreement"), whereby County agreed to provide partial funding for such duly qualified "Type B: road and bridge maintenance projects, said projects situated within the territorial limits and jurisdiction of City, and

WHEREAS, City now desires County to provide partial funding for such a duly qualified project consisting of reconstruction of designated blocks of enumerated public roadway situated in the City of Seagoville, Texas, as more fully described on Attachment "A".

NOW THEREFORE THIS PSA is made by and entered into by County and City, for the mutual consideration stated herein.

Witnesseth

Article I

Project Specific Agreement

This PSA is specifically intended to identify a Project authorized under the Master Agreement. This document sets forth the rights and responsibilities pertaining to each party hereto, and is additional and supplemental to the Master Agreement, and all amendments and supplements thereto, which are incorporated herein. All terms of the Master Agreement remain in full force and effect, except as modified herein. In the event of any conflict between the Master Agreement and this PSA, this PSA shall control.

Article II

Incorporated Documents

This PSA incorporates, as if fully reproduced herein word for word and number for number, the following items:

1. Master Interlocal Agreement authorized by County Commissioners Court Order.

- 2013-0947 dated May 28, 2013, and additions thereto as incorporated herein,
2. The Construction Estimate (Attachment “A”), and
 3. Map/Diagram of the Proposed Work Site (Attachment “B”).

Article III

Term of Agreement

This PSA becomes effective when signed by the last party whose signature makes the agreement fully executed and shall terminate upon the completion and acceptance of the Project by City or upon the terms and conditions in the Master Agreement.

Article IV

Project Description

This PSA is entered into by the parties for purpose of jointly identifying and funding repair, maintenance and improvements on duly qualified “Type B” public roadway within the City of Seagoville, Texas. The Project shall consist of reconstruction and chip seal of Malloy Bridge road in the City of Seagoville, Texas, (hereinafter “Project”), and as more fully described in Attachments “A” and “B”. The Project is authorized by the aforementioned Master Interlocal Agreement, with the parties’ obligations and responsibilities governed thereby, as well as by the terms and provisions of this PSA. The Project will facilitate the safe and orderly movement of public transportation to benefit both the City and County. The City has and hereby does give its approval for expenditure of County funds for the construction, improvement, maintenance, or repair of a street located within the municipality.

Article V

Fiscal Funding

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of County funding for each item and obligation contained herein. City shall have no right of action against the County of Dallas as regards this PSA, specifically including any funding by County of the Project in the event that the County is unable to fulfill its obligations under this PSA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this PSA or failure of any funding party to budget or authorize funding for this PSA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the County, at its sole discretion, may provide funds from a separate source or terminate this PSA. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Notwithstanding anything to the contrary herein, this PSA is expressly contingent upon the availability of City funding for each item and obligation contained herein. County shall have no right of action against the City as regards this PSA, specifically including any funding by City of the Project in the event that the City is unable to fulfill its obligations under this PSA as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this PSA or failure of any funding party to budget or authorize funding for this PSA during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the City, at its sole discretion, may provide funds from a separate source or terminate this PSA. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791, Texas Government Code.

Article VI
Agreements

I. **City's Responsibilities:**

1. Where necessary, City, at its own expense, shall be responsible for the following: (a) informing the public of the proposed reconstruction of the Project; (b) locating all manholes, water valves, and other utilities within the Project, (c) making or causing to be made all utility relocations or adjustments necessary for execution and completion of the Project; (d) acquiring any right-of-way necessary to complete the Project; (e) remediating any hazardous or regulated material, or other environmental hazard in the Project location, (f) funding the purchase of all materials necessary to perform the Project construction.
2. City shall further be responsible for all maintenance when the Project is completed.

III. **County Responsibilities:**

1. County shall provide labor, manpower and equipment necessary to complete the Project.
2. County shall complete all contemplated services in a good and workmanlike manner.

IV. **Funding:**

County and City mutually agree that the initial and anticipated Project cost is approximately \$38,462.00 as set forth in Attachment "A". The parties hereto further agree that City shall be responsible to pay \$26,612.00. County shall contribute the remaining amount, in-kind, in the form of labor and equipment. In no event shall County's in-kind contribution exceed Fifty Percent (50%) of the initial and anticipated total Project cost.

City and County further agree as follows:

1. Should the final cost of the Project exceed the initial and anticipated Project costs, City agrees to either reduce the scope of the Project, or to seek additional funding to facilitate its completion. In either event, City shall be solely responsible for all such costs in excess thereof, and County shall bear no additional responsibilities beyond those contemplated herein.
2. Immediately upon the commencement of the Project by County, City shall deposit into an escrow account with the Dallas County Treasurer \$26,612.00, representing the full amount of material cost to be paid to County either through monthly invoicing or upon completion of the Project.

Article VII
Miscellaneous:

- I. **Indemnification. County and City agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any governmental immunity available to County or City or their respective officials, officers, employees, or agents under Texas or other law and without waiving any available defenses under Texas or other law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.**

- II. No Third Party Beneficiaries. The terms and provisions of this PSA are for the benefit of the parties hereto and not for the benefit of any third party. It is the express intention of County and City that any entity other than County or City receiving services or benefits under this PSA shall be deemed an incidental beneficiary only. This PSA is intended only to set forth the contractual right and responsibilities of the parties hereto.
- III. Applicable Law. This PSA is and shall be expressly subject to the County's and City's Sovereign Immunity and/or Governmental Immunity of City, Title 5 of the Texas Civil Practice and Remedies Code, as amended, and all applicable Federal and State Law. This PSA shall be governed by and construed in accordance with the laws of the State of Texas. Exclusive venue for any legal action regarding this PSA shall lie in Dallas County, Texas.
- IV. Notice. All notices, requests, demands, and other communication under this PSA shall be tendered in writing and shall be deemed to have been duly given when either delivered in person, via e-mail, or via certified mail, postage prepaid, return receipt requested to the respective parties as follows:

COUNTY:

Director of Public Works
 Dallas County
 411 Elm Street, Suite 400
 Dallas, Texas 75202

and

Commissioner John Wiley Price
 Road & Bridge District #3
 411 Elm Street, Second Floor
 Dallas, Texas 75202

CITY:

Director of Public Works
 City of Seagoville
 702 N. Hwy 175
 Seagoville, Texas 75159

- V. Assignment. This PSA may not be assigned or transferred by either party without the prior written consent of the other party.
- VI. Binding Agreement; Parties Bound. Upon execution by the parties, this PSA shall constitute a legal, valid and binding obligation of the parties, their successors and permitted assigns.
- VII. Amendment. This PSA may not be amended except in a written instrument specifically referring to this PSA and signed by the parties hereto.
- VIII. Counterparts. This PSA may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- IX. Severability. If one or more of the provisions in this PSA shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this PSA to be invalid, illegal or unenforceable, but this PSA shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this PSA, which shall remain in full force and effect.

- X. Entire Agreement. This PSA embodies the complete agreement of the parties, and except where noted, it shall supersede previous and/or contemporary agreements, oral or written, between the parties and relating to matters in the PSA.
- XI. Contingent. This PSA is expressly subject to and contingent upon formal approval by the Dallas County Commissioners Court and by resolution of the City Council of the City of Seagoville.

The City of Seagoville, State of Texas, has executed the Agreement pursuant to duly authorized City Council Resolution _____, Minutes _____, dated the ___ day of _____, 2015.

The County of Dallas, State of Texas, has executed this agreement pursuant to Commissioners Court Order Number _____ and passed on the _____ day of _____, 2015.

Executed this the _____ day of _____, 2015.

Executed this the _____ day of _____, 2015.

CITY OF SEAGOVILLE:

COUNTY OF DALLAS:

PAT STALLINGS
INTERIM CITY MANAGER

CLAY LEWIS JENKINS
COUNTY JUDGE

ATTEST:

APPROVED AS TO FORM:*
SUSAN HAWK
DISTRICT ATTORNEY

DARA CRABTREE
CITY SECRETARY

Sherri Turner
Assistant District Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).



DALLAS COUNTY COMMISSIONER
John Wiley Price
District 3

9-2-15

Attachment (A)

RECONSTRUCTION ESTIMATE FOR MALLOY BRIDGE FROM EAST FORK TRIBUTARY TO EAST CITY LIMIT. TYPE (B) STREET.

SCOPE OF WORK FROM EAST CITY LIMIT TO 510 FEET WEST.
MILL INPLACE, ADDING STABILIZER, PRIME COAT,
TWO COURSE CHIP SEAL.

SCOPE OF WORK FROM EAST FORK REL. BRIDGE 1,800 FEET EAST.
MILL AND TWO COURSE CHIP SEAL.

STREET	TYPE	BEGIN	END	LENGHT	WIDTH	SY	BLOCK	COUNTY COST	CITY COST	PROJECT COST
MALLOY BRIDGE	B	EAST CITY LIMIT	510 FEET WEST	510 FT.	26FT.	1.473	1650-1700	\$5,000.00	\$9,762.00	\$14,762.00
MALLOY BRIDGE	B	EAST FORK REL. BRIDGE	1800 FEET EAST	1,800 FT.	26 FT.	5.200	1600-1650	\$6,850.00	\$16,850.00	23,700.00
							TOTAL	\$11,850.00	\$26,612.00	\$38,462.00

CITY TO FURNISH WATER AND ALL UTILITY LOCATES.

LOCATES MUST BE RENEWED AS NEEDED.

IF YOU NEED FURTHER INFORMATION PLEASE CALL 972.225.2378

Attachment " B "

Seagoville

FM 740

No Town

Malloy Bridge Rd

Alto Rd

Woodstell

Riverview Ln

Hall Rd

Bryan Pl

Oakbrook Ln

Ross Ln

Legend

-  Road Selection
-  City Limits
-  Dallas County



DISCLAIMER: This map is for reference use only. Data provided are derived from multiple sources with varying levels of accuracy. The Dallas County Transportation/GIS Division disclaims all responsibility for the accuracy or completeness of the data shown.
September 2, 2015

Source: Esri, DigitalGlobe, GeoEye, I-cubed, USDA, USGS, swisstopo, and the GIS User Community

Agenda Item 7

Conduct a public hearing to receive citizen input on the City of Seagoville Storm Water Plan.

BACKGROUND OF ISSUE:

The Texas Commission on Environmental Quality regulates storm water discharges in small municipal separate storm sewer systems (MS4s) through TPDES General Permit No. TXR040000, which was issued on December 13, 2013. The permit requires that each municipality develop a Storm Water Management Plan (SWMP) that identifies and implements a schedule of Best Management Practices for the improvement of storm water quality in the City. Seagoville's SWMP can be viewed on the City's website or in the City's library. The purpose of this public hearing is to obtain public input regarding the SWMP and its implementation.

FINANCIAL IMPACT:

N/A

Agenda Item 8

Discuss and consider an Ordinance amending the Code of Ordinances by adding a new Chapter 23A entitled “Storm Water Protection” relative to the regulation and prohibition of illicit discharges; defining terms; prohibiting certain discharges to the municipal separate storm sewer system; authorizing inspections and declaring such discharges a nuisance; prohibiting illicit connections to the municipal separate storm sewer system; providing for notices of violations and other administrative enforcement remedies; providing authority to suspend utility service; providing for civil and criminal enforcement; providing a penalty for failure to comply; providing a severability clause; repealing conflicting ordinances; and providing an effective date.

BACKGROUND OF ISSUE:

The Texas Commission on Environmental Quality regulates storm water discharges in small municipal separate storm sewer systems (MS4s) through TPDES General Permit No. TXR040000, which was issued on December 13, 2013. The permit requires that each municipality’s storm water management plan include provisions to review, and if needed revise, their storm water-related ordinance(s). Each permittee must have adequate legal authority to control pollutant discharges into and from its small MS4 in order to meet the requirements of the permit. The proposed ordinance is meant to update the City’s existing ordinance and provide the required provisions to comply with the General Permit.

The existing ordinance adequately regulates pollutants and prohibits illicit connections and dumping of materials other than storm water into the small MS4. The existing ordinance also provides the City with the ability to inspect and investigate discharges and levy penalties and fines against a person who commits an offense. The revised ordinance also includes the following new components:

- References the City’s MS4 permit and Storm Water Management Plan.
- Requires installation, implementation, and maintenance of post-construction control measures where necessary.

Currently the existing storm water ordinance is contained in Chapter 19 “Utilities”. It was decided to create a separate new chapter, Chapter 23A for Storm Water ordinances moving forward in the future.

FINANICIAL IMPACT:

N/A

ORDINANCE NO. 19-15

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER 23A ENTITLED "STORM WATER PROTECTION" RELATIVE TO THE REGULATION AND PROHIBITION OF ILLICIT DISCHARGES; DEFINING TERMS; PROHIBITING CERTAIN DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM; AUTHORIZING INSPECTIONS AND DECLARING SUCH DISCHARGES A NUISANCE; PROHIBITING ILLICIT CONNECTIONS TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM; PROVIDING FOR NOTICES OF VIOLATION AND OTHER ADMINISTRATIVE ENFORCEMENT REMEDIES; PROVIDING AUTHORITY TO SUSPEND UTILITY SERVICE; PROVIDING FOR CIVIL AND CRIMINAL ENFORCEMENT; PROVIDING A PENALTY FOR FAILURE TO COMPLY; PROVIDING A SEVERABILITY CLAUSE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Federal and State laws and regulations require certain cities based on size and location to comply with applicable storm water permitting requirements for municipal separate storm sewer systems (MS4s); and

WHEREAS, Chapter 342 of the Texas Health & Safety Code authorizes cities to regulate sanitation; and

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) has adopted the Texas Pollutant Discharge Elimination System (TPDES) Phase II Small MS4 General Permit, General Permit No. TXR040000 (General Permit) to allow such cities, including the City, to obtain the necessary permit coverage; and

WHEREAS, the City has sought permit coverage under the General Permit through its submittal of a Notice of Intent (NOI) and Storm Water Management Program (SWMP) to TCEQ; and

WHEREAS, the General Permit and the SWMP require the City to develop, to the extent allowable under state and local law, an ordinance or other regulatory mechanism to prohibit and eliminate illicit discharges to the City's MS4; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the public health, safety, and general welfare of the public to adopt this ordinance to address storm water discharges to the City's MS4.

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

SECTION 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated for all purposes into the body of this Ordinance as if copied in their entirety.

SECTION 2. The City Council hereby repeals Chapter 19, Article 19.08, "Discharge Regulations of MSW-4 Storm Sewer Systems", Sections 19.08.01 through 19.08.021 and replaces them with Chapter 23A, entitled "Storm Water Protection", Article 23A.01, entitled "Storm Water" to the City of Seagoville Code of Ordinances, to read, in its entirety, as follows:

"CHAPTER 23A. STORM WATER PROTECTION.

ARTICLE 23A. MUNICIPAL STORMWATER UTILITY SYSTEM

Sec. 23A.01.001 Definitions.

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning, and any words not herein defined shall be construed in context used and by ordinary interpretation and not as a word of art:

Agricultural Storm Water Runoff. Any storm water runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 C.F.R. § 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 C.F.R. § 122.24.

Best Management Practices (BMPs). Schedule of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment practices, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw materials storage areas.

Board of Adjustment. The Board of Adjustment for the City of Seagoville, Texas.

Building. Any structure, either temporary or permanent, with walls and a roof, designed to shelter a person, animal, or property, and occupying more than 100 square feet of area.

City. The City of Seagoville, Texas, or its agents.

Clean Water Act (CWA). The Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 *et. seq.*, as it exists and as it may be amended.

Code Enforcement Official. A City employee or person or entity acting under a contract with the City, authorized to enforce the provisions of this Article and City ordinances, including, but not limited to the building official, inspector, Code Enforcement Officer, Code Compliance Officer, or his/her designee.

Construction Activity. Includes soil disturbance, including clearing, grading, and excavating; and does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities).

Small Construction Activity is construction activity that results in land disturbances equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land.

Large Construction Activity is construction activity that results in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five acres of land.

Construction Site Notice. A signed and certified submission to the operator of the MS4 (*i.e.*, the City) from an operator of a Small Construction Activity identifying coverage pursuant to the Construction General Permit.

Contaminated. Containing a harmful quantity of any substance.

Contamination. The presence of or entry into a public water supply system, the MS4, surface water in the state, or waters of the United States of any substance which may be deleterious to the public health and/or the quality of the water, as determined by, or pursuant to, federal or state law.

Conveyance. Curbs, gutters, man-made channels and ditches, drains, pipes, and other constructed features designed or used for flood control or to otherwise transport storm water runoff.

Discharge. Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the MS4, surface water in the state, or waters of the United States.

Discharger. Any person, who causes, allows, permits, or is otherwise responsible for a discharge including, without limitation, any operator of a construction site or industrial facility.

Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Fertilizer. A solid or non-solid substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

Fire Code. Article 5.02, the International Fire Code, of the City Code.

Fire Department. The Seagoville Fire Department or any duly authorized representative thereof.

Fire Protection Water. Any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.

Garbage. For the purpose of this Article, solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking, and consumption of food, including waste materials from markets, storage facilities, handling, and sale of produce and other food products.

Ground Water Infiltration. For the purposes of this Article, ground water that enters a municipal separate storm sewer system (including sewer service connections and foundation drains) through such means as defective pipes, pipe joints, connections, or manholes.

Harmful Quantity. The amount of any substance that will cause pollution of surface water in the state or waters of the United States, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms, upon their exposure to samples of any discharge into surface water in the state, waters of the United States, or the MS4, as determined by, or pursuant to, federal or state law.

Hazardous Materials. Any item or agent (biological, chemical, physical) that has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

Herbicide. A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

Household Hazardous Waste. Waste from materials utilized for residential or housekeeping purposes containing regulated substances which either singularly or by their interaction with other wastes or by their accumulation in the MS4 becomes injurious or potentially injurious to human, plant, or animal life, or property. For purposes of this Article, household hazardous wastes include but are not limited to paint, paint thinners, paint solvents, bleaches, and drain cleaners.

Illicit Connection. Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge. Any discharge to a municipal separate storm sewer that is not entirely composed of storm water.

Industrial Activity. Any activity subject to the Multi-Sector General Permit.

Land Disturbance Activity. Any activity which changes the volume or discharge rate of stormwater runoff from the land surface. This includes grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Maintenance Agreement. A formal contract between a local government and a property owner to guarantee long-term maintenance of stormwater management practices.

Municipal Separate Storm Sewer System (MS4). A separate storm sewer system owned or operated by the United States, a state, City, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

National Pollutant Discharge Elimination System (NPDES). The federal program under which the administrator of the U.S. Environmental Protection Agency can authorize discharges of waste to waters of the United States according to Section 402 of the Clean Water Control Act, and may also delegate this permitting authority to the State of Texas.

No Exposure Certification (NEC). A written submission to the Executive Director TCEQ from an applicant for the Multi-Sector General Permit notifying the applicant's intent to obtain a conditional exclusion from permit requirements by certifying that there is no exposure of industrial material or activities to precipitation or runoff.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Notice of Change (NOC). Written notification from a permittee pursuant to the Multi-Sector General Permit or the Construction General Permit to the Executive Director of TCEQ providing changes to information that was previously provided to TCEQ in a Notice of Intent (NOI) or No Exposure Certification (NEC) form.

Notice of Intent (NOI). A written submission to the Executive Director of TCEQ from an applicant requesting coverage under the Multi-Sector General Permit or the Construction General Permit.

Notice of Termination (NOT). A written submission to the Executive Director of TCEQ from a permittee authorized under the Multi-Sector General Permit or the Construction General Permit requesting termination of coverage.

NPDES Permit. A permit issued by EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Operator. The person or persons who, either individually or taken together, meet the following two criteria: (1) they have operational control over the facility specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner. The person who owns a facility or part of a facility.

Person. Any individual, firm, partnership, association, business, corporation, or other entity.

Pesticide. A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (as those terms are defined in Section 76.001 of the Texas Agriculture Code).

Pollutant. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any surface water in the state. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland. For the purpose of this Article, the term "pollutant" includes sediment.

Pollution. The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the State that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Property. All privately owned, occupied, or unoccupied property, including vacant land, and/or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term shall also include a yard, ground, wall, driveway, fence, porch, steps, or other structure appurtenant to the property or otherwise known as curtilage.

Publicly Owned Treatment Works (POTW). A treatment works, as defined by Section 212 of the Clean Water Act, owned by the City or other public entity, including any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any sewers, pipes, and other conveyances which convey wastewater to a treatment plant.

Regulated Construction Activity. A large construction activity or a small construction activity, as those terms is defined herein.

Release. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the (MS4), surface water in the State, or waters of the United States.

Rubbish. Nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste materials. Combustible rubbish includes paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, brush, or similar materials; noncombustible rubbish includes glass, crockery, tin cans, aluminum cans, and similar materials that will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit).

Small Municipal Separate Storm Sewer System (Small MS4). Refers to a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by the United States, a state, City, town, borough, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under § 208 of the CWA;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer;
4. Which is not part of a publicly owned treatment works (POTW) as defined in 40 C.F.R. § 122.2; and
5. Which was not previously authorized under an NPDES or a TPDES individual permit as a medium or large municipal separate storm sewer system, as defined at 40 C.F.R. § 122.26(b)(4) and (b)(7).

This term includes systems similar to separate storm sewer systems at military bases, large hospitals or prison complexes, and highways and other thoroughfares. This term does not include separate storm sewers in very discrete areas, such as individual buildings. A very discrete system also includes storm drains associated with certain municipal offices and education facilities serving a nonresidential population, where those storm drains do not function as a system, and where the buildings are not physically interconnected to an MS4 that is also operated by that public entity.

Solid Waste. Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid,

liquid, semi-solid, or containing gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

Storm Water and Storm Water Runoff. Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Pollution Prevention Plan (SWPPP). A plan required by either the Construction General Permit or the Multi-Sector General Permit which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at the facility.

Surface Water in the State. Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the State (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the State; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the State.

Texas Pollutant Discharge Elimination System (TPDES). The state program for issuing, amending, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Clean Water Act §§ 307, 318, 402, and 405, the Texas Water Code, and Texas Administrative Code regulation.

TPDES General Permit for Storm Water Discharges Associated with Construction Activity (Or the Construction General Permit) (CGP). The Construction General Permit issued by TCEQ on February 15, 2008, TPDES General Permit No. TXR150000, as it exists and as it may be renewed and/or amended.

TPDES General Permit for Storm Water Discharges Associated with Industrial Activity (Or the Multi-Sector General Permit) (MSGP). The Multi-Sector General Permit issued by TCEQ on August 14, 2006, TPDES General Permit No. TXR050000, as it exists and as it may be renewed and/or amended.

TPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (Or the Small MS4 General Permit). The Small MS4 General Permit issued by TCEQ on December 13, 2013, TPDES General Permit No. TXR040000, as it exists and as it may be renewed and/or amended.

TPDES Permit. A permit issued by TCEQ that authorizes the discharge of pollutants to surface water in the State and/or waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Uncontaminated. Not containing a harmful quantity of any substance, as determined by, or pursuant to, federal or state law.

Used Oil (Or Used Motor Oil). Any oil that has been refined from crude oil or synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with State and federal law.

Waters of the United States (Or Waters of the U.S.).

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. all interstate waters, including interstate wetlands;
3. all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (A) which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (B) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (C) which are used or could be used for industrial purposes by industries in interstate commerce;
4. all impoundments of waters otherwise defined as waters of the United States under this definition;
5. tributaries of waters identified in paragraphs 1. through 4. of this definition;
6. the territorial sea; and
7. wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1. through 6. of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 C.F.R. § 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include

prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Yard Waste. Leaves, grass clippings, yard and garden debris, and brush that results from landscape maintenance and land-clearing operations.

Sec. 23A.01.002. Abbreviations.

The following abbreviations, when used in this Article, shall have the designated meanings:

C.F.R. – Code of Federal Regulation

CGP – Construction General Permit, TPDES General Permit TXR150000

CWA – Clean Water Act

EPA – U.S. Environmental Protection Agency

MS4 – Municipal Separate Storm Sewer System

MSGP – Multi-Sector General Permit, TPDES General Permit No. TXR050000

NEC – No Exposure Certification

NOC – Notice of Change

NOI – Notice of Intent

NOT – Notice of Termination

NPDES – National Pollutant Discharge Elimination System

POTW – Publicly Owned Treatment Works

SWMP – Storm Water Management Program

SWPPP – Storm Water Pollution Prevention Plan

TCEQ – Texas Commission on Environmental Quality

TPDES – Texas Pollutant Discharge Elimination System

Sec. 23A.01.003. Applicability.

This Article, including any amendments or revisions thereto, shall apply to all water entering the MS4 generated on any developed and undeveloped lands lying within the City of Seagoville.

Sec. 23A.01.004. Intent and Purpose

This Article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) of the City of Seagoville in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process. The objectives of this Article are:

- (a) To regulate pollutants from stormwater discharges into and from the MS4;
- (b) To prohibit illicit connections and discharges to the MS4;
- (c) To control the discharge of spills and prohibit dumping or disposal of materials other than stormwater into the small MS4;
- (d) To enforce compliance with the permittee's ordinances, permits, contracts, or orders;
- (e) To require installation, implementation, and maintenance of control measures;
- (f) To receive and collect information, such as stormwater plans, inspection reports, and other information deemed necessary to assess compliance with this permit, from operators of construction sites, new or redeveloped land, and industrial and commercial facilities;
- (g) To establish legal authority to implement inspection and enforcement procedures to ensure compliance with this Article;
- (h) To respond to non-compliance with Best Management Practices (BMPs) required by the small MS4 consistent with its ordinances or other regulatory mechanism(s);
- (i) To assess penalties, including monetary, civil, or criminal penalties; and
- (j) To enter into interagency or interlocal agreements or other maintenance agreements, as necessary.

Sec. 23A.01.005. Administration.

- (a) The Code Enforcement Official shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the Code Enforcement Official may be delegated by the Code Enforcement Official to persons or entities acting in the beneficial interest of or in the employ of the City.

- (b) The City Manager, or the City Manager's designee, is hereby granted and shall have the authority to enforce the provisions of this Article and conduct all proceedings in the manner provided herein.

Sec. 23A.01.006. Regulatory Consistency.

This Article shall be construed to assure consistency with the Clean Water Act and the Texas Water Code, and amendments thereto, or any applicable implementing regulations.

Sec. 23A.01.007. Ultimate Responsibility of Discharger.

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into surface water in the state or waters of the United States caused by said person. This Article shall not create liability on the part of the City of Seagoville, or any agent or employee thereof, for any damages that result from the discharger's reliance on this Article or any administrative decision lawfully made there under.

Sec. 23A.01.008. General Prohibition.

- (a) No person shall, and it shall be an offense to, introduce or caused to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of storm water.
- (b) It is an affirmative defense to any enforcement action for violation of Subsection (a) of this section that the discharge was composed entirely of one or more of the following categories of discharges:
 - (1) A discharge authorized by, and in full compliance with, a TPDES permit or an NPDES permit (other than the TPDES permit authorizing discharges from the MS4);
 - (2) A discharge or flow from water line flushing, but not including a discharge from water line disinfection by super chlorination or other means unless it contains no harmful quantity of total residual chlorine ("TRC") or any other chemical used in line disinfection;
 - (3) A discharge or flow from runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
 - (4) A discharge or flow from a potable water source not containing any harmful substances or material from the cleaning or draining of a storage tank or other container;

- (5) A discharge or flow from a diverted stream;
 - (6) A discharge or flow from rising ground waters and springs;
 - (7) Uncontaminated ground water infiltration (as defined by 40 C.F.R. § 35.2005(20)) to the MS4;
 - (8) A discharge or flow from uncontaminated pumped ground water;
 - (9) An uncontaminated discharge or flow from foundation and footing drains;
 - (10) An uncontaminated discharge or flow of water from crawl space pumps;
 - (11) A discharge or flow from individual residential vehicle washing;
 - (12) A discharge or flow from wetlands and riparian habitats;
 - (13) A discharge or flow from fire fighting activities by the Fire Department (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
 - (14) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials that the Fire Code requires to be contained and treated prior to discharge, in which case treatment adequate to remove harmful quantities of pollutants must have occurred prior to discharge;
 - (15) Agricultural storm water runoff; and
 - (16) A discharge or flow from other similar occasional incidental non-storm water discharges, as determined by the City Manager.
- (c) No affirmative defense shall be available under Subsection (b) of this Section if:
- (1) The discharge or flow in question has been determined by the Code Enforcement Official to be a source of a pollutant(s) or pollution to surface water in the State, waters of the United States, or the MS4;
 - (2) Written notice of such determination has been provided to the discharger; and
 - (3) The discharge has continued after the expiration of the time given in the notice to cease the discharge. The correctness of the Code Enforcement Official's determination that a discharge is a source of a pollutant or pollutants may be reviewed in any administrative or judicial enforcement proceeding in accordance with City ordinances and state law, as may be applicable.

Sec. 23A.01.009. Specific Prohibitions and Requirements.

- (a) The specific prohibitions and requirements in this Section are not inclusive of all the discharges prohibited by the General Prohibition in Section 23A.01.007.
- (b) A person commits an offense if the person introduces or causes to be introduced into the MS4 any harmful quantity of any substance.
- (c) A person commits an offense if the person introduces or causes to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate a water quality standard or the City's authorization pursuant to the Small MS4 General Permit for discharges from its MS4.
- (d) A person commits an offense if the person dumps, spills, leaks, pumps, pours, emits, empties, discharges, leaches, disposes, or otherwise introduces or causes to be introduced, allows, or permits to be introduced any of the following substances into the MS4:
 - (1) Any used motor oil, antifreeze, or any other motor vehicle fluid;
 - (2) Any industrial waste;
 - (3) Any hazardous waste, including household hazardous waste;
 - (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 - (5) Any garbage or rubbish;
 - (6) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than ten such vehicles;
 - (7) Any direct discharge of a pesticide or fertilizer;
 - (8) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (9) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (10) Any wastewater from commercial floor, rug, or carpet cleaning;

- (11) Any wastewater from the wash down or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released materials has been previously removed;
- (12) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blow down from a boiler;
- (13) Any ready-mix concrete, mortar, ceramic, or asphalt base material or hydro mulch material, or material from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
- (14) Any runoff or wash down water from any animal pen, kennel, or fowl or livestock containment area containing more than five (5) animals;
- (15) Any filter backwash from a swimming pool, fountain, or spa;
- (16) Any swimming pool water containing any harmful quantity of chlorine, muriatic acid, or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (17) Any discharge from water line disinfection by super chlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in water line disinfection;
- (18) Any fire protection water containing oil or hazardous substances or materials that the Fire Code in this Code of Ordinances requires to be contained and treated prior to discharge, unless treatment is adequate to remove pollutants occurs prior to discharge. (This prohibition does not apply to discharges or flow from fire fighting activities by the Fire Department as further set forth herein.)
- (19) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (20) Any contaminated runoff from a vehicle salvage yard, junk yard, auto repair activities, or storage of vehicles on unimproved surfaces;
- (21) Any substance or material that will damage, block, or clog the MS4;
- (22) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:

- (a) Compliance with all state and federal standards and requirements;
 - (b) No discharge containing a harmful quantity of any pollutant; and
 - (c) No discharge containing more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 milligrams per liter of total petroleum hydrocarbons (TPH).
- (e) Yard Waste Regulation. A person commits an offense if the person:
- (1) Discharges, deposits, discards, or dumps, or causes or allows to be discharged, deposited, discarded, or dumped any grass clippings, leaf litter, brush cuttings, and/or animal waste into the MS4.
 - (2) Places or causes to be placed or dropped, grass clippings, leaf litter, brush cuttings, and/or animal waste within any street in the corporate limits of the City in such a manner that the same may be washed by the flow of water into the MS4.

It shall be a defense to prosecution that these wastes occurred naturally or from normal landscape maintenance (*e.g.*, leaves falling from trees, grass clippings left on lawns). Intentionally sweeping or blowing grass clippings or leaves into the streets or gutters is prohibited.

- (f) A person commits an offense if the person introduces or causes to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, or other construction activities, or associated with filling or other placement or disposal of soil, rock, or other earthen materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable.
- (g) Illicit Connection Regulation.
- (1) The construction, use, maintenance, or continued existence of illicit connections to the MS4 is prohibited.
 - (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (h) A person commits an offense if the person causes or allows any pavement wash water from a service station to be discharged into the MS4 unless such wash water has passed through a properly functioning and maintained grease, oil, and sand interceptor before discharge into the MS4.

- (i) Used Oil Regulation. A person commits an offense if the person:
 - (1) discharges used oil into the MS4 or a sewer, drainage system, septic tank, surface water, ground water, or water course;
 - (2) knowingly mixes or commingles used oil with solid waste that is to be disposed of in a landfill or knowingly directly disposes of used oil on land or in a landfill; or
 - (3) applies used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

Sec. 23A.01.010. Nuisance and General Violation.

- (a) An actual or threatened discharge to the MS4 that violates or would violate this Article is hereby declared to be a nuisance and shall constitute an offense as provided in Section 23A.01.019 of this Article.
- (b) A line conveying sewage or designed to convey sewage that is connected to the MS4 is hereby declared to be a nuisance.
- (c) Notwithstanding any other provision herein to the contrary, the Code Enforcement Official shall not be required to provide written notice or a warning prior to taking criminal enforcement action and/or any other legally available enforcement action.
- (d) If the City mails notice in accordance with the provisions stated in this Article, and the notice is returned “refused” or “unclaimed,” said notice shall be deemed delivered for purposes of enforcement action as provided herein.

Sec. 23A.01.011. Submission of NOI or Construction Site Notice to City.

- (a) The operator of a facility, including construction sites, required to have a TPDES permit to discharge storm water associated with industrial activity or regulated construction activity shall submit a copy of the NOI, Construction Site Notice, NOC, NOT, and/or NEC to the City of Seagoville’s Director of Public Works at the same time the operator submits the original NOI, NOC, NOT, and/or NEC to the TCEQ or is required to submit the Construction Site Notice to the operator of the MS4 (i.e., the City) by the Construction General Permit.
- (b) The copy of the NOI, Construction Site Notice, NOC, NOT, and/or NEC may be delivered to the Director of Public Works either in person or by mailing it to:

Notice of Intent to Discharge Storm Water
Director of Public Works
City of Seagoville
702 N. Highway 175
Seagoville, Texas 75159

- (c) A person commits an offense if the person operates a facility that is discharging storm water associated with an industrial activity or a regulated construction activity without having submitted a copy of any documentation required by this Section, including the NOI and the Construction Site Notice to the Director of Public Works.

Sec. 23A.01.012. Modification of Storm Water Pollution Prevention Plans.

- (a) The City Manager may require any operator of a facility to modify the facility's storm water pollution prevention plan (SWPPP) if in the best professional judgment of the City Manager, the SWPPP does not comply with this Article or with the requirements of the facility's TPDES or NPDES permit to discharge storm water associated with an industrial activity or a regulated construction activity.
- (b) The deficiencies in a facility's SWPPP will be identified in writing, and the City Manager will give the facility operator a reasonable amount of time, not to exceed thirty (30) days, to make the necessary changes in the SWPPP.

Sec. 23A.01.013. Best Management Practices (BMPs) to Reduce Stormwater Pollutants

The City of Seagoville has the authority to respond to non-compliance with BMPs required by the small MS4 in accordance with TPDES Phase II MS4 Permit TXR040000 Part III Section A.3.(a)(2)g. The owner or operator of a commercial or industrial establishment shall implement, at their own expense, appropriate pollution control measures through the use of structural and non-structural BMPs to prevent and reduce discharge of pollutants into the municipal storm drain system or watercourses. The BMPs must be identified in the Stormwater Pollution Prevention Plan (SWP3) to satisfy requirements of the TPDES permit.

Sec. 23A.01.014. Maintenance and Repair of Stormwater Facilities

- (a) The City of Seagoville has the authority to require installation, implementation, and maintenance of control measures in accordance with TPDES Phase II MS4 Permit TXR040000 Part III Section A.3.(a)(2)d.
- (b) **Maintenance Easement:** Prior to the issuance of any permit that has a stormwater management facility the applicant of the site must implement a maintenance easement agreement that binds all subsequent owners of land served by the stormwater management facility. The agreement allows the City of Seagoville or their contractor/agent access to the facility to periodically inspect if the facility is maintained in proper working condition and meets design standards and other provisions established by this Article. The easement agreement shall be recorded by the applicant in the land records.
- (c) **Maintenance Covenants:** The applicant of the site must develop a maintenance covenant articulating a schedule of maintenance activities and plans for periodic inspections to assess the proper functioning of the stormwater management facility. The maintenance

covenant shall be approved by the City of Seagoville and recorded into the land record prior to final plan approval.

- (d) **Requirements for Annual Self-Inspections:** All stormwater management facilities must undergo, at minimum, an annual self-inspection to document maintenance and repair needs and to verify compliance with the requirements of this Article. The inspections shall be in writing and either submitted to the local jurisdiction or maintained in a manner that allows local inspectors the ability to review the results of inspections in conjunction with a site compliance review. Maintenance and repair may include: removal of silt, litter, and other debris from all catch basins, inlets and drainage pipes; cutting grass and vegetation removal; and replacement of landscape vegetation. Maintenance needs must be addressed in a timely manner as determined by the City of Seagoville. The City of Seagoville may implement more stringent inspection and maintenance requirements.
- (e) **Failure to Maintain Practices:** If the stormwater management facility becomes a danger to public safety or public health, the City of shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to meet maintenance and repair requirements. If the owner of the facility fails to comply with the requirements of the maintenance covenant, the City of Seagoville, after reasonable notice, may perform all necessary work to bring the facility into compliance.

Sec. 23A.01.015. Right of Entry: Inspection and Sampling.

- (a) The Code Enforcement Official shall have the right to enter and inspect the premises of any person, including facilities, equipment, practices, or operations related to stormwater discharges to the small MS4 in accordance with TPDES Phase II MS4 Permit TXR040000 Part III Section A.3.(a)(2)f, to determine if the discharger is complying with all requirements of this Article. Dischargers shall allow the Code Enforcement Official ready access to all parts of the premises for purposes of inspection, sampling, records, examination, and copying, and for the performance of any additional duties. Dischargers shall make available to the Code Enforcement Official, upon request, any SWPPPs, modifications, thereto, self-inspection reports, monitoring records, compliance evaluations, NOIs, Construction Site Notices, NOCs, NOTs, NECs, and any other records, reports, and other documents related to compliance with this Article.
- (b) Where the discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Code Enforcement Official will be permitted to enter without delay for the purposes of performing his/her responsibilities.
- (c) The Code Enforcement Official shall have the right to set up on the discharger's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the discharger's operations, at the discharger's sole cost and expense.

- (d) The Code Enforcement Official may require any discharger to the MS4, surface water in the State, or waters of the United States to conduct specified sampling, testing, analysis, and other monitoring of its storm water dischargers, and may specify the frequency and parameters of any such required monitoring, at the discharger's sole cost and expense.
- (e) The Code Enforcement Official may require the discharger to install monitoring equipment as necessary at the discharger's sole cost and expense. The facility's sampling and monitoring equipment, as required by this Section, shall be maintained at all times in a safe and proper operating condition by the discharger at the discharger's sole cost and expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- (f) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the discharger at the written or verbal request of the Code Enforcement Official and shall not be replaced. The costs of clearing such access shall be borne by the discharger.
- (g) Any violation of this Section, including unreasonable delays in allowing the Code Enforcement Official access to the discharger's premises shall be a violation of this Article and shall constitute an offense under Section 23A.01.024
- (h) If entry onto the property is refused, the Code Enforcement Official shall have every recourse provided by law, including but not limited to an administrative search warrant or an injunction to secure entry. If the owner, operator, discharger, or person in control of the property cannot be identified or located, the Code Enforcement Official shall be authorized to enter the property to the extent allowed by, and in accordance with, law.

Sec. 23A.01.016. Enforcement

The City of Seagoville has the authority to assess penalties, including monetary, civil, or criminal penalties in accordance with TPDES Phase II MS4 Permit TXR040000 Part III Section A.3.(a)(2)h.

If the City of Seagoville finds a person in violation with this Article, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require:

- Monitoring, analysis, and reporting
- Elimination of illicit connections or discharges
- Termination of existing discharges or practices and/or operations in violation of this Article
- Abatement and/or remediation of stormwater pollution or contamination hazards
- Payment of fines to cover administrative and remediation costs
- Implementation of pollution control measures or treatment BMPs

If the property must be remediated, the notice must establish a deadline to restore the site. The notice must further advise that, if the violator fails to remediate the site by the deadline, a designated governmental agency or contractor will restore the site at the expense of the violator.

Sec. 23A.01.017. Administrative Enforcement Remedies

- (a) Warning Notice. When the Code Enforcement Official finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Code Enforcement Official may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Code Enforcement Official to take any action, including emergency action, criminal enforcement or any other enforcement action, without first issuing a Warning Notice.
- (b) Notification of Violation. When the Code Enforcement Official finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Code Enforcement Official may serve upon that person a written Notice of Violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions, shall be submitted by the alleged violator to the Code Enforcement Official. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the Code Enforcement Official within ten (10) days of receipt of the notice. Submission of an explanation and/or plan in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Code Enforcement Official to take any action, including emergency action, criminal enforcement or any other enforcement action, without first issuing a Notice of Violation.
- (c) Consent Orders. The City Manager may enter into Consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance with any provision in this Article or any order issued hereunder. Such documents may include specific action to be taken by the person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Subsections (e), and (f), of this Section and shall be judicially enforceable. The civil penalties provided in Section 23A.01.018 of this Article shall be applicable to a violation of this Section or any person's failure to comply with a Consent Order.
- (d) Show Cause Hearings. The City Manager may order any person who has violated, or continues to violate, any provision of this Article, or any order issued hereunder, to appear before the City Manager and show cause why a proposed enforcement action

should not be taken. Notice shall be served on the alleged violator specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the alleged violator show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the alleged violator. The hearing shall be conducted pursuant to the rights and procedures specified in Section 23A.01.016 of this Article. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the alleged violator, including, but not limited to, criminal or injunctive relief.

- (e) Compliance Orders. When the City Manager finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the City Manager may issue an order to the violator directing that the violator come into compliance within a specified time period. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the MS4, surface water in the State, and waters of the United States. A compliance order may not extend the deadline for compliance established by a state or federal standard or requirement, nor does a compliance order relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the violator, including, but not limited to, criminal or injunctive relief. The civil penalties provided in Section 23A.01.018 of this Article shall be applicable to a violation of this Section or any person's failure to comply with a Compliance Order.
- (f) Emergency Cease and Desist Orders. When the City Manager finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) have caused or contributed to an actual or threatened discharge to the MS4, surface water in the State, or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City Manager may issue an order to the violator directing the violator to immediately cease and desist all such violations and directing the violator to:
- (1) Immediately comply with all requirements of this Article; and
 - (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the City Manager may take such steps as deemed necessary to prevent or minimize harm to the MS4, surface water in the State, or waters of the United States, and/or endangerment to persons

or to the environment. The City Manager may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the City Manager that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Article. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the City Manager within five (5) days of the receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator. The civil penalties provided in Section 23A.01.023 of this Article shall be applicable to a violation of this Section or any person's failure to comply with an Emergency Cease and Desist Order.

Sec. 23A.01.018. Response to Releases

The City of Seagoville has the authority to respond to and contain releases into the small MS4 in accordance with TPDES Phase II MS4 Permit TXR040000 Part III Section A.3.(a)(2)b. When the person responsible has knowledge of any known or suspected release of materials resulting in or potentially resulting in unauthorized discharges into a storm sewer system or surface water in the state, the person must contain and clean up the release. If hazardous materials are released, the person must immediately notify emergency response agencies. If non-hazardous materials are released, the person must notify the authorized enforcement agency no later than the next business day. Notifications in person or by telephone must be confirmed by written notice addressed and mailed to the City of Seagoville.

Sec. 23A.01.019. Emergency Suspension of Utility Service and MS4 Access.

- (a) The City may, without prior notice, suspend water service, sanitary sewer service, and/or MS4 discharge access to a person discharging to the MS4, surface water of the state, waters of the United States, or the POTW when such suspension is necessary to stop an actual or threatened discharge which:
 - (1) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or
 - (2) Presents or may present imminent and substantial danger to the MS4, surface water in the State, or waters of the United States.
- (b) When the Code Enforcement Official determines that City-provided water and/or sanitary sewer service or MS4 access needs to be suspended pursuant to subsection (a), the Code Enforcement Official shall request the City Manager to do so.
- (c) As soon as is practicable after the suspension of service or MS4 access, the Code Enforcement Official shall notify the violator of the suspension in person or by registered mail or certified mail (return receipt requested) and shall order the violator to cease the

discharge immediately. When time permits, the Code Enforcement Official should also attempt to notify the violator prior to suspending service or access.

- (d) If the violator fails to comply with an order issued under subsection (c), the City Manager may take such steps as the City Manager deems necessary to prevent or minimize damage to the MS4, surface water in the State, or waters of the United States, or to minimize danger to persons.
- (e) The City shall not reinstate suspended services or MS4 access to the violator until:
 - (1) The violator presents proof, satisfactory to the City Manager, that the non-complying discharge has been eliminated and its cause determined and corrected;
 - (2) The violator pays the City for all costs the City incurred in responding to, abating, and remediating the discharge or threatened discharge; and
 - (3) The violator pays the City for all costs the City will incur in reinstating service or access.
- (f) A violator whose service or access has been suspended or disconnected may appeal such enforcement action to the City Manager, in writing, within ten (10) days of notice of the suspension in accordance with Section 23A.01.021 of this Article.
- (g) The City may obtain a lien against the property to recover its response costs pursuant to the procedure set out in Section 23A.01.022 of this Article.
- (h) The remedies provided by this Section are in addition to any other remedies set out in this Article. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.

Sec. 23A.01.020. Non-Emergency Suspension of Utility Service and MS4 Access.

- (a) The City may terminate the City-provided water supply, sanitary sewer connection, and/or MS4 access of any person discharging to the MS4 in violation of this Article, if such termination would abate or reduce an illicit discharge.
- (b) The Code Enforcement Official will notify a violator of the proposed termination of its water supply, sanitary sewer connection, and/or MS4 access. The violator may petition the City Manager for a reconsideration and hearing pursuant to Section 23A.01.021 of this Article.
- (c) The City shall not reinstate suspended services or MS4 access to the discharger until:
 - (1) The violator presents proof, satisfactory to the City Manager, that the non-complying discharge has been eliminated and its cause determined and corrected; and

- (2) The violator pays the City for all costs the City will incur in reinstating service or MS4 access.
- (d) The remedies provided by this section are in addition to any other remedies set out in this Article. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.
- (e) A person commits an offense if the person reinstates, causes to reinstate, permits or receives a benefit from the reconnection of the water service, sanitary sewer service, and/or MS4 access to premises terminated pursuant to this Section, without the prior approval of the City Manager.

Sec. 23A.01.021. Right to Reconsideration and Hearing

- (a) Any person subject to a Compliance Order under Section 23A.01.017(e), an Emergency Cease and Desist Order under Section 23A.01.017(f), an Emergency Suspension of Utility Service or MS4 Access under Section 23A.01.019, or a Non-Emergency Suspension of Utility Service or MS4 Access under Section 23A.01.020 of this Article may petition the Board of Adjustment to reconsider the basis of the City Manger or Code Enforcement Official's order or suspension within ten (10) days of the issuance of such an order or suspension.
- (b) Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order or suspension.
- (c) In its petition, the petitioning party must indicate the provisions of the order or suspension objected to, the reasons for the objection(s), any facts that are contested, the evidence that supports the petitioning party's view of the facts, any alternative terms of an order that the petitioning party would accept, and whether the petitioning party requests a hearing on its petition. Failure of the petitioning party to request a hearing in its petition shall constitute a waiver of the same.
- (d) The effect of any Compliance Order under Section 23A.01.017(e) or Non-Emergency Suspension of Utility Service or MS4 Access under Section 23A.01.020 shall be stayed pending the Board of Adjustment's reconsideration of the petition, and any hearing thereon, unless the Board of Adjustment expressly makes a written determination to the contrary. The effectiveness of any Emergency Cease and Desist Order under Section 23A.01.017(f) or Emergency Suspension of Utility Service or MS4 Access under Section 23A.01.019 shall not be stayed pending the Board of Adjustment's reconsideration, or any hearing thereon, unless the Board of Adjustment expressly and in writing stays its emergency order or emergency suspension of utility service or MS4 access.
- (e) Within fifteen (15) days of the submittal of a petition for reconsideration, the Board of Adjustment shall either:

- (1) Grant the petition in whole or in part and withdraw or modify the order or suspension accordingly;
 - (2) Deny the petition, without hearing if a hearing was not timely requested or no issue of material fact was raised by the petition; or
 - (3) If a hearing has been timely requested and a material fact has been raised, set a hearing on the petition.
- (f) The Board of Adjustment may also set a hearing if the Board of Adjustment determines that a show cause hearing should be conducted, if grounds exist to revoke or suspend a permit issued under this Article, or if grounds exist to terminate utilities on a non-emergency basis.
- (g) Written notice of any hearing set by the Board of Adjustment pursuant to Subsections (e) or (f), above, shall be served on the petitioning party personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the petitioning party.
- (h) Notice shall specify the date, time, and place of the hearing. Notice that is mailed shall be deemed received three (3) days after it is placed in a mail receptacle of the United States Postal Service.
- (i) The Board of Adjustment may, prior to rendering a decision at a hearing where the petitioner has failed to appear, require proof of actual service upon the petitioner.
- (j) The Board of Adjustment shall have the power to:
- (1) Issue in the name of the City notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in the hearing;
 - (2) Take evidence; and
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Manager for action thereon.

At any hearing held pursuant to this Section, testimony taken shall be under oath and recorded. For purposes of this Section, the Board of Adjustment shall be empowered to administer oaths and to promulgate procedural rules for the conduct of the hearing. Any party is entitled to present his/her case or defense by oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. A transcript will be made available to any party to the hearing upon payment of the usual charges thereof.

- (k) Whenever any deadline specified in this Section falls upon a Saturday, Sunday, or a City-recognized holiday, the deadline shall be the next regular City business day.
- (l) Decisions of the Board of Adjustment shall be based on a preponderance of the evidence.
- (m) The date of an order or ruling by the Board of Adjustment under this Section shall be deemed to be the date it is signed by the Board of Adjustment's representative.
- (n) After the conclusion of any hearing provided in this Section, the Board of Adjustment shall make written findings of fact and conclusions of law and shall issue a written decision without undue delay. The Board of Adjustment may sustain the City's imposition of, or may impose upon its own motion, civil penalties for any violation of this Article in accordance with Section 23A.01.23. The Board of Adjustment may modify its order as is appropriate based upon the evidence and arguments presented at the hearing and its action on the petition. Further orders and directives as are necessary and appropriate may be issued by the Board of Adjustment.
- (o) A hearing on a petition submitted to the Board of Adjustment shall exhaust all administrative remedies of the petitioning party/alleged violator.

Sec. 23A.01.022. Nuisance Abatement.

- (a) Unless specifically stated otherwise, any nuisance as defined within this Article is hereby declared a public nuisance if it exists within the corporate limits of the City or within five thousand (5,000) feet of such limits.
- (b) The Code Enforcement Official may give notice to cease, abate, remove or otherwise remedy a nuisance immediately to:
 - (1) The owner of property upon which a nuisance is located or from which a nuisance originated or is emanating. If the person creating, allowing, or maintaining the nuisance is not the owner of the property, notice shall also be given to such person.
 - (2) Any person creating, allowing, or maintaining a nuisance;
 - (3) Any person with care, custody or control over the premises containing such nuisance.
- (c) The notice must be given:
 - (1) Personally to the owner/person in writing; or
 - (2) By letter addressed to the owner/person at the owner's/person's post office address and sent registered or certified mail (return receipt requested). However, if personal or registered or certified mail service cannot be obtained or the owner's/person's post office address is unknown, notice may be given:

- (A) By publication in the official newspaper of the City at least twice within ten (10) consecutive days;
 - (B) By posting the notice on or near the front door of each building on the property to which the nuisance relates; or
 - (C) By posting the notice on a placard attached to a stake driven into the ground on the property to which the nuisance relates, if the property contains no buildings.
- (d) The notice may order the owner/person to undertake and implement any appropriate action:
- (1) To remediate and/or abate any adverse effects of the nuisance upon the MS4, the surface water in the State, the waters of the United States, or any other aspect of the environment; and/or
 - (2) To restore any part of the MS4, the surface water in the State, the waters of the United States, or any other aspect of the environment that has been harmed.
- (e) Such remedial, abatement, and restoration action may include, but not be limited to:
- (1) Monitoring, assessment, and evaluation of the adverse effects and determination of the appropriate remedial, abatement, and/or restoration action;
 - (2) Confinement, removal, cleanup, treatment, and disposal of any discharged or released pollution or contamination;
 - (3) Prevention, minimization, and/or mitigation of any damage to the public health, welfare, or the environment that may result from the nuisance; and
 - (4) Restoration or replacement of City property or natural resources damaged by the nuisance.
- (f) The notice may direct that the remediation, abatement, and/or restoration be accomplished on a specified compliance schedule and/or be completed within a specified period of time. An order issued under this Section does not relieve the violator of liability for any violation, including any continuing violation.
- (g) If the owner/person does not comply with the notice within ten (10) days of service, the Code Enforcement Official may enter any public or private property containing the nuisance and do any work necessary to abate the nuisance, except the demolition of buildings, unless otherwise permitted in accordance with other state law or ordinances.

- (h) If the immediate abatement of the nuisance is deemed necessary by the Code Enforcement Official to protect the environment or the public health, safety, or welfare from an imminent and substantial endangerment, the Code Enforcement Official may, without complying with the notice provisions of this Section or without waiting the ten-day period, enter the subject property and do or cause to be done any work necessary to abate the nuisance and remediate and restore the environment.
- (i) The City Manager shall conduct an abatement hearing, if a person required to receive notice, requests, not later than the thirtieth (30th) day after the date of the abatement, the person files a written request to the City for the abatement hearing. An abatement hearing must be held not later than the twentieth (20th) day after the date of the request for a hearing is filed. The person may testify, present evidence through witnesses or tangible documents relating to the City's abatement.
- (j) After abating the nuisance, the Code Enforcement Official may inform the owner/person in a notice sent registered or certified mail (return receipt requested) that if the owner/person commits another violation of the same kind or nature that poses a danger to the environment or to the public health and safety on or before the first anniversary date of the original notice, the City may without further notice correct the violation at the owner's expense and assess the expense against the owner's property.
- (k) All costs incurred by the City to abate a nuisance and remediate and restore the environment, including the cost of giving notice as required, shall be initially paid by the City and charged to the owner of the property.
- (l) To obtain a lien against the property, the Code Enforcement Official shall file a statement of expenses with the county clerk for the county in which the property is located. The lien statement shall state the name of the owner, if known, and the legal description of the property. The lien shall be security for the costs incurred and interest accruing at the rate of ten (10) percent on the amount due from the date of payment by the City.
- (m) The lien is inferior only to:
 - (1) Tax liens; and
 - (2) Liens for street improvements.
- (n) A lien may not be filed against real estate protected by the homestead provisions of the Texas Constitution, except as otherwise may be permitted by applicable law.

Sec. 23A.01.023. Civil Penalties.

- (a) The City may enforce the provisions of this Article pursuant to the applicable provisions of Chapter 54 of the Texas Local Government Code, which provides for the enforcement of municipal ordinances.

- (b) A civil penalty in an amount not to exceed Five Thousand Dollars (\$5,000.00) per violation of this Article may be imposed. Each violation of a particular section of this Article shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this Article.

Sec. 23A.01.024. Criminal Penalties.

- (a) It shall be an offense and a violation of this Article for any person to intentionally or knowingly violate the provisions of this Article, or fail to comply with any requirement set forth herein, including but not limited to:
 - (1) installing or maintaining sampling or monitoring equipment;
 - (2) causing or attempting to cause or create a nuisance as defined herein.
- (b) A conviction for a violation of this Article shall be deemed a misdemeanor. A person convicted of a violation of this Article, shall be fined in an amount not to exceed Two Thousand Dollars (\$2,000.00) per violation, such offense being a violation of the health and safety ordinances of the City. Each violation of a particular section of this Article shall constitute a separate offense, and each day an offense continues shall be considered a new violation for purposes of enforcing this Article. No notice shall be required to any person prior to issuance of a criminal citation under this Section.

Sec. 23A.01.025. Injunction

Any violation of any provision of this Article that constitutes an immediate danger or threat to the health, safety, and welfare of the public may be enjoined in a suit brought by the City for such purposes.

Sec. 23A.01.026. Remedies Nonexclusive

The remedies provided for in this Article are not exclusive of any other remedies that the City may have under state or federal law or other City ordinances. The City may take any, all, or any combination of these actions against a violator. The City is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.”

Sec. 23A.01.027. Maintenance Agreements

The City of Seagoville has the authority to enter into interagency or interlocal agreements or other maintenance agreements, as necessary in accordance with TPDES Phase II MS4 Permit TXR040000 Part III Section A.3.(a)(2)i. This agreement will include maintenance easements to access and inspect stormwater control practices, and perform routine maintenance to ensure proper stormwater control. A legally binding covenant will identify the responsible parties to maintain stormwater control practices.

SECTION 3. Municipal Stormwater Utility System. The City Council hereby repeals Chapter 19, Article 19.09, Municipal Stormwater Utility System, Sections 19.09.001 through 19.09.008, inclusive and replace the same with the new Chapter 23A, Article 23A.02., Municipal Storm Water Utility System, Sections 23A.02.001 through 23A.02.08 to read as follows:

CHAPTER 23A. STORMWATER PROTECTION.

ARTICLE 23A. MUNICIPAL STORMWATER UTILITY SYSTEM

Sec. 23A.02.001 Adoption of Act.

The Municipal Drainage Utility Systems Act, Chapter 552, Subchapter C, Texas Local Government Code, as amended, (“act”) is hereby adopted and shall be fully implemented as provided by the act and by the City Council; and the drainage of the City is hereby found to be a public utility within the meaning of the act.

Sec. 23A.02.002 Drainage Service Provided.

The City will provide stormwater drainage for all real property within its boundaries upon payment of the determined drainage charges, as defined in the act, and excluding certain exempted real property, and that the fees, assessments, and charges will be based on nondiscriminatory, reasonable and equitable terms.

Sec. 23A.02.003 Billing for Service.

The City is hereby authorized to bill the drainage charges incurred as a result of the adoption of the act and through the establishment of the municipal stormwater utility system. The stormwater utility fee shall be separately identified from other public utility billings.

Sec. 23A.02.004 Authority to Levy Charges.

The City may levy a schedule of drainage charges upon satisfaction of the procedural requirements provided in the act and this article.

Sec. 23A.03.005 Exemption Authorized.

The City is authorized to exempt certain entities or persons from all ordinances, resolutions, and rules which the City may adopt from time to time in connection with the adoption of the act and the establishment of its municipal stormwater utility system.

Sec. 23A.02.006 Fees.

- (a) The City will establish a drainage utility fee to be set by resolution of the City Council which will be collected through the City’s bill for public utilities pursuant to the act other applicable law.

- (b) The fees which will be established will apply to the accounts maintained by the City for utility services.
- (c) All billings, credits, exemptions and other procedures relating to these fees shall be subject to the provisions of the act and other applicable law.

Sec. 23A.02.007 Appeals

- (a) Billing and payment disputes for administrative issues shall be subject to appeals procedures used by the City for other utility billing disputes.
- (b) Appeals for the following reasons shall be directed to the public works director or his designee for evaluation and determination:
 - (1) Exempt property has been assessed a stormwater utility fee;
 - (2) Stormwater utility fee for an individual property is based on an incorrect determination of the property's contribution to the stormwater system, as established in the municipal stormwater utility fee schedule;
 - (3) Stormwater utility fee for an individual property is assessed on more than one utility account; or
 - (4) Stormwater utility fee is assessed to individual property outside the City's jurisdictional area.
- (c) The public works director or his designee shall render a written decision on such appeals within thirty (30) days after receiving a written notice of appeal from the landowner.
- (d) Any landowner who disagrees with the decision of the public works director or his designee may appeal such decision to the City Council. The decision of the City Council shall be final.

Sec. 23A.02.008. Penalties.

- (a) Failure to pay the stormwater utility fee promptly when due shall subject such user to discontinuance of any utility services provided by the City, in accordance with all applicable laws.
- (b) The City shall not require a deposit for drainage charges as a precondition to accepting surface flow from benefited property into the City's drainage utility system. All real property of the City will be provided with drainage service on payment of drainage charges.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid

or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. SAVINGS. Any and all pending enforcement actions pending for stormwater drainage under the repealed Chapter 19, Article 19.08, Sections 19.08.001 through 19.08.021 and Article 19.09, Sections 19.09.001 through 19.09.008 shall be continued and the above-referenced Sections shall remain in full force and effect for such pending enforcement; thereafter such Article shall have not further effect and are hereby repealed.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES. All ordinances, orders and resolutions heretofore passed and adopted by the City Council of the City of Seagoville, Texas are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 7. EFFECTIVE DATE. The fact that the present ordinances and regulations of the City of Seagoville, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Seagoville, Texas, creates an emergency for the immediate preservation of public business, property, health, safety and general welfare of the public that requires that this Ordinance shall become effective from and after the date of its passage and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, THIS THE 14th DAY OF September, 2015.

CITY OF SEAGOVILLE, TEXAS

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, City Attorney
(TM 72806-Revised)

Agenda Item 9

Discuss and consider of a Resolution accepting the Seagoville Economic Development Corporation budget for fiscal year October 1, 2015 through September 30, 2016.

BACKGROUND OF ISSUE:

In a public meeting, on or about July 13, 2015, the Seagoville Economic Development Corporation (SEDC) proposed and approved a budget for expenditures for Fiscal Year 2015 – 2016.

The budget is incorporated in the budget book and will be approved and adopted as part of the overall budget. This resolution will accept the budget adopted by the SEDC.

FINANCIAL IMPACT:

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION 43-R-14

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, ACCEPTING THE SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION FOR THE FISCAL YEAR OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016; AND PROVIDING FOR EXPENDITURES FOR SAID FISCAL YEAR.

WHEREAS, after notice required by law, on or about July 13, 2015, the Seagoville Economic Development Corporation proposed and adopted a budget for expenditures for the Fiscal Year 2015-2016; and

WHEREAS, the City Council finds that the adopted budget by the Seagoville Economic Development Corporation for Fiscal Year 2015-2016 should be accepted and adopted as part of the City of Seagoville budget for Fiscal Year 2015-2016.

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

SECTION 1. The annual budget for the Seagoville Economic Development Corporation for the Fiscal Year 2015-2016, attached hereto as Exhibit "A" and incorporated herein.

SECTION 2. That expenditures during the fiscal year shall be made in accordance with the budget approved, unless otherwise authorized by a duly enacted ordinance of the City.

SECTION 3. The City Council hereby approves, ratifies and reinstates approval of Resolution 19-02 authorizing expenditures by the Seagoville Economic Development Corporation for projects of Five Thousand Dollars (\$5,000.00) or less without review or further approval by City Council, provided such expenditures are for Quality of Life Grants or Grant Assistance Business Programs, attached hereto as Exhibit "B" and incorporated herein.

SECTION 4. This resolution shall take effect immediately from and after its passage.

DULY PASSED by the City Council of the City of Seagoville, Texas, on this 14th day of September, 2015.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**Seagoville Economic Development Corporation
Fund Summary FY 2016**

Account Description	Actual FY 2014	Budget FY 2015	Projected FY 2015	Proposed FY 2016
Available Balance October 1	145,110	673,856	673,856	799,674
Revenues				
Sales Tax Revenues	689,680	665,000	665,000	665,000
Rent Revenue	14,400	-	11,200	12,600
Insurance Recovery	-	-	51,150	-
Reimbursement	-	-	6,331	-
Interest Income	1,512	1,400	1,400	1,400
Total Revenue	705,592	666,400	735,081	679,000
Total Resources Available	850,702	1,340,256	1,408,937	1,478,674
Expenditures				
Administrative Cost	66,577	137,880	36,393	45,932
Operations	70,349	51,067	53,567	73,090
Projects	9,569	-	150,000	150,000
Land Purchases	-	-	93,673	-
City Projects*				
Fireworks	5,000	5,000	5,000	5,000
Kidfish Event	-	1,250	723	1,250
Quality of Life Projects	-	100,000	30,000	100,000
Debt Service	25,351	164,907	239,907	176,046
Facade Improvement Program	-	50,000	-	50,000
Total Expenditures	176,846	510,104	609,263	601,318
Fund Balance September 30	673,856	830,152	799,674	877,356

EXHIBIT "A"

RESOLUTION NO. 19-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AUTHORIZING EXPENDITURES BY THE SEAGOVILLE ECONOMIC DEVELOPMENT CORPORATION FOR PROJECTS OF FIVE THOUSAND DOLLARS (\$5,000.00) OR LESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, project expenditures of the Seagoville Economic Development Corporation are subject to oversight and approval by the City Council; and

WHEREAS, to obtain efficiency in the timely approval of minor expenditures, the City Council wishes to authorize expenditures of Five Thousand Dollars (\$5,000.00) or less without review or further approval by the City Council;

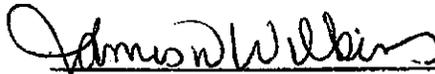
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That expenditures of the Seagoville Economic Development Corporation, otherwise authorized by the Development Corporation Act of 1979 and not exceeding Five Thousand Dollars (\$5,000.00), may be made by the Board of Directors of the Corporation without prior review and approval by the City Council, provided such expenditures are for Quality of Life Grants or Grant Assistance Business Programs.

SECTION 2. This resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, THE 21ST DAY OF NOVEMBER, 2002.

APPROVED:



Mayor

ATTEST:



City Secretary

Exhibit "B"

Agenda Item 10

Discuss and consider an Ordinance approving and adopting a budget for the City for the fiscal year October 1, 2015 through September 30, 2016 and providing that expenditures for said fiscal year shall be made in accordance with said budget.

BACKGROUND OF ISSUE:

Public hearings were held August 17, 2015 and September 1, 2015 to receive citizen input on the proposed budget for FY 2015-2016 as required by the Home Rule Charter and Truth-in-Taxation legislation.

The attached ordinance adopts the FY 2015-2016 budgets for the General Fund, Debt Service Fund, Utility Fund, Drainage Fund, SEDC Fund, Hotel/Motel Tax Fund, Small Grants Fund, Municipal Court Fund, Animal Shelter Operations Fund, Police Training Fund and FY 2015 Street Projects Fund.

FINANCIAL IMPACT:

N/A

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 20-15

AN ORDINANCE OF THE CITY OF SEAGVILLE, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 01, 2015, THROUGH SEPTEMBER 30, 2016; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Interim City Manager of the City of Seagoville, Texas has heretofore on the 3rd day of August, 2015, filed with the City Secretary a proposed general budget for the City covering the fiscal year aforesaid; and

WHEREAS, the governing body of the City has this date concluded its public hearing on said budget; and

WHEREAS, THIS BUDGET WILL RAISE MORE PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$120,856 OR 3.6%, AND OF THAT AMOUNT, \$54,251 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR;

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

SECTION 1. That said budget fund expenditures be attached to this ordinance as Exhibit "A" and made part hereof for all purposes.

SECTION 2. That said budget attached hereto as Exhibit "A" be, and the same is hereby amended as follows:

SECTION 3. That subject to the above-mentioned amendments, if any, said budget attached hereto as Exhibit "A" be, and the same is hereby, approved and adopted by the City Council as the official budget for the City for the fiscal year aforesaid.

SECTION 4. That expenditures during the fiscal year shall be made in accordance with the budget approved by this ordinance, unless otherwise authorized by a duly enacted ordinance of the City.

SECTION 5. That specific authority is given to the Interim City Manager to make the following adjustments:

1. Transfer of budgeted appropriations from one account classification to another account classification within the same department.

2. Transfer of appropriations from designated appropriations to any individual department or activity.

SECTION 6. That the City Council hereby ratifies, adopts, and approves all actual expenditures and changes to the Fiscal 2014-2015 Budget; and hereby authorizes the same as if previously approved and adopted.

SECTION 7. That the necessity for making and approving a budget for the fiscal year as required by the laws of the State of Texas, requires that this ordinance shall take effect immediately from and after its passage as the law in such cases provides.

DULY PASSED by the City Council of the City of Seagoville, Texas, on this the 14th day of September, 2015.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

**EXHIBIT A
CITY OF SEAGOVILLE
2016 BUDGET
FUND EXPENDITURES**

Description	Amount
General	8,028,963
Debt Service	236,864
Water and Sewer Operations	5,589,984
Small Grants	2,550
Municipal Court	19,428
Hotel/Motel	15,000
Animal Shelter Operations	3,000
Police Training	5,000
Storm Water	55,300
FY 2015 Street Improvements	2,034,500
Storm Water	
	<hr/>
	<u>15,990,589</u>

Agenda Item 11

Discuss and consider approval of an Ordinance levying the ad valorem taxes for the year 2015 at a rate of \$0.713800 per one hundred dollars (\$100.00) assessed valuation on all taxable property within the corporate limits of the City as of January 1, 2015; to provide revenues for current expenses and interest and sinking fund requirements; and providing for due and delinquent dates together with penalties and interest.

BACKGROUND OF ISSUE:

The attached ordinance establishes the City's ad valorem tax rate as \$0.713800.

FINANICIAL IMPACT:

**AN ORDINANCE OF THE CITY OF SEAGOVILLE,
TEXAS**

ORDINANCE NO. 21-15

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, LEVYING AD VALOREM TAXES FOR THE YEAR 2015 AT A RATE OF \$0.713800 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2015, TO PROVIDE REVENUES FOR CURRENT EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; AND DECLARING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE,
TEXAS:**

SECTION 1. That there be and is hereby levied for the year 2015 on all taxable property, real, personal and mixed, situated within the limits of the City of Seagoville, Texas and not exempt by the Constitution of the State and valid State laws, a tax of \$0.713800 on each One Hundred Dollars (\$100.00) assessed value of taxable property, and shall be appropriated and distributed as follows:

- (a) For the purpose of defraying the current expenses of the municipal government of the City, a tax of \$0.675800 on each One Hundred Dollars (\$100.00) assessed value of all taxable property.
- (b) For the purpose of creating a sinking fund to pay the interest and principal on all outstanding bonds of the City, not otherwise provided for, a tax of \$0.038000 on each One Hundred Dollars (\$100.00) assessed value of all taxable property, within the City which shall be applied to the payment of such interest and maturates of all outstanding bonds.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATION THAN LAST YEAR'S TAX RATE.

SECTION 2. That all ad valorem taxes for the year shall become due and payable on October 1, 2015 and all ad valorem taxes for said year shall become delinquent if not paid before February 1, 2016. There shall be no discount for payment of taxes prior to said January 31, 2016. A delinquent tax shall incur a penalty of six percent (6%) of the amount of the tax for the first calendar month it is

delinquent plus one percent (1%) for each additional month or portion of a month the tax remains unpaid prior to July 1, 2016. Provided, however, a tax delinquent on July 1, 2016, shall incur a total penalty of twelve percent (12%) of the amount of the delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax shall also accrue interest at a rate of one percent (1%) for each month or portion of a month the tax remains unpaid. Taxes that remain delinquent on July 1, 2016, shall incur an additional penalty of twenty percent (20%) of the amount of taxes, penalty, and interest due in order to defray costs of collection pursuant to section 6.30 of the Property Tax Code.

SECTION 3. Taxes are payable in Seagoville, Texas, at the offices of the Dallas County Tax Assessor Collector and Kaufman County Tax Assessor Collector. The City shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

SECTION 4. That the tax rolls, as presented to the City Council, together with any supplement thereto, be and the same are hereby approved.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, on the 14th day of September, 2015.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

Agenda Item 12

Discuss and consider a Resolution ratifying the budget for Fiscal Year 2015-2016 that will require raising more revenues by \$120,856 or 3.6% from property taxes than the previous year and of that amount, \$54,251 is tax revenue to be raised from new property added to the tax roll this year; and providing an effective date.

BACKGROUND OF ISSUE:

Section 102.007(c) of the Texas Local Government Code requires if the adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the City Council to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate.

This action will satisfy this requirement.

FINANCIAL IMPACT:

N/A

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 44-R-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, RATIFYING THE BUDGET FOR THE FISCAL YEAR 2015-2016 THAT WILL REQUIRE RAISING MORE REVENUES BY \$120,856 OR 3.6% FROM PROPERTY TAXES THAN PREVIOUS YEAR AND OF THAT AMOUNT \$54,251 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, following public notice duly posted and published in all things as required by law, a public hearing was held, by and before the City Council of the City of Seagoville, the subject of which was the proposed budget for the City of Seagoville for Fiscal Year 2015-2016; and

WHEREAS, Section 102.007 (c) of the Texas Local Government Code requires a separate vote on a budget that will require raising more revenue from property taxes than the previous year and shall be ratified by a separate vote from the adoption of the budget or tax rate.

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

SECTION 1. The City Council hereby ratifies by a record vote of the Council's adoption of a budget for Fiscal Year 2015-2016 which will raise more revenue from property taxes than the previous year.

SECTION 2. This Resolution shall take effect immediately from and after its passage, as the law and charter in such cases provides.

DULY ORDERED by the City Council of the City of Seagoville, Texas, this the 14th day of September, 2015.

APPROVED:

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

Agenda Item 13

Receive Councilmember Reports.

BACKGROUND OF ISSUE:

Items of community interest regarding which no action will be taken, as authorized by Section 551.0415 of the Government Code.

FINANCIAL IMPACT:

N/A

Agenda Item 14

Receive Citizen Comments.

BACKGROUND OF ISSUE:

Citizens may speak 6 minutes each on any matter, other than personnel matters, or matters under litigation.

FINANCIAL IMPACT:

N/A

Agenda Item 15

Receive Future Agenda Items.

BACKGROUND OF ISSUE:

If a Councilmember should wish for an item to be placed on a future agenda it may be requested at this time. Please keep in mind, there **CANNOT** be a discussion amongst the City Council regarding this item because it is not listed on the posted agenda.

FINANCIAL IMPACT:

N/A

Agenda Item 16

Adjourn.

BACKGROUND OF ISSUE:

At this time, the Mayor may adjourn the meeting if there is no further business to conduct.

FINANCIAL IMPACT:

N/A