



CITY OF BRADY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MAY 19, 2015 AT 6:00 PM

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 6:00pm on May 19, 2015, at the Ed Davenport Civic Center located at 200 Country Club Road, Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

Tony Groves
Mayor

Latricia Doyal
Mayor Pro Tem

Kathy Gloria
Councilmember

Linda Lott
Councilmember

Marilyn Gendusa
Councilmember

Jack Turk
Councilmember

Kim Lenoir
City Manager

Raika Rowe
City Attorney

Tina Keys
City Secretary

Platinum
Level



Texas Comptroller
Leadership Circle

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. APPROVAL OF AUDIT BOARD

4. APPROVAL OF MINUTES 5-5-2015; 5-12-2015

5. PUBLIC COMMENTS

Public comments are reserved for items NOT listed on the agenda. Please address public comments regarding items ON the agenda under "Individual Concerns" during public comments and discussion of those items. To speak, please fill out notecard and give to City Secretary.

6. PRESENTATIONS

Introduction of Police Chief Steve Thomas and Police Officer Terry Bishop

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding Resolution 2015-025 and 2015-026 to Canvass the May 9, 2015 elections
- B. Administer Oath of Office and Swearing In of the newly elected officers: Shelly Perkins, Councilmember Place 2 and Marilyn Gendusa, Councilmember Place 3
- C. Recognition of outgoing term-limited Councilmember Linda Lott and former City Secretary Christy Badilla (recess for reception approximately 30 minutes)
- D. Election of Mayor Pro Tem
- E. Annual review, discussion, consideration, and possible action to amend the Fund Balance / Working Capital Policy No. 2013-1 (reserve fund policy)

- F. Discussion, consideration, and possible action regarding approval of the Brady Economic Development Corporation (BEDC) recommended FY2015 Budget Amendments
- G. Discussion, consideration, and possible action regarding first reading of Ordinance 1172 of the City of Brady, Texas amending FY2014-2015 Budget, including fund transfers, and including BEDC Budget Amendments
- H. Discussion, consideration, and possible action regarding Resolution 2015-027 regarding the use of Richard's Park and designated street for the purpose of the Salute Run 5k.

8. STAFF REPORTS

- A. Monthly Financial Reports for April
- B. Monthly Activity Reports – Seniors, Golf, BPD
- C. Aquatic Center / Swimming Pool Opens for season May 30
- D. May 25 – City Offices Closed
- E. May 25 – Residential Trash Services – Mon pick-up Tues; Tues pick-up Wed
- F. May 26 – 5pm ZBA Meeting – Service Center
- G. June 2 – Joint P&Z Public Hearing for rezoning the Apartment Complex site from Commercial to Multi-family
- H. June 2 – 100% Construction Plan Review for Civic Center
- I. FY2016 Budget Calendar and scheduled Work Session Meetings
- J. Hand-out Open Meetings Act

9. ANNOUNCEMENTS

Pursuant to the Texas Government Code § 551.0415, City Council Members and City staff may make reports about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to public health and safety of people in the municipality that has arisen after the posting of the agenda.

10. EXECUTIVE SESSION

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development). Additionally, the following items are anticipated for Executive Session:

- A. Pursuant to 551.072 (Deliberations about Real Property)
- B. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility) - Electric Competitive Matters
- C. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of (and if necessary, seek advice from City Attorney under 551.071):
 - a. Board Appointments
- D. Pursuant to Section 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters:
 - a. Charter Election
 - b. Pending and/or contemplated litigation
 - c. To seek legal advice regarding the city's authority to regulate water supply and groundwater use within the City Limits
- E. Pursuant to Section 551.087 (Economic Development)
 - a. Discussion of potential economic development projects

11. Open Session Action on Any Executive Session Item listed above, if needed.

12. ADJOURNMENT

I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on _____ by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Tina Keys, City Secretary

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City Facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or citysec@bradytx.us.

NOTICE is hereby given of possible quorum: There may be a quorum present of the Brady Economic Development Corporation, Planning and Zoning Commission, Airport Advisory Board, Zoning Board of Adjustments and/or the Charter Review Commission during this meeting, but they will not deliberate on any city business.

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday, May 5, 2015 at 6:00 p.m. at the Ed Davenport Civic Center, 200 Country Club Rd, Brady, Texas with Mayor Tony Groves presiding. Council members present were Jack Turk, Marilyn Gendusa, Latricia Doyal, Kathy Gloria. City staff present were City Manager, Kim Lenoir, Interim City Secretary Tina Keys, Public Works Director Steve Miller, Community Services Director Peter Lamont, Finance Director Lisa Remini, Marvin Smith, Mike Adams, Officer Tim Hastings, Bonnie Smith, City Attorney Raika Rowe. Others in attendance were Mary Bradshaw, Delma Nuncio, Marilyn Roberts, Alta Alewine, Mary Massey, Rosia Cook, Lynn Farris, Jon Chase, Shelly Perkins, Joe Whitehead, Joe Sanchez, Neal Ulmer, Alex Martinez, Lee Sellers, Chris and Teresa Leifeste, Tommy Harris, Jimmy Espinoza, Phillip Cross, Eddie Mireles, Rick & Nanette Morgan.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 6:01 p.m. A quorum was certified.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Doyal gave the invocation, and the Pledge of Allegiance was recited.

3. APPROVAL OF AUDIT BOARD

Council Member Turk made a motion to approve the audit board. Seconded by Council Member Gendusa. All Council Members voted "aye" and none "no". Motion carried.

4. APPROVAL OF MINUTES for 4/21/2015

Council Member Gendusa made a motion to approve the minutes. Seconded by Council Member Turk. All Council Members voted "aye" and none "no". Motion carried.

5. PUBLIC COMMENTS

Mary Bradshaw, thanks for help / EMS

6. PRESENTATIONS

- A. Proclamation for Public Works Week. City Manager Lenoir presented to council
- B. Proclamation for Motorcycle Safety and Awareness Month – Mayor Groves presented to council
- C. Curtis Field Airport Master Plan and Update – Peter Lamont presented to council

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action on to authorize Jacob & Martin, LTD Consulting Engineers to include City of Brady as a bid participant in the multiple local governments entities 2015 Seal Coat Overlay Street Project (estimated \$90,000). Steven Miller presented to council. Council Member Gendusa made motion to approve. Seconded by Council Member Turk. All Council Members voted "aye" and none "no". Motion carried.

- B. Discussion, consideration, and possible action on Article 1.600 concerning Rules and Regulations of Resthaven and Live Oak City cemeteries. Peter Lamont presented to Council. Floor was opened to public comments. Delma Nuncio, Marilyn Roberts, Mary Massey, Alta Alewine, Rosia Cook, and Joe Sanchez commented.

Mayor called for a break at 7:32pm. Meeting resumed at 7:39pm. With comments by Shelly Perkins and Alex Martinez. Mayor asked for staff to return with recommendations from comments received. No immediate action was taken.

- C. Discussion establishing a youth curfew for City of Brady. City Manager Kim Lenoir and Councilmember Gendusa presented information to council. Joe Sanchez commented. Mayor asked for new police chief to bring back a recommendation to city council. No action was taken.
- D. Discussion, consideration, and possible action to approve Resolution 2015-022 regarding a financing agreement for the purpose of procuring "vehicles". (Loan for \$151,622.10, bids awarded 4/21/2015). Lisa Remini presented to council. Councilmember Doyal made motion to approve. Seconded by Council member Gendusa. All Councilmembers voted "aye" and none "no". Motion carried.
- E. Discussion, consideration, and possible action regarding a Resolution 2015-023 authorizing "Notice of Intent to issue Certificates of Obligation" for the renovation and construction project of the Ed Davenport Civic Center. The City intends for Debt Service to be funded by the Brady Economic Development Corporation (BEDC) ¼ cent sales tax, where the voters in the City of Brady approved a proposition on May 9, 2009 to authorize the BEDC 4A revenues for this community 4B project. (estimated par amount not to exceed \$1.555,000). Lisa Remini presented to Council. Council Member Doyal made motion to approve. Seconded by Council Member Gloria. All Council Members voted "aye" and none "no". Motion carried.
- F. Discussion, consideration, and possible action regarding Resolution 2015-024 to grant approval of a noise variance for the Iron Horse Motorcycle Club Motorcycle Awareness Month Celebration at the City of Brady Gun Range on Friday, May 15th until 12 am, through Saturday May 16 and until 1am Sunday May 17, 2015. Kim Lenoir presented to council. Council Member Doyal made motion to approve. Seconded by Council Member Turk. All Council Members voted "aye" and none "no". Motion carried.

8. STAFF REPORTS

- A. May 9 – Election Day
- B. May 12 – City Council Work Session – 5 year Capital Improvement Plans and Mid-year budget review, 3pm at City Hall
- C. May 15, 16 – 5th Annual Armed Forces Day Celebration and Fly-In
- D. May 16 – 4-H Shotgun Benefit at Brady Lake Gun Range
- E. Kim Lenoir announced that City received today the Texas Health Dept "Nuisance finding" for the radium in the Brady ground water which authorizes 100% state funding for design of the radium reduction drinking water project.

9. ANNOUNCEMENTS

Rick Morgan discussed the Fly-in and appreciation for support from council and local businesses
Marilyn Gendusa mentioned hamburger lunch at Fly-in on Saturday noon.
Marilyn Gendusa talked about Heart of Texas Rifle Shootout for 4-H, kids placed in event
Latricia Doyal announced May 16th is Police Day

There being no further business, Mayor Groves adjourned Regular Session at 8:21p.m.

Council reconvened into Executive Session at 8:46pm

10. EXECUTIVE SESSION

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development). Additionally, the following items are anticipated for Executive Session:

- A. Pursuant to 551.072 (Deliberations about Real Property)
- B. Pursuant to Section 551.086 (Deliberations, vote or final action about competitive matters of the public power utility) - Electric Competitive Matters
- C. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of (and if necessary, seek advice from City Attorney under 551.071):
 - a. City Manager
 - b. City Secretary
- D. Pursuant to Section 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters:
 - a. Charter Election
 - b. Pending and/or contemplated litigation
 - c. To seek legal advice regarding the city's authority to regulate water supply and groundwater use within the City Limits
- E. Pursuant to Section 551.087 (Economic Development)
 - a. Discussion of potential economic development projects

Executive session adjourned at 10:06pm and Mayor announced that City Council would return to Open Session at 10:07pm for any Action on any Executive Session Item listed above.

10.C.b. Motion by Councilmember Jack Turk, seconded by Councilmember Marilyn Gendusa to appoint Tina Keys as City Secretary. All Councilmembers voted "aye" and none "no". Motion carried.

11. ADJOURNMENT

There being no further business, Mayor Groves adjourned the meeting at 10:08 p.m.

Mayor Tony Groves

Attest: _____
Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session on Tuesday, May 12, 2015 at 3:00p.m. at the City of Brady City Hall, 201 E. Main Street, Brady, Texas with Mayor Anthony Groves presiding. Council members present were Latricia Doyal, Marilyn Gendusa, Kathy Gloria, and Jack Turk. City staff present were City Manager Kim Lenoir, City Secretary Tina Keys, Director of Finance Lisa Remini, Director of Public Works Steven Miller and upcoming councilmember Shelly Perkins

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 3:01 p.m. Roll was then called for Council and a quorum was certified.

2. PRESENTATIONS / DISCUSSION ITEMS

- A. Review and discuss Reserve Policy and Financial Statement.
- B. Review and discuss 5 Year Capital Improvement Program
- C. Review and discuss Mid-Year Budget Amendments for FY 2015

3.. ADJOURNMENT

There being no further business the Mayor adjourned the meeting at 5:25 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

CITY OF BRADY, TEXAS

RESOLUTION NO. 2015-025

A RESOLUTION OF THE CITY OF BRADY, TEXAS, CANVASSING THE RETURNS AND DECLEARING THE RESULTS OF A SPECIAL ELECTION/LOCAL OPTION ELECTION HELD ON MAY 9, 2015, IN THE CITY OF BRADY, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED RESIDENT ELECTORS OF THE CITY FOR CONSIDERATION TO AUTHORIZE THE LEGAL SALE OF MIXED BEVERAGES AND DECLARING THAT SAID RESOLUTION SHALL BE EFFECITVE IMMEDIATELY UPON ITS ADOPTION.

WHEREAS, heretofore previously, Resolution No. 2015-008 a Resolution passed and approved by the City Council of the City of Brady, Texas (the "City"), ordered the Local Election on the 17th day of February, 2015; and

WHEREAS, a Local Election was duly held in the City of Brady on Saturday, the 9th day of May, 2015, in accordance with the requirements of law and the Texas Election Code; and

WHEREAS, authorizing the legal sale of mixed beverages was considered by the duly qualified electors of the City of Brady in said Special Election.

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

SECTION 1. That the City Council of the City of Brady finds and determines that a Local Election was duly held in the City of Brady in accordance with the provisions of the Texas Election Code on Saturday, the 9th day of May, 2015, at which election a proposition was considered, to-wit, Proposition for the Legal Sale of Mixed Beverages; that notice thereof was given in accordance with law; the due returns of said election have been made by the proper officers and canvassed by the city Council of the City of Brady; that said election in all things complies with the Texas Election Code; and that at said election, the following votes were cast:

SECTION 2. That "the legal sale of mixed beverages", having received a majority of votes cast for said proposition is are hereby declared and ordered to be officially and finally passed and approved.

PASSED and APPROVED by a vote of _____ “ayes” in favor and of _____ “noes” against on this first and final reading in full compliance with Section 3.19 of the City Charter of the City of Brady, Texas on this the 19th day of May, 2015.

ATTEST:

APPROVED:

Tina Keys, **City Secretary**

Anthony Groves, **Mayor**

APPROVED AS TO FORM:

Raika Rowe, **City Attorney**
Denton Navarro Rocha Bernal Hyde & Zech, P.C.

CITY OF BRADY, TEXAS

RESOLUTION NO. 2015-026

A RESOLUTION OF THE CITY OF BRADY, TEXAS, CANVASSING THE RETURNS AND DECLEARING THE RESULTS OF A SPECIAL ELECTION HELD ON MAY 9, 2015, IN THE CITY OF BRADY, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED RESIDENT ELECTORS OF THE CITY CONSIDERATION OF THIRTY (30) CHARTER PROPOSITIONS AND DECLARING THAT SAID RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

WHEREAS, heretofore previously, Resolution No. 2015-007 and Resolution No. 2015-009 Resolution(s) passed and approved by the City Council of the City of Brady, Texas (the "City"), ordered the Special Election on the 17th day of February, 2015; and

WHEREAS, a Special Election was duly held in the City of Brady on Saturday, the 9th day of May, 2015, in accordance with the requirements of law and the Texas Election Code; and

WHEREAS, thirty (30) Charter amendments (propositions) were considered by the duly qualified electors of the City of Brady in said Special Election.

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

SECTION 1. That the City Council of the City of Brady finds and determines that a Special Election was duly held in the City of Brady in accordance with the provisions of the Texas Election Code on Saturday, the 9th day of May, 2015, at which election propositions were considered, to-wit, Propositions 1 - 30; that notice thereof was given in accordance with law; the due returns of said election have been made by the proper officers and canvassed by the city Council of the City of Brady; that said election in all things complies with the Texas Election Code; and that at said election, the following votes were cast:

PROPOSITION NO. 1

Shall the City Charter be amended to revise Section 1.02 Form of Government to refer to related ARTICLE III. THE CITY COUNCIL. Section 3.05 Mayor and Section 4.01 City Manager?

VOTES CAST FOR (YES) SAID PROPOSITION:	230
VOTES CAST AGAINST (NO) SAID PROPOSITION:	87

PROPOSITION NO. 2

Shall the City Charter be amended to revise Section 2.02 Extension of Boundaries to update the references to relevant state law?

VOTES CAST FOR (YES) SAID PROPOSITION: 247

VOTES CAST AGAINST (NO) SAID PROPOSITION: 69

PROPOSITION NO. 3

Shall the City Charter be amended to revise Section 3.05 Mayor to provide that two (2) Council Members may recommend appointees for boards and commissions; the Council shall approve all appointments; and refer to related Section 3.06 Mayor Pro Tem, Section 3.07 Removal from Office, Section 3.17 Emergency Ordinances, Section 3.18 Veto of Ordinances and Section 3.19 Resolutions?

VOTES CAST FOR (YES) SAID PROPOSITION: 235

VOTES CAST AGAINST (NO) SAID PROPOSITION: 83

PROPOSITION NO. 4

Shall the City Charter be amended to revise Section 3.06 Mayor Pro Tem to delete the requirement that the Mayor Pro Tem be elected by ballot and to ensure compliance with state law?

VOTES CAST FOR (YES) SAID PROPOSITION: 243

VOTES CAST AGAINST (NO) SAID PROPOSITION: 80

PROPOSITION NO. 5

Shall the City Charter be amended to revise Section 3.15 Prohibitions to refer to Section 3.17 Emergency Ordinances?

VOTES CAST FOR (YES) SAID PROPOSITION: 243

VOTES CAST AGAINST (NO) SAID PROPOSITION: 66

PROPOSITION NO. 6

Shall the City Charter be amended to revise Section 3.16 Ordinances to clarify when Emergency Ordinances shall be authorized in Section 3.17 Emergency Ordinances and to refer to Section 13.16 General Provisions/Definitions which defines professional services according to state law?

VOTES CAST FOR (YES) SAID PROPOSITION: 252

VOTES CAST AGAINST (NO) SAID PROPOSITION: 56

PROPOSITION NO. 7

Shall the City Charter be amended to revise Section 3.17 Emergency Ordinances to delete the reference to "Article 9.06" (sic) (Section 9.06 is Action on Petition) which does not exist and to refer to related Section 3.15 Prohibitions, Section 3.16 Ordinances and Section 6.06 Borrowing to Meet Emergency Appropriations?

VOTES CAST FOR (YES) SAID PROPOSITION:	244
VOTES CAST AGAINST (NO) SAID PROPOSITION:	66

PROPOSITION NO. 8

Shall the City Charter be amended to revise Section 4.08 Emergency Medical Service to reflect the changes made when Section 4.04 Fire Department and Section 4.08 Emergency Service were merged and Section 4.04 was amended by Ordinance 1117 at an election held on May 11, 2013?

VOTES CAST FOR (YES) SAID PROPOSITION:	252
VOTES CAST AGAINST (NO) SAID PROPOSITION:	59

PROPOSITION NO. 9

Shall the City Charter be amended to revise Section 5.01 Platting and Property to accurately reference current state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	256
VOTES CAST AGAINST (NO) SAID PROPOSITION:	60

PROPOSITION NO. 10

Shall the City Charter be amended to revise Section 6.03 Annual Budget to conform to current state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	276
VOTES CAST AGAINST (NO) SAID PROPOSITION:	42

PROPOSITION NO. 11

Shall the City Charter be amended to revise Section 6.04 Administration of Budget to correct the name of accounts mentioned, remove the requirement that the finance officer shall be liable for payments authorized or made by another officer, and refer to related Section 6.06 Borrowing to Meet Emergency Appropriations, Section 6.07 Borrowing in Anticipation of Property Taxes and ARTICLE X. BONDS, Section 10.01?

VOTES CAST FOR (YES) SAID PROPOSITION:	233
VOTES CAST AGAINST (NO) SAID PROPOSITION:	84

PROPOSITION NO. 12

Shall the City Charter be amended to revise Section 6.05 Amendment and Supplemental Budgets to provide that the voting approval become consistent with requirements provided in Section 3.16 Ordinances, Section 3.17 Emergency Ordinances and Section and Section 6.06 Borrowing to Meet Emergency Appropriations?

Section 6.05 Amendment and Supplemental Budgets:

VOTES CAST FOR (YES) SAID PROPOSITION:	240
VOTES CAST AGAINST (NO) SAID PROPOSITION:	67

PROPOSITION NO. 13

Shall the City Charter be amended to revise Section 6.06 Borrowing to Meet Emergency Appropriations to refer to Section 6.05 Amendment and Supplemental Budgets and Section 3.17 Emergency Ordinances?

Section 6.06 Borrowing to Meet Emergency Appropriations:

VOTES CAST FOR (YES) SAID PROPOSITION:	229
VOTES CAST AGAINST (NO) SAID PROPOSITION:	76

PROPOSITION NO. 14

Shall the City Charter be amended to revise Section 6.09 Purchase Procedures to provide that it has been pre-empted by state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	245
VOTES CAST AGAINST (NO) SAID PROPOSITION:	61

PROPOSITION NO. 15

Shall the City Charter be amended to revise Section 6.11 Independent Audit to provide that it has been pre-empted by state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	255
VOTES CAST AGAINST (NO) SAID PROPOSITION:	51

PROPOSITION NO. 16

Shall the City Charter be amended to revise Section 11.01 Powers of Taxation to reflect the current status of state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	252
VOTES CAST AGAINST (NO) SAID PROPOSITION:	55

PROPOSITION NO. 17

Shall the City Charter be amended to revise Section 11.02 Office of Taxation to conform to current state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	254
VOTES CAST AGAINST (NO) SAID PROPOSITION:	59

PROPOSITION NO. 18

Shall the City Charter be amended to revise Section 11.03 Assessment of Property for Tax Purpose to conform to current state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	254
VOTES CAST AGAINST (NO) SAID PROPOSITION:	59

PROPOSITION NO. 19

Shall the City Charter be amended to revise Section 11.04 Assessment of Property for Tax Purpose to conform to current state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	258
VOTES CAST AGAINST (NO) SAID PROPOSITION:	55

PROPOSITION NO. 20

Shall the City Charter be amended to revise Section 11.05 Tax Liens to conform to current state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	251
VOTES CAST AGAINST (NO) SAID PROPOSITION:	56

PROPOSITION NO. 21

Shall the City Charter be amended to repeal Section 11.06 Joint Interest in Property to provide that it has been pre-empted by state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	245
VOTES CAST AGAINST (NO) SAID PROPOSITION:	62

PROPOSITION NO. 22

Shall the City Charter be amended to repeal Section 11.07 Arrears of Taxes Offset to Debt against City to provide that it has been pre-empted by state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	241
VOTES CAST AGAINST (NO) SAID PROPOSITION:	66

PROPOSITION NO. 23

Shall the City Charter be amended to repeal Section 11.08 Board of Equalization to provide that it has been pre-empted by state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	239
VOTES CAST AGAINST (NO) SAID PROPOSITION:	64

PROPOSITION NO. 24

Shall the City Charter be amended to revise Section 12.01, Item 5, Power to Provide Public Services and Utilities to include current references to state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	249
VOTES CAST AGAINST (NO) SAID PROPOSITION:	59

PROPOSITION NO. 25

Shall the City Charter be amended to revise Section 12.20 Airports to include current references to state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	250
VOTES CAST AGAINST (NO) SAID PROPOSITION:	57

PROPOSITION NO. 26

Shall the City Charter be amended to revise Section 13.11 Amendment of Charter to include current references to state law?

VOTES CAST FOR (YES) SAID PROPOSITION:	241
VOTES CAST AGAINST (NO) SAID PROPOSITION:	66

PROPOSITION NO. 27

Shall the City Charter be amended to revise Section 12.21 Utility Customer Rights. Updating the notification provision as such: "The City of Brady shall notify customers with quarterly notices in their utility bills of their right to notify the City of their intent to decline installation and/or request removal of product and/or service by submitting a written request to the city secretary along with the customer's name, signature, address, and utility account number."

VOTES CAST FOR (YES) SAID PROPOSITION:	153
VOTES CAST AGAINST (NO) SAID PROPOSITION:	176

PROPOSITION NO. 28

Shall the City Charter be amended to revise Section 9.01 Charter Amendments/General Authority

VOTES CAST FOR (YES) SAID PROPOSITION:	119
VOTES CAST AGAINST (NO) SAID PROPOSITION:	198

PROPOSITION NO. 29

Shall the City Charter be amended to revise Section 6.03 Financial Administration (12) Each budget expenditure of \$250,000 or more shall require approval by individual ordinance.

VOTES CAST FOR (YES) SAID PROPOSITION: 146
VOTES CAST AGAINST (NO) SAID PROPOSITION: 184

PROPOSITION NO. 30

Shall the City Charter be amended to revise Section 3.09 Meetings: When expenditures of \$50,000 or more are proposed in agenda, the subject of meeting shall include (a) a description of expenditure (b) the purpose of expenditure (c) the amount of expenditure (d) the means of paying for expenditure (e) the name and, if applicable, the business location of parties of proposed expenditure.

VOTES CAST FOR (YES) SAID PROPOSITION: 166
VOTES CAST AGAINST (NO) SAID PROPOSITION: 167

SECTION 2. That Proposition Nos. 1 through 26, having received a majority of votes cast for said propositions are hereby declared and ordered to be officially and finally passed and approved.

SECTION 3. That Proposition Nos. 27 through 30 having received a majority of votes cast against said propositions, that no action is necessary.

PASSED and APPROVED by a vote of _____ “ayes” in favor and of _____ “noes” against on this first and final reading in full compliance with Section 3.19 of the City Charter of the City of Brady, Texas on this the 19th day of May, 2015.

ATTEST:

APPROVED:

Tina Keys, **City Secretary**

Anthony Groves, **Mayor**

APPROVED AS TO FORM:

Raika Rowe, **City Attorney**
Denton Navarro Rocha Bernal Hyde & Zech, P.C.

UNOFFICIAL RESULTS

Precinct Report — BROWN COUNTY, TEXAS — GENERAL ELECTION — May 09, 2015

05/12/2015 01:50 PM
Precincts Reporting 4 of 4 = 100.00%

Total Number of Voters : 1,278 of 18,269 = 7.00%

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Party		Candidate		Early		Election		Total	
Precinct 5 Brady (Ballots Cast: 394)									
Single Member District 7 Brady ISD, Vote For 1									
		Jane Lemke Pearce		13	40.63%	6	60.00%	19	45.24%
		Ed Hernandez		19	59.38%	4	40.00%	23	54.76%
		Cast Votes:		32	100.00%	10	100.00%	42	100.00%
Proposition City Brady, Vote For 1									
		For		166	73.45%	84	73.68%	250	73.53%
		Against		60	26.55%	30	26.32%	90	26.47%
		Cast Votes:		226	97.41%	114	95.00%	340	96.59%
Proposition 1 City Brady, Vote For 1									
		For		163	76.89%	67	63.81%	230	72.56%
		Against		49	23.11%	38	36.19%	87	27.44%
		Cast Votes:		212	91.38%	105	87.50%	317	90.06%
Proposition 2 City Brady, Vote For 1									
		For		168	79.25%	79	75.96%	247	78.16%
		Against		44	20.75%	25	24.04%	69	21.84%
		Cast Votes:		212	91.38%	104	86.67%	316	89.77%
Proposition 3 City Brady, Vote For 1									
		For		164	77.36%	71	66.98%	235	73.90%
		Against		48	22.64%	35	33.02%	83	26.10%
		Cast Votes:		212	91.38%	106	88.33%	318	90.34%
Proposition 4 City Brady, Vote For 1									
		For		172	80.37%	71	65.14%	243	75.23%
		Against		42	19.63%	38	34.86%	80	24.77%
		Cast Votes:		214	92.24%	109	90.83%	323	91.76%
Proposition 5 City Brady, Vote For 1									
		For		172	83.90%	71	68.27%	243	78.64%
		Against		33	16.10%	33	31.73%	66	21.36%
		Cast Votes:		205	88.36%	104	86.67%	309	87.78%
Proposition 6 City Brady, Vote For 1									
		For		172	84.73%	80	76.19%	252	81.82%
		Against		31	15.27%	25	23.81%	56	18.18%
		Cast Votes:		203	87.50%	105	87.50%	308	87.50%
Proposition 7 City Brady, Vote For 1									
		For		168	82.35%	76	71.70%	244	78.71%
		Against		36	17.65%	30	28.30%	66	21.29%
		Cast Votes:		204	87.93%	106	88.33%	310	88.07%
Proposition 8 City Brady, Vote For 1									
		For		172	83.90%	80	75.47%	252	81.03%
		Against		33	16.10%	26	24.53%	59	18.97%
		Cast Votes:		205	88.36%	106	88.33%	311	88.35%

Precinct Report — Official

BROWN COUNTY, TEXAS — GENERAL ELECTION — May 09, 2015

05/12/2015 01:50 PM
Precincts Reporting 4 of 4 = 100.00%

Page 4 of 7

Total Number of Voters : 1,278 of 18,269 = 7.00%

Party	Candidate	Early	Election	Total
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Precinct 5 Brady (Ballots Cast: 394)

Proposition 9 City Brady, Vote For 1

For	176	84.62%	80	74.07%	256	81.01%
Against	32	15.38%	28	25.93%	60	18.99%
Cast Votes:	208	89.66%	108	90.00%	316	89.77%

Proposition 10 City Brady, Vote For 1

For	186	88.15%	90	84.11%	276	86.79%
Against	25	11.85%	17	15.89%	42	13.21%
Cast Votes:	211	90.95%	107	89.17%	318	90.34%

Proposition 11 City Brady, Vote For 1

For	164	78.10%	69	64.49%	233	73.50%
Against	46	21.90%	38	35.51%	84	26.50%
Cast Votes:	210	90.52%	107	89.17%	317	90.06%

Proposition 12 City Brady, Vote For 1

For	165	81.68%	75	71.43%	240	78.18%
Against	37	18.32%	30	28.57%	67	21.82%
Cast Votes:	202	87.07%	105	87.50%	307	87.22%

Proposition 13 City Brady, Vote For 1

For	161	80.50%	68	64.76%	229	75.08%
Against	39	19.50%	37	35.24%	76	24.92%
Cast Votes:	200	86.21%	105	87.50%	305	86.65%

Proposition 14 City Brady, Vote For 1

For	174	86.14%	71	68.27%	245	80.07%
Against	28	13.86%	33	31.73%	61	19.93%
Cast Votes:	202	87.07%	104	86.67%	306	86.93%

Proposition 15 City Brady, Vote For 1

For	174	86.14%	81	77.88%	255	83.33%
Against	28	13.86%	23	22.12%	51	16.67%
Cast Votes:	202	87.07%	104	86.67%	306	86.93%

Proposition 16 City Brady, Vote For 1

For	171	84.65%	81	77.14%	252	82.08%
Against	31	15.35%	24	22.86%	55	17.92%
Cast Votes:	202	87.07%	105	87.50%	307	87.22%

Proposition 17 City Brady, Vote For 1

For	174	84.47%	80	74.77%	254	81.15%
Against	32	15.53%	27	25.23%	59	18.85%
Cast Votes:	206	88.79%	107	89.17%	313	88.92%

Proposition 18 City Brady, Vote For 1

For	174	84.06%	80	75.47%	254	81.15%
Against	33	15.94%	26	24.53%	59	18.85%
Cast Votes:	207	89.22%	106	88.33%	313	88.92%

Precinct Report — Official
BROWN COUNTY, TEXAS — GENERAL ELECTION — May 09, 2015

05/12/2015 01:50 PM
 Precincts Reporting 4 of 4 = 100.00%

Total Number of Voters : 1,278 of 18,269 = 7.00%

Page 5 of 7

Party	Candidate		Early		Election		Total
Precinct 5 Brady (Ballots Cast: 394)							
Proposition 19 City Brady, Vote For 1							
For	176	85.02%	82	77.36%	258	82.43%	
Against	31	14.98%	24	22.64%	55	17.57%	
Cast Votes:		207	89.22%	106	88.33%	313	88.92%
Proposition 20 City Brady, Vote For 1							
For	175	86.63%	76	72.38%	251	81.76%	
Against	27	13.37%	29	27.62%	56	18.24%	
Cast Votes:		202	87.07%	105	87.50%	307	87.22%
Proposition 21 City Brady, Vote For 1							
For	168	82.76%	77	74.04%	245	79.80%	
Against	35	17.24%	27	25.96%	62	20.20%	
Cast Votes:		203	87.50%	104	86.67%	307	87.22%
Proposition 22 City Brady, Vote For 1							
For	166	81.77%	75	72.12%	241	78.50%	
Against	37	18.23%	29	27.88%	66	21.50%	
Cast Votes:		203	87.50%	104	86.67%	307	87.22%
Proposition 23 City Brady, Vote For 1							
For	167	83.08%	72	70.59%	239	78.88%	
Against	34	16.92%	30	29.41%	64	21.12%	
Cast Votes:		201	86.64%	102	85.00%	303	86.08%
Proposition 24 City Brady, Vote For 1							
For	172	84.31%	77	74.04%	249	80.84%	
Against	32	15.69%	27	25.96%	59	19.16%	
Cast Votes:		204	87.93%	104	86.67%	308	87.50%
Proposition 25 City Brady, Vote For 1							
For	172	85.15%	78	74.29%	250	81.43%	
Against	30	14.85%	27	25.71%	57	18.57%	
Cast Votes:		202	87.07%	105	87.50%	307	87.22%
Proposition 26 City Brady, Vote For 1							
For	165	81.68%	76	72.38%	241	78.50%	
Against	37	18.32%	29	27.62%	66	21.50%	
Cast Votes:		202	87.07%	105	87.50%	307	87.22%
Proposition 27 City Brady, Vote For 1							
For	103	47.25%	50	45.05%	153	46.50%	
Against	115	52.75%	61	54.95%	176	53.50%	
Cast Votes:		218	93.97%	111	92.50%	329	93.47%
Proposition 28 City Brady, Vote For 1							
For	76	36.89%	43	38.74%	119	37.54%	
Against	130	63.11%	68	61.26%	198	62.46%	
Cast Votes:		206	88.79%	111	92.50%	317	90.06%

Precinct Report — Official
BROWN COUNTY, TEXAS — GENERAL ELECTION — May 09, 2015

05/12/2015 01:50 PM
 Precincts Reporting 4 of 4 = 100.00%

Total Number of Voters : 1,278 of 18,269 = 7.00%

Party	Candidate	Early	Election	Total
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Precinct 5 Brady (Ballots Cast: 394)

Proposition 29 City Brady, Vote For 1
 For
 Against

92	42.79%	54	46.96%	146	44.24%
123	57.21%	61	53.04%	184	55.76%
215	92.67%	115	95.83%	330	93.75%

Cast Votes:

Proposition 30 City Brady, Vote For 1
 For
 Against


105	48.39%	61	52.59%	166	49.85%
112	51.61%	55	47.41%	167	50.15%
217	93.53%	116	96.67%	333	94.60%

Cast Votes:

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	05-19-2015	AGENDA ITEM	7-D
AGENDA SUBJECT:	Election of Mayor Pro Tem position		
PREPARED BY:	T. Keys <i>AK</i>	Date Submitted:	05/14/2015
EXHIBITS:	Excerpt from Brady's Home Rule Charter and procedure for election of Mayor Pro Tem.		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:
<ol style="list-style-type: none"> 1. Everyone is to be considered nominated 2. You will draw numbers to determine the order of voting. The Charter provides that voting will be done by ballot, but state law prohibits a secret ballot. Each councilmember will announce their vote orally, in the order of their draw. 3. After everyone states their vote, a motion may be made to elect the Council Member with the most votes.

RECOMMENDED ACTION:
Move to elect the Council Member with the most votes as Mayor ProTem.

PROCEDURE FOR ELECTION OF MAYOR PRO-TEM

- 1) Everyone is considered to be nominated.
- 2) You will draw numbers to determine the order of voting. The Charter provides that voting will be done by ballot, but state law prohibits a secret ballot. Each Councilmember will announce their vote orally, in the order of the draw.
- 3) After everyone states their vote, a motion may be made to elect the Councilmember with the most votes.



Section 3.06 Mayor Pro Tem:

At its first regular meeting after election of the new members of the Council each year, the Council shall elect one (1) of its own members to be Mayor Pro-Tem for one (1) year. All Councilmen, except the Mayor, are to be considered automatically nominated and the mayor shall have a vote. ~~The vote shall be by ballot and~~ the Mayor Pro-Tem shall be the Councilman who receives the most votes. In the absence of the Mayor, the Mayor Pro-Tem shall perform the duties of the office of the Mayor and in this capacity shall be vested with all powers conferred on the Mayor. When presiding over Council proceedings, the Mayor Pro-Tem shall retain his right to vote as a Councilman.

City Council


City of Brady, Texas

Agenda Action Form

AGENDA DATE:	5-19-2015	AGENDA ITEM	7.E
AGENDA SUBJECT:	Annual review, discussion, consideration, and possible action to amend the Fund Balance / Working Capital Policy No. 2013-1 (reserve fund policy)		
PREPARED BY:	Lisa Remini 	Date Submitted:	5-13-2015
EXHIBITS:	Fund Balance Policy		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:
<p>The city has worked under the guidance of the Fund Balance Policy for 18 months.</p> <p>Staff recommends 2 policy changes:</p> <ol style="list-style-type: none"> 1. Policy Item #5 – There is no need for unassigned levels for Fund 80 as all monies are restricted in this fund for specific purposes. 2. Policy Item #6 - Language in point #2 reworded for clarity.

RECOMMENDED ACTION:
<p>It is recommended that Council approve the Fund Balance /Working Capital Policy.</p>

CITY OF BRADY ADMINISTRATIVE PROCEDURES		
SUBJECT: FUND BALANCE / WORKING CAPITAL POLICY	EFFECTIVE DATE: 11-19-2013	REVISED DATE:
APPROVED: 	Reference No: 2013-1	

1. Purpose

The purpose of this policy is to establish a key element of the financial stability of the City by setting guidelines and parameters for fund balance / working capital of the various funds used by the City of Brady. Unassigned fund balance/ working capital are an important measure of economic stability. It is essential that the City maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluxuations, unanticipated expenditures, and similar circumstances. Advantages of a fund balance / working capital policy are as follows:

- Enhances the quality of decisions by imposing order and discipline
- Promotes consistency and continuity in decision making
- Demonstrates a commitment to long term financial planning objectives

2. Definition

Fund Equity – A fund's equity is generally the difference between its assets and its liabilities.

Fund Balance – An accounting distinction is made between the portions of fund equity that are spendable and nonspendable. Those are broken up into five categories:

- 1, **Nonspendable Fund Balance** – includes amounts that are not in spendable form or are required to be maintained intact.
2. **Restricted Fund Balance** – includes amounts that can be spent only for the specific purposes stipulated by external resource providers either constitutionally or through enabling legislation.
3. **Committed Fund Balance** – includes amounts that can be used only for the specific purposes determined by a formal action of the City Council. Commitments may be changed or lifted only by the City Council taking the same formal action that imposed the constraint originally.
4. **Assigned Fund Balance** – comprises amounts intended to be used by the City for specific purposes. Intent can be expressed by the City Council or by an official or body to which the City Council delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that the resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.
5. **Unassigned Fund Balance** – is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose.

3. Policy Statement

Committed Fund Balance

The City Council is the City's highest level of decision making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is an ordinance or resolution approved by the Council at the City's Council meeting. The ordinance or resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

Assigned Fund Balance

The City Council has authorized the City Manager or Director of Finance as the officials authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

Unassigned Fund Balance

The unassigned fund balance for the General Fund of the City of Brady will be maintained at a level sufficient to provide the required resources to meet operating cost needs, to allow for unforeseen needs of an emergency nature, and to permit orderly adjustment to changes resulting from fluctuation of revenue funds.

4. Order of Expenditure of Funds

When multiple categories of fund balance are available for expenditure, the City will start with the least restricted category and spend those funds first before moving down to the next category with available funds.

5. Funding Levels

The City establishes the following funding levels concerning unassigned fund balances / working capital in the various funds used by the City of Brady:

- The annual budget shall be presented to Council, with each fund reflecting **minimum** ending fund balances / working capital as follows:

General Fund	An amount no less than 60 days of operating expenditures (approximately 15%) until an amount equal to 90 days (approximately 25%) can be achieved.
Utility Funds	
Electric/Sewer	180 days of operating expenditures
Water	(approximately 50%)
Gas	
Utility Support	90 days of operating expenditures
Solid Waste	(approximately 25%)
Special Revenue Fund	90 days of operating expenditures
	(approximately 25%)

- The operating expenditures are exclusive of capital outlay.
- Fund balances, which exceed the minimum levels established for each of the funds, may be appropriated for non-recurring capital projects or programs. The Council recognizes that any such funds should be appropriated for non-recurring expenditures as they represent prior year surpluses that may or may not materialize in subsequent fiscal years.

6. Monitoring and Reporting

The computation of the required balances shall occur at least twice a year.

1. The first computation shall occur after the audit is presented to City Council. The fund balance/working capital as of September 30 of the year of the audit shall be compared to the budgeted operating expenditures for the fiscal year following the audit.
2. The second computation shall occur during the budget process for the next fiscal year. The estimated fund balance/working capital for the current fiscal year shall be compared to the estimated operating expenditures ~~for that same~~ of the new fiscal year budget.



7. Replenishment

Should the fund balances fall below the targeted level, the City Council must approve and adopt a plan to restore the balance to the targeted level within two (2) years. If restoration can not be accomplished within such period without severe hardship, then the City Council will establish a different but reasonable time period.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	5-19-2015	AGENDA ITEM	7. F
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding approval of the Brady Economic Development Corporation (BEDC) recommended FY2015 Budget Amendments.		
PREPARED BY:	Lisa Remini 	Date Submitted:	5-13-2015
EXHIBITS:	EDC Agenda Action form with packet		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:
<p>Amendments, if approved, would result in a net increase to the BEDC budgeted revenues by \$23,000 and a net decrease in budgeted expenditures by \$38,000. This change would result in total expenditures exceeding total revenues and reducing BEDC fund balance by \$31,806.</p> <p>The BEDC Board of Directors approved the recommended amendments at their 4-28-15 regular meeting.</p>

RECOMMENDED ACTION:
<p>It is recommended that the City Council approve the BEDC FY 15 budget amendments.</p>

DRAFT

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The Economic Development Corporation of the City of Brady, Texas met in a Regular Meeting on April 28, 2015 at 6:00pm at the City of Brady Service Center, located at 1405 N Bridge, Brady, Texas. EDC President Jon Chase presided over the meeting. EDC board members present were Charlotte Harper, Lauren Bedwell, Charles Stokes, and Tracy Pitcox. City staff present were EDC Director Peter Lamont, City Manager Kim Lenoir, Secretary Christy Badilla, and Treasurer Lisa Remini. Others in attendance were Erin Corbell, Latricia Doyal, Laurie Reagan, and Mayor Groves.

REGULAR SESSION 6:00pm

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

EDC President Jon Chase called the meeting to order at 6:00pm.

2. APPROVAL OF MINUTES – 2/9/2015, 3/31/2015, 4/20/2015

Board Member Harper made a motion to approve. Seconded by Board Member Stokes. All board members voted “aye” and none “no”. Motion carried.

3. PUBLIC COMMENTS

None

4. PRESENTATION ITEMS

- A. 2013-14 Audit Report – Lisa Remini, Director of Finance
Remini presented to the board noting that the EDC’s audit is now part of the City of Brady’s audit.

5. INDIVIDUAL CONSIDERATION

- A. Discuss and review FY 2014-2015 Year to date Financials Reports
Treasurer Lisa Remini presented to the Board.
- B. Discuss and review Sales Tax and Motel Tax receipts
Treasurer Remini presented to the board.
- C. Discussion, consideration and possible action to amend FY 2015 Budget in accordance to updated financials as provided by staff: Board Member Pitcox made a motion to approve. Seconded by Board Member Stokes. All Board Members voted “aye” and none “no”. Motion carried.
- D. Discussion, consideration and possible action on a Resolution to enter into an agreement with the City of Brady to fund the Civic Center Renovation and Expansion Project, authorized by the voters in May 2009: After much discussion involving Bedwell, Harper, Pitcox, Groves, Chase, Lamont, Corbell, Remini, Doyal, and Stokes. Board Member Harper made a motion to accept the maximum debt service needed that will not exceed a \$100,000 annual debt payment for 20 years. Seconded by Board Member Pitcox. The vote was four (4) ayes and one (1) naye by Board Member Bedwell. Motion carried.
- E. Discussion, consideration and possible action on BEDC Incentive Policy and Application: Board Member Harper made a motion to approve the policy as amended. Seconded by Board Member

Pitcox. All Board Members voted “aye” and none “no”. Motion carried.

- F. Discuss and review Chamber of Commerce Goals – Erin Corbell
Sever ideas were discussed including the planned “Hogtober Fest” plans and a Father-Daughter Dance. Corbell also noted that the Chamber had used “carry-over” funds for signage.

6. STAFF REPORTS

- A. Update on contract for a Local Market Economic Study
B. Update on contract for Water Infrastructure Expansion Study

7. ITEMS FOR FUTURE CONSIDERATION

Use of Fund Balance
Realtors and EDC “Blend” (bringing them together)
Review goals
Discuss new ways to gather ideas/What ways will people know that we are looking for new ideas?

8. EXECUTIVE SESSION

Board President Jon Chase called the Executive Session to order at 5:00 pm.

The Economic Development Corporation of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development). Additionally, the following items are anticipated for Executive Session:

- A. 551.087 (Economic Development)
a. Discussion of potential economic development projects
Special Session adjourned at 5:55pm. No action was taken.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:57p.m.

Jon Chase, President

Attest: _____
Tina Keys, City Secretary

RYADY EDC
 . 15 BUDGET AMENDMENT RECOMMENDATIONS
 3-31-2015

REVENUES	DESCRIPTION	CURRENT BUDGET	AMENDMENT INC / (DECREASE)	PROPOSED BUDGET
90-4-90-600.00	Corporate Sales Tax	\$ 210,000	\$ 48,000	\$ 258,000
90-4-90-630.00	Rental Income- HOT Aircraft	\$ 30,000	\$ (25,000)	\$ 5,000
	Net changes in Revenues recommended		\$ 23,000	
	Total Revenues -with amendments		\$ 351,926	
EXPENDITURES				
90-5-90-240.00	Community Dev - Civic Center	\$ 225,000	\$ (38,000)	\$ 187,000
90-5-90-301.00	Membership Dues and Fees	\$ 4,000	\$ (697)	\$ 3,303
90-5-90-305.00	Meeting Provisions	\$ 250	\$ 200	\$ 450
90-5-90-340.00	Property Taxes	\$ 2,000	\$ 747	\$ 2,747
90-5-90-350.00	Sundry	\$ 250	\$ (250)	\$ -
	Net changes in Expenditures recommended		\$ (38,000)	
	Total Expenditures - with amendments		\$ 383,732	
	Net change in Fund Balance- Amended		\$ (31,806)	
	Fund Balance Recap:			
	Beginning Fund Balance FY 15		\$ 916,420	✓
	Projected Ending Fund Balance FY 15		\$ 884,614	✓
	Restricted for debt service		\$ (30,000)	✓
	Estimated Ending Fund Balance FY 15 - Unrestricted		\$ 854,614	

BRADY EDC

FY 15 BUDGET AMENDMENT RECOMMENDATIONS

3/31/2015

DESCRIPTION

REASON FOR AMENDMENT

REVENUES

Corporate Sales Tax

Actual collections through mid year are exceeding budgeted projections by 28%

Rental Income- HOT Aircraft

Staff has been unsuccessful with collection efforts.

EXPENDITURES

Community Dev - Civic Center

Reduce FY 15 budget amount to the KSA contract amount

Membership Dues and Fees

Reclass a portion of FY 15 budget amount to property tax

Meeting Provisions

Provide for higher than anticipated costs

Property Taxes

Provide for tax rate increase

Sundry

Reclass to meeting provisions and property tax


Agenda Item 7-G

This item will be available Friday, 5/15/2015 by 5:00 p.m.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	5-19-2015	AGENDA ITEM	7-H
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding Resolution 2015-027 A resolution of the City Council of the City of Brady, TX for the temporary use of designated streets in Brady for the purpose of the Salute Run 5K Benefitting the VFW		
PREPARED BY:	Peter Lamont	Date Submitted:	5-13-2015
EXHIBITS:	Resolution 2015-026 Salute Run Proposed Map Salute Run Request Letter		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:	<p>This Resolution will authorize the closure of streets identified in the attached map for the purpose of a fundraiser for a 5K to be held on June 13, 2015. The organizer is expecting 100 people. The intersections will have limited traffic access from 6:30 a.m. to 11:30 for the purpose of the event. Fire/EMS and Police have reviewed and approved the routes.</p>
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RECOMMENDED ACTION:	<p>Approve Resolution 2015-⁰²⁷026 A resolution of the City Council of the City of Brady, TX for the temporary use of designated streets in Brady for the purpose of the Salute Run 5K Benefitting the VFW</p>
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RESOLUTION NO. 2015-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS FOR THE TEMPORARY USE OF RICHARDS PARK PAVILION, RICHARDS PARK, SURROUNDING STREETS, AND MEMORY LANE FOR THE PURPOSE OF A 5K TO BE HELD ON JUNE 13, 2015 FROM 6:30A.M. TO 11:00A.M. BENEFITTING THE VFW POST IIN BRADY TEXAS

WHEREAS, the City Council of the City of Brady wishes to support health and fitness of its citizens; and

WHEREAS, the City Council of the City of Brady wishes to support our local VFW through the fund raising efforts of Julissa Bucholz; and

WHEREAS, Julissa Bucholz has requested the approval from the City Council of the City of Brady for the temporary use of Richards Park Pavilion, surrounding streets, and Memory Lane for the purpose of a 5K to be held on June 13, 2015 from 6:30 a.m. to 11:00 a.m., proceeds from which will benefit the local VFW post in Brady Texas.

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

That the City Council of the City of Brady allows the temporary use of Richards Park Pavilion, surrounding streets, and Memory Lane for the purpose of a 5K to be held on _____ from _____ a.m. to _____ a.m., proceeds from which will benefit the local VFW post in Brady, Texas.

PASSED AND APPROVED this the _____ day of _____, 2015.

CITY OF BRADY

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary

Second Annual Salute Run/Walk 5k



May 6, 2015

To the City of Brady,

We are hosting the Second Annual Salute Run/Walk 5K on June 13th, 2015. This run was started last year by Julissa Bucholz for a community service project. She, along with friends and family, would like to keep the tradition going. This run is to honor our past and present veterans. The proceeds will be given in full directly to our local VFW, who contributes to our local youth programs and help local veterans. In order for us to move forward we would like to ask permission of the City of Brady to use the city streets for this run. The run will be on June 13th, 2015. The event will start at 06:30am with set up and the run/walk will begin at 07:45am and will be completed no later than 11:00am. Attached is the route that we will be using. We are not shutting down any streets during this run. We will have personnel at intersections managing traffic and looking out for the welfare of the participants. Any questions and or concerns please do not hesitate to contact me. Thank you for your time and support for this event.

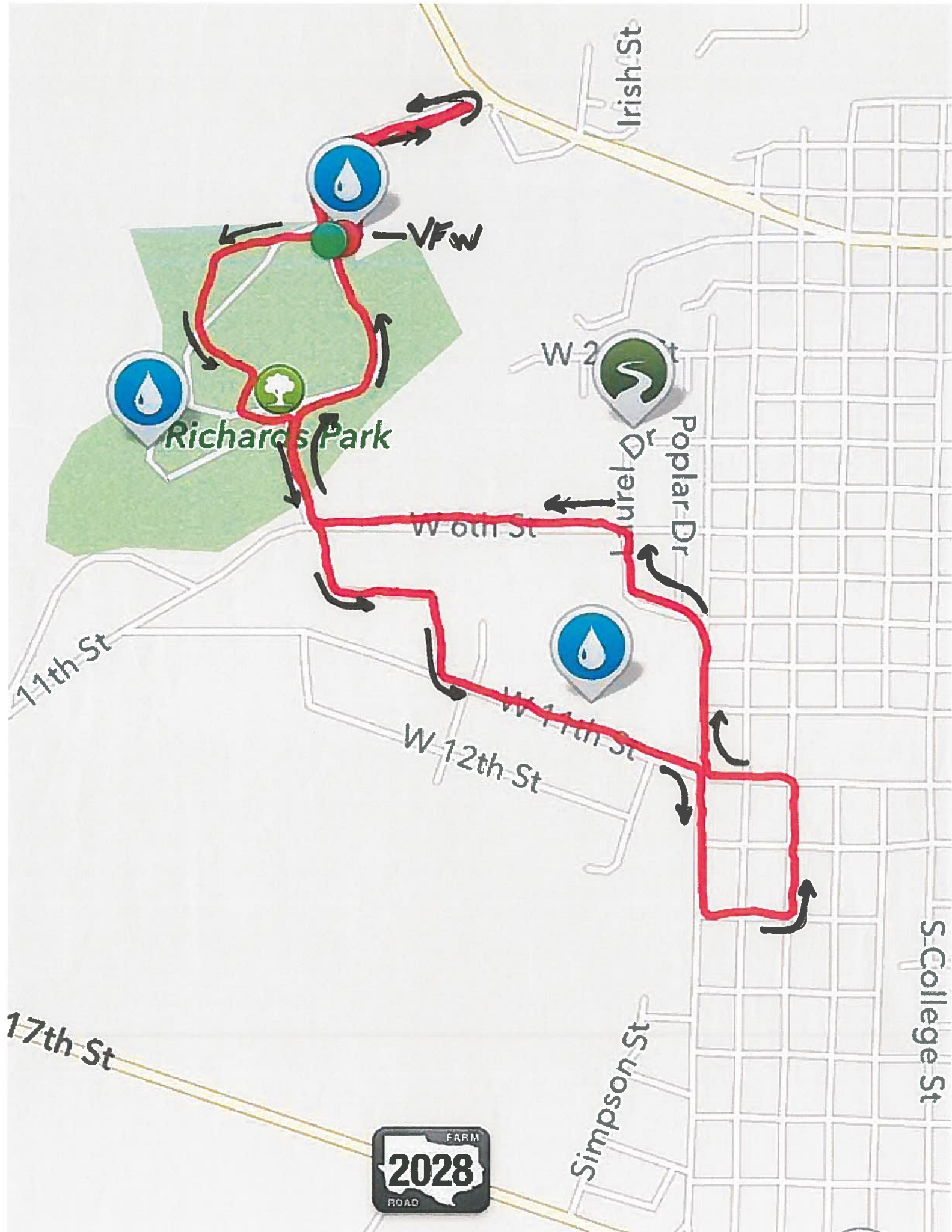
Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bucholz'.

Joseph Bucholz

(325)792-6502

Tony.bucholz@ussilica.com



Irish St

VFW

Richards Park

W 2nd St

Poplar Dr

W 6th St

11th St



W 12th St

W 11th St

17th St





Simpson St

S College St

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	5-19-2015	AGENDA ITEM	8.A
AGENDA SUBJECT:	Monthly Financial Reports		
PREPARED BY:	Lisa Remini 	Date Submitted:	5-14-2015
EXHIBITS:	Monthly Financial Report Investment Activity Operating Cash /Utility Billing History Sales Tax Report Utility Customer Service Reports		
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

- Monthly financial update for April 2015
- Financial Statements were emailed to your City email address for your review.
- Sales Tax collections through April 2015 exceed last year's collections by \$130,693, or 25%.
- Monthly expenditure data provided by the Volunteer Fire Department is included for your review.

RECOMMENDED ACTION:

This item is for discussion purposes only.

Note:

After each Audit Board and upon Council approval, the check register denoting the checks issued to each Vendor, amount paid, and description of the item paid will be on the City's website for public view. Go to the Finance Department tab and then look for the Check Register tab.

CITY OF BRADY
MONTHLY FINANCIAL REPORT
AS OF: APRIL 30TH, 2015

58.33% OF FISCAL YEAR

	CURRENT BUDGET	YEAR TO DATE ACTUAL	% TO DATE	YEAR TO DATE PRIOR YEAR
<hr/>				
BEGINNING FUND BALANCE & NET WORKING CAPITAL	13,205,812.45	13,205,812.45		9,416,269.85
 <u>REVENUES</u>				
10 -GENERAL FUND	7,081,094.00	2,917,654.55	41.20	2,452,390.71
20 -SEWER AND ELECTRIC	8,602,850.00	5,178,636.86	60.20	4,702,395.99
30 -WATER UTILITY FUND	1,980,000.00	889,741.84	44.94	801,809.05
40 -GAS UTILITY FUND	1,481,925.00	1,178,252.64	79.51	1,387,152.10
50 -UTILITY SUPPORT FUND	427,640.00	128,872.64	30.14	147,679.39
60 -SOLID WASTE FUND	1,143,364.00	722,347.93	63.18	718,672.44
80 -SPECIAL REVENUE FUND	<u>2,856,768.00</u>	<u>488,273.38</u>	<u>17.09</u>	<u>421,239.99</u>
TOTAL REVENUES	23,573,641.00	11,503,779.84	48.80	10,631,339.67
 <u>EXPENDITURES</u>				
10 -GENERAL FUND	7,087,809.00	3,316,641.31	46.79	2,996,680.71
20 -SEWER AND ELECTRIC	8,602,850.00	3,249,182.88	37.77	2,963,531.47
30 -WATER UTILITY FUND	1,980,000.00	1,103,480.19	55.73	891,851.41
40 -GAS UTILITY FUND	1,481,925.00	741,470.64	50.03	884,789.47
50 -UTILITY SUPPORT FUND	427,640.00	228,410.30	53.41	263,045.30
60 -SOLID WASTE FUND	1,143,364.00	507,982.65	44.43	645,975.98
80 -SPECIAL REVENUE FUND	<u>4,221,058.00</u>	<u>436,791.55</u>	<u>10.35</u>	<u>443,329.99</u>
TOTAL EXPENDITURES	24,944,646.00	9,583,959.52	38.42	9,089,204.33
 REVENUES OVER/(UNDER) EXPENDITURES	 (1,371,005.00)	 1,919,820.32		 1,542,135.34
 <u>ENDING FUND BALANCE &</u>				
NET WORKING CAPITAL	11,834,807.45	15,125,632.77		10,958,405.19

CITY OF BRADY
INVESTMENT ACTIVITY

DATE: April 30, 2015

Certificates of Deposit at	Commercial National Bank:					Interest Earnings
						Y-T-D
1. #28503	\$242,636.73	at	0.25%	for 365 days	maturity 12/21/2015	\$300.53

GRAND TOTAL **\$242,636.73** **TOTAL SHORT-TERM CASH INVESTMENTS**

The City investment portfolio is in compliance with the PFIA and the City's investment strategy as outlined in the Council approved Investment Policy dated 8-19-14 by Resolution 2014-025.



Lisa Remini, Investment Officer

FUND BALANCE AND CASH RECONCILEMENT

As of: April 30, 2015

		Unrestricted Cash	Restricted Cash	Total Cash	Comments
BRADY NATIONAL BANK					
Operating Account	#100677	\$ 10,331,233.85	49,532.56	10,380,766.41	Street Sanitation \$
Airport Account	#172791	\$ 98,622.65	-	98,622.65	
EMS - RAC	#166470	\$ -	5,808.63	5,808.63	
Water Repair & Replacement	#172817	\$ 13,656.40	220,000.00	233,656.40	
TXDOT Bridge Street Reimbursement	#173153	\$ 91,060.43	-	91,060.43	
CW - WWTP Construction	#103671	\$ -	58.47	58.47	
DW Construction	#104828	\$ -	90.70	90.70	
Sinking Fund 2000	#172890	\$ -	211,887.25	211,887.25	
Sinking Fund 2003	#173021	\$ -	111,980.18	111,980.18	
Sinking Fund 2004	#176727	\$ -	100,268.13	100,268.13	
Sinking Fund 2012 - Refunding	#103069	\$ -	43,791.03	43,791.03	
Sinking Fund 2012 - WWTP	#103663	\$ -	80,329.11	80,329.11	
Sinking Fund 2013 - DW	#105770	\$ -	24,407.69	24,407.69	
Landfill Closure Reserve	#172775	\$ -	303,875.21	303,875.21	
Drug Seizure FDS	#172668	\$ -	13,222.45	13,222.45	
Police Educational	#172700	\$ -	5,017.66	5,017.66	
Court Security	#102533	\$ -	2,704.48	2,704.48	
Court Technology	#102541	\$ -	1,037.33	1,037.33	
Community Development Block	#172627	\$ -	-	-	
Former CD's - Reserves	#102525	\$ 988,987.48	414,057.43	1,403,044.91	Utility Deposit \$
Cash on Hand		\$ 1,310.00	-	1,310.00	
Bank Balances - Interest rate .55%	Subtotal	\$ 11,524,870.81	1,588,068.31	13,112,939.12	
Certificate of Deposit at CNB		\$ -	242,636.73	242,636.73	Utility Deposit \$
BOTX Escrow Account - CO 2012 CW Project		\$ -	1,157,900.19	1,157,900.19	
BOTX Escrow Account - LF 2012 CW Project		\$ -	1,087,029.71	1,087,029.71	
BOTX Escrow Account - CO 2013 DW Project		\$ -	47,463.23	47,463.23	
BOTX Escrow Account - LF 2013 DW Project		\$ -	36,869.34	36,869.34	
	Subtotal	\$ -	2,571,899.20	2,571,899.20	
TOTAL CASH BALANCES RECONCILED		11,524,870.81	4,159,967.51	15,684,838.32	
4-30-15 GENERAL LEDGER					
Total Current Non-Cash Assets - All Funds				869,818.69	
(Total Current Liabilities - All Funds)				(1,429,024.24)	
Total Fund Balance / Net Working Capital				<u>15,125,632.77</u>	

Fiscal Year 14-15

Fiscal Year 14-15

5/13/2015 1:43 PM

CASH COLLECTION HISTORY REPORT

PAGE: 30

OPERATOR: ALL

HISTORY TRANSACTION SUMMARY

DATES: 4/01/2015 THRU 4/30/2015

TERMINAL: ALL

RECEIPTS: 0 THRU 99999999

SUMMARY CODE: ALL

TRAN: 0.0000 THRU 999.9999

DEPARTMENT: ALL

AMOUNT: 0.00 THRU 9,999,999.99

TRAN	NAME	VOIDS	NO#	TOTAL	CA	CK	MO	CC	OT
1.0000	UTILITY PAYMENT	17	2051	585,922.27CR					
2.0000	MAIL PAYMENT	7	530	259,743.46CR					
3.0000	NIGHT DROP PAYMENT	3	299	76,126.43CR					
4.0000	BAD DEBT PAYMENT	0	2	60.00CR					
10.0000	ELECTRIC DEPOSIT	2	40	6,850.00CR					
11.0000	GAS DEPOSIT	1	27	2,000.00CR					
12.0000	WATER DEPOSIT	2	40	2,650.00CR					
22.0000	TRANSFER FEE	0	4	90.00CR					
34.0000	TAP FEE- SEWER	0	1	375.00CR					
40.0000	BULK WATER SALES	0	5	150.00CR					
55.0000	PMT HIST REPORT FEE	0	1	39.00CR					
100.0000	A/R PAYMENT	1	70	44,125.53CR					
103.0000	SB EMS payments	0	12	18,486.15CR					
110.0000	Airport Revenues	0	2	439.78CR					
172.0000	CEMETERY OPEN/CLOSE	0	3	480.00CR					
173.0000	CEMETERY LOT PURCH	0	7	710.00CR					
180.0000	Civic Center Rental	0	1	400.00CR					
181.0000	Civic Center Deposi	0	2	400.00CR					
195.0000	CREDIT CARD USER FE	0	116	691.32CR					
215.0000	DEP-F10 Ck to 2003S	0	1	14,300.00CR					
217.0000	DEP-F30 Ck to 2000S	0	1	17,611.00CR					
220.0000	DEP-F30 Ck to 2004S	0	1	5,735.00CR					
221.0000	DEP-F60 CktoLClosur	0	1	2,916.50CR					
224.0000	DEP-SF 2012 WWTP	0	1	11,180.00CR					

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CASH COLLECTION HISTORY REPORT

PAGE: 30

OPERATOR: ALL

HISTORY TRANSACTION SUMMARY

DATES: 4/01/2015 THRU 4/30/2015

TERMINAL: ALL

RECEIPTS: 0 THRU 99999999

SUMMARY CODE: ALL

TRAN: 0.0000 THRU 999.9999

DEPARTMENT: ALL

AMOUNT: 0.00 THRU 9,999,999.99

TRAN	NAME	VOIDS	NO#	TOTAL	CA	CK	MO	CC	OT
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3.0000	NIGHT DROP PAYMENT	3	299	76,126.43CR					
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10.0000	ELECTRIC DEPOSIT	2	40	6,850.00CR					
11.0000	GAS DEPOSIT	1	27	2,000.00CR					
12.0000	WATER DEPOSIT	2	40	2,650.00CR					
22.0000	TRANSFER FEE	0	4	90.00CR					
34.0000	TAP FEE- SEWER	0	1	375.00CR					
40.0000	BULK WATER SALES	0	5	150.00CR					
55.0000	PMT HIST REPORT FEE	0	1	39.00CR					
100.0000	A/R PAYMENT	1	70	44,125.53CR					
103.0000	SB EMS payments	0	12	18,486.15CR					
110.0000	Airport Revenues	0	2	439.78CR					
172.0000	CEMETERY OPEN/CLOSE	0	3	480.00CR					
173.0000	CEMETERY LOT PURCH	0	7	710.00CR					
180.0000	Civic Center Rental	0	1	400.00CR					
181.0000	Civic Center Deposi	0	2	400.00CR					
195.0000	CREDIT CARD USER FE	0	116	691.32CR					
215.0000	DEP-F10 Ck to 2003S	0	1	14,300.00CR					
217.0000	DEP-F30 Ck to 2000S	0	1	17,611.00CR					
220.0000	DEP-F30 Ck to 2004S	0	1	5,735.00CR					
221.0000	DEP-F60 CktoLClosur	0	1	2,916.50CR					
224.0000	DEP-SF 2012 WWTP	0	1	11,180.00CR					

**CITY OF BRADY
CITY COUNCIL CORRESPONDENCE**

TO: MAYOR AND COUNCIL

FROM: FINANCE / UTILITY DEPARTMENTS

SUBJECT: MONTHLY CUSTOMER SERVICE REPORT

DATE: April 30, 2015

SERVICES	FISCAL YEAR 2015											
	October	* November	* December	* January	* February	March	April	May	June	July	August	September
Phone Calls	847	317	239	338	308	758	822					
Returned Calls	237	112	101	163	97	227	223					
Residential Apps	47	21	24	26	33	45	43					
Commercial Apps	7	1	7	7	4	0	5					
Service Orders	298	209	214	207	240	260	210					

* Represents one Utility Clerk

1171 - Brady, City of (General Obligation Debt)
Report - Brady, City of (General Obligation Debt) / Sales Tax Data

The Charts below contain sales tax revenue allocated each month by the State Comptroller.
For example, the February allocations reflect December sales, collected in January and allocated in February.

*Excludes any sales tax retained by the municipality and not remitted to the Comptroller.

- View Grid Based on Calendar Year
- View Grid With All Years

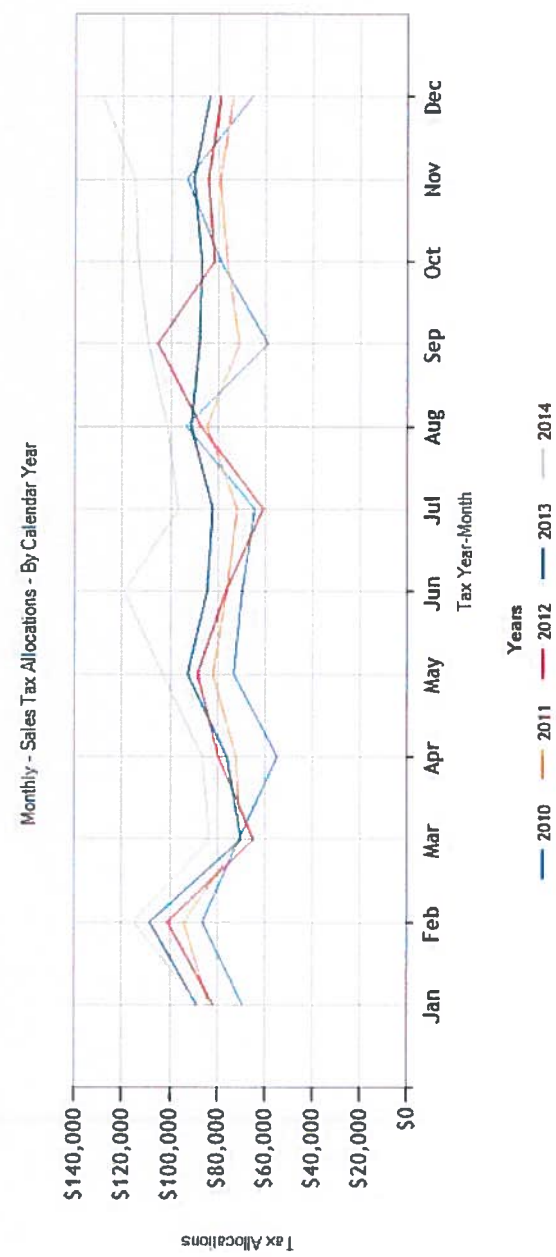
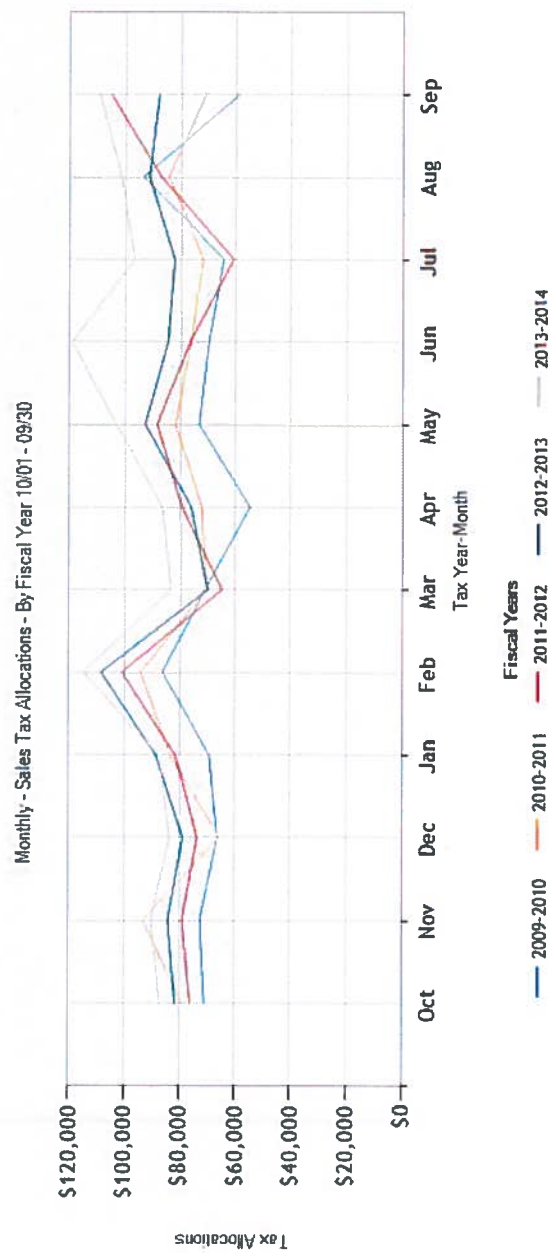
Download to Excel

Change Fiscal Year End 09/30/2016 

By Fiscal Year 10/01 - 09/30

Year	October	November	December	January	February	March	April	May	June	July	August	September	Total
2015	\$113,438	\$115,026	\$128,575	\$118,282	\$127,008	\$90,659	\$99,414	\$119,166	\$0	\$0	\$0	\$0	\$911,567
2014	\$86,905	\$90,223	\$83,575	\$87,608	\$114,999	\$83,194	\$86,383	\$103,052	\$119,190	\$96,615	\$101,343	\$109,279	\$1,162,366
2013	\$81,575	\$84,095	\$78,857	\$88,594	\$108,399	\$69,954	\$76,038	\$92,661	\$84,448	\$82,176	\$91,353	\$87,852	\$1,026,002
2012	\$76,182	\$79,173	\$73,628	\$81,661	\$100,901	\$64,794	\$79,473	\$88,392	\$76,641	\$60,890	\$87,159	\$105,230	\$974,124
2011	\$78,998	\$93,104	\$65,476	\$83,507	\$93,953	\$70,399	\$72,121	\$81,841	\$76,174	\$71,819	\$84,522	\$71,003	\$942,918
2010	\$70,849	\$72,537	\$66,287	\$69,364	\$86,286	\$70,868	\$54,779	\$73,192	\$69,685	\$64,455	\$93,443	\$58,872	\$850,618
2009	\$79,109	\$125,392	\$86,622	\$79,704	\$95,830	\$73,457	\$68,319	\$79,191	\$78,551	\$96,167	\$89,024	\$73,646	\$1,025,012
2008	\$73,939	\$76,885	\$75,520	\$76,332	\$88,517	\$69,243	\$60,775	\$73,032	\$72,513	\$74,539	\$82,203	\$80,973	\$904,471
2007	\$62,229	\$81,144	\$67,861	\$60,380	\$101,688	\$59,568	\$53,524	\$79,704	\$54,614	\$77,376	\$76,886	\$72,942	\$847,915
2006	\$56,047	\$65,343	\$63,033	\$62,630	\$75,844	\$56,416	\$56,708	\$64,127	\$58,171	\$58,810	\$79,791	\$62,656	\$759,578

1 2 3 >



BNB/Brady VFD Maintenance Fund

[illegible]



BRADY

NATIONAL BANK

Satisfying Needs . . .

Building Relationships

P.O. Box 111
BRADY, TX 76825

101 SOUTH BLACKBURN
(325) 597-2104

[Bank Home Page](#) [MEMBER FDIC](#)

Date 4/30/15
Account Number

Page 1
103655

BRADY VOLUNTEER FIRE DEPT INC
MAINTENANCE FUND
216 WEST COMMERCE
BRADY TX 76825

SUMMARY OF ACCOUNTS

ACCOUNT NO	TYPE OF ACCOUNT	CURRENT BALANCE	ENCLOSURES
103655	REGULAR CHECKING	12,719.65	5

REGULAR CHECKING		Image Statement	5
Account Number	103655	Statement Dates	4/01/15 thru 4/30/15
Previous Balance	2,954.42	Days in the statement period	30
4 Deposits/Credits	13,090.83	Average Ledger	8,390
1 Checks/Debits	2,004.00	Average Collected	8,390
4 Electronic Debit	1,321.60		
Service Charge	.00		
Interest Paid	.00		
Ending Balance	12,719.65		

DEPOSITS

DATE	DESCRIPTION	AMOUNT
4/13	RDA REGULAR DEPOSIT	2,786.83
4/13	RDA REGULAR DEPOSIT	2,004.00
4/15	RDA REGULAR DEPOSIT	8,000.00
4/15	RDA REGULAR DEPOSIT	300.00

OTHER WITHDRAWALS AND FEES

DATE	DESCRIPTION	AMOUNT
4/02	EPAY CHASE	503.50
	5760039224 04/02/15	
4/07	CentTX Pmt Central Tx Tele	25.00
	1750853485 04/07/15	
4/15	1/3 OF PMT ON LOAN # 55027	308.23
4/15	1/3 OF PAYMENT LOAN # 54135	484.87



Satisfying Needs . . .

Building Relationships

P.O. Box 111
BRADY, TX 76825

101 SOUTH BLACKBURN
(325) 597-2104

[Bank Home Page](#) [MEMBER FDIC](#)

Date 4/30/15 Page 2
Account Number 103655

REGULAR CHECKING

103655 (Continued)

CHECKS AND OTHER ITEMS IN SERIAL NUMBER OR DATE ORDER

DATE	CHECK NO	AMOUNT
4/17	143	2,004.00
*Denotes Skip in Check Number		

DAILY BALANCE SECTION

DATE	BALANCE	DATE	BALANCE	DATE	BALANCE
4/01	2,954.42	4/07	2,425.92	4/15	14,723.65
4/02	2,450.92	4/13	7,216.75	4/17	12,719.65

OUR PRIVACY NOTICE IS AVAILABLE AT WWW.BRADYNATIONALBANK.COM

Remote Deposit

Credit

The Brady National Bank RDA Services
Mobile MicroBusiness BRADY VOLUNTEER FIRE
101 S. Blackburn St
Brady, Texas 76825
325-597-2104

Date: 4/13/2015
Items: 1
Amount: \$2,786.83
Batch ID: 1901408593
Account ID: 207333 898405
Acct Num: 103655
AuxOnUs: 161485737

Remote Deposit

Credit

The Brady National Bank RDA Services
Mobile MicroBusiness BRADY VOLUNTEER FIRE
101 S. Blackburn St
Brady, Texas 76825
325-597-2104

Date: 4/13/2015
Items: 1
Amount: \$2,004.00
Batch ID: 1901408633
Account ID: 207333 898405
Acct Num: 103655
AuxOnUs: 161493097

RDA REGULAR DEPOSIT Date: 04/13 Amount: \$2,786.83

Remote Deposit

Credit

The Brady National Bank RDA Services
Mobile MicroBusiness BRADY VOLUNTEER FIRE
101 S. Blackburn St
Brady, Texas 76825
325-597-2104

Date: 4/15/2015
Items: 1
Amount: \$8,000.00
Batch ID: 1905567893
Account ID: 207333 898405
Acct Num: 103655
AuxOnUs: 162074965

Remote Deposit

Credit

The Brady National Bank RDA Services
Mobile MicroBusiness BRADY VOLUNTEER FIRE
101 S. Blackburn St
Brady, Texas 76825
325-597-2104

Date: 4/15/2015
Items: 1
Amount: \$300.00
Batch ID: 1905567925
Account ID: 207333 898405
Acct Num: 103655
AuxOnUs: 162075273

RDA REGULAR DEPOSIT Date: 04/15 Amount: \$8,000.00

BRADY VOLUNTEER FIRE DEPT INC.		88-348/1113	143
MAINTENANCE FUND		04-15-15	
216 WEST COMMERCIAL		TAXID	
BRADY, TX 76825			
DATE: Brady Vol. Fire Department		\$ 8,000.00	
The order of		Two thousand and four dollars and no/100	DOLLARS
BRADY NATIONAL BANK			
101 S. Blackburn St Brady, Texas 76825-0111			
AUXID			
103655			

RDA REGULAR DEPOSIT Date: 04/15 Amount: \$300.00

DDA REGULAR CHECK Date: 04/17 Amount: \$2,004.00



Pay Bills

☒ You've successfully scheduled this payment.

Payee	Pay From	Send On	Deliver By	Amount	Status Transaction No.
All Accounts ...5146	BRADY NATIONAL BANK (...3655)	4/1/2015	4/1/2015	\$503.50	<input checked="" type="checkbox"/> Pending 2177273645

Total: \$503.50

JPMorgan Chase Bank, N.A. Member FDIC
Equal Opportunity Lender



All Accounts (...5146)

Account Info		Payment Info	
Current balance	\$614.52	Balance last statement (09/13/2014)	\$0.00
Pending charges	\$0.00	Minimum payment due	\$0.00
Available credit	\$5,685.48	Payment due date	04/07/2015
Ultimate Rewards			

Posted Activity

Since Last Statement

	<u>Trans Date</u>	<u>Post Date</u>	<u>Type</u>	<u>Description</u>	<u>Expense Category</u>	<u>Amount</u>
<input type="checkbox"/>	03/26/2015	03/27/2015	Sale	EASYID SOLUTION	Utilities	\$503.50
<input type="checkbox"/>	09/15/2014	09/15/2014	Payment	Payment Thank You - Web	Miscellaneous	-\$571.32



Central Texas Telephone Cooperative Inc.
The Hometown Advantage!



With Offices
Serving You
8:00 - 5:30 M-F

Goldthwaite
1012 Reilley Street

San Saba
208 East Brown Street

CUSTOMER CARE 1-800-535-8904

Invoice Totals

Leasing Service

Subtotal Current Charges

Subtotal
25.00

\$ 25.00

Service Summary
Leasing Service

Adj	Charges	Taxes Surcharges Fees	Subtotal
	25.00		25.00
	25.00		25.00

Summary of Charges By Type of Service

	Past Due	Current	Subtotal
Non Basic Service	\$ 0.00	\$ 25.00	\$ 25.00
	0.00	25.00	25.00

Balance Forward

Previous Bill	\$ 25.00
Payment made on Mar 5	\$ 25.00cr
Total payments through Mar 22	\$ 25.00cr

Balance Before Current Charges

\$ 0.00

Total Amount Due

\$ 25.00

Charge Detail

Leasing Service

Recurring Charges (Apr 01 - Apr 30)
Lease Tower

25.00

Total for Leasing Service

\$ 25.00

Account Summary for: Brady Volunteer Fire Dept

Account Number	00005711-0
Invoice Number	10653543
Service Identifier	Leasing Service
Billing Date	Apr 01, 2015
Past Due After	Apr 16, 2015
Previous Bill	\$ 25.00
Previous Payments	\$ 25.00
Adjustments	\$ 0.00
Previous Balance	\$ 0.00
Advance Payments	\$ 0.00
Current Charges	\$ 25.00
Total Due	Bank Deduct - Do Not Pay

Important Messages

Visit our Online Bill Payment Website to view or pay your bill!
Access your account 24 hours a day.
Visit us online at centex.net

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**Central Texas Telephone
Cooperative Inc.**

PO Box 1619
Goldthwaite, Tx 76844-1619

Address Service Requested



Account Number	00005711-0
Invoice Number	10653543
Service Identifier	Leasing Service
Billing Date	Apr 01, 2015
Past Due After	Apr 16, 2015
Total Due	Bank Deduct - Do Not Pay

☐ Check here for address changes, credit card payments, or other automatic payment options (see back for details).

Amount Enclosed: \$ _____

REMIT TO:

Bank Deduct - Do Not Pay...

002064 1 AV 0.381 T9



BRADY VOLUNTEER FIRE DEPT
216 W COMMERCE ST
BRADY, TX 76825-4522

G: 1-2064



Brady Municipal Golf Course
Monthly Report

FY 15

Item	FY 2013	FY 2014	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Totals
Rounds - est	5469	2677	139	93	29	51	73	113	246						744
Green Fees	\$24,836.65	\$22,625.82	\$1,825.00	\$1,217.00	\$488.00	\$837.66	\$1,040.00	\$1,490.00	\$3,075.07						\$9,972.73
Membership Rounds			688	274	228	116	212	263	335						2116
Student Rounds	Added Feb 2015						67	67	165						299
Total Rounds			827	367	257	167	352	443	746	0	0	0	0	0	3159
Trail Fee - est	8924	3216	257	149	112	107	93	156	204						1078
Trail Fee Revenues	\$4,462.40	\$1,608.39	\$142.59	\$84.00	\$56.00	\$53.50	\$48.00	\$81.50	\$107.00						\$572.59
Cart Rentals - est	843	1218	102	44	15	26	51	83	150						471
Cart Revenue	\$13,892.00	\$20,058.97	\$1,602.50	\$750.00	\$297.68	\$312.50	\$700.00	\$1,398.20	\$2,412.50						\$7,473.38
Cart Shed Rental	\$8,370.35	\$12,306.75	\$12.50	\$0.00	\$0.00	\$11,138.00	\$0.00	\$36.00							\$11,186.50
Vending Revenue	\$20,002.07	\$15,703.72	\$1,211.51	\$1,029.46	\$267.29	\$376.51	\$1,224.29	\$1,302.37	\$1,874.55						\$7,285.98
Memberships - est	253	279	21	21	21	43	30	27	30						193
Membership Fees	\$25,351.74	\$27,902.56	\$1,581.00	\$2,597.50	\$2,099.50	\$1,160.00	\$3,115.29	\$1,689.77	\$7,541.12						\$19,784.18
Driving Range -est	460	519	48	21	15	12	23	18	18						155
Range Revenue	\$2,033.69	\$2,260.46	\$196.00	\$95.00	\$74.68	\$50.00	\$103.00	\$74.00	\$72.00						\$664.68
Misc.	\$170.71	\$5.81	\$1.54	\$0.00	\$0.00	\$23.85	\$0.68	\$102.48							\$128.55
Total Revenue	\$99,119.61	\$102,472.48	\$6,572.64	\$5,772.96	\$3,283.15	\$13,952.02	\$6,231.26	\$6,174.32	\$15,082.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$57,068.59

None of the above figures included sales tax



CITY OF BRADY
CITY COUNCIL CORRESPONDENCE

TO: BRADY CITY COUNCIL
FROM: LUPE CARRIZALES, ACTING POLICE CHIEF
THROUGH: KIM LENOIR, CITY MANAGER
SUBJECT: MONTHLY POLICE REPORT FOR APRIL 2015
DATE: MAY 11, 2015- FISCAL YEAR 2014-15

TYPE	CURRENT MONTH	YEAR TO DATE
Person Crimes	48	283
Property Crimes	33	190
Narcotics Crimes	1	32
Disturbances	60	379
Felony Arrests	5	51
Misdemeanor Arrests	5	81
Suspicious Person/Vehicle	63	488
Felony Warrant	3	37
Misdemeanor Warrant	4	23
D.W.I.	2	8
Alarms	6	80
Agency Assist	27	235
Public Assist	22	159
Escorts	6	65
Animal Calls	48	168
Traffic Direction	14	74
Close Patrols	47	662
Civil Matters	25	245
Juvenile	14	127
Crash Investigation	21	137
Welfare Concerns	33	237
Information	79	562
Court	2	15
Citations	27	201
Warnings	36	484
Building Checks	47	847
Misc. Incidents	220	1,500
Supplements	14	132
Follow-ups	53	499
Reports	74	335

**Open For Business – or Are We?
The Restrictions of the Open Meetings Act**

ALAN D. LATHROM

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Richardson, Texas 75081
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E-mail: alathrom@bhlaw.net

**HOT Topics for Texas Cities
June 29, 2012
Richardson, Texas**

OPEN FOR BUSINESS – OR ARE WE?

THE RESTRICTIONS OF THE OPEN MEETINGS ACT

The only way a municipality can act is by and through its governing body.¹ It is a well-settled rule that the governing authorities of cities can express themselves and bind the cities only by acting together in a duly assembled meeting.² That is, decisions entrusted to the governmental body must be made by the body as a whole at a properly called meeting.³ This requirement gives each member of the governmental body an opportunity to state his or her views to other members of the body and to give them the benefit of his or her judgment, so that the decision “may be the composite judgment of the body as a whole.”⁴ Decisions cannot be made by individual council, board or commission members. Rather, a city council can only transact a city’s business transactions upon a majority vote of the city council.⁵

1. HOW DOES THE TEXAS OPEN MEETINGS ACT APPLY?

Generally speaking, the Texas Open Meetings Act (“Act”) applies anytime a quorum of a council, board or commission is present and discusses public business. (There are limited exceptions to this rule for attendance at a social gathering, convention, workshop, press conference or some ceremonial event that is not related to the entity’s public business, any discussion regarding public business is merely incidental, and no vote or action is taken.⁶) Under the Act, a quorum is considered to be a simple majority of the members of the council, board or commission unless there is some specific quorum requirement to the contrary.⁷

2. WHAT RESTRICTIONS DOES THE TEXAS OPEN MEETINGS ACT IMPOSE ON A GOVERNMENTAL BODY’S ABILITY TO OPEN FOR BUSINESS?

a. The Act requires meetings to be accessible to the public.

The Texas Open Meetings Act is liberally/broadly construed in favor of “open government.”⁸ While the phrase “open government” is not specifically defined, the breadth intended thereby is expressed as follows:

¹ *City of Coppel v. General Homes Corp.*, 763 S.W.2d 448, 456 (Tex.App.--Dallas 1988, writ denied); *Cook v. City of Addison*, 656 S.W.2d 650, 657 (Tex.App.--Dallas 1983, writ ref’d n.r.e.).

² *City of Corpus Christi v. Bayfront Assoc., Ltd.*, 814 S.W.2d 98, 105 (Tex.App.--Corpus Christi 1991, writ denied); *Stirman v. City of Tyler*, 443 S.W.2d 354, 358 (Tex.Civ.App.--Tyler 1969, writ ref’d n.r.e.).

³ See *Webster v. Tex. & Pac. Motor Transp. Co.*, 166 S.W.2d 75, 76-77 (Tex. 1942); *Fielding v. Anderson*, 911 S.W.2d 858, 864 (Tex. App.—Eastland 1995, writ denied).

⁴ *Webster*, 166 S.W.2d at 76-77.

⁵ *Bayfront Assoc.*, 814 S.W.2d at 105; *Stirman*, 443 S.W.2d at 358; *First Nat’l Bank of Marlin v. Dupuy*, 133 S.W.2d 238, 240 (Tex.Civ.App.--Waco 1939, writ dism’d, judg. cor.).

⁶ Texas Government Code §§551.001(4) and 551.0035.

⁷ *Id.* at §551.001(6).

⁸ See *City of Laredo v. Escamilla*, 219 S.W.3d 14, 19 (Tex. App.—San Antonio 2006, pet. denied); *Willmann v. City of San Antonio*, 123 S.W.3d 469, 473 (Tex. App.—San Antonio 2003, pet. denied); *Toyah I.S.D. v. Pecos-Barstow I.S.D.*, 466 S.W.2d 377, 380 (Tex.Civ.App.—San Antonio 1971, no writ).

Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by this chapter.⁹

The Act is intended to open to public scrutiny the process by which governmental bodies reach decisions affecting public policy or business over which the governmental bodies have supervision or control.¹⁰ The executive and legislative decisions of local governmental officials as well as the underlying reasoning behind such decisions must be discussed openly before the public rather than secretly behind closed doors.¹¹ Citizens are entitled not only to know what government decides but to observe how and why every decision is reached.¹² The explicit command of the Act is for openness at every stage of the deliberations.¹³ Absent compelling reasons to the contrary, the public business should be conducted in public.¹⁴

In order to avoid frustrating the intent of the Act, meetings of a governmental body must be held in a location that is accessible to the public.¹⁵ A governmental body simply cannot meet in an inaccessible location. While the public is not entitled to choose the items to be discussed or to speak about items on the agenda,¹⁶ the public must be permitted to attend a meeting that is “open” to the public.¹⁷

b. The Act requires advance written notice of any meeting to the public.

The Act requires that the governmental body give the public advance written notice of the date, hour, place, and subject of each meeting held by the governmental body.¹⁸ This advance written notice must identify the items that will be discussed in both an open session and a closed session of a meeting.¹⁹ This notice typically takes the form of an agenda listing the items to be discussed or considered by the governmental body during its meeting. The notice/agenda must be sufficient to apprise the public in general terms of the subjects to be considered during the meeting. Generalized terms such as “old business,” “new business,” “regular or routine business,” and “other business” are not proper terms to give notice of a meeting because they do not inform the public of its subject matter.²⁰ But the term “public comment” provides sufficient notice of a “public comment” session, where the general public addresses the governmental body about its concerns and the governmental body does not comment or deliberate, except as authorized by section 551.042 of the Texas Government Code.²¹ However, the foregoing is not the case if the governmental body is aware, prior to the meeting, or reasonably should have been

⁹ Texas Government Code §551.002.

¹⁰ *Cox Enterprises, Inc. v. Board of Trustees of Austin I.S.D.*, 706 S.W.2d 956, 960 (Tex. 1986).

¹¹ *Acker v. Texas Water Commission*, 790 S.W.2d 299, 300 (Tex. 1990).

¹² *Acker*, 790 S.W.2d at 300.

¹³ *Id.*

¹⁴ *Finlan v. City of Dallas*, 888 F. Supp. 779 (ND Tex. 1995).

¹⁵ Tex. Att’y Gen. Op. No. JC-0487 (2002) at 7; Tex. Att’y Gen. Op. No. JC-0053 (1999) at 5–6.

¹⁶ See *Charlestown Homeowners Ass’n, Inc. v. LaCoke*, 507 S.W.2d 876, 883 (Tex.Civ.App.—Dallas 1974, writ ref’d n.r.e.); Tex. Att’y Gen. Op. No. JC-0169 (2000) at 1; Tex. Att’y Gen. Op. No. H-188 (1973) at 2.

¹⁷ Tex. Att’y Gen. Op. No. M-220 (1968) at 5.

¹⁸ Texas Government Code §551.041.

¹⁹ *Cox Enterprises*, 706 S.W.2d at 958; *Porth v. Morgan*, 622 S.W.2d 470, 475–76 (Tex.App.—Tyler 1981, writ ref’d n.r.e.).

²⁰ Tex. Att’y Gen. Op. No. H-662 (1975) at 3.

²¹ Tex. Att’y Gen. Op. No. JC-0169 (2000) at 4; see Texas Government Code § 551.042.

aware of specific topics to be addressed by the public.²² A number of reported cases, when taken together, indicate that the more important a topic of discussion is to the public, the more detail that must be provided in the notice/agenda regarding that matter.²³

Officers and employees of the governmental body must be careful in preparing the notice/agenda for a meeting to avoid deliberations that are subject to the Act.

c. Timing and posting of such advance written notice to the public

The notice/agenda of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting.²⁴ For a municipal governmental body the notice/agenda must be posted on a physical or electronic bulletin board at a place convenient to the public in city hall.²⁵ In addition, a municipal governmental body must also concurrently post the notice/agenda of the meeting on the municipality's Internet website.²⁶ There is some good news to this redundancy in posting. Because a municipality is specifically required to post the notice/agenda of a meeting on the Internet:

- (1) the requirement that the notice/agenda must be posted in a place readily accessible to the general public at all times is satisfied by making a good-faith attempt to continuously post the notice/agenda on the Internet during the prescribed period;
- (2) the notice/agenda must still be physically posted at a particular location in city hall; but
- (3) the notice/agenda physically posted at the location inside city hall is only required to be readily accessible to the general public during normal business hours if the governmental body makes a good-faith attempt to continuously post the notice/agenda on the Internet during the prescribed period.²⁷

d. Items that are not properly noticed or included on the agenda cannot be discussed.

If a member of the public or a member of the governmental body raises a subject that has not been properly noticed, or set out in the agenda, for the meeting any discussion regarding the

²² Tex. Att'y Gen. Op. No. JC-0169 (2000) at 4.

²³ *Cox Enterprises*, 706 S.W.2d at 959; *Mayes v. City of De Leon*, 922 S.W.2d 200, 203 (Tex.App.—Eastland 1996, writ denied); *Stockdale v. Meno*, 867 S.W.2d 123, 124–25 (Tex.App.—Austin 1993, writ denied); *Lone Star Greyhound Park, Inc. v. Tex. Racing Comm'n*, 863 S.W.2d 742, 747 (Tex.App.—Austin 1993, writ denied); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176, 182 (Tex. App.—Corpus Christi 1990, writ denied); Tex. Att'y Gen. Op. No. H-1045 (1977) at 5; *Burks v. Yarbrough*, 157 S.W.3d 876, 883 (Tex.App.—Houston [14th Dist.] 2005, orig. proceeding [mand. denied]); see also *Friends of Canyon Lake, Inc. v. Guadalupe-Blanco River Auth.*, 96 S.W.3d 519, 529 (Tex.App.—Austin 2002, pet. denied); *River Rd. Neighborhood Ass'n v. S. Tex. Sports*, 720 S.W.2d 551, 557 (Tex.App.—San Antonio 1986, writ dismissed).

²⁴ Texas Government Code §551.043(a).

²⁵ *Id.* at §551.050(b).

²⁶ *Id.* at §551.056(b).

²⁷ *Id.* at §551.043(b).

matter must be limited to a proposal to place the item on the agenda for a future meeting.²⁸ The person raising such a matter could also be provided a statement of specific factual information or a recitation of existing policy responsive to the inquiry without violating the Act.²⁹ Sometimes the very wording of the notice/agenda for a particular matter that is properly noticed for discussion can unintentionally limit the scope of discussion permitted on that matter.

e. The Texas Open Meetings Act has also been applied to meetings of less than a quorum of the members of a governmental body.

1. Subcommittees

In 1989 the Texas Attorney General extended the Act to subcommittees of governmental bodies that are subject to the Act because the governmental body “might simply ‘rubber-stamp’ the committee’s recommendations” thereby depriving the public of access to the decision-making process.³⁰ Similarly, the courts have found that a committee comprised of five members of a fifteen-member city council was subject to the requirements of the Act.³¹ Even a committee appointed by a governing body having only two members of the governmental body serving with seven non-members was deemed by the Attorney General as being subject to the Act.³²

2. No meeting or deliberation of the governmental body required

In 1992 the Attorney General opined that when a quorum of a city council signed a letter, even in their individual capacities, that related to public business a violation of the Act occurred despite the fact there was never a meeting between a quorum of the individual council members at which the letter was discussed and an agreement reached.³³ The Attorney General also noted in that opinion that the Act’s “requirements are not necessarily avoided by avoiding the physical gathering of a quorum in one place at one time.”³⁴ Then in 2000, the Attorney General again noted that “the Act has been construed to apply to situations in which members of a governmental body act as a body but are not in each other’s physical presence.”³⁵ In fact, the Attorney General specifically stated that avoiding the technical definition of “meeting” or “deliberation” will not protect participants from the application of the Act.³⁶ This opinion essentially does away with the requirement that a “meeting” or “deliberation” be held, as those terms are defined by the Act, before the Open Meetings Act applies.³⁷ In addition, the Attorney General also opined that members of a governmental body could violate the Act by using third persons as intermediaries to hold a closed meeting or to meet in numbers of less than a quorum.³⁸

²⁸ *Id.* at §551.042.

²⁹ *Id.*

³⁰ Op. Tex. Att’y Gen. Op. JM-1072 (1989).

³¹ *Finlan*, 888 F. Supp. 779.

³² Op. Tex. Att’y Gen. Op. JC-0060 (1999).

³³ Op. Tex. Att’y Gen. Op. DM-95 (1992).

³⁴ *Id.*

³⁵ Op. Tex. Att’y Gen. Op. JC-307 (2000).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

3. Telephone, facsimile and e-mail communications

Former Attorney General Morales noted “[i]t is possible for members of a governmental body to violate the Open Meetings Act even [though] they are not physically present in one place, for example, by discussing public business of the governmental body over the telephone.”³⁹ A commissioners court’s approval (or attempted approval) of payment of a claim, invoice, or bill given by members in writing in lieu of consideration of the matter at a meeting held under the Act would violate the Act’s requirement that a vote, decision, or final action on a matter be taken in a properly noticed open meeting.⁴⁰ In addition to violating the Act by discussing matters via telephone or in writing, the Attorney General has indicated that “deliberation” could also include facsimile transmissions and electronic mail.⁴¹

4. Walking Quorum

A “walking quorum” occurs when members of a governmental body meet in a series of meetings in person or via phone or other electronic communication in numbers less than a quorum to discuss public business and avoid the requirements of the Act. A walking quorum is described in the case of *Esperanza Peace and Justice Center v. City of San Antonio*.⁴² In *Esperanza*, the mayor met with several city council members in the city manager’s office and spoke with others by telephone about the city budget on the night before a city council meeting was noticed to be held. A decision was reached that night by the members of the city council and ratified at the public meeting the next day. The court said that a meeting of less than a quorum is not subject to the Act “when there is no intent to avoid the Act’s requirements.”⁴³ The court further stated:

On the other hand, the Act would apply to meetings of groups of less than a quorum where a quorum or more of a body attempted to avoid the purposes of the Act by deliberately meeting in groups less than a quorum in closed sessions to discuss and/or deliberate public business, and then ratifying their actions as a quorum in a subsequent public meeting.⁴⁴

5. City of Alpine, Texas

The recent situation involving the Alpine City Council is particularly instructive in this regard. Three members of the Alpine City Council, a five member body, exchanged private e-mails regarding whether to call a public meeting to consider a public contract matter.⁴⁵ At least two of the Alpine City Council members were indicted in state court for violations of the criminal provisions of the Texas Open Meetings Act.⁴⁶ After prosecuting the charges against the

³⁹ Tex. Att’y Gen. Op. No. LO-95-055, at 4.

⁴⁰ Att’y Gen. Op. JC-307 (2000).

⁴¹ *Id.*

⁴² *Esperanza Peace & Justice Ctr. v. City of San Antonio*, 316 F. Supp. 2d 433 (W.D. Tex. 2001).

⁴³ *Id.* at 476.

⁴⁴ *Id.* at 476–77.

⁴⁵ *Rangra v. Brown*, 566 F.3d 515, 518 (5th Cir. 2009).

⁴⁶ *Id.*

individual City Council members for several months, the district attorney dismissed the charges without prejudice to re-filing such charges.⁴⁷ The City Council defendants filed a lawsuit in the federal courts challenging the constitutionality of the Act as an undue restriction of their First Amendment speech rights and seeking both declaratory and injunctive relief against the Texas Attorney General and the District Attorney.⁴⁸ Ultimately, this litigation was dismissed by the United States Fifth Circuit Court of Appeals for mootness because the plaintiffs in the lawsuit completed their terms of office as City Council members prior to the issuance of the final decision on the merits of this lawsuit.⁴⁹

A new suit challenging the constitutionality of the Act was filed on December 14, 2009.⁵⁰ The trial court rejected the public officials' challenges in that matter and held that the Act only punishes members of governmental bodies "when those members hide that speech from Texas citizens in closed meetings. [The Act] neither suppresses the speakers' viewpoint nor the content of his or her speech. Rather, [the Act] protects the compelling interest of government transparency."⁵¹ The case is now on appeal in the Fifth Circuit.

6. Social Networking and Social Media

The Senate Committee on State Affairs prepared an Interim Report to the Eighty-second Legislature regarding the challenge that new technologies present in complying with the Act. The Committee reported in pertinent part as follows:

The walking quorum concept combined with newer technologies such as microblogs (e.g., Twitter), social media websites (e.g., Facebook), text messaging and instant messaging, raise new issues for consideration by the Attorney General, the courts and the Legislature. Neither the courts nor the Attorney General have determined the applicability of the [Act] to these new technologies; however, under the current interpretations of the Act, a quorum would exist if a majority of the governmental body discusses public business on a Facebook wall. The Facebook wall could be closed to the public, or open; however, absent prior notice of the "meeting" the [members of the governmental body] could be in violation of the [Act]. A similar situation could arise with Twitter where members can have public or private accounts.

3. CONCLUSION

Sometimes you will find out that despite your council's, board's, or commission's best efforts to be open for business you simply cannot consider a particular matter until your next meeting date because of the restrictions imposed upon governmental bodies by the Texas Open

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Rangra v. Brown*, 584 F.3d 206 (5th Cir. 2009).

⁵⁰ *Asgeirsson v. Abbott*, 773 F. Supp. 2d 684, 690, 693 (W.D. Tex. 2011).

⁵¹ *Asgeirsson*, 773 F. Supp. 2d at 707.

Meetings Act. When a majority of a public decision-making body is considering a pending issue, there can be no “informal” discussion under the Act.⁵² There is either formal consideration of a matter in compliance with the Act or an illegal meeting.⁵³ It is the process of building a consensus or reaching a meeting of the minds that the Act is intended to open to public scrutiny.

As a result there may often be times when the Texas Open Meetings Act will conflict with standard everyday practices in the private sector. It may frequently be frustrating to both the members of the governmental body and the public that a matter which is raised by a member of the public or the governmental body cannot be discussed because it is not properly noticed and included on that meeting’s agenda. But it is the broader right of the public to know the workings of its government that controls. If you have any questions or concerns regarding the wording of a particular agenda item or the absence of a topic, which is being raised for discussion, from the notice/agenda that was provided in advance to the public do not hesitate to ask your city attorney about the propriety of discussing such matters because violations of the Texas Open Meetings Act may subject the governmental body’s action(s) to revocation and possibly, in certain factual situations, subject the members of the governmental body to potential criminal liability.

⁵² *Acker*, 790 S.W.2d at 300.

⁵³ *Id.*

CITY OF BRADY		
CITY COUNCIL - SCHEDULE OF BUDGET PREPARATION AND ADOPTION		
2015-2016 FISCAL YEAR BUDGET		
DATE	ACTION	PARTICIPANTS
June 9	FY 16 Goals by City Council	City Council / City Manager / Finance / Dept-Division Heads
July 1	Proposed Budget and Budget Workbook Submitted to City Council and to City Secretary	City Council
July 8,9,14	Budget Review by Council and Division Heads at Brady Housing Authority	City Council / City Manager / Finance / Dept-Division Heads
July 21	Council approval vote on Proposed Tax Rate	City Council
Aug 4	Reg Meeting - Present final recommended Budget to City Secretary and City Council --Set public hearing dates	City Council / Finance
Aug 12	Publish Budget Summary page & public notices for Budget and Tax hearings 1 and 2 and publish on website	City Sec / Finance
Aug 18	Reg Meeting -Public hearing 1 Tax rate	City Council / Residents/Finance
Aug 25	Special Meeting -Public hearing 2 Tax rate	City Council / Residents
Sept 1	Reg Meeting -Public Hearing of Budget- First vote of Budget / Utility Rates - First Vote on Tax Rate	City Council/ City Manager
Sept 15	Reg Meeting - Adoption of Budget and Tax rate - File Budget with City Sec	City Council
Oct 1	Deliver tax rate to County Appraiser / Budget year begins	Finance
Oct 1	File Copy of Budget with City Secretary / post Budget/Tax rate on website	Finance / City Secretary
DATES IN RED INDICATE A MANDATORY DATE		
DATES IN BLACK INDICATE SOME FLEXIBILITY		
updated 05/13/2015		