

BRADY
THE CITY OF
TEXAS

Tony Groves
Mayor

Rey Garza
Council Member Place 1

Missi Elliston
Council Member Place 2

Jeffrey Sutton
Council Member Place 3

Jane Huffman
Mayor Pro Tem
Council Member Place 4

Jay May
Council Member Place 5

Dennis Jobe
City Manager

Tina Keys
City Secretary

Sarah Griffin
City Attorney

**CITY OF BRADY COUNCIL AND
McCULLOCH COUNTY COMMISSIONERS COURT
JOINT WORK SESSION AGENDA
TUESDAY, AUGUST 4, 2020 AT 4:30 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 4:30 pm on August 4, 2020, at the City of Brady Municipal Court Building, located at 207 S. Elm Street, 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.

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

2. DISCUSSION REGARDING:

- A. Interlocal Agreement for Fire and EMS services, Law Enforcement/Police services, Detention/Jail services, Senior Citizen services, Emergency Planning and Management services, and Temporary Use of City Facilities

3. ADJOURNMENT

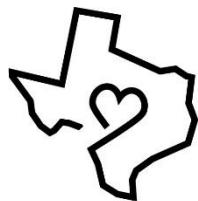
I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on _____ by 4:00 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 tkeys@bradytx.us.

MISSION

The City of Brady strives to share its history and encourage the development of diverse housing, employment, infrastructure, and opportunity through transparent management and financing for all residents and employees.



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CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING AUGUST 4, 2020 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 6:00 pm on August 4, 2020, at the City of Brady Municipal Court Building, located at 207 S. Elm Street, 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.

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS: Reserved for items NOT listed on the agenda

Please limit individual public comments to three (3) minutes. In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff to place the item on an agenda for a subsequent meeting.

4. CONSENT AGENDA: Reserved for routine items to save time

Any item may be removed from the Consent Agenda at the request of a Council Member and considered separately following the Consent Agenda approval. All items listed on the Consent Agenda are to be with one motion "Move to approve Consent Agenda."

- A. Approval of Minutes for Regular and Work Session Meetings on July 21, 2020.

5. PRESENTATIONS

FY 21 Proposed Budget

6. PUBLIC HEARING:

None Scheduled

7. INDIVIDUAL CONCERNS

City Council Members are to deliberate the following items. Staff will present the item and are prepared to answer City Council Member questions. The Mayor will recognize Council Members as the council discussed the item so everyone is heard. Once the City Council Members finish discussion, the Mayor will recognize attendees who have comments. Attendees and council members need to direct comments to the Mayor as they are recognized. When all comments are complete, the Mayor will call for a motion.

- A. Discussion, consideration and possible action regarding Interlocal Agreement for Fire and EMS services, Law Enforcement/Police services, Detention/Jail services, Senior Citizen services, Emergency Planning and Management services, and Temporary Use of City Facilities
- B. Discussion, consideration and possible action the Utility Rates and Fee Schedule for City Services.
- C. Discussion, consideration and possible action regarding the **first reading of Ordinance 1311** amending Ordinance 1218, Cemeteries, to allow the sale of cemetery plots back to the City at the current valued amount as opposed to original purchase price.

8. STAFF REPORTS

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

11. OPEN SESSION ACTION ON ANY ITEMS COMING OUT OF EXECUTIVE SESSION

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 tkeys@bradytx.us

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

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 regarding Real Property), 551.073 (Deliberations regarding prospective Gifts or Donations), 551.074 (Personnel Matters), 551.076 (Deliberations regarding Security Devices), 551.086 (Deliberate, vote or take final action on competitive matters of the public power utility), and 551.087 (Deliberation regarding Economic Development).

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.104(c) and the meeting is conducted by all participants in reliance on this opinion.

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session Meeting on Tuesday, July 21, 2020 at the City of Brady Municipal Court Building located at 207 S. Elm Street, Brady, Texas with Mayor Tony Groves presiding. Council Members present were Missi Elliston, Rey Garza, Jay May, Jeffrey Sutton and Jane Huffman. City staff present were City Manager Dennis Jobe, Public Works Director Steve Miller, Finance Director Lisa Remini, Police Chief Steven Thomas, Community Development Manager Erin Corbell and City Secretary Tina Keys.

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

Mayor Groves called the meeting to order at 4:00 p.m. Council quorum was certified.

2. Discussion Regarding:

a. Final Review of Budget Decisions – Mayor Groves turned the meeting over to Lisa Remini who reviewed proposed budget. She confirmed that \$75,000 has been added to the FY21 draft budget and that it would require the Council to adopt the “No New Revenue” tax rate in September. Council also agreed to transfer an additional \$170,000 from Electric Fund to the General fund fund. Additional items that came up during workshop were listed and pointed out. Lisa asked if these meet with what Council wanted. Lisa also pointed out that staff, for FY21, was to determine the cost of a new fire/ems station and that we would potentially have to sell a bond for funding. The bond will be issued in 2021 but that doesn’t mean we spend money in 2021. Council Member Huffman said we need to figure out how much it’s going to cost, but she doesn’t feel like we can afford to spend \$2.5million. She thought we should weigh all of our options. City Manager Jobe confirmed we are going to look at everything. Remini said this does not obligate us to issue debt. Lisa said she estimated what revenue amounts will be including a 5% increase in water rates and a 15% rate increase in dumpster service. Council Member Sutton commented it’s an increase in commercial dumpsters and Lisa confirmed. The only changes made to step grade plan is on line 11, we would start those people out at \$10.00 an hour and then it increases by 3% increments. Also, line 21, pro shop and lake store attendant, originally started \$9.00 an hour and we are proposing starting them at \$10 an hour too. The City Manager asked about starting police at \$20 – that would be the first step, so we need to change that. Lisa will make that change and it will be reflected in the proposed budget and will be in the ordinance brought back in September. Police Vehicle Replacement schedule – council was in favor of allowing the purchase of two police vehicles each year to eventually have a consistent budget of \$60,000 for vehicle replacement. That will also be a part of the budget ordinance. There was discussion if this should be a resolution as a “policy”.

3. Adjournment

Council recessed at 5:10 and resumed at 5:30.

There being no further business, the Mayor adjourned the budget work session at 5:30 p.m.

Mayor Anthony 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 Regular Meeting on Tuesday July 21, 2020 at 6:00 pm with Mayor Anthony Groves presiding in person. Council Members present were Jane Huffman, Jeffrey Sutton, Jay May, Rey Garza and Missi Elliston. City staff present were City Manager Dennis Jobe, Finance Director Lisa Remini, Public Works Director Steven Miller, Community Development Manager Erin Corbell, and City Secretary Tina Keys. Also in attendance was Hector Martinez and Michael Probst.

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

Mayor Groves called the meeting to order at 6:00 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

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

3. PUBLIC COMMENTS

There were no public comments

4. CONSENT AGENDA

- A. Approval of Minutes for Regular Meeting on July 7, 2020, Work Session Meetings on July 7 & 8, 2020 and Joint Meeting with County Commissioners on July 14, 2020

Council Member May moved to approve the consent agenda. Seconded by Council Member Garza. All Council Members voted “aye” and none “nay”. Motion passed with a 5–0 vote.

5. PRESENTATIONS:

Third Quarter Financial Reports – Lisa Remini presented

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS ON PUBLIC HEARING

There were no Public Hearings

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1308** to abandon a portion of Apple Street as requested by P.W. Gillibrand of Texas, Inc. Erin Corbell presented. Council Member Garza moved to approve the second and final reading of Ordinance 1308. Seconded by Council Member May. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- B. Discussion, consideration and possible action regarding the **second and final reading of Ordinance 1309** to abandon a portion of E. 9th Street as requested by P.W. Gillibrand of Texas, Inc. Erin Corbell presented. Council Member Elliston moved to approve the second and final reading of Ordinance 1309. Seconded by Council Member May. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.

- C. Discussion, consideration and possible action regarding Interlocal Agreement for Fire and EMS services, Law Enforcement/Police services, Detention/Jail services, Senior Citizen services, Emergency Planning and Management services and Temporary Use of City Facilities. Dennis Jobe presented. Mayor Groves said “certain ground maintenance” on first page is to be omitted. Lisa Remini would rather the document say 60 days’ notice rather than 30 days for either party to terminate agreement. Council agreed. First paragraph will say Sept. 1, 2020. Council Member Elliston moved to approve as amended. Seconded by Council Member Garza. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- D. Discussion, consideration and possible action regarding the City of Brady Organizational Chart. Dennis Jobe presented. Council Member Huffman moved to approve the Organizational Chart as presented. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- E. Discussion, consideration and possible action regarding approval of contract for professional services for mural project using Hotel Occupancy Tax funds. Erin Corbell presented. Council Member May moved to approve contract. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 5 – 0 vote.
- F. Discussion, consideration and possible action regarding Interlocal Agreement for School Resource Officer. Lisa Remini presented. Superintendent of Brady ISD, Dr. Hector Martinez confirmed they would pay 2/3 and are ready to get started. Council Member Huffman moved to add one new position to police division in FY2020 Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion carried with a 5 – 0 vote.

8. STAFF REPORTS

- A. **Monthly Financial / Utility Reports:**
- B. **Monthly Activity Reports:** Visit Brady Report, Seniors, Golf, BPD, Fire-EMS Calls, BVFD Expense Report, Animal Control, Airport, Code Enforcement, Chronic Code Complaints, and Structures Inhabited without utilities
- C. **Monthly Public Works Reports:** Radium Reduction project
- D. **Upcoming Special Events/Meetings:**
 - August 4, 2020 – City Council 6:00 p.m.
 - August 18, 2020 – City Council 6:00 p.m.
 - August 21 thru 29 - Heart of Texas Music Festival
 - September 3 – Goat Cook-off Employee Luncheon
 - September 4 thru 7 - Goat Cook-off
 - September 7 - Labor Day – City Offices Closed

9. ANNOUNCEMENTS

There were no announcements

10. EXECUTIVE SESSION

Regular Session was closed at 6:53 p.m.. Executive Session was opened at 6:55 p.m. and closed at 7:15 p.m.

- a. Pursuant to Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: City

Manager Jobe duties under the City Charter.

11. OPEN SESSION ACTION ON ANY ITEMS COMING OUT OF EXECUTIVE SESSION

Council went back into open session at 7:16. No action was taken as a result of Executive Session.

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 7:16 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

FY 21 PROPOSED BUDGET HIGHLIGHTS

CORE VALUES

SAFETY INTEGRITY EXCELLENCE ACCOUNTABILITY TEAMWORK

8-4-2020



THE PROPOSED BUDGET IF ADOPTED WILL RAISE THE SAME AMOUNT OF TOTAL PROPERTY TAXES AS LAST BUDGET YEAR.

THIS WOULD REQUIRE THE COUNCIL TO ADOPT THE "NO NEW REVENUE" TAX RATE (FORMERLY CALLED THE EFFECTIVE TAX RATE) AT \$0.425001 CENTS PER \$100 OF VALUE. \$252 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY (\$59,360) ADDED TO THE ROLL THIS YEAR.

TOTAL 2020 CERTIFIED NET TAXABLE PROPERTY VALUES ARE LESS THAN 2019 VALUES; THEREFORE, THE INCREASE IN THE EFFECTIVE 2020 TAX RATE, NOW LABELED AS THE "NO NEW REVENUE" TAX RATE IS THE RESULT OF DECLINING TOTAL TAXABLE PROPERTY VALUES, LARGELEY DUE TO THE LOSS OF SAND PLANT INDUSTRY NEGATIVELY IMPACTING COMMERCIAL RE VALUES.

THIS BUDGET PROPOSES TO CONTINUE A CEMETERY TAX FOR CEMETERY MAINTENANCE AT 2 CENTS PER \$100 PROPERTY VALUE, AND IS INCLUDED IN THE PROPOSED TAX RATE OF 0.425001/\$100 OF PROPERTY VALUE.

THE TOTAL BALANCED 2021 BUDGET INCLUDES ALL OPERATING EXPENSES, REQUIRED TRANSFERS, AND CAPITAL PROJECTS TOTALING \$24,375,997, EXCLUDING BOTH CONSTRUCTION PHASES OF THE DRINKING WATER AND CLEAN WATER PROJECTS. EXCLUDING THESE 2 PROJECT BUDGETS, THE FY 2021 BUDGET IS SLIGHTLY MORE THAN LAST YEAR'S BUDGET BY 4%. CONTRIBUTING FACTORS ARE:

- ADDING 3 NEW POLICE OFFICER POSITIONS (\$231,068)
- DEBT SERVICE REQUIREMENTS FOR THE NEW WWTP AND DRINKING SYSTEM IMPROVEMENTS IS NOW REQUIRED (\$559,100)
- APPROVING A ONE TIME REPAIR COST TO ADDRESS A DRAINAGE PROBLEM AT THE AIRPORT WITH GRANT FUNDING (\$343,600)

ENDING UNRESTRICTED FUND BALANCES FOR THE GENERAL, ELECTRIC, GAS, AND SOLID WASTE FUNDS ARE PROJECTED TO BE LESS THAN MINIMUM RESERVE LEVEL REQUIREMENTS AND WILL HAVE TO BE CORRECTED BY NEXT FY, IF NEEDED, AS ALLOWED BY POLICY DIRECTIVES. THE WATER/SEWER AND UTILITY SUPPORT FUNDS SHOULD MEET UNRESTRICTED RESERVE LEVEL REQUIREMENTS.

THE PROPOSED BUDGET INCLUDES RATE INCREASES FOR WATER, AND COMMERCIAL DUMPSTER PICK UP SERVICES.

PRIMARY DRIVERS FOR THE RATE INCREASES ARE MAINTENANCE COSTS ASSOCIATED WITH THE WATER SYSTEM PROJECT, AND INCREASED COSTS ASSOCIATED WITH HEAVY OPERATING EQUIPMENT AT THE LANDFILL.

FY 21 PROPOSED BUDGET HIGHLIGHTS

SUPPLEMENTAL REQUESTS

IN ADDITION TO THE CITY'S BASE BUDGET NEEDS, THE COUNCIL EVALUATED 42 SUPPLEMENTAL EXPENDITURE REQUESTS TOTALING \$2,910,148. TWENTY-SIX (26) REQUESTS TOTALING \$1,817,648 WERE APPROVED.

AN ADDITIONAL \$160,600 IN PROJECTED REVENUES GENTERATED FROM INCREASED UTILITY SERVICE RATES in the WATER AND COMMERCIAL DUMPSTER SERVICES WERE APPROVED.

FINANCIAL IMPACT TO THE UTILITY CUSTOMER:

ELECTRIC:

- NEW WHOLESALE POWER AGREEMENT WILL REDUCE THE TOTAL RATE BY 1 CENT PER KWH
- AT 500 KWH PER MONTH, THE RESIDENTIAL CUSTOMER WILL PAY \$60.00 LESS PER YEAR.

WATER:

- INCREASE METER FEE AND RATE FOR EACH STAGE BY 5 PERCENT.
- AT 5,000 GALLONS PER MONTH, THE RESIDENTIAL CUSTOMER WILL PAY \$17 MORE PER YEAR.
- PROJECTED TO GENERATE \$123,000 TOTAL RESIDENTIAL AND COMMERCIAL REVENUES

SOLID WASTE:

COMMERCIAL DUMPSTER:

- INCREASE MONTHLY FEE BY 15% ACROSS ALL DUMPSTER USE RATE CLASSES.
- PROJECTED TO GENERATE \$37,600 IN REVENUES

PROPERTY TAX RATE:

FOR A HOME VALUED AT \$100,000, \$ 15.36 (\$1.28 per month) IN ADDITIONAL CITY TAXES WILL BE REQUIRED IF THE "NO NEW REVENUE" RATE IS ADOPTED

PAYROLL

THE BUDGET PROPOSES TO:

- ADD 3 NEW FT POLICE OFFICERS: 2 PATROL AND A SCHOOL RESOURCE OFFICER
- INCREASE VARIOUS GRADE 12 EMPLOYEES RATE OF PAY
- INCREASE PT RATE OF PAY TO A MINIMUM OF \$10 / HR

ADDITIONALLY:

- THE BUDGET CONTINUES TO INCLUDE A 3% STEP PLAN WAGE INCREASE FOR ALL FULL-TIME EMPLOYEES, WHO HAVE WORKED AT LEAST ONE YEAR WITH THE CITY, AND CONTINUES THE CERTIFICATION PAY PROGRAM.
- HIGHER DEDUCTABLES FOR HEALTH INSURANCE AND NO CHANGES TO RETIREMENT BENEFITS WERE MADE.
- OVERALL, TOTAL PERSONNEL COSTS REPRESENTS 32% OF THE CITY'S BASE BUDGET.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08/04/2020	AGENDA ITEM	7.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding Interlocal Agreement for Fire and EMS services, Law Enforcement/Police services, Detention/Jail services, Senior Citizen services, Emergency Planning and Management services, and Temporary Use of City Facilities		
PREPARED BY:	T. Keys / D. Jobe	Date Submitted:	7/31/2020
EXHIBITS:	Interlocal Agreement		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:
Interlocal Cooperation Agreement for the City of Brady and the County of McCulloch. The agreement is for the City of Brady to provide Emergency Medical Services to citizens that live in McCulloch County outside of the City Limits. The City of Brady has requested the county issue payment in the amount of \$150,000.00 to provide these services. The agreement will be for a period of one (1) year and reviewed annually by both entities for any extensions. The County has requested changes to the proposed agreement.

RECOMMENDED ACTION:
Move to direct staff as desired

INTERLOCAL COOPERATION AGREEMENT

between

The City of Brady and the County of McCulloch

This Agreement is entered into by and between the City of Brady, Texas (herein "City") a home rule municipality duly incorporated under the laws of the State of Texas and the County of McCulloch, a body corporate and politic acting herein through its Commissioners Court, (herein "County") on this the _____ day of _____, 2020 (the "Effective Date").

WHEREAS, the State of Texas, in the Interlocal Cooperation Act, has provided in Chapter 791 of the Texas Government Code, has authorized the City and the County to contract, to the greatest possible extend, with one another to jointly exercise services to increase the efficiency and effectiveness of their respective local governments; and

WHEREAS, the City and the County find it is in the public interest for the City to provide Emergency Medical Services, certain police protection services, fire protection services, temporary utilization of certain property and internet connections, certain administrative functions in relation to the Local Emergency Planning Committee and the Joint City-County Emergency Management Program to the residents of the City and the County; and

WHEREAS, the City and the County find it is in the public interest for the County to provide certain police protection services, 911 dispatching services, detention services, and transportation services to the residents of the City and the County.

NOW, THEREFORE, THE CITY AND THE COUNTY HEREBY AGREE AS FOLLOWS:

SECTION I PURPOSE

The purpose of this Agreement is to ensure that the Parties hereto provide Emergency Medical Services, police protection services, fire protection services, 911 dispatching services, detention services, senior services, and administrative functions in relation to

the Local Emergency Planning Committee and the Joint City-County Emergency Management Program in a cooperative manner to the citizens of both the City and the County.

SECTION II **DUTIES AND RESPONSIBILITIES OF THE PARTIES AND AGREED FUNDING**

2.1 Fire and EMS Services.

- a. The City agrees to provide Fire Protection Services and Emergency Medical Service ("EMS") services to the residents of the County who reside outside Brady's city limits. EMS services for the purposes of this Agreement shall be defined as emergency ambulance services and shall include prehospital transportation of persons in need of emergency medical care by trained and specially equipped personnel for that purpose.
- b. The City will bill the County 12.3% of the annual cost of EMS services.
- c. (TO BE NEGOTIATED DEPENDING ON B ABOVE)Itemized Statement - The City shall provide the County with an itemized statement of Fire and EMS expenses and revenue at the end of the fiscal year, closing out all bills (by November 30), which shall clearly state all amounts received and paid pursuant to this Agreement. The City shall provide the County with counts and percentages of Fire and EMS calls in the City and in the County for the fiscal year.

2.2 Law Enforcement/Police Services.

- a. The City agrees to support County in the provision of police services with any calls for service as requested.
- b. The County agrees to support City in the provision of police services with any calls for service as requested within the City limits.
- c. The County will notify the City of any calls for service or announcement of "look-outs" from other entities that will be within the City limits.
- d. The County agrees to provide 911 dispatch service to the City.

- e. The Parties recognize the mutual consideration for 1.02 a-b, above, and the 911 dispatch service.

2.3 Detention/Jail Services.

- a. The County will provide detention/jail services to the City for all Class C misdemeanors.
- b. City will pay billed amounts by County of each Class C jailed individual in accordance with state law.

2.4 Senior Citizen Services.

- a. The County agrees to fund the Thunderbird County-wide CVGOG transportation services.
- b. The County will pay \$599.99 to City for matching grant funds for the annual HMD-Texans Feeding Texans Grant, each year the City receives funding for same, payable in February in each year.

2.5 Emergency Planning and Management Services.

- a. The City will maintain the paperwork for reporting as required for state and federal agencies, monthly Local Emergency Planning Committee (LEPC) meetings, and annual report for a Joint City-County Emergency Management Program in accordance with state and federal regulations.

2.6 Temporary Use of City Facilities.

The City will allow County to use the City Hall roof and IT closet with its internet connections until permanent County facilities fiber solution is completed without further consideration than what is given elsewhere in this Agreement.

SECTION III
INDEPENDENT CONTRACTOR/LIABILITY

- 3.1 At all times during the performance of this Agreement and in connection with any services rendered under this Agreement, both Parties shall be considered as independent contractors. No relationship of employer-employee is created by this Agreement or by the

City's or County's service. The County acknowledges that City is not obligated to provide Workers' Compensation Insurance or any other of the City's employee related insurance or benefits for County personnel. The City acknowledges the County is not obligated to provide Workers' Compensation Insurance or any other of the County's employee related insurance or benefits for City personnel.

3.2 Pursuant to Chapter 791, Section 731.006(a) County shall be responsible for any civil liability that arises from the furnishing of training, fire suppression, firefighting, ambulance services, hazardous materials response services, fire and rescue services, or paramedic services by City if such service is provided outside the City limits of City.

3.3 In the case of law enforcement services, the Party requesting and obtaining the services shall be responsible for any civil liability that arises from the furnishing of such services.

SECTION IV **NO PARTNERSHIP**

It is agreed that nothing herein contained is intended or should be construed as creating or establishing a partnership relationship between the parties, or as creating or establishing the relationship by either party as an agent, representative, or employee of the other party for any purpose or in any manner, whatsoever.

SECTION V **MISCELLANEOUS**

5.1 Each party shall approve participation in this Agreement by the appropriate governmental body or authorized public officer.

5.2 The County and the City may not assign or amend all or any part of this Agreement without the prior written consent of each party.

5.3 The annual renewal and, if necessary, renegotiation of this Agreement shall be contingent upon the availability of current revenue funds. If sufficient funds are not allocated by the City or the County as provided for in this Agreement, either Party may

terminate this Agreement on sixty (60) days' notice to the other Party.

5.4 This Agreement may be terminated or renegotiated in the event of changed state regulations that affect the parties' performance under this Agreement.

5.5 All notices under this Agreement shall be in writing and may be either hand delivered or sent by certified mail, postage prepaid, return receipt requested, to the following addresses:

CITY: Honorable Anthony Groves
Mayor of the City of Brady

COUNTY: Honorable Judge Bill Spiller
McCulloch County Judge

5.6 The waiver by any party of a breach of the Agreement shall not constitute a continuing waiver of such breach or of a subsequent breach of the same or different provision.

5.7 Each party shall be excused from any breach of this Agreement that is proximately caused by action by the Legislature of the State of Texas, war, strike, acts of God, or other similar circumstances or events normally deemed outside the control of the non-performing party.

5.8 The City and the County shall not discriminate based on creed, age, race, religion, disability, or gender and shall abide by all local state, and federal laws prohibiting discrimination.

SECTION VI **SEVERABILITY**

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be invalid or contrary to the law by a court of competent jurisdiction or contrary to any rule or

regulation in the remaining portions of the Agreement, it shall not affect, impair or invalidate this Agreement as a whole or any provision hereof not declared to be invalid or contrary to law. However, upon the occurrence of such event, either party may terminate this Agreement forthwith upon the delivery of written notice of termination to the other party.

SECTION VII
ENTIRE AGREEMENT: REQUIREMENT OF AUTHORITY IN WRITING

It is understood and agreed that the entire Agreement of the parties is contained herein and that this Agreement supersedes all oral Agreements and negotiations between the parties relating to the subject matter hereof as well as any previous Agreement presently in effect between the parties relating to the subject matter hereof. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing and duly signed by the parties. **NO OFFICIAL, AGENT, EMPLOYEE, OR REPRESENTATIVE OF THE CITY OR COUNTY HAS ANY AUTHORITY TO ALTER, AMEND, OR MODIFY THE TERMS OF THIS CONTRACT, EXCEPT IN ACCORDANCE WITH SUCH EXPRESS WRITTEN AUTHORITY AS MAY BE GRANTED BY THE CITY AND COUNTY.**

SECTION VIII
VENUE

The parties agree that this Agreement is fully performable in McCulloch County, Texas, and further agree that venue for any litigation arising out of or relating to this Agreement must be filed in a court of competent jurisdiction located in McCulloch County, Texas.

SECTION IX
TERM

This Agreement will become effective _____ and will expire one (1) year therefrom. This Agreement shall thereafter automatically renew under the same terms and conditions for additional one-year terms, unless terminated by either party.

Either party may terminate, with or without cause, by giving at least sixty (60) days written notice to the other party.

SECTION X
EXECUTION

IN WITNESS WHEREOF, the parties hereto have signed or have caused their respective names to be signed and effective on the __ day of _____, 2020.

FOR THE CITY OF BRADY:

by: _____

Mayor Anthony Groves

Date: _____

FOR THE COUNTY OF MCCULLOCH:

by: _____

Judge Bill Spiller

Date: _____

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08/04/2020	AGENDA ITEM	7.B.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding the Utility Rates and Fee Schedule for City Services		
PREPARED BY:	T. Keys / D. Jobe	Date Submitted:	7/31/2020
EXHIBITS:	Fee Schedule		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY:

The fee schedule was briefly discussed during budget workshops but needs to be more thoroughly reviewed by Council and Staff.

RECOMMENDED ACTION:

Move to direct staff as desired

COMMUNITY & TOURISM SERVICES

BRADY LAKE

Art. 1.10, Ord. 941

Staff is authorized to adjust retail prices and equipment rates as dictated by market forces to achieve fair market value

Camping Fees

RV Spaces

	\$35 per day - full hookups (50 amp electric., water, sewer)
	\$25 per day (water, 30 amp electric only)
	\$150 per week
	\$400 per month - full hookup *
	\$25 per day late fee
(with tent set up)	Add \$ 10 per day
RV Spaces w/ electric only	\$20 per day

Cabanas

(Screened Shelters, no AC)	\$25 per day (maximum 10 days)
	\$20 per day (Oct 1st - March 1st)
(with tent set up)	Add \$ 10 per day
(with RV set up)	Add \$ 25 per day

Cabin

with air conditioning	\$50 per day (maximum 10 days) (March 2nd thru Sept 30)
	\$40 per day (October 1st thru March 1st)
(with tent set up)	Add \$ 10 per day
(with RV set up)	Add \$ 25 per day

Tent Camping

Primitive Camping

	\$10 per day (maximum 10 days)
	\$5 per day (maximum 10 days)

* Approved by Lake **Store** Manager as space available

Pavilion Reservation (1 year advance booking reservation allowed)

Available 6:00 a.m. to 11:00 p.m. only

Pavilion Rental

	\$50 per day / \$50 deposit
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Dump Station Fee

	\$10 per use
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Kayak Rental

	\$40 per day
--	--------------

Paddle Board Rental

	\$10 per hour
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Shooting Range (Open Sun -Thurs 8:00a-5:00p, Fri/Sat 8:00a-7:00p)

Use of Range	\$5 per person / day
55/up & under 12 & Veterans	\$3 per person / day
Annual Fee	\$100 per person / year

Lake Lot Leases Sec. 1.10.033 Div 2 Sec 1.10.033 ??

Dodge Heights Addition (SF)	\$400 per year, over .5 acre, lake front
	\$300 per year, under .5 acre, lake front
	\$350 per year, over .5 acre
	\$175 per year, under .5 acre
Davee Addition (MH)	\$300 per year, over .5 acre

Boat Dock Annual Permit Sec. 1.414, 1.428 (policies) Sec 1.10.033

	\$25 per year
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CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 **2020**

RICHARDS PARK

with electric, water and some sewer hookups

Camping Fees	Sec. 1.1801, 1.405, Ord. 1109	1.10.001
RV spaces	\$20	per day (maximum 10 days)
Tent camping	\$5	per day (maximum 10 days)
Dumping Station fee	\$10	(per use vehicle and/or camping shelter)

Sec. 1.405

Available 6:00 a.m. to 11:00 p.m. only

Showbarn Rental \$50 per day / \$50 deposit

Commercial Use

Pavilion Rental / Show barn	\$150
Deposit	\$50

WILLIE WASHINGTON PARK

with electric and/water/sewer hookups

Camping Fees	Sec. 1.1802, 1.405, Ord. 1109, 1134	1.10.001
RV spaces	\$20	per day (maximum 10 days)

Pavilion Reservation (1 year advance booking reservation allowed) **Sec. 1.405**

Available 6:00 a.m. to 11:00 p.m. only \$50 per day / \$50 deposit

AQUATICS CENTER

Ord. 1152

Staff is authorized to adjust retail prices and equipment rates as dictated by market forces to achieve fair market value

Swimming Fees **Sec. 1.901 1.10.121**

Ages 3 and up	\$2	per day
Season Pass	\$60	per person
	\$35	each additional family member
May / June Pass	\$30	per person / additional family member \$20
July / August Pass	\$30	per person / additional family member \$20

Private Parties (3 hour maximum) **Sec. 1.902 1.10.122**

up to 50 swimmers	\$100
51 - 100 swimmers	\$150
over 100 swimmers	\$200
Non-refundable deposit	\$50

ED DAVENPORT CIVIC CENTER

Facility Use **Art. 1.1300, Ord. 849 A.2.006**

Booking Deposit /Damage/Key:	\$200	* see rules for refunds
If Alcohol allowed, Added Damage Deposit:	\$200	*refundable, if no damage
Weekday Daily Rental (Sunday - Thursday):	\$250	per day (4 hours or less \$125)
Weekend Daily Rental (Friday or Saturday):	\$400	per day Commercial / Business
Weekend Daily Rental (Friday or Saturday):	\$300	per day Non-Business
Holiday / High Demand Rental, add:	\$100	per day *see rules for holiday/high demand days
Daily Cleaning Fee:	\$250	per day
Cleaning fee Sunday - Thursday use	\$150	per day \$100
Multi-day event cleaning fee	\$100	per day \$50
McCulloch Co. 501(c)3 discount	\$100	one time per year
January & February rentals discount	50%	off
Reservation Waiting List:	\$100	refundable

CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 **2020**

REST HAVEN CEMETERY FEES

Ord. 1049

Cemetery Plots	Sec. 1.602a	1.12.033
Residents		\$350
Non-Residents		\$425
Babyland		\$75
Grave Opening and Closing	Sec. 1.602d	
Weekday Service		\$350
Saturday Service		\$425
Babyland		\$75
Permit to place monument		\$25 per year
Permit to Open/Close gravesite		\$25 per year

MUNICIPAL GOLF COURSE

See 1.1004, Ord 1112 **1.10.151**

*Staff is authorized to adjust retail prices and equipment rates as dictated by market forces to achieve fair market value
would like to discuss combo golf/pool rates*

Green Fees - 18 holes

Tuesday thru Thursday	\$9 per day	\$10
Weekend (Fri/Sat/Sun)	\$20 per day	
Twilight (after 5:00 p.m.)	\$6 per day	\$5
Youth	\$4 per day	
Senior (over 75 yrs)	\$10 per day	(excluding tournaments)

Club Cart Rental

1/2 cart	\$12.50 + tax
Full Cart	\$25 + tax (\$12.50 twilight)

Trail Fee for Personal Cart

\$4

Cart Shed Rental (Oct. 1st)

Monthly	\$25	\$30.00 non member
Annually	\$200	\$260.00 non member

Cart Shed Unlocking Fee

\$25

Range Balls

Annual Membership (Oct. 1st)	\$200
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Range Balls Only

Large bucket daily	\$5
Small bucket daily	\$3

First Tee Program

18 years of age and under enrolled in school	\$45/ yr plus \$1/day - Tues thru Friday \$4 green fee Saturday - Sunday
--	---

Tournament Course Closure Fee

\$600 per day

OR a Per Player Fee (to Include Cart)

\$15 each

(no charge for local youth and/or school tournaments)

ANNUAL MEMBERSHIP

Single	\$500	include pool pass
Couple	\$750	include pool pass x 2

MONTHLY MEMBERSHIP

Single	\$50
Couple	\$70

CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 **2020**

G. ROLLIE WHITE COMPLEX

Art. 1.1800, Sec. 1.1803 & Art. 1.500(3), Ord. 1134

1.10.183

Grandstand, infield arena, restrooms, utilities:

3 day (Fri/Sat/Sun) weekend	\$475
2 day (Sat/Sun or Fri/Sat) weekend	\$325
1 day (Mon-Thurs) over 4 hours	\$125
1/2 day (Mon-Thurs) up to 4 hours	\$ 75

Should these rates be deleted if we are not
renting facility?

Day rental of Infield Arena Grounds Only:	\$ 50 per day
Office Area:	\$ 50 per day
Pavilion:	\$100 per day
Horse Stalls:	\$ 15 per day
Show Barn:	\$150 per day
Trailer Spaces (contestants):	\$ 20 per day
All users security / cleaning deposit (per day or 1/2 day):	\$ 50 per day
(25% discount for Not-for-Profit youth service organizations)	
(McCulloch County youth organizations with current 501©3 status - No Charge)	

CURTIS FIELD - AIRPORT

Retail prices and equipment rates as dictated by market forces to achieve fair market value

Fuel

Price per gallon	Call for current rates
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Hangar Rental Sec. 4.1206 – 4.1207, Ord. 840 **1.11.076**

Actively flying aircraft	
Single engine aircraft	\$70 per month
Multi-engine aircraft	\$150 per month
Aircraft above 8,000 pounds	\$400 per month
Aircraft above 11,000 pounds	\$500 per month
Large aircraft	negotiated
Non Based Aircraft	
Single engine aircraft	\$20 per day
Twin engine aircraft	\$40 per day
Turbine aircraft	\$50 per day
Jet aircraft	\$75 per day
Large aircraft over 12,500	\$120 per day

Misc

After Hours Call Out Fee	\$15
Tie Down Fee	\$5/day or \$50/month
Conditional Tie Down Fee - applies after the 4th day on the Tie down to customers not buying fuel and aircraft that are not airworthy	
Long Term Parking	\$30 per month

Airport Conference Room Rental \$100 per day

CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 **2020**

BUILDING PERMITS

(a) Commercial construction plan review

Sec. 1.1805, Ord. 1134 **A5.001**

Valuation	Fee
\$1.00 to \$10,000.00	\$50.00
\$10,001 to \$25,000	\$70.69 for the first \$10,000 plus \$5.46 for each additional \$1,000
\$25,001 to \$50,000	\$152.59 for the first \$25,000 plus \$3.94 for each additional \$1,000
\$50,001 to \$100,000	\$251.09 for the first \$50,000 plus \$2.73 for each additional \$1,000
\$100,001 to \$500,000	\$387.59 for the first \$100,000 plus \$2.19 for each additional \$1,000
\$500,001 to \$1,000,000	\$1,263.59 for the first \$500,000 plus \$1.85 for each additional \$1,000
\$1,000,001 and up	\$2,188.59 for the first \$1,000,000 plus \$1.23 for each additional \$1,000

Valuation is based on construction valuation for project

(b) Commercial construction inspection

Sec. 1.1806, Ord. 1134 **A.001**

Valuation	Fee
\$1.00 to \$10,000.00	\$76.92
\$10,001 to \$25,000	\$108.75 for the first \$10,000 plus \$8.40 for each additional \$1,000
\$25,001 to \$50,000	\$234.75 for the first \$25,000 plus \$6.06 for each additional \$1,000
\$50,001 to \$100,000	\$386.25 for the first \$50,000 plus \$4.20 for each additional \$1,000
\$100,001 to \$500,000	\$596.25 for the first \$100,000 plus \$3.36 for each additional \$1,000
\$500,001 to \$1,000,000	\$1,940.25 for the first \$500,000 plus \$2.85 for each additional \$1,000
\$1,000,001 and up	\$3,365.25 for the first \$1,000,000 plus \$1.89 for each additional \$1,000

*Valuation is based on construction valuation for project

Section A5.001 - Building Permits

City of Brady			
Square footage	Fee	Plan Review	Alterations by Trade
800 - 1500	\$500.00	\$75.00	\$75.00 per trade
1,501 - 10,000	\$500 for the first 1,500 s.f. plus \$0.35 for ea add'l s.f. up to 10,000 s.f.	\$75.00	Building, Mechanical, Electrical, Plumbing
Over 10,000	\$3,300 for the first 10,000 plus \$0.15 for ea add'l s.f.	Included	
Bureau Veritas			
800 - 1500	\$785.00	Included	\$100 per listed trade
1,501 - 10,000	\$785 for the first 1,500 s.f. plus \$0.35 for ea add'l s.f. up to 10,000 s.f.	Included	Building, Mechanical, Electrical, Plumbing
Over 10,000	\$3,760 for the first 10,000 plus \$0.15 for ea add'l s.f.	Included	\$160 for all other project types not listed

CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 **2020**

BUILDING PERMITS

Fire Code Plan Review Services (Fire Alarm and/or Sprinkler System) Sec. 1.1807a, Ord. 1134 **A00 2**

Valuation	Fee
\$1.00 to \$250,000	\$500.00
\$250,001 to \$500,000	\$850.00
\$500,001 to \$1,000,000	\$1,100.00
\$1,000,001 to \$3,000,000	\$1,600.00
\$3,000,001 to \$6,000,000	\$2,400.00
\$6,000,001 and up	\$2400.00 for first \$6,000,000 plus \$0.25 for ea additional \$1,000,000

Fire Code Inspection Services (Fire, Alarm and/or Sprinkler System) Sec. 1.1807b, Ord. 1134 **A00 2**

Valuation	Fee
\$1.00 to \$250,000	\$750.00
\$250,001 to \$500,000	\$1,050.00
\$500,001 to \$1,000,000	\$1,100.00
\$1,000,001 to \$3,000,000	\$1,350.00
\$3,000,001 to \$6,000,000	\$1,900.00
\$6,000,001 and up	\$2,850.00 for first \$6,000,000 plus \$0.25 for ea additional \$1,000,000

Platting, Zoning and Re-Inspection Fees Sec. 1.1808, Ord. 1134

Re-inspection Fee	A00 3 and A5.004	\$50
Zoning Application Fee		\$200
Zoning Variance Fee		\$200
Filing Fee for Preliminary Plats		\$50
Filing Fee for Final Plats		\$50

On-Site Sewage Facility Permit Sec. 13.907, Ord. 884 **\$200**
(Septic Tank System) **A00 5**

CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 2020

MISCELLANEOUS PERMITS & SERVICES

Permitting	Sec. 3.1401, Ord. 1077	A00 6
Fence Permit		\$75
Demolition Permit, Residential		\$50
Demolition Permit, Commercial		\$150
Swimming Pool In Ground		\$100
Swimming Pool Above Ground (24" deep or deeper)		\$75
Carport		\$75
Accessory Building larger than 150 sq. ft.		\$50
Customer Service Inspection (CSI)-Commercial		\$125
Customer Service Inspection (CSI)-Residential		\$50 in-house inspector \$76.92 Bureau Veritas inspector
Sign Permit (less than 50 sq. ft.)		\$75
Sign Permit (larger than 50 sq. ft.)		\$125
Seasonal Permit Fee		\$100 with a \$50 - 90 day extension fee
Mobile Food Vendor Permit Fee		\$100
Manufactured Home Moving / Relocation		\$200
House Moving		\$200
Driveway / Curb Cut		\$40
Street or Alley Closing		\$125
Peddler Permit		\$35 per year
Garage Sale Permit		Free 1 per quarter, 3 continuous day maximum
Cargo / Shipping Container Permit		\$50
<u>Certificates of Occupancy - Commercial</u>		
Per Ownership Change		\$75 each
<u>Contractor Registration</u>		
		\$50
<u>Return Check</u>	Sec. 13.321i	13.03.049
		\$30
<u>Alcoholic Beverage Permits</u>		
	Sec. 4.306 - 4.307	
Package Store Permit (P)	4.03.032	\$250 per year
Local Distributor's Permit (LP)		\$50 per year
Wine and Beer Retailer's Permit (BG/V/Y)		\$87.50 per year
Wine and Beer Retailer's Off-Premise Permit (BQ)		\$30 per year
Mixed Beverage Permit (MB/RM)		\$350 per year*
*(50% discount 1st year of business)		

CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 **2020**

FIRE & EMS SERVICES

Annual Fire Safety Inspections - Commercial Property - State Law **Sec. 1.1807**

	A7.001	Staff	Outside
Annual Fire Safety Inspection Program setup for City (one-time fee)		\$500	\$1,000
Annual Fire Safety Inspection and each re-inspection (per location)		\$50	\$150
Annual Fire Safety Foster Home Inspection		\$25	\$100
Ambulance Permit /Annual Sec. 4.1451	(HOTHS Exempt from fee)		\$1,500
Ambulance Inspection Fee Sec. 4.1453	(HOTHS Exempt from inspection & fee)		\$200
Fire / EMS Stand-By	(3 hr min / 2 personnel min)		\$30 per hr pd direct to personnel
Burn Permit			\$25

POLICE SERVICES

TxDOT Crash Report \$6

Funeral Procession **Sec. 1.612, Ord. 1067** **1.12.041**

On-Duty Officers (when available)	\$0
Off-Duty Officers (2 hour minimum)	\$25 per hour

Wrecker Service \$150 per call (Paid to Vendor)

ANIMAL SERVICES

City Ordinance Fees **2.04.001**

License/Registration Fee (Sec 2.309)	Dog	\$5 per pet, every 2 years-expires Oct. 1-odd years
	Cat	\$5 per pet, every 2 years-expires Oct. 1-odd years

Annual Dangerous Pet Registration deemed by ACO (Sec 2.501-2.505) \$50 per year-expires Oct. 1

Change Ownership \$25 expires Oct. 1

Annual Breeders License (Sec 2.700) \$25 every 2 years-expires Oct. 1-odd years

Late Fee \$5 per month (30 days past due date)

Impounded Animal, (Sec 2.112) Required to pay all fees incurred-Boarding and Compliance

First Offense	\$25
Second Offense	\$50
Each Subsequent Offense	\$150

Daily Boarding Fee \$15 per day

Redemption of Quarantined Animal, (Sec 2.114) After payment of all fees incurred
\$10 per day for 10 days minimum

Animal Pick-up by (Surrender to) ACO requested by owner \$50 each, if altered
\$90 each, if not altered

Evidence leading to conviction of poisoning any animal (Sec 2.104) \$50 award

Annual Exotic Animal Permit (Expires Each December) (Permits held by City Secretary)
\$25 per year for 1st year
\$15 per year for 2nd (or subsequent) year
\$15 to amend permit

Adoption Fee \$50

UTILITY RATES & PUBLIC WORKS

ELECTRIC

ELECTRIC UTILITY RATES Sec. 13.1001–13.1002, Ord. 1104 13.05.031

Residential rates:

Meter Service Charge	\$10.25 per month, plus;
Distribution Charge	\$0.0720 per kWh for all kWh per mo, plus;
Power Cost Adjustment	A component adjusted monthly based on wholesale power costs

Small Commercial:

Meter Service Charge	\$12.25 per month, plus;
Distribution Charge	\$0.0630 per kWh for all kWh per mo, plus;
Power Cost Adjustment	A component adjusted monthly based on wholesale power costs

Large Commercial:

Meter Service Charge	\$22.25 per month, plus;
Distribution Charge	\$0.0451 per kWh for all kWh per mo, plus;
Power Cost Adjustment	A component adjusted monthly based on wholesale power costs
Demand Charge	\$3.92 per kW, plus;
Power Cost Adjustment	A component adjusted monthly based on wholesale power costs

Industrial

Meter Service Charge	\$1,000.00 per month for service, plus;
Distribution Charge	\$0.0351 per kWh for all kWh, plus;
Demand Charge	\$3.92 per kW, plus;
Power Cost Adjustment	A component adjusted monthly based on wholesale power costs

Distributed Generation Ord 1245

- * The Brady Electric Utility will determine the Delivered kWh and the Received kWh on an ongoing, monthly basis
- * Delivered kWh (energy) will be billed on the standard applicable rate schedule
- * Received kWh (energy) will be multiplied by the utility's Avoided Cost of Generation Rate (ACGR)
- * ACGR is based on the actual cost of generation from the City of Brady's wholesale supplier(s) divided by the total retail sales by the City for the billing period
- * Any credit related to the ACGR shall be remitted by the Brady Utility billing service to the Customer in the billing period that the energy received was metered.
- * one-time non-refundable installation set up fee of \$50.00 will be required
- * monthly meter data processing fee will be charged at the rate of \$3.00 per billing cycle
- * Actual cost of the specialized DG meter will be charged to the Customer

SECURITY LIGHTS Art. 13.1100, Ord. 1092 13.05.033

Installation Fees

On existing City pole	\$50	175 watt	\$15.00 LED
On pole set by City	\$100		
Plus \$0.50 per foot for wire			

Electric - Commercial Fees Sec. 13.1001–13.1002, 13.1033, Ord. 1104

Transformers, kVA Size/\$ CT Metering Set

Small Commercial

15kVA / \$350.00	\$0.00
25kVA / \$500.00	\$0.00

Large Commercial

50kVA / \$750.00	\$750.00
100kVA / \$1,000.00	\$1,000.00

Greater than 100kVA	Actual Cost	Actual Cost
Pad Mounted	Actual Cost	Actual Cost

GAS

GAS UTILITY RATES Sec. 13.1206 Definitions, Ord. 947 **13.06.003**

Residential Rates: Sec. 13.1207

Monthly Service Charge	\$8.00 per meter *
Distribution Charge	\$4.00 per 1000 cu ft (MCF)
plus	
cost of fuel adjustment	
*The minimum bill shall be \$10 per month	

Commercial Rates: Sec. 13.1208 **13.06.003**

Monthly Service Charge	\$8.50 per meter *
Distribution Charge	\$4.00 per 1000 cu ft (MCF)
plus	
cost of fuel adjustment	
*The minimum bill shall be \$10 per month	

Industrial Rates: Sec. 13.1209 **13.06.003**

Monthly Service Charge	\$150.00 per meter
Transportation agreement of \$0.724/MCF adjusted every October by the CPI	

Cost of Fuel Adjustment: Sec. 13.1210, Ord. 1118

Equal to the rate charged to the city for all gas purchases times the customer's gas consumption

Relight Pilot Light Sec 13.1202-13.1205 reserved

During normal Business Hours 8 a.m. to 5 p.m.

Citizens age 60 and above	no charge
Citizens age 59 and below	\$15.00
Before 9:00 a.m. or after 5:00 p.m. (not during normal business)	
1st time lighting pilot	\$20.00
2nd time lighting pilot	\$30.00
3rd time lighting pilot	\$40.00

CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 **2020**

WATER

WATER USE RATES Sec. **13.236**, Ord. 1051 **A10.006**

Inside City Limits

Residential

Customer Meter Charge	\$22.00	\$23.10
0 - 10,000 gallons	\$5.80 per 1000 gallons	\$6.10
10,001 to 50,000 gallons	\$6.15 per 1000 gallons	\$6.45
50,001 to 100,000 gallons	\$7.05 per 1000 gallons	\$7.40
over 100,000 gallons	\$7.40 per 1000 gallons	\$7.80

Commercial

Customer Meter Charge	\$23.25	\$24.40
0 - 10,000 gallons	\$5.80 per 1000 gallons	\$6.10
10,001 to 50,000 gallons	\$6.15 per 1000 gallons	\$6.45
50,001 to 100,000 gallons	\$7.05 per 1000 gallons	\$7.40
over 100,000 gallons	\$7.40 per 1000 gallons	\$7.80

Outside City Limits

Residential

Customer Meter Charge	\$22.00	\$23.10
0 - 10,000 gallons	\$7.65 per 1000 gallons	\$8.05
10,001 to 50,000 gallons	\$8.20 per 1000 gallons	\$8.60
50,001 to 100,000 gallons	\$9.15 per 1000 gallons	\$9.60
over 100,000 gallons	\$9.52 per 1000 gallons	\$10.00

Commercial

Customer Meter Charge	\$23.25	\$24.40
0 - 10,000 gallons	\$7.65 per 1000 gallons	\$8.05
10,001 to 50,000 gallons	\$8.20 per 1000 gallons	\$8.60
50,001 to 100,000 gallons	\$9.15 per 1000 gallons	\$9.60
over 100,000 gallons	\$9.52 per 1000 gallons	\$10.00

Bulk Water

Standpipe Rate	\$25.00 per 1,000 gallons
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SEWER

SEWER RATES Sec. 13.616, Ord. 1051, A10.007

Monthly Rates - Class A Residential Users

Customer Base Rate Charge	\$23.10
\$3.40 per thousand gallons for the average monthly consumption metered to the customer during December, January, and February, adjusted annually every October 1.	

Monthly Rates - Class B Commercial Users

Customer Base Rate Charge	\$23.80
\$5.05 per thousand gallons for water metered to customer during the month being billed, (subject to adjustment for water proved not to enter the sewer).	

Septic Tank Disposal

Inside and Outside City Limits per gallon	\$0.25
Outside City Limits per gallon	\$0.25

New Customer Rate \$43.50 **

**Assessed for a residential account that does not have consumption history for December, January, and February until an average can be established.

SOLID WASTE DISPOSAL

Solid Waste Disposal - Monthly Rates ~~Sec. 6.401~~, Ord. 1051 ~~A10.008~~

		Inside City Limits	Outside City Limits
Commercial Dumpster single container			
Two pick ups per week		\$95.20	\$109.50
Three pick ups per week		\$142.80	\$164.25
Four pick ups per week		\$190.04	\$219.00
Five pick ups per week		\$238.00	\$273.75
Six pick ups per week		\$285.60	\$328.50
Commercial Dumpster shared container			
Two customers per container			
Two pick ups per week		\$47.60	\$54.75
Three pick ups per week		\$71.40	\$82.13
Four pick ups per week		\$95.02	\$109.50
Five pick ups per week		\$119.00	\$136.88
Six pick ups per week		\$142.80	\$164.25
Three customers per container			
Two pick ups per week		\$31.73	\$36.50
Three pick ups per week		\$47.60	\$54.75
Four pick ups per week		\$63.35	\$73.00
Five pick ups per week		\$79.33	\$91.25
Six pick ups per week		\$95.00	\$109.50
Four customers per container			
Two pick ups per week		\$23.80	\$27.38
Three pick ups per week		\$35.70	\$41.06
Four pick ups per week		\$47.51	\$54.75
Five pick ups per week		\$59.50	\$68.44
Six pick ups per week		\$71.25	\$82.13
Residential - one pick up per week		\$19.80	\$23.00
Commercial Mechanically flipped carts		\$27.50	\$28.75
Churches - dumpster collection		\$47.65	\$54.80
Churches - Mechanically flipped carts		\$14.30	
Additional dumpster pick up (drive-by)		\$15.00	per dump
Additional dumpster pick up (reload)		\$30.00	per dump
Additional 96-gallon cart		\$5.00	per month
Landfill	Sec. 6.401 – 6.402 , Ord. 1111, 773 A10.008		
Inside City		\$28.00	per ton
Outside City		\$37.00	per ton
Any load less than 1,000 lbs (1/2 ton)		\$10.00	per load up to 1/2 ton Inside and Outside City
(rate applies to both inside and outside city.)			
(no leaves, yard clippings or bagged waste)			
Damaged Poly Cart			
Poly Cart		\$70.00	
Lid		\$19.00	
Wheel		\$5.00	
Street Sanitation Fee	Sec. 1.1804 A10.008		\$2.55 per month per utility customer inside city limits
Brush Chipping	Sec. 6.200 , Ord. 1052 A0.008		\$30.00 minimum for first half hour \$25.00 for each additional half hour \$15.00 per half hour for Senior Citizens age 60 and older

MISCELLANEOUS

ROLLED COINS ~~Sec. 13.203e5~~ **A10.009**

The City of Brady will accept no more than \$2.00 in unrolled coins as a form of payment. The City will accept no more than one roll of coins of any denomination. The customer's name and telephone number must be on each rolled coin jacket to be accepted.

Deposit - Residential ~~Sec. 13.203b, 13.302~~ **A10.010**

Electric	\$100.00
Water / Sewer / Solid Waste	\$50.00
Gas	\$50.00

Deposit - Commercial ~~Sec. 13.203b~~

Non Residential Service customers shall deposit an amount established by the finance director or City Manager with the minimum deposit equivalent to a 45 day utility billing, but no less than \$200.00

Non-Landlord

Temporary Service (not to exceed 10 days) ~~Sec. 13.203c~~

One utility	\$15.00
Two utilities	\$30.00
Three utilities	\$45.00

Transfer Fee ~~Sec. 13.205, 13.321b~~

One utility	\$10.00
Two utilities	\$20.00
Three utilities	\$30.00

Utility Payment Late Fee ~~Sec. 13.205a~~

10%

Account Payment History Fee ~~Sec. 13.321g~~

\$5.00

Utility Bill Reprint Fee

\$2.00

Re-Read Fee ~~Sec. 13.321f~~

\$5.00

Turn on / off fee ~~Ord. 1062, Sec. 6E~~

\$50.00

Connect Fees:

Reconnect Fee Sec. 13.207	\$50.00
After Hours Reconnect Fee	\$60.00

Credit Card Fee ~~Ord. 1286~~

1%

Trip Charges:

Unscheduled Trip Charge Sec. 13.321, Ord. 727	\$25.00
Unscheduled Maintenance Fee	\$50.00

After Hours:

Unscheduled Trip Charge	\$35.00
Unscheduled Maintenance Fee	\$65.00

Bulk Trash Pick up ~~Sec. 6.319, Sec. 6.321 - 6.322~~ **A10.015**

Classification:			
(Load size assessed at time of service requested)			
Extra Small Load, less than 3 yards	\$35.00		per trip
Small load, 3 yds to 6 yds	\$75.00		per trip
Large Load, Greater than 6 yds	\$90.00		per trip
General debris, furniture, large mattresses (excludes concrete, tires, appliances)	\$85.00		per hour

CITY OF BRADY
Service Fees and Utility Rates Schedule
Effective Oct. 1, 2019 2020

METER TAMPERING/DAMAGE FEES Art. 13.200, 13.300, Ord. 1062 **A10.016**

Charges will include cost of parts and equipment including service rate of \$50 per hour

Water:

MXU (radio transceiver)			
Single	\$142.00		
Dual	\$162.00		
Water Meter		GAS METER	
3/4"	\$120.00 **		
1"	\$175.00 **	Sensus R275	\$220.00 **
1 1/2" R2	\$496.00 **	Sensus 417	\$396.00 **
2 R2	\$696.00 **	Sonix 600	\$1,148.00 **
Meter Cables	\$17.00	Sonix 880	\$1,288.00 **
Housing Unit	\$18.00	2" Romet 3000	\$2,950.00 **
Meter Box		3" Romet 7000	\$4,150.00 **
3/4" - 1 1/2"	\$50.00	**Rates subject to vary based on third-party charges	
2" and up	\$560.00		
Lid		ELECTRIC METER	
3/4" - 1 1/2"	\$14.00		
2" and up	\$94.00	2s Single Phase	\$110.00 **
**Rates subject to vary based on third-party charge.		APX 3 Phase	\$350.00 **
		2SE 320A Single Phase	\$155.00 **
		2s Single Phase	
		w/ Remote Disconnect	
		Net Meter (solar)	Actual Cost
		** Rates subject to vary based on third-party charges	

Meter Tap Fees Sec. 13.322, Ord. 972 A10.017

	<u>Sewer Tap</u>	<u>Water Meter Size</u>	<u>Water Tap</u>
Inside City Limits	\$250.00	3/4" meter	\$710.00
		1" meter	\$710.00
		1-1/2" meter	\$1,360.00
		2" meter	\$1,550.00
		larger than 2" meter	Actual Cost

* Plus meter exchange charge based on the actual cost of the meter installed less the cost of a 3/4" meter. Any installation of water piping exceeding 60 feet will be charged to the customer on a cost basis.

<u>Gas Tap Size</u>	<u>Gas Tap</u>	*
1" inch	\$750.00	*
1-1/4" inch	\$832.00	*
2" inch	\$938.00	*
Larger than 2" inch	Actual Cost	

* Plus meter exchange charge based on the actual cost of the meter installed less the cost of a Sensus R275 meter.

*Plus Street Cut Charge per Tap Sec. 13.504, 1975 Code of Ordinances

Outside City Limits:	same as above plus 50% surcharge	
	Small Asphalt Cut and Repair	\$300.00 ***
	Large Asphalt Cut and Repair	\$500.00 ***
	*** to be determined by superintendent	
	Concrete Cut & Repair	\$900.00

**CITY COUNCIL
CITY OF BRADY, TEXAS**
AGENDA ACTION FORM for ORDINANCE

AGENDA DATE:	08/04/2020	AGENDA ITEM	7.C.
AGENDA SUBJECT: Discussion, consideration and possible action regarding first reading of Ordinance 1311 amending Ordinance 1218, Cemeteries, to allow for the sale of cemetery plots back to the City at the current valued amount as opposed to original purchase price.			
PREPARED BY: T. Keys		Date Submitted: 7/31/2020	
EXHIBITS: Ord 1311 Ord 1218 deed letter from Christy Badilla			
BUDGETARY IMPACT:		Required Expenditure:	\$00.00
		Amount Budgeted:	\$00.00
		Appropriation Required:	\$00.00
CITY MANAGER APPROVAL:			
SUMMARY: City Staff received a phone call from a customer who wanted to sell back her plots at Rest Haven cemetery but didn't feel it was right to sell them back to the City at the original purchase price of \$300 when the value is higher now. Customer requested Council consider the sale of plots back to the City at current value rather than original purchase price.			
RECOMMENDED ACTION:			
<p>Mayor will ask: <u>"Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter."</u> "Secretary reads preamble"</p> <p>Mayor calls for a motion: Move to approve the first reading of Ordinance 1311</p> <p>Mayor will ask: <u>"Madam City Secretary please proceed with a Roll Call vote in accordance with the City Charter (4 affirmative votes required).</u></p>			

THE STATE OF TEXAS,
County of McCulloch.

} Know all Men by these Presents:

THAT the City of Brady, of the County of McCulloch, State of Texas, for and in consideration of the sum of THREE HUNDRED AND NO/100----- (\$ 300.00) DOLLARS, to it paid by JAMES AND MARY BATES, in cash, the receipt of which is hereby acknowledged; Has GRANTED, SOLD, and CONVEYED and by these presents does GRANT, SELL, and CONVEY unto the said JAMES AND MARY BATES of the County of MCCULLOCH, State of TEXAS, for interment purposes only, subject to the conditions, reservations, and restrictions hereafter contained, all that certain tract or parcel of land situated in McCulloch County, Texas, and being:

118-119 Lot No. 118-119 in Block No. SECT. J in REST HAVEN CEMETERY out of and a part of a certain 83.33 acre tract, being 10.5 acres out of J. F. Braun Survey No. 407, Certificate No. 81, Abstract No. 71, patented to Johann Fred Braun by Patent No. 17, Volume 26, and 72.83 acres out of J. F. Braun Survey No. 408, Certificate No. 81, Abstract No. 72, patented to Johann Fred Braun by Patent No. 18, Volume 26, conveyed by G. R. White and wife, Victoria L. White, F. R. Wulff and wife, Laura Lee Wulff, and A. H. Broad and wife, Mary Broad, to the City of Brady, by Deed dated December 31, 1929, recorded in Volume 84, Page 329, Deed Records of McCulloch County, Texas, as shown upon the official Plat of said Cemetery now in general use to which reference is here made for all purposes.

That this conveyance, and all right, title and interest hereby conveyed in the property above described, is, and at all times shall be, limited to a right of interment only therein, and is subject at all times to the rules and regulations of said City of Brady regarding said Cemetery, now on file in the office of the City Secretary of the City of Brady, now existing and/or which may be by it hereafter adopted either by amendment, alteration, or of new ones and which are specifically here referred to and made a part hereof for all purposes; all of which are conditions, reservations, and restrictions, and are binding upon the Grantee, his heirs, devisees, executors, administrators, and assigns.

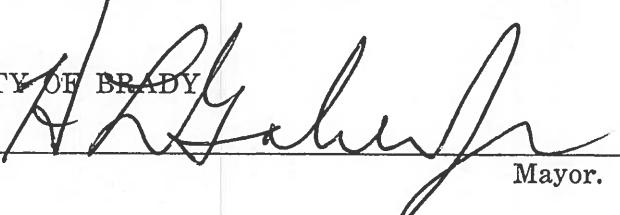
Nothing herein contained shall be deemed to restrict the use of any other portion of said Cemetery, only the Grantor or its successors in interest of the fee title may enforce any restrictions heretofore or hereafter placed upon the use of any portion or section of said Cemetery.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said JAMES AND MARY BATES, THEIR heirs and assigns forever; subject however, to the reservations and restrictions contained herein. And the City of Brady does hereby bind itself, its successors and assigns, to Warrant and Forever Defend all and singular the said premises unto the said JAMES AND MARY BATES, THEIR heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under it, but no further.

IN TESTIMONY WHEREOF, the City of Brady has caused these presents to be executed by its proper officer, and the impress of its Corporate Seal hereto affixed, this 3 day of OCTOBER, A. D. 1994.

CITY OF BRADY

By

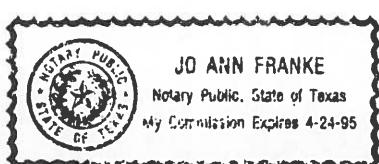

Mayor.

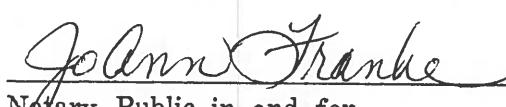
ATTEST: Liz Henderson
City Secretary.

THE STATE OF TEXAS,
COUNTY OF McCULLOCH.

BEFORE ME, the undersigned authority, on this day personally appeared H. L. GOBER, Mayor, and LIZ HENDERSON, City Secretary, respectively, of the City of Brady, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same as the act and deed of said City of Brady, a corporation, for the purposes and consideration therein expressed, and in the capacities stated.

GIVEN under my hand and seal of office, this the 3 day of OCTOBER, A. D. 1994.




Notary Public in and for
McCulloch County, Texas.

Safe



September 8, 2014

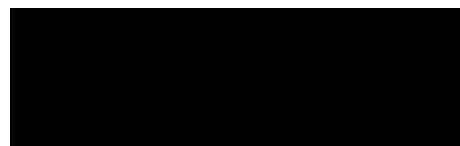
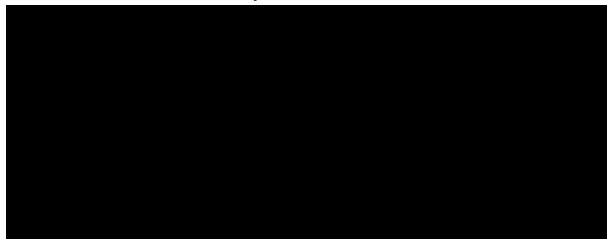
To Whom It May Concern,

Mr. James Bates and Mrs. Mary Bates are the owners of two burial plots located at Rest Haven Cemetery in Brady Texas. The two plots are located in Section J and are spaces 118 and 119. The plots are worth \$250.00 each.

Thank you,

A handwritten signature in black ink, appearing to read "Christy Badilla".

Christy Badilla
City Secretary
City of Brady
325-597-2152 x207



8:15 a.m. - 12:00 p.m.

4:00 - 4:25

ORDINANCE 1218

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES ARTICLE 1.600 RULES AND REGULATIONS OF REST HAVEN CEMETERY AND LIVE OAK CEMETERY, AND REPEALING ARTICLE 1.700 PERPETUAL TRUST FOR LIVE OAK, REST HAVEN CEMETERIES, ADOPTED WITH THE 1975 CODE OF ORDINANCES, CHAPTER 10, ARTICLE II;

WHEREAS, in review of the Municipal Code of Ordinances, Article 1.600 Rules and Regulations of Resthaven (sic) Cemetery and Live Oak Cemetery, amendments of Article 1.600 are sought to better address most day-to-day operational and management issues, and correct spelling and grammatical errors; and

WHEREAS, in review of the Municipal Code of Ordinances, Article 1.700 Perpetual Trust for Live Oak, Resthaven (sic) Cemeteries, established in the 1975 Municipal Code of Ordinances, a repeal of Article 1.700 is sought to better address operational and management issues, and continue through Resolution the Perpetual Trust for Live Oak and Rest Haven Cemeteries to include rules in which the City acts as permanent trustee for both cemeteries; and

WHEREAS, all actions of the City related to the cemeteries shall be through the budget and by City staff; and

WHEREAS, the City Council of the City of Brady has determined that it is in the best interests of the general public and residents of Brady to approve the proposed amendments to Article 1.600 and update the Rules and Regulations for Rest Haven Cemetery and Live Oak Cemetery, and repeal Article 1.700 the Perpetual Trust for Live Oak, Rest Haven Cemeteries.

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

The City Council of the City of Brady, Texas, hereby amends Article 1.600 Rules and Regulations of Rest Haven Cemetery and Live Oak Cemetery, and repeals Article 1.700 Perpetual Trust for Live Oak, Rest Haven Cemeteries of the Municipal Code of Ordinances accordingly.

PASSED AND APPROVED ON FIRST READING on this 7th day of March 2017.

PASSED, APPROVED AND ADOPTED ON SECOND READING on this 21st day of March 2017.



Anthony Groves, Mayor

ATTEST:



Tina Keys, City Secretary
STATE OF TEXAS
COUNTY OF MCCULLOCH
CITY OF BRADY

ARTICLE 1.600
RULES AND REGULATIONS OF REST HAVEN CEMETERY AND LIVE OAK CEMETERY

The City owns Rest Haven Cemetery and Live Oak Cemetery. The City created a perpetual care trust and acts as the trustee of this trust to manage, operate, and maintain these two cemeteries. As part of its duties to manage, operate, and maintain these cemeteries, the following rules and regulations govern Rest Haven Cemetery and Live Oak Cemetery.

Sec. 1.601 Definitions

Cemetery: Refers to both Rest Haven Cemetery and Live Oak Cemetery.

Contractor: Any person, firm or corporation engaged in placing, erecting or repairing any memorial or performing any work in the Cemetery grounds other than an employee of the City.

Interment: Entombment or burial of the remains of a deceased person.

Live Oak Cemetery: The cemetery located at 1000 N. Elm St., Brady, Texas.

Memorial: Any marker, monument or structure upon or in any lot or niche, placed thereupon or partially therein for the purpose of identification or in memory of a deceased person.

Owner: A person who purchased from the City a plot with the right of interment for the remains of a deceased person.

Plot: Real property within the Rest Haven Cemetery or Live Oak Cemetery with the right of interment.

Rest Haven Cemetery: The cemetery located at 620 Hwy. 87 N., Brady, Texas.

Sec. 1.602 Plot Ownership; Payment Options

The City sells plots located in Rest Haven Cemetery to the public. There are no available plots for sale in Live Oak Cemetery.

- (a) City Council shall set the price for a plot. City Council can change the price at any time.
- (b) The purchase price for a plot shall be paid in cash at the time of purchase. However, the purchaser may pay the purchase price over a period of time on the following schedule:
 - (1) Ten percent (10%) of the purchase price shall be paid at the time of purchase.

(2) The remaining balance with interest at the rate of ten percent (10%) per annum shall be due and payable in equal monthly installments until the whole of the sum, with interest, has been duly paid, the balance payable as follows:

(A) If one or two plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed twelve (12) months.

(B) If three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed eighteen (18) months.

(C) If more than three plots are purchased, the remaining balance, principal and interest, shall be paid monthly over a period not to exceed twenty-four (24) months.

(D) In the event that the purchaser elects to pay for the plots over a period of time, no deed shall be given to the purchaser until the purchase price is paid in full.

(c) The purchase price of the plot must be paid in full before interment.

(d) Opening and closing of graves shall be done by a funeral home with prior approval from the City. The funeral home and its representatives shall take the utmost care and precautions in protecting all plots and roadways. The funeral home shall be responsible for paying any and all damages caused by the funeral home.

Sec. 1.603 Supervision of Cemetery

(a) Persons within the Cemetery grounds shall use only the avenues, walkways and roads.

(b) Automobiles shall not be driven through the grounds at a speed greater than fifteen miles per hour.

(c) The right to enlarge, reduce, replot or change the boundaries or grading of the Cemetery and the right to lay, operate or change pipelines or gutters is expressly reserved to the City. The City reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over the entire Cemetery grounds for the purposes of passage, operations, and maintenance.

No new sprinkler systems will be allowed. All maintenance and repair to existing sprinkler systems, which have been installed by the owner, will be the responsibility of the owner and not the City. The City is not responsible to any damages to sprinkler systems installed by an owner. Any water left on or unattended will be turned off by City personnel if watering is excessive or running down the roadway in order to conserve water and protect the roadways.

Sec. 1.604 Sale and Purchase of Plots

Any sale or transfer of plots shall be made back to the City at the original purchase price, at which time the City may re-sell at the then current pricing. This procedure is required in order that the City may at all times have a complete and accurate record of all owners and purchasers. No person shall be buried in any plot not having an interest therein, except by written consent of all parties interested in the plot and of the City. The original purchase price does not include any interest paid by purchaser for paying for a plot over time.

Sec. 1.605 Maintenance of Cemetery

- (a) All grading, landscape work, maintenance and improvements of any kind, and all care of plots shall be done by the City, and all trees, shrubs and all herbage of any kind shall be planted, trimmed, cut or removed by the City or under its direct supervision.
- (b) No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or plot. Grave mounds will not be allowed and no plot shall be raised above the established grade.
- (c) No ground cover other than sod shall be allowed.
- (d) If any tree, shrub or plant is or becomes detrimental to adjacent lots, avenues, walkways or roads, or if for any other reason the City deems its removal necessary, the City shall have the right to remove the tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as it deems necessary.
- (e) Subject to subsection (d) above, no person shall remove any plant or flower, either wild or cultivated, from any part of the Cemetery.
- (f) From and after the date of adoption of these rules by the City Council, no tree, shrub, plant or bush shall be placed on the Cemetery grounds except those placed there by the City. The purpose of this prohibition is to reduce maintenance time so that the Cemetery can be maintained in a clean and attractive condition by the City. This prohibition shall not apply to flowers placed on a memorial.
- (g) All sprinkler systems shall be turned off between November and March.

Sec. 1.606 Memorials

- (a) For the protection of all plot owners, it is required that persons, firms or corporations erecting, cleaning or repairing memorials obtain a permit from the City for an annual fee (as defined in the City's Annual Fee Ordinance, and as approved City Council) and in doing the work, to comply with the directions of the City. The person, firm or corporation requesting the permit may be required to furnish evidence of their ability to properly perform the work. This permit

shall allow the person, firm or corporation holding the permit to perform the work for a period of time from January 1st until December 31st of the year in which the permit is obtained, the permit to be renewed on an annual basis. Before any work is commenced on any particular job, the person, firm or corporation performing the work shall notify the City that a memorial is to be erected at what grave site and provide a drawing of proposed installation.

(b) To properly perpetuate memory, all monuments, markers, mausoleums and tombs shall be of first quality granite, limestone, marble or bronze. The supplier must assure the City that the materials will be free from sap which causes rust, stains and natural fault which might cause checks or cracks. No inferior granite is allowed. Should any stone develop any of the above mentioned faults within five (5) years from date of placement, the supplier will be required to replace the monument without cost to the owner.

(c) All vertical monuments shall be erected on a foundation which shall extend three (3) inches on each side of the monument, and the foundation must be flush with the turf. The size of a monument will be governed according to the size of the family plot. A monument will be of a size that when erected on a plot, either end of the monument shall not be placed less than one (1) foot from the property lines of the plot, or within two (2) feet of any existing monument. However, this shall apply only to a monument which protrudes above the surface of the ground. A monument which is flush with the turf may extend to the property line. Should any monument, mausoleum or tomb become unsightly, dilapidated or a hazard, the City shall have the right, at the expense of the owner, either to correct the condition or to remove the same.

(d) In addition to other requirements regulating memorials, all memorials erected after November 15, 2010 in the Cemetery shall conform to the following:

- (1) Upright monuments, beveled markers and flat markers shall be on foundations that are cement and must be flush with the turf;
- (2) Monuments and markers shall be placed in a manner that is conducive with the maintenance of the lot;
- (3) Bevel markers shall be used as headstones, not footstones;
- (4) Flat markers shall be flush with the turf; and
- (5) All vases must be attached to headstones, no vases attached to footstones;
- (6) Flags are allowed on holidays only. Owners shall remove flags within 72 hours of the holiday.

Sec. 1.607 Interment Regulations

(a) All grave sites within a plot shall be located by the owner or the owner's representatives. Written authorization signed by the owner or his legal representative shall be given to the City to open a grave space. Any space to be opened shall be marked with a surveyor flag with the name of the individual to be interred and the space identification. No space shall be opened until written authorization is provided.

(b) When removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights and ownership therein shall remain with property owner. The removal of the remains shall be done in strict compliance with all state requirements. Arrangements for the removal of a body must be made by someone other than the City. Application for the removal permit must be signed by the next of kin or legal representative and properly notarized prior to removal.

(c) The burial of two bodies in one grave space will not be permitted except where one body occupies a space less than three (3) feet in length.

(d) Cremains will be allowed to be buried in a space currently occupied but must be covered with a twelve-inch by twelve-inch (12"x12") concrete paving stone to prevent dirt from settling. The top of the paving stone shall be at least twelve inches (12") below the ground. The owner shall notify the City with the name and date of the interment. Two cremains containers may be buried in the same plot. The City shall be made aware of each burial.

(e) Disinterments are the responsibility of the funeral director of a funeral home. The funeral director will be responsible for opening and closing the graves, with the City's written authorization. All state mandated paperwork must be on file with the City before any disinterment is authorized.

(f) Funeral homes shall be responsible for the opening and closing of graves utilizing the services of a vendor permitted by the City. Vendors must apply and be approved for an annual permit for an annual fee (as defined in the City's Annual Fee Ordinance, and as approved by City Council).

(1) Those responsible for the openings and closings of graves and performing the openings and closings at the Cemetery shall fully remove the dirt and/or ground unearthed in the opening process from the Cemetery premises at their own expense, not to use in the closing of any grave at the Cemetery.

(2) Use only the sand and "black dirt" as provided by the City and located at the surplus supply on the Cemetery premises when closing any grave in the Cemetery by the means as specified: first fill with approximately $\frac{1}{2}$ sand, then the remaining $\frac{1}{2}$ with "black dirt" to adjacent ground level.

Sec. 1.608 Miscellaneous

- (a) No dogs shall be permitted in the Cemetery.
- (b) The City is not responsible for theft or damage to anything placed on plots.
- (c) No bench, chair or trellis shall be permitted to be placed upon the Cemetery grounds.
- (d) The City shall have the authority to enter upon any plot and to remove any non-authorized or non-conforming items that have been placed there contrary to these regulations.
- (e) No person shall be permitted to enter or leave the Cemetery except by the public access.
- (f) All persons found on the Cemetery grounds after dark shall be liable for prosecution for trespassing.

- (g) All persons are strictly forbidden to mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
- (h) No person shall be permitted to bring or carry firearms within the Cemetery except:
 - (1) City employee;
 - (2) A military guard of honor during a military service; and
 - (3) Licensed peace officers.
- (i) The digging of holes for any purpose, other than to inter cremains, is strictly prohibited.
- (j) The City reserves the right to remove all flowers, potted plants, wreaths or baskets when they become withered or they violate a provision of this article.
- (k) Gravestone rubbings, made using a pencil and paper, are allowable, so long as utmost precautions are followed and no damage is caused to the stone, plot, right-of-way, or Cemetery item in the process. A gravestone rubbing can become a permanent record of death when a gravestone is rapidly deteriorating.

Sec. 1.609 Modifications and Amendment

- (a) The City may, and it hereby expressly reserves the right, at any time or times, with or without notice to owners, to amend any fee, price, rule, or regulation in this article.
- (b) Special cases may arise in which the literal enforcement of a rule or regulation may impose unnecessary hardship. The City therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of the rules and regulations when, in its judgment, the same

appear advisable; and the temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these Cemetery Rules and Regulations.

Sec. 1.610 Fees for Funeral Processions

(a) Funeral processions using on-duty officers are at no charge. However, since the officer is on-duty, the officer might be called away from the procession.

(b) There will be a fee for funeral processions using off-duty officers. City Council will set the fee, which will include a two (2) hour minimum. Payment shall be made to the City prior to the service. The funeral procession utilizing the off-duty officer will extend to the county line boundaries.
