



CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING FEBRUARY 6, 2024 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** p.m. February 6, 2024, at the City of Brady Municipal Court Building located 207 S. Elm St., 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 January 23, 2024 and minutes for Special Joint Meeting on November 3, 2023.

Aaron Garcia
Mayor

Larry Land
Council Member Place 1

Missi Elliston
Mayor Pro Tem
Council Member Place 2

Jeffrey Sutton
Council Member Place 3

Felix Gomez, Jr.
Council Member Place 4

Gabe Moreno
Council Member Place 5

Erin Corbell
City Manager

Tina Keys
City Secretary

Sharon Hicks
City Attorney

5. PRESENTATIONS

- Lead Copper Rule Revision

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.

6. PUBLIC HEARING:

None

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 discuss 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 approval of **Resolution 2024-002** to call a May 4, 2024 General Election for the purpose of filling City of Brady Mayor and City Council Member Place 1 expiring terms.
- B. Discussion, consideration and possible action regarding the **first and final reading of Ordinance 1374** of the City of Brady to order the Special Election for amendments to the City Charter, as recommended by the Charter Review Commission.
- C. Discussion, consideration and possible action regarding approval of **Resolution 2024-003** to call May 4 Special Election for the purpose of authorizing the City to sell the natural gas distribution system owned by the City of Brady
- D. Discussion, consideration and possible action approving Interlocal Agreement for Mutual Aid with the City of Coleman

8. STAFF REPORTS

A. Upcoming Special Events/Meetings:

February 19	President's Day Holiday, City offices closed, altered trash schedule
February 20	Regular City Council Meeting, 6:00 p.m.
March 5	Regular City Council Meeting, 6:00 p.m.
March 19	Regular City Council Meeting, 6:00 p.m.

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 will adjourn into Executive Session for the following:

- Pursuant to Section 551.071 (Consultation with Attorney), the City Council will consult with the City Attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act:
- 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
- Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person: Police / Fire Department

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

Discussion, consideration or possible action as a result of Executive Session, if any

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 January 23, 2024 at 5:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Larry Land, Felix Gomez and Jeffrey Sutton. City staff present were City Manager Erin Corbell, Police Chief Randy Batten, City Attorney Sharon Hicks and City Secretary Tina Keys.

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

Mayor Garcia called the meeting to order at 5:02 p.m. Council quorum was certified.

2. PUBLIC COMMENTS

There were no public comments.

3. INDIVIDUAL CONCERNS

- A. Discussion regarding Council items for Charter Review Commission. City Manager Corbell reviewed recommendations by Attorney Charlie Zech. Council Member Elliston said she thinks he had some great recommendations and thinks we should follow his recommendations. Council Member Elliston said she wants the charter cleaned up to make it easier for citizens to understand.

Mayor Garcia asked if there was anything about leasing G. Rollie White. Erin said under 12.01-12.21, Attorney Zech's recommendation is to remove the clause entirely because the contract negotiations should go to council. Council Member Elliston agrees that leasing should be tailored to community needs. Mayor Garcia said if that clause is removed, council could decide how long to lease out facilities.

Currently our charter limits us to the 10-year lease. Attorney Hicks said there is an entire section in the Texas law regarding buying and leasing land; council could address specific needs. The legislature is looking at a lot of things that cities can do. If we limit ourselves in the charter, it could be obsolete when state law changes. It isn't necessary. State legislature is going to keep changing. Making your charter cleaner is the best bet. Council Member Land asked if there has been any movement with the Friends of G. Rollie White group. City Manager Corbell said she doesn't even think they've met. Attorney Hicks said she thinks it was shut down because of the limitations in the charter. Council Member Elliston said she thinks they originally wanted us to sell the facility to the county, but the county could make it a taxable entity. Mayor Garcia said he is looking at bringing things into G. Rollie White. Erin discussed the possibility of adding a venue tax, an add-on to the existing hotel occupancy tax, to a ballot to bring in some funding. Attorney Hicks said she will review the process. Erin stated that when the option was explored several years ago, it was estimated that the venue tax would create an additional \$50-\$60,000 in tax revenue to support the venues remodel/operations. Mayor Garcia asked if that was what it would take to get the facility running. Erin said no, but that it would be a good start toward making improvements to get the facility usable. Mayor Garcia said that he had already raised more than that amount from people that were interested in the facility from Fredericksburg.

City Manager Corbell said there was talk of increasing council salary, but the Charter Review Commission feels it will get turned down at the polls. Council can always increase salaries, but it wouldn't be effective until after their term has expired. Council Member Elliston said we might get more people interested if we increase the salary. Mayor Garcia said you have to be in it for the betterment of Brady. Council Member Elliston said around 10 years ago, a handful of citizens did everything they could to close businesses because they didn't like decisions council was making. Luckily, we don't have an abundance of

that type of people, but our city was ripped apart during that time. When you own a business, you do have to still provide for your family. Your heart might be in the right place, but you still have to provide for your family. There are people who don't want to get involved because of those types of things. It can deter other people from running. Council Member Sutton said it takes a special person. It's those that want to step up and can step up. Council Member Sutton said he has been in public office for 41 years and has had the book thrown at him. Council Member Land said he spoke with somebody who served for approximately 13 years. His business depended on local people. They had a good council. Council Member Elliston said she agrees you have to have the heart to serve. We're here because we have a desire to have a better community. We want good things. This is our home.

Council Member Sutton said the mayor has to have experience. He thinks the mayor should not have a term limit. Once he's elected, he should have to be recalled or elected out of office. He thinks they should be able to keep serving. Council Member Elliston asked why he would you not support that for every seat on council. Council Member Elliston said she understands, if the citizens continue to elect that person, why limit how long they can serve. Mayor Garcia said if any one person could sit on that seat, unless opposed, at some point it would dissuade anybody from running. Council Member Elliston said what if we make it 4 consecutive terms before you have to sit out. Erin said term limitations brings in opportunities for fresh ideas. Council Members Land and Elliston said to leave it as is.

City Manager Corbell and Attorney Hicks addressed that the City would have to issue debt for a particular project before you can pursue the venue tax. City Manager Corbell asked Mayor Garcia if he could get letters of commitment from the individuals wanting to donate to the facility, so the city could start working on plans. Mayor Garcia said that he could.

B. Discussion regarding Personnel Policy Manual changes.

City Manager Corbell said we made the changes requested at the last meeting. Council Member Elliston said she doesn't want "current employees **may** be grandfathered". She doesn't want it to say may be Council Member Elliston said current employees who were allowed to live outside the county should be allowed to live outside the county. We can state that for new employees. City Manager Corbell said it's going to be difficult to make all fire/EMS employees live in the county. Mayor Garcia said he understands EMS working 48 hours, but our supervisors should live here. Mayor Garcia said if somebody is not being held to a standard, then how can we hold new employees to a standard. Council Member Elliston said her preference is grandfather current employee. She wants to make sure everybody understands this will push current employees out. Mayor Garcia said a standard should be held. Council Member Elliston said she wants a motion to be made to remove "may be required to relocate". Attorney Hicks said to clarify, Council Member Elliston wants it to say current employees are grandfathered.

Erin said all other recommendations from last meeting were included.

4. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 6:04 p.m.

Aaron Garcia, Mayor

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 January 23, 2024 at 6:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Felix Gomez, Jeffrey Sutton and Larry Land. City staff present were City Manager Corbell, Public Works Director Steven Miller, Finance Director Lisa McElrath, Electric Superintendent Joe Solis, City Attorney Sharon Hicks, Police Chief Randy Batten, and City Secretary Tina Keys. Also in attendance were Terry Phillips, Will Davidson, Scott Bush, Charles R. Bush and Becky Smith.

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

Mayor Garcia called the meeting to order at 6:08 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Land 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 and Work Session meetings on January 9, 2024

Council Member Elliston moved to approve the Consent Agenda. Seconded by Council Member Gomez. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

5. PRESENTATIONS:

- First Quarter Financial Report – FY 24 – Lisa McElrath presented to Council.

6. PUBLIC HEARINGS AND INDIVIDUAL CONCERNS ON PUBLIC HEARING

There were no public hearings.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration and possible action approving the second and final reading of Ordinance 1373 repealing Ordinance 1198 regarding a youth curfew, in conjunction with recently enacted state law. City Manager Corbell presented. Council Member Elliston moved to approve the second and final reading of Ordinance 1373. Seconded by Council Member Sutton. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.
- B. Discussion, consideration. and possible action on awarding engineering services agreement to Centurion Planning and Design, San Angelo, Texas to develop professional plans and specifications for public bidding purposes describing water main improvements for the Irish Addition. Steven Miller presented and introduced Will Davidson with Centurion Planning and Design. Council Member Sutton moved to authorize the city manager to execute engineering services agreement with Centurion Planning and Design, San Angelo, Texas in the amount of \$50,470.00. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

C. Discussion, consideration and possible action authorizing the city manager to execute a contract amendment with Pepper Lawson Waterworks, LLC (Construction Manager-at-Risk) for the radium reduction project to include a revised completion time and cost increase to guarantee maximum price (GMP) contract. Steven Miller presented. City Manager Corbell said we had a meeting over this previously. PLW was asking for an additional 2 million dollars, and it was negotiated down to this amount. It did push us further back than we would have liked. Mayor Garcia asked how many times we have moved this project back. Miller said this will be the 3rd time. Council Member Elliston said the delays were their fault. Attorney Hicks said we can pursue liquidated damages, but PLW would argue delays not cause by them. Steven Miller said one of the things they said that delayed them is we did not have FAA approval which they had no control over. This was the amount EHT thought was necessary to get this finished. They would have a valid argument about the FAA delay. Council Member Land asked if they have stopped working out there. Miller said we are experiencing some issues with the chlorine system, but we are getting that fixed so we can start seeing completion. City Manager Corbell said there were items that we did have to descope that we think we can use local contractors for that will reduce the cost. They are anticipating an earlier completion date. Steven Miller said we are covered under our contingency. Attorney Hicks said she has never experienced a job that didn't have an issue or two. We had some delays on our part that they could use against us. Council Member Elliston asked if we chose not to go this route, what would we do. City Manager said arbitration with the expense of fighting it. Attorney Hicks said industry standard on contingency for budgeting purposes is 5 – 10%. Steven Miller said at the beginning of this job, they were looking to save the city money. Their project management slipped, and we ended up with these delays and we were faced with how do we get the project back on track. Miller said this is fully funded and stays within our budget. Council Member Elliston said we agreed on this amount in a work session. Mayor Garcia said he wants to make it clear that it looks to him like eHT is trying to get as much out of us as they can. Council Member Sutton moved to authorize the city manager to execute CMAR Contract Amendment No. 4 with Pepper Lawson Waterworks, LLC, describing a change to contract time and associated increase to the GMP in the amount of \$766,034.71. Seconded by Council Member Elliston. All Council Members voted “aye” and none “nay”. Motion passed with a 4 – 0 vote.

D. Discussion, consideration and possible action on a resolution to request financial assistance from the Texas Water Development Board under the Drinking Water State Revolving Fund (DWSRF) Lead Service Line Replacement (LSLR) Program for securing funding for planning, design and construction for the replacement of lead service lines; to authorize the officers, staff and consultants to file an application, and other documents for financial participation in the program; and making certain findings in connection therewith. Lisa McElrath and Steven Miller presented and said this is an EPA regulated issue. We brought forth what the regulation was about. The EPA wants all iron pipe that is servicing houses out of the ground in the next decade. We have an opportunity with TWDB to acquire funding, we need to set this in motion. The federal government sets rules in place that we're going to have to meet. Lisa McElrath said this resolution is only authorizing the city manager to apply to TWDB for funding. The terms have not been established. The TWDB does want a commitment from us if the council is interested in applying. It would be brought back to council for approval. Council Member Sutton said it sounds like an unfunded mandate. City Manager Corbell said it is. Attorney Hicks said the EPA has said you will do this and City, you need to figure out how

to do it. Cities, generally can't fight and win against the EPA. Council Member Elliston said if we are selected, the agreement then comes back to council. If council at that time chooses not to move forward, is it one of those deals where if you don't accept it when it's offered, you don't get funding moving forward? Lisa McElrath said she isn't not sure. City Manager Corbell said we are going to be tasked with going to our citizens and asking for 6 million dollars. Council Member Land moved to approve Resolution 2024-001 by record vote, authorizing City Manager Erin Corbell to submit a financial application to the TWDB-DWSRF funding program. Seconded by Council Member Sutton. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

- E. Discussion, consideration and possible action to award the purchase of a ¾ Ton Crew Cab F-250 4x4 Pickup Truck from Mac Haik Ford, Georgetown, Texas to be used as a Command Truck by the Fire Division (\$70,027). Lisa McElrath presented. Council Member Elliston said it looks like we're saving almost \$50,000. Lisa McElrath said yes we are. Council Member Elliston moved to award Mac Haik Ford Lincoln of Georgetown, Texas the purchase of a 2024 ¾ ton Crew Cab F-250 4x4 pickup in the amount of \$70,027. Seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- F. Discussion, consideration and possible action regarding adoption of the new City of Brady Personnel Manual. Erin Corbell presented and said we have taken council suggestions and incorporated them into the policy. Council Member Sutton moved to approve the adoption of the new City of Brady Personnel Manual. Council Member Elliston moved to amend section 3.14 to read "all employees serving in positions for which standby pay is budgeted must reside within 30 minutes of the McCulloch County Courthouse, provided that written exceptions may be granted by the City Manager. The City Manager shall be a resident of Brady, Directors and Division Supervisors shall all be residents of McCulloch County, unless exceptions are made by City Council or City Manager. Current employees as of the effective date of this manual are grandfathered. Amended motion was seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.
- G. Status on the purchase of a Cab/Chassis with Pressure Digger Unit for the Electric Distribution fleet approved by City Council on March 21, 2023. Lisa McElrath presented. Joe Solis said if we had to wait for a new one, the price would go up and delivery date was at least 2 years out. Council Member Gomez thanked Joe and his crew for getting power back on during the football game. Council Member Land said he got a text message thanking the crews as well. No action was taken as this was an update to council.
- H. Discussion, consideration and possible action approving adoption of EMS Charity Care Policy. Erin Corbell presented. She said this policy will allow us to recoup some of the indigent care funds. It's a tool that we and our billing company can use for our EMS billings. Mayor Garcia asked if we have any idea how much. City Manager Corbell said it varies year to year. Council Member Land moved to approve the adoption of the EMS Charity Care policy. Seconded by Council Member Gomez. All Council Members voted "aye" and none "nay". Motion passed with a 4 – 0 vote.

8. STAFF REPORTS

A. Monthly Financial / Utility Reports

B. Monthly Activity Reports: Seniors, Golf, BPD, Fire-EMS Calls, BVFD Expense Report, Animal Control, Airport, Code Enforcement, Municipal Court

C. Upcoming Special Events/Meetings:

January 28 Happy Birthday AARON GARCIA

February 6 Regular City Council Meeting, 6:00 p.m.

February 19 President's Day Holiday, City Offices Closed, Altered trash schedule

February 20 Regular City Council Meeting, 6:00 p.m.

9. ANNOUNCEMENTS

There were no announcements.

10. EXECUTIVE SESSION

The City Council of the City of Brady adjourned into Executive Session for the following:

- Pursuant to Section 551.071 (Consultation with Attorney), the City Council will consult with the City Attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act:
- Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange, lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person: Police Station / Fire Station

Regular session was recessed at 7:07 p.m. Executive Session was opened at 7:20 p.m. and closed at 8:30 p.m.

Regular session reconvened at 8:30 p.m.

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

There was no action as a result of executive session.

12. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 8:30 p.m.

Aaron Garcia, Mayor

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 Special Session on Friday, November 3, 2023 at 2:00 p.m. with Mayor Aaron Garcia presiding. Council Members present were Missi Elliston, Larry Land, Gabe Moreno, and Jeffrey Sutton. City staff present were City Manager Erin Corbell, Finance Director Lisa McElrath, Fire Chief Lloyd Perrin, Police Chief Randy Batten, City Attorney Sharon Hicks and City Secretary Tina Keys. Also in attendance was Dan Compos and Greg Shon with Eikon and James Griffin, Daniel Mendoza, and Lynn Farris.

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

Mayor Garcia called the meeting to order at 2:00 p.m. Council quorum was certified.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

There was no invocation or pledge

3. PUBLIC COMMENTS

There were no public comments

3. INDIVIDUAL CONCERNS

- A. Discussion with EIKON Consulting Group regarding police department and fire department remodel / relocation. Erin Corbell presented. Council Member Moreno asked if it was looked at to put facilities together. Greg said they have looked at several options. Council Member Land said it has all been discussed but was decided it wouldn't be a good fit. Council Member Elliston said we got quotes on renovation vs new building and it was substantially higher and said it has been discussed for years. Sometimes you get new council with different ideas and you go in a different direction. It has just taken forever. And all these years that things have been kicked down the road, the price continues to go up. We could have built a new animal control in 2009 and it was \$150,000 and now it's over \$300,000. Council Member Land said council did look at consolidating and there was a reason why we didn't do that. Council Member Elliston said she thinks it was lack of adequate space. Greg said the apparatus bays don't work at all for the new fire trucks. The restrooms are another problem. There is plumbing coming into a small part of the building. The old cafeteria was heaven sent to allow for what is needed for the police department. It was almost like custom made for a police station. Council Member Moreno said Brady wants a good facility at a reasonable price. Council Member Moreno doesn't like PD going into the cafeteria because it's a residential area. Council Member Elliston said it's in a residential area now and said we've more than doubled our police force in the last 10 years and it's only going to get bigger. Council Member Moreno said if we did things correctly and if our judicial system was tougher, we might not need more police. Greg said looking at the existing building, we could do a study and look at what is involved with a combo. There may be some pros and cons. He does not think it will be as successful, but they can do that. The other project came in under budget and that's rare. Council Member Land said he appreciates Council Member Moreno's ideas to save money. We're using these old facilities, it seems like there won't be that much difference in buildout. Council Member Land said he doesn't think it will save us any money. He does feel like we're maybe not getting what we want. Council Member Elliston said we are under a deadline for when the bids expire. City Manager Corbell said the bids are expired but the lowest bidder said he would honor the bid. City Manager Corbell said in case council wasn't comfortable voting today, it was put on the agenda for next week also. Attorney Hicks said we have an expired bid with an oral commitment to leave it open for who knows how long. At some point, if this is the direction we want to go, we need to do it sooner than later. Council Member

Moreno said he would prefer to table it to Tuesday so the full council can be here and the public can be here. Council Member Sutton said prices are just going to go up. Council Member Moreno said council is trying to find the most economical way to get it done. Council Member Sutton said we've been trying to get it done as economical as possible for several years. Fire Chief Perrin said he worked for 12 years in Alamo Heights with a road between fire and PD. The issue is going to be parking for both departments. He has been at this for 6 years trying to get this done. Chief Perrin said he doesn't see us having enough room here. He has no problems working with PD, but there has to be some kind of separation for employees. Police Chief Baten said no, he doesn't believe it will work in this situation. We have evidence and equipment that can't be viewed by the public; juveniles can't be seen by the public, a lot of little things. We don't have the room for it. Council Member Elliston said she agrees; she doesn't think we're going to get a significant savings by combining. Council Member Elliston agreed it would be best to proceed with current plans but she's good with holding off until Tuesday until whole council is here. Greg said he is concerned if we throw out the bids after they went to all that work, they might not be willing to bid again. Council Member Elliston asked Greg for his professional opinion moving forward with the plan as it is now; does he feel there would be a significant cost savings to combine rather than move forward with two separate facilities. Greg said what we paid for the building would be the only difference. That building is perfect for a police station. This building doesn't have the good organization like the old cafeteria. This building is an assemblage of additions. It's not as ideal as that building. Adding all the plumbing, zoning the different security features, having the flow of PD staff on one side and public on another, he doesn't think you will save anything. It may actually cost more. With fire moving in, we're going to expand the restrooms as they are. We're not as worried about public accessing facilities with the fire department. Overall, he doesn't think it will provide any savings.

B. Discussion, consideration and possible action awarding bid for remodel of 607 W. 11th to house Brady Police Department. Erin Corbell presented. Council Member Sutton moved to approve. There was no second. Motion died for lack of a motion.

Council Member Moreno moved to table. Council Member Elliston moved to second because we can still utilize these bids. Greg said he will have to draw up new designs and get with subs. He can do a cost estimate. Council Members Elliston and Moreno were in favor. Council Member Land said he would like to discuss further. We've looked at combining departments before and decided it wasn't a good idea. If we take the plans forward for the police station, once we do that, if we approve the two buildings, is it easy to alter plans to save money. Council Member Land said he thinks we need to stick with the two separate buildings. Council Member Elliston agreed, but she wants Council Members Moreno and Gomez to be able to move forward knowing we did get the best cost and facilities. Chief Batten said you won't see the constant coming and going in a residential neighborhood. Our officers are out on the streets not sitting in the office. Council Member Land said he would also like to discuss funding. He knows we sold some properties but what else do we have. City Manager Corbell said we have over 1 million in our construction fund after fees we've paid. The 480 acres at the lake we're going to list with realtors. City Manager Corbell said council can issue CO, or council can go to voters for general obligation bonds, if voters do not approve, you cannot issue bonds for 3 years. Council Members Land Sutton voted against. Mayor Garcia broke the die and item will be tabled until Tuesday.

Council took a break at 3:29 p.m. and resumed at 3:37

City Manager Corbell reviewed different ways to pay for the project. Mayor Garcia confirmed all include an increase in taxes. City Manager Corbell said yes. Mayor Garcia said that's what he asked about to begin with. City Manager Corbell said if we don't address some of the issues, we could have a bigger issue on our hands. Council Member Elliston said previous council discussed considering taking reimbursement costs from the county and using that annual payment as payment on the debt. City Manager Corbell said we would then have to move money from our electric fund into our general fund to make up that loss.

4. ADJOURNMENT

There being no further business, Mayor Garcia adjourned the meeting at 4:08 p.m.

Aaron Garcia, Mayor

Attest: _____

Tina Keys, City Secretary

US EPA - LEAD COPPER RULE REVISIONS DECEMBER 16, 2021

(LCRRs) AMEND THE LEAD AND COPPER RULE. ALL COMMUNITY AND NON-TRANSIENT NON-COMMUNITY PUBLIC WATER SYSTEMS ARE REQUIRED TO COMPLY WITH THE LCRR STARTING OCTOBER 16, 2024.

SERVICE LINE INVENTORIES

- Inventories must include the following:
 - All service lines (public and private) connected to the public water distribution system.
 - Categorization of each service line, or portion of the service line where ownership is split.



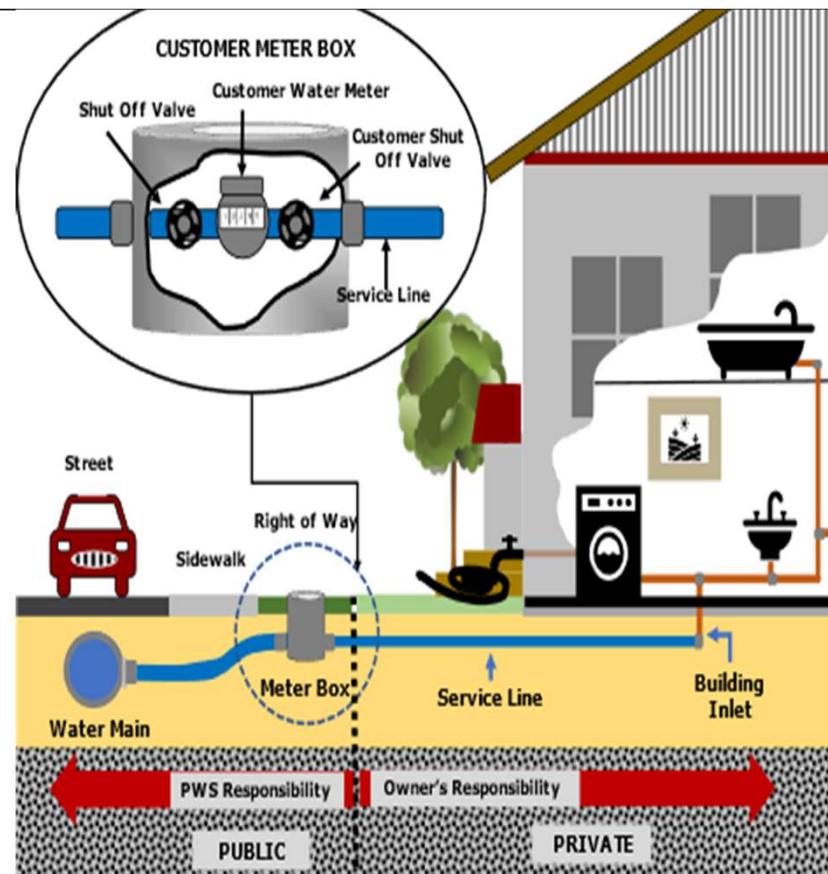
- Comprehensive Spreadsheet Inventory – currently being populated by city staff
- Four Categories for Service Lines in the Inventory
 - “Lead” where the service line is made of lead
 - “Galvanized Requiring Replacement”
 - “Non-lead”
 - “Lead Status Unknown”

INVENTORY

2,933 LINES OR ACCOUNTS

420 ~~LEAD~~ OR GRR REPLACEMENTS

20% POPULATED



PROPOSED LEAD AND COPPER RULE IMPROVEMENTS (LCRI)

- November 30, 2023, the U.S. EPA announced the proposed LCRI
- EPA intends to promulgate the LCRI prior to October 16, 2024
- Achieving 100% Lead Pipe Replacement within 10 years
- Improving Tap Sampling

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	02/06/2024	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding approval of Resolution 2024-002 to call May 4, 2024 General Election, for the purpose of filling City of Brady Mayor and City Council Place 1 expiring terms.		
PREPARED BY:	T. Keys	Date Submitted:	01/22/2024
EXHIBITS:	Resolution 2024-002		
BUDGETARY IMPACT:	Required Expenditure:	\$50,000.00	
	Amount Budgeted:	\$50,000.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			

SUMMARY: City of Brady Mayor and City Council Place 1 are up for reelection this year. Per the City of Brady Home Rule Charter, Council must call an Election. The City of Brady is required by law to hold an election on a uniform election date. Per Texas Election Code 11.0581 Brady ISD must contract with a municipality to hold their elections. This resolution calling the election and any needed subsequent agreements will allow the city to meet its obligations to the citizens of Brady and to the Brady ISD School Board.
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RECOMMENDED ACTION: Move to approve Resolution 2024-002

CITY OF BRADY, TEXAS

RESOLUTION NO. 2024-002

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS,
ORDERING A GENERAL ELECTION TO ELECT MAYOR AND CITY COUNCIL
PLACE ONE (1), TO BE HELD ON SATURDAY, MAY 4, 2024; ESTABLISHING
PROCEDURES FOR THAT ELECTION; AND PROVIDING AN EFFECTIVE
DATE**

WHEREAS, the City of Brady, Texas desires to conduct elections in accordance with the provisions of the City's Charter and state election laws; and

WHEREAS, Section 41.001 of the Texas Election Code establishes the first Saturday in May as a "uniform election date" for the purposes of conducting general and special elections; and

WHEREAS, the City Council of the City of Brady, Texas is the governing body authorized to order a general election pursuant to Chapter 41 of the Texas Election Code, and Chapter 22 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Brady has determined that the City of Brady shall conduct a general election to elect Mayor and City Council Place 1.

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

SECTION 1: In accordance with the general laws and Constitution of the State of Texas, a general election is hereby called and ordered on May 4, 2024 from 7:00 a.m. to 7:00 p.m. at City Hall, 201 East Main Street, Brady, Texas for the purpose of electing Mayor and City Council Member Place 1.

SECTION 2: Applications for place on the ballot for the General Election will be accepted from January 17, 2024 until February 16, 2024, by the close of business (5:00 p.m.) in the Office of the City Secretary, City Hall, 201 East Main Street, Brady, Texas,

SECTION 3: Early voting will be from April 22, 2024 until April 30, 2024, Monday through Friday from 8:00 a.m. to 5:00 p.m. at City Hall, 201 East Main Street, Brady, Texas.

Applications for ballots by mail shall be submitted to Tina Keys, P.O. Box 351, 201 East Main Street, Brady, Texas tkeys@bradytx.us by April 23, 2024.

SECTION 4: The Election Judge to serve at the polling place of such election shall be and are hereby appointed as follows:

Early Voting Place: City Hall
Early Voting Clerk: City Secretary
Deputy Early Voting Clerk: Sandra Bell

Polling Place #1: City Hall

Election Judge: Dawn Mork
Alternate Judge: Sandra Bell

SECTION 5: In accordance with Section 32.091 of the Texas Election Code, clerks shall be paid at the rate of \$12.00 per hour and the election judges shall be paid \$14.00 per hour.

SECTION 6: There shall be a minimum of two (2) clerks at the polling place, which may include the alternate judge.

SECTION 7: In accordance with Section 87.004 of the Texas Election Code, the presiding judge at City Hall and at least three (3) clerks shall also serve as the Early Voting Ballot Board to count ballots received during early voting by personal appearance and early voting by mail.

PASSED AND APPROVED this ____ day of _____, 2024.

Aaron Garcia, Mayor

ATTEST: _____
Tina Keys, City Secretary

City Council
City of Brady, Texas
Agenda Action Form for Ordinance

AGENDA DATE:	02/06/2024	AGENDA ITEM	7.B.
AGENDA SUBJECT: Discussion, consideration and possible action regarding the first and final reading of Ordinance 1374 of the City of Brady to order the Special Election for amendments to the City Charter, as recommended by the Charter Review Commission			
PREPARED BY:	E. Corbell / T. Keys	Date Submitted:	01/22/2024
EXHIBITS:	Ordinance # 1374 Exhibit A – Ballot language		
BUDGETARY IMPACT:		Required Expenditure:	\$50,000.00
		Amount Budgeted:	\$50,000.00
		Appropriation Required:	\$00.00
CITY MANAGER APPROVAL:			
<p>SUMMARY: City of Brady Charter Review Commission has met several times and has recommended several changes be made to the City of Brady Home Rule Charter. Per the City of Brady Home Rule Charter, Council must call a Special Election. The City of Brady is required by law to hold an election on a uniform election date. This Ordinance calling the election and any needed subsequent agreements will allow the city to meet its obligations to the citizens of Brady.</p> <p>Section 9.004 of the Texas Local Government Code requires an ordinance to order an election for voters to amend the City Charter. This Ordinance complies with this statutory requirement.</p> <p>The City of Brady Home Rule Charter states “unless an exceptional circumstance exists, each ordinance, except when deemed an emergency, shall be read and considered at two (2) regular scheduled meetings of the Council.” The deadline to order a special election is February 16th presenting an “exceptional circumstance” so this ordinance will be passed and approved on one reading.</p>			

RECOMMENDED ACTION:
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”
Mayor calls for a motion: Move to approve the first and final reading of Ordinance 1374.

**CITY OF BRADY, TEXAS
ORDINANCE NO. 1374**

AN ORDINANCE OF THE CITY OF BRADY ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 4, 2024, FOR THE PURPOSE OF SUBMITTING PROPOSITIONS TO VOTERS FOR PROPOSED AMENDMENTS TO THE CITY CHARTER; SAID ELECTION TO BE HELD IN CONJUNCTION WITH THE CITY'S GENERAL ELECTION

WHEREAS, the Brady City Council (“Council”) created a charter review commission (“CRC”) and appointed persons to the CRC and charged it with reviewing and proposing amendments to the Charter; and

WHEREAS, the CRC recommends certain amendments to the City Charter; and

WHEREAS, the Council may dispense with full readings of an ordinance by a majority vote of those present, provided the caption is read and the ordinance was distributed to all Council Members at least two (2) days prior to the meeting; and

WHEREAS, the Ordinance was distributed to all Council Members at least two (2) days prior to the meeting and a majority vote of Council present and voting approved dispensing with full readings of the Ordinance; and

WHEREAS, Council now believes that Brady voters, in accordance with Section 9.004 of the Texas Local Government Code, should vote on the amendments to the City charter, in the form of propositions, at the next uniform election date to be held on May 4, 2024; and

WHEREAS, City Council finds it in the public interest to order a special election, to be held in conjunction with next uniform election date on May 4, 2024, for a vote of the electors as to proposed amendments to the Charter; and

WHEREAS, Texas Local Government Code requires Charter amendment elections be ordered by ordinance; and

WHEREAS, the Brady Charter requires two readings of an ordinance unless an exceptional circumstance exists; and

WHEREAS, the City has historically ordered its elections by resolution; and

WHEREAS, City Council finds and determines that the requirement of the state law that charter amendment elections must be ordered by ordinance is an exceptional circumstance as contemplated by the City Charter; and

WHEREAS, City Council finds and determines that only one reading of this ordinance is required under the City Charter.

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

SECTION ONE. Council orders that a special election be held by the City of Brady, Texas (“City”) on May 4, 2024. This election will be held in conjunction with the City’s general election on the same date with voting day and early voting locations being the same as the City’s general election. As part of the election, ballot propositions will be submitted to the qualified voters of the City for proposed amendments to the Charter, in accordance with applicable provisions of the City Charter and State law.

SECTION TWO. The following measures, with blue, underlined language being additions (added) to the Charter and strike-through language being deletions (~~deleted~~) from the Charter, shall be submitted to the qualified voters of the City at the election in the form of the propositions as provided for in Section Three, below, and in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws and the charter renumbered consistent with said approved measures.

Measure A

Section 1.04—Particular Powers:

The City:

1. ~~May use a corporate seal, sue and be sued, contract and be contracted with, implead and be impleaded in all courts in all matters whatsoever.~~
2. ~~May own or acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser [lesser] interest or estate by purchase, gift, devise, lease or condemnation.~~
3. ~~May sell, lease, hold, manage, control and police any property now owned by it or which it may hereafter acquire.~~
4. ~~May, subject to the limitations hereinafter set out, have the right to lease or let its property that is inside or outside its boundaries.~~
5. ~~May contract, own, lease, operate and regulate public utilities.~~
6. ~~May assess, levy and collect taxes for general and special purposes on all lawful subjects of taxation.~~
7. ~~May borrow money on the faith and credit of the City by the issuance and sale of bonds, certificates of obligation, warrants, notes or other evidence of indebtedness of the City.~~
8. ~~May appropriate the money of the City for all lawful purposes.~~
9. ~~May regulate and control the use, for whatever purpose, of the streets and other public places.~~

- ~~10. May make and enforce all police, health, sanitary and regulations [sic].~~
- ~~11. May pass such ordinances as may be expedient for the protection and maintenance of good government, for peace and welfare of the City, for the performance of the functions of the City and for the order and security of its residents.~~
- ~~12. May provide suitable penalties for the violations of any ordinance enacted by the City of Brady.~~
- ~~13. May, except where prohibited by the Constitution and laws of this State or where restricted in this Charter, exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.~~

Section 1.05 — Power of Eminent Domain:

~~In accordance with the State Constitution and the laws of the State of Texas, the City shall have full power and right to exercise the power of eminent domain where necessary or desirable to carry out any of the powers conferred upon it by this Charter. The City may exercise the power of eminent domain in any manner authorized or permitted by the Constitution and laws of the State. The City shall have and possess the power of condemnation for any municipal or public purpose even though not specifically enumerated in this charter.~~

Section 2.01 — The Boundaries:

~~The boundaries and limits of the City of Brady shall, until changed in the manner hereinafter provided, be the same as have heretofore been established and as exists on the date of the adoption of this Charter. Such boundaries are described in the files of the City Secretary.~~

Section 3.04 — Compensation:

The Mayor shall be paid one hundred dollars (\$100.00) per month. The Mayor Pro Tem shall be paid sixty dollars (\$60.00) per month. Each other Councilman shall be paid fifty dollars (\$50.00) per month. These amounts are not intended to be salaries for services rendered but compensation for routine expenses. This compensation may be reviewed by the Council at five (5) year intervals and be adjusted at the will of the Council; except that no member shall be paid an increased amount during the term of office in which the change was approved. In addition, each shall be paid for any actual and necessary expense incurred while in the discharge of the non-routine duties of the office upon presentation of an itemized statement of such expense to the Council. ~~No member shall hold or exercise more than one (1) civil office of emolument.~~

Section 3.05 — Mayor:

The Mayor shall be the Chief Executive Officer of the City and shall serve as the ceremonial head of the City government. The Mayor shall preside at meetings of the Council and shall work closely with the Council to provide proper legislative functions, and, with the City Manager, to ensure they are enforced.

The Mayor may participate in the discussion of all matters coming before the Council. The Mayor shall not be entitled to vote on legislative or other matters except in case of a tie when the Mayor shall have the right to cast the deciding vote. The Mayor's right to vote is also expressly provided for in this Charter in Section 3.06 Mayor Pro Tem, and Section 3.07 Removal from Office.

~~The Mayor may have signatory authority for all legal contracts and commitments of the City. The Mayor may sign all ordinances and resolutions as provided in Section 3.16 Ordinances and Section 3.19 Resolutions. The Mayor shall have veto power over ordinances in accordance with Section 3.18 Veto of Ordinances by the Mayor.~~

~~The Mayor may take command of the police and govern the City by proclamation and/or by emergency ordinance in accordance with Section 3.17 Emergency Ordinances and maintain order and enforce all laws.~~

The Mayor or two Council Members shall recommend to the Council appointees for the boards and commissions. The Council shall approve appointees for boards and commissions.

The Mayor shall have all powers provided by this Charter, by the Laws of the State, or by the Council.

Section 3.09 Meetings:

The Council shall hold at least two (2) regular meetings each month and as many special (additional) meetings as necessary to transact the business of the City and citizens.

Regular and Executive Session Meetings: The Council shall fix by ordinance the dates and times of the regular meetings, and such meetings must be at least two (2) weeks apart. Executive Session Meetings (closed to the public) shall also be permitted in accordance with the Open Meetings Act. For Regular Meetings and subsequent Executive Session Meetings, public notice shall be given by posting an agenda in accordance with the Open Meetings Act, Chapter 551, Tex. Gov't. Code.

Special Meetings: Special (additional) meetings of the Council shall be held if called by the Mayor or by a majority of the Council Members. ~~Special Meetings shall be open to the public, and public notice shall be given upon no less than seventy two (72) hours notice by posting an agenda in accordance with the Open Meetings Act, Chapter 551, Tex. Gov't. Code.~~

~~**Emergency Meetings:** In case of an urgent need to meet regarding a public emergency affecting life, property or the public peace, or essential, time-sensitive City business requiring a response in less than seventy two (72) hour response, the Council may convene for an Emergency Meeting. In the case of an Emergency Meeting, the subjects to be discussed (when applicable) must be posted in City Hall at least two (2) hours before the Emergency Meeting is convened.~~

Section 3.10 Quorum:

Whether or not the Mayor is present, three (3) Councilmembers shall constitute a quorum for the purpose of transacting business unless otherwise stated in this Charter, ~~and no action of the Council shall be valid or binding unless adopted in an open meeting with a quorum present. Less than a quorum may adjourn any meeting.~~

Section 3.14 Powers and Duties of the Council:

1. The Council shall have all the powers necessary and incident to the proper discharge of the duties imposed upon it, and is hereby vested with all powers necessary to carry out the terms and provisions of the Charter; it being intended that the Council shall have all powers that are now or hereafter granted to municipalities by the Constitution, laws of the State of Texas, and by this Charter, except where specific powers are conferred on some other officer by this Charter. ~~The following powers and duties are not exclusive but are enumerated for greater clarity:~~
2. ~~Appoint and remove the City Manager as herein provided;~~
3. ~~Ensure enforcement of the provisions of this Charter and provide adequate administrative organization to enforce same;~~
4. ~~Adopt the budget of the City;~~
5. ~~Call bond elections and authorize the issuance and sale of bonds;~~
6. ~~Provide control of all City finances;~~
7. ~~Provide for boards and commissions as prescribed in this Charter or as deemed necessary and appoint all such boards and commissions upon the recommendations of the Mayor;~~
8. ~~Adopt, modify and carry out the plans proposed by the Planning and Zoning Commission and other boards and commissions;~~
9. ~~Adopt, modify and enforce building codes, fire codes, and health codes;~~
10. ~~Provide for all public utilities and serve as the primary regulatory agency for the rates thereof, whether City owned or furnished by private utility companies;~~
11. ~~To pass ordinances and resolutions as necessary, or as prescribed in this Charter;~~
12. ~~Provide police powers to ensure the safety of all citizens, protect their health, life and property, prevent and summarily abate and remove all nuisances, preserve and enforce good government, order and security of the City and its inhabitants; and~~
13. ~~Make investigations into municipal affairs.~~

Section 3.20 Official Bonds for City Employees:

~~The Council may require the City Secretary and certain other officers to enter into a good and sufficient fidelity bond or insurance in a sum to be determined by the Council. Such bond or insurance shall be conditioned upon a faithful discharge of the duties of such persons and shall be payable to the City of Brady. Such bond or insurance shall be signed as surety by some company authorized to do business under the laws of the State of Texas. The premium of such bond or insurance shall be paid by the City of Brady.~~

Section 4.08 — Emergency Medical Service:

~~Emergency Medical Service is included and described in Section 4.04 Fire Department and Emergency Service as amended by Ordinance 1117 at an election held on May 11, 2013.~~

Section 5.01 — Platting and Property:

~~Each owner of the tract of land situated within the corporate limits of the City of Brady and its extraterritorial jurisdiction who may divide the same into two (2) or more parts for the purposes of laying out any commercial and/or residential subdivision or any addition to the City, shall comply with the provisions of Chapter 212, Municipal Regulation of Subdivisions and Property Development, Local Government Code, as now exists or as amended.~~

Section 6.02 — Public Records:

~~Copies of the budget adopted shall be public records and shall be made available to the public for inspection upon request.~~

Section 10.01 — Borrowing for Capital Expenditures:

~~Borrowing. Except as prohibited by law, the Council shall have the power to borrow money by whatever method it may deem to be in the public interest.~~

~~General Obligation Bonds and Certificates of Obligation. The Council shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which they were issued.~~

~~Revenue Bonds. The Council shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self liquidating municipal function not prohibited by the Constitution and laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon the [and] payable from the properties, or interest therein pledged, or the income therefrom, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the State of Texas and shall be used only for the purpose for which issued.~~

~~Bonds Incontestable. All bonds of the City having been issued and sold and having been delivered to the purchaser thereof shall thereafter be incontestable. All refunding bonds issued in exchange for outstanding bonds previously issued shall and after said exchange be incontestable.~~

Ordinance Required. The procedure for adoption of any ordinance relative to borrowing for capital expenditures shall be:

(1) A copy of the proposed ordinance shall be furnished to: (1) each Councilman, (2) the City Attorney, and (3) any citizen of the City for inspection upon request to the City Secretary, at least three (3) days before the date of the meeting at which the ordinance is to be first considered.

(2) Any ordinance relative to borrowing for capital expenditures must follow the procedures stated in Section 3.16 before final passage.

Section 11.01 — Powers of Taxation:

~~The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas.~~

~~The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.~~

~~Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.~~

Section 11.02 — Office of Taxation:

~~The City shall designate or contract for a Tax Collector for the City. All taxes due the City shall be payable at the office of the City Tax Collector, or at such location or locations as may be designated by the City Council.~~

Section 11.03 — Assessment of Property for Tax Purpose:

~~The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and Laws of the State of Texas.~~

~~Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, partnership, company or other legal entity so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.~~

Section 11.04 — Taxes: When Due and Payable:

~~All taxes due the city may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid before February 1 of the next succeeding year, and all such taxes not paid prior to that date shall be deemed delinquent, and shall be subject to penalty and interest as the City Council shall provide by ordinance. The City Council may provide discounts for the payment of taxes prior to January in an amount not to exceed those established by the laws of the State of Texas.~~

Section 11.05 — Tax Liens:

All taxable property located in the City on January 1 of each year shall stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property on or after January 1 in any year shall take the property subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year, the owner of property subject to taxation by the City shall be personally liable for the taxes due for that year.

The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a sufficient description of the property to be assessed, to prove the same, and to have its judgment foreclosing the tax lien or for personal judgment against the owners for such taxes.

Section 11.06 — Joint Interest in Property:

Joint or undivided interest in property is provided for by the State of Texas in the Property Tax Code and is coordinated by the designated Tax Collector.

Section 11.07 — Arrears of Taxes Offset to Debt Against City:

State Law does not provide for offsets against Property (ad valorem) Taxes.

Section 13.01 — Publicity of Records:

All public records of every office, department, or agency of the City shall be open to inspection by any citizen at all reasonable times, provided that records closed to the public by law, shall not be considered public records for the purpose of this section. During normal office hours, any citizen of the City or any duly authorized representative of the press or other news media shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the Council or this Charter and in accordance with the Texas Public Information Act, as may be amended.

Section 13.03 — Nepotism:

No person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood/adoption) to the Mayor, any Councilman or City Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply, however, to any person who shall have been employed by the City prior to and at the time of election or appointment of the official related in the prohibited degree.

No Mayor, Council Member, or City Manager shall have any participation in the evaluation process involving any employees compensated by the City and related to the Mayor, Council Member, or City Manager within the second degree of affinity (marriage) or within the third degree of consanguinity (blood or adoption).

Section 13.05 Assignment, Execution and Garnishment:

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. The funds belonging to the City in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officials or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Section 13.06 Power to Settle Claims:

The Council shall have the authority to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

Section 13.10 Submission of Charter to Voters:

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the Charter be voted upon as a whole and that it shall be submitted to the voters of the City of Brady at any election to be held for that purpose on August 7, 1982. Not less than thirty (30) days prior to such election, the Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of Brady as appears from the latest certified list of registered voters. If a majority of the qualified voters voting in such an election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Brady, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the Records of the City. The City Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by his signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of State of the State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

Section 13.11 Amendment of Charter:

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by Chapter 9 Home Rule Municipality, Local Government Code, as now exists or as amended.

Section 13.13 City Not Required to Give Bond:

It shall not be necessary in any action, suit or proceeding in which the City of Brady is a party, for any bond, undertaking, or security to be demanded or executed by or on behalf of the City in any of the State courts, but in all such actions, suits, appeals or proceedings same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law.

ARTICLE XIV. TRANSITIONAL PROVISIONS

Section 14.01—Schedule:

~~This Charter shall take effect immediately following adoption by the voters and shall be fully operable within one (1) year after adoption except as provided in this Charter.~~

Section 14.02—Officials and Employees:

~~Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officials or employees at the time of its adoption.~~

Section 14.03—Effect of Charter on Existing Law:

~~All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the Council. The Council shall review and conform all such codes, ordinances, resolutions, rules and regulations so transferred within three (3) years from the effective date of this Charter. All taxes, assessments, liens, encumbrances and demands, or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.~~

Measure B

Section 2.02—Extension of Boundaries:

~~The boundaries of the City of Brady may be extended from time to time by the annexation of additional territory by any of the methods hereinafter designated. All annexations of territory to the City must be consistent with State law and must meet the limitations established in Chapter 43, Municipal Annexation, Local Government Code as now exists or as amended. Such annexations shall be accomplished by ordinance providing for the alteration and extensions of the boundary limits.~~

~~Prior to the first reading of the ordinance, the Council must publish notice and provide for a public hearing on the proposed annexation in accordance with State law. Only one (1) contiguous area proposed for annexation be described in any one (1) ordinance. Upon final acceptance of property for annexation by any of the methods prescribed herein, the boundaries of the City shall be so extended and the territory shall become a part of the City; and the said land and its residents and future residents shall be bound by the acts, ordinances, codes, resolutions and regulations of the City and such the residents shall be entitled to all the rights and privileges of other citizens of the City.~~

(1) Annexation by Petition.

~~The owners or owner of any property which is without residents, or if inhabited, the majority of the residents of such property who are qualified electors in this State may petition the Council in a written request that the property be annexed to the City of Brady. Such property to be considered for annexation:~~

- ~~(a) Must be contiguous and adjacent to the limits of the City.~~
- ~~(b) Must lie entirely within the extraterritorial jurisdiction of the City.~~
- ~~(c) Must be described in the petition by metes and bounds in such manner as is accepted in this County.~~

~~Together with the above written request, the petitioner(s) must submit to the Council a document describing plans for extending utilities and other City services to the area proposed for annexation. This planning document must:~~

- ~~(a) Be prepared at the expense of the petitioner(s).~~
- ~~(b) Be coordinated with and/or reviewed by the appropriate members of the City staff prior to its submission to the Council.~~
- ~~(c) State the estimated costs to the City of extending such utilities and services to the area.~~
- ~~(d) Estimate a time for providing such utilities and services.~~

(e) Satisfy the requirements of Chapter 43, Municipal Annexation, Local Government Code, as now exists or as amended.

The Council shall hear all petitions and provide for annexation by ordinance and may accept or refuse the ordinance as prescribed above. The Planning Document shall be appended to the ordinance annexing the proposed area and shall be considered at all readings of the ordinance. The territory described in the ordinance shall become annexed only after the final passage of the ordinance and proper recording in the records of the City.

(2) Annexation by the City.

The Council, upon its own initiative, may annex territory which is contiguous to the limits of the City by the method prescribed herein, subject to other procedural rules as may be prescribed by State Law. Such property:

- (a) Must be described in the annexation ordinance by metes and bounds.
- (b) Must lie entirely within the extraterritorial jurisdiction of the City.
- (c) Must meet the limitations as prescribed in Chapter 43, Municipal Annexation, Local Government Code, as now exists or as amended.

When initiating annexation procedures for annexing a specific area, the Council shall cause to be prepared an ordinance for the annexation of the territory and a document describing the plans for extending utilities and other City services to the area proposed for annexation. This Planning Document must:

- (a) State the estimated costs to the City of extending such utilities and services to the area.
- (b) State the method whereby the costs of such services will be paid.
- (c) Estimate a time schedule for providing such utilities and services.
- (d) Satisfy the requirements of Chapter 43, Municipal Annexation, Local Government Code.

Such [sic] The Planning Document shall be appended to the ordinance annexing the proposed area and shall be considered at all readings of the ordinance. The ordinance shall be subject to public hearing and all the stipulations prescribed in this Section. The territory described in the ordinance shall become annexed only after the final passage of the ordinance and proper recording in the records of the City.

(3) Annexation of City-owned Property.

The City may annex any property owned by the City subject only to the procedural rules as prescribed by State Law. Annexation of City-owned property shall be by ordinance as prescribed for other categories of property.

Section 3.02 Qualifications:

To be eligible to be a candidate for, or elected or appointed to the office of Mayor or Council Member, a person must: ~~The Mayor and each Council Member shall, on the date of election, have the following qualifications:~~

1. Be a citizen of the United States;
2. Be a resident of the City of Brady for at least twelve (12) consecutive months preceding the date of the regular filing deadline for a candidate's application for a place on the ballot prior to election day and must remain a resident of the City throughout the elected term;
3. Be a registered voter of the State of Texas;
4. Be 21 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;
5. Have no felony convictions; and
6. Not be found mentally incapacitated by a court having jurisdiction.

Section 3.08 Vacancies:

The office of Mayor or Councilmember shall become vacant upon the death or resignation of the incumbent, failure to maintain retain residency within the City of Brady throughout the elected term, or upon his or her removal from office by any manner authorized by law or in this Charter. Any vacancy or vacancies, whether in the office of Mayor or places on the Council, shall be filled by special election in accordance with this Charter called for such purposes within one hundred and twenty (120) days after such vacancy or vacancies occur. Vacancies cannot be filled by appointment. The date for special elections to fill vacancies shall be the first uniform election date after the vacancy occurs and for which there is sufficient time to call and give notice of the election as required by law; provided that if no such election date falls within 120 days after the date of the vacancy, the Council shall, without regard for the uniform election dates specified in the Texas Election Code, order such election to be held on a Saturday within 120 days from the date of the vacancy. All vacancies filled by election shall be for the remainder of the unexpired term of the office so filled. No election will be required if the vacated office has a term of 120 days or less remaining.

Section 3.11 Voting:

All members of the Council present, excluding the Mayor, shall vote upon every resolution, ordinance, or other binding action requiring a vote of the Council; provided that, if any member of the Council has a conflict of interest as defined by State law, that fact shall be stated in the minutes and such member shall abstain from consideration of the issue and from voting. A majority vote of the members present, there being a quorum, shall decide all issues except that any ordinance providing for fines, penalties, taxes, franchises, annexation, disannexation, or setting of rates shall

require four (4) affirmative votes to pass. If there are only four (4) members present, one (1) of which is the Mayor, no vote may be taken on any ordinance requiring four (4) votes to pass.

City Secretary:

The City Council shall appoint the City Secretary. ~~The City Secretary shall be a qualified voter of McCullough [McCulloch] County.~~ The City Secretary shall report to the City Council and may be removed by the City Council, but shall work under the general supervision of the City Manager. The duties of the City Secretary shall include:

- (1) Giving notice of City Council, board, and commission meetings;
- (2) Keeping the minutes of the meetings of the City Council;
- (3) Recording in full, and authenticating by the City Secretary's signature all ordinances, resolutions, and contracts;
- (4) Performing such duties as the Council shall assign and those provided by this Charter and State law;
- (5) Maintaining files of all contracts and other legal documents relating to the City; and
- (6) Keeping the City Seal.

Section 5.06 Board of Adjustment:

~~The Council may by ordinance establish a Board of Adjustment which shall have the power to hear and determine appeals from the refusal of building permits, appeals resulting from administrative decisions and to permit exception to or variation from the zoning regulations.~~ Members of the Board of Adjustment shall hold no other City office and no former member of the Council shall serve as a member of the Board of Adjustment until one (1) year after completion of his Council term.

Section 6.03 Annual Budget:

The City's budget shall be submitted, adopted and amended in compliance with state law.

Content. The budget shall provide a complete financial plan of all City funds and activities and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the Council may require. A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, [and] indicate any major changes from the current year in financial policies, expenditures, and revenues, with reasons for such changes. It shall also summarize the City's debt position and

include such other material as the City Manager deems desirable or the Council requires. The budget shall begin with a clear general summary of its contents; and shall show in detail all estimated revenues, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. The proposed budget expenditures shall not exceed the total of estimated funds available from all sources. The budget shall be so arranged as to show comparative figures for actual and estimated revenues and expenditures of the current fiscal year and actual revenue and expenditures of the preceding two (2) fiscal years, compared to the estimate for the budgeted year. It shall include in separate sections:

1. An itemized estimate of the expense of conducting each department, division and office.
2. Reasons for proposed increase or decrease of such items of expenditure compared with the current fiscal year.
3. A narrative statement for each department indicating projects to be accomplished by the department during the year and additional desirable projects to be accomplished if possible. The narrative shall state specifically all capital expenditure items to be purchased during the year, all capital expenditure items to be purchased if funds become available, all major projects on which work will be performed during the year and any extraordinary items included in the budget.
4. A statement of the total probable revenues of the City from taxes for the fiscal year.
5. Tax levies, rates, and collections for the preceding five years.
6. An itemization of all anticipated revenue from utilities and all sources other than the tax levy.
7. The amount required for interest on the City's debts, for sinking fund and for maturing serial bonds.
8. The total amount of outstanding City debts, with a schedule of maturities on bond issues.
9. The total amount established for addition to reserve funds.
10. A capital program, which may be revised and extended each year to indicate capital expenditures pending or in process of construction or acquisition, shall include the following items:
 - (a) A summary of objectives, accomplishments and proposed programs.
 - (b) A list of all capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such expenditures.
 - (c) Cost estimates, method of financing and recommended time schedules for each such expenditure.

(d) The estimated cost of operating and maintaining the facilities to be constructed or acquired.

11. Such other information as may be required by the Council.

Submission. The City Manager shall submit a draft budget on or before the thirtieth (30) day of June of each year. Council shall review the draft budget and revise it as deemed appropriate prior to the proposed budget. The City Manager shall submit to the Council a proposed budget and accompanying message by the first council meeting in August. The Council shall review the proposed budget and revise it as deemed appropriate prior to general circulation for public hearing.

Public Notice and Hearing. The Council shall post in the City Hall and publish in the official newspaper a general summary of the proposed budget and a notice stating:

- (1) The time and places where copies of the message and budget are available for inspection by the public.
- (2) The time and place, not less than fifteen (15) days after such publication, for a public hearing on the budget.
- (3) Such other public hearings as are necessary or required by law.

Amendment Before Adoption. After the hearing the Council may adopt the budget with or without amendment. In amending the budget the Council may add or increase programs or amounts and may delete or decrease any programs or amounts except expenditures required by law or for debt service. No amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated funds available from all sources.

Adoption. The budget shall be finally adopted by ordinance not later than the first day of October. Should the council take no final action on or prior to that day, the budget as submitted shall be deemed to have been finally adopted by the Council.

Section 7.01 City Elections:

All City Elections shall be conducted pursuant to the requirements of state law.

Schedule. The regular City election will be held annually as prescribed by State Law. The Council shall be responsible for ordering such election.

Special Elections. As allowed in this Charter, the Council may order a special election for ordinances, bond issues, Charter amendments, recall, Council vacancies, initiatives, referendums or other purposes deemed appropriate by the Council. The Council will specify the time and place for holding such special elections in accordance with State law and provide all means for holding same.

Voter Eligibility List. A certified list of voter registrants within the City, as prepared by the County Voter Registrar, shall be maintained current by the City Secretary and shall be available for inspection by any City resident.

Conduct and Regulation of Election. All City elections shall be governed by the Constitution of State of Texas and general laws of the State, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the Council. However, the Council may contract for the conduct of elections if such a service is available in the County.

Section 7.02 Filing for Office:

Each candidate filing for a place on the City Council ballot shall meet the following qualifications:

- (1) Have all the qualifications for a Council Member as described in Section 3.02.
- (2) No candidate may file for more than one (1) office or place per election.
- (3) No candidate may withdraw from an election and file for another office or place at the same election.
- (4) Each candidate shall file such application as required by State Election laws.
- (5) Each candidate shall pay a filing fee of \$100 or submit a petition of 100 qualified voters of the City of Brady.

Section 7.03 Official Ballots:

Names on Ballot. The names of each candidate who has filed for office shall be printed on the official ballots without party designation or symbol. If two (2) or more candidates have a similar surname, their residence addresses shall also be printed with their names on the ballot.

Order of Listing. The order of the candidate's names on the ballot shall be determined by lot in a drawing to be held under the supervision of the City Secretary.

Absentee Ballots. The procedures for voting by absentee ballots shall be consistent with the current edition of the Texas Election Code.

Ballot Title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement approved by majority of the entire Council describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance or other type of election) be adopted?" Immediately below or to the left of such question shall appear in the following order the words "Yes" and "No" each with a square in which the voter may cast his vote by making a cross (x).

Write In Voting. The procedure for write in voting shall be consistent with the Texas Election Code.

Section 7.04 — Canvassing:

~~The returns of every municipal election shall be delivered by the election judges to the City Secretary at City Hall not later than twelve (12) hours after the closing of the polls in accordance with State Law. The Council shall canvass the return in accordance with State Law after the conclusion of the election. The returns of every municipal election shall be recorded in the minutes of the Council by totals for each candidate, or, for or against each issue submitted.~~

Section 7.05 — Election by Majority:

~~A majority vote for an elective office is that number of votes which is greater than one half (1/2) of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected.~~

Section 7.06 — Run-Off Election:

~~In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election, a run-off election shall be held between the two (2) candidates who received the greatest number of votes. Such run-off election shall be held in accordance with State election laws.~~

Section 11.08 — Board of Equalization:

~~The Board of Equalization is provided for by the State of Texas in the Property Tax Code and is coordinated by the designated Tax Collector.~~

ARTICLE XII. PUBLIC UTILITIES, FRANCHISES AND CONTRACTS*

The City shall grant, renew, and revoke franchises and contracts consistent with the requirements of State law.

Section 12.01 — Power to Provide Public Services and Utilities:

~~The City of Brady shall have the full power granted to cities by the Constitution and laws of the State of Texas unless otherwise restricted in this Charter to:~~

- ~~(1) Buy, own, construct, lease, maintain and operate within and without the limits of the City a system or systems of gas, electricity, telephone, sewage, sanitation, water, parks, airports,~~

~~swimming pools, G. Rollie White Complex, race tracks, transportation, communications, golf course, cemeteries, or any other public service or utility.~~

- (2) Manufacture, produce or provide its own electricity, gas or anything else that may be required by the public for municipal purposes.
- (3) Purchase gas, electricity, or any other commodity or article required by the public for municipal purposes and to contract with any person, corporation, or public utility for the purchase of same.
- (4) Distribute and/or sell any utility, commodity or service.
- (5) Mortgage and encumber such public utility or service systems in the manner provided in Chapter 1502, Public Securities for Municipal Utilities, Parks or Pools, Government Code as now exists or as amended, or any other laws of the State.
- (6) Regulate and control the distribution of utilities and services within the City and its environs and to establish standards of service and quality of products.
- (7) Establish and enforce the rates to be paid by consumers of any utility or users of any service within the City and its environs.

~~These powers shall be vested in the Council and the Council may exercise the power of eminent domain as provided by State Law and this Charter whenever proper and necessary for carrying out the objectives of providing utilities and services to the public for municipal purposes.~~

Section 12.02 — Franchise Power:

~~The Council shall have the power and authority to grant franchises for the use and occupancy of streets, avenues, alleys and any and all public property belonging to or under the control of the City of Brady, including the airspace over and above the City. Franchise powers shall be exercised in accordance with State Law and the terms of this Charter. No individual, organization, political subdivision, corporation, public utility, or any provider of public service shall be granted a franchise or permit to use such City facilities without first making application to and obtaining consent of the Council by ordinance. The franchise ordinance shall fully describe the terms of the agreement. The terms of such agreements shall be explicit so as to protect the interests of the citizens of Brady and shall include but not be limited to the terms prescribed in this Charter. No franchise ordinance shall be passed as an emergency ordinance. All franchise agreements shall be reviewed by the City Attorney.~~

Section 12.03 — Franchise Not to be Exclusive:

~~No exclusive franchise shall ever be granted.~~

Section 12.04 — Transfer of Franchise:

~~Franchises shall be transferable only to persons, firms, agencies, or corporations taking all or substantially all of the franchise's business in the City and only with the approval of the Council expressed by ordinance.~~

Section 12.05 — Franchise Renewal Requires Approval:

~~The expiration date of all franchises shall be specifically stated and the terms shall be extended or renewed only after being considered by the Council and specifically renewed by ordinance.~~

Section 12.06 — Franchise of Public Utilities:

~~The Council shall have the power to grant, amend, renew, or extend by ordinance the franchises of all public utilities of every character serving the citizens of Brady. Public utilities include, but are not limited to, individuals, agencies, organizations, and corporations providing electricity, gas, water, sewage service or any similar commodity or utility to the public. The effective period of public utility franchises may be set by the Council but shall not exceed thirty (30) years unless such extended term is specifically approved by a majority of the qualified voters of the City voting in an election called by the Council for that purpose.~~

Section 12.07 — Franchise for Public Services:

~~The Council shall have the power to grant, amend, renew or extend by ordinance the franchises of all providers of public services to the citizens of Brady. Public services include, but are not limited to, ambulance services, television cable services, transportation services, communication services, sanitation services, and any other similar service provided to the citizens either now or in the future. The effective period of public service franchises may be set by the Council but shall not exceed ten (10) years.~~

Section 12.08 — Right of Regulation of Franchises:

~~Even though the franchise agreement or franchise ordinance may not so state, all grants of franchises as authorized in this Charter shall be subject to the right of the Council to:~~

- ~~(1) Determine, fix and regulate the charges or rates of compensation to be charged by any person, organization, firm or corporation granted a franchise.~~
- ~~(2) Repeal the franchise by ordinance at any time upon the failure of the franchise to comply with the terms of the franchise, the ordinance, this Charter, any applicable statute of the State, or any rule of any applicable governing body.~~

- (3) Establish standards and quality of products or service.
- (4) Require such expansion, extension and improvement of plants and facilities as are necessary to provide adequate service to the public and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency.
- (5) Prescribe the accounts and accounting system to be used so that the franchise will accurately reflect the expenses, receipts, profits and property values used in rendering its service to the public. It shall be deemed sufficient compliance with this requirement if the franchisee keeps its accounts in accordance with the uniform system established by an applicable federal or state agency for such service.
- (6) Examine and audit at any time the accounts and other records of any franchise and to require annual and other reports prescribed in the franchise ordinance.
- (7) Require such compensation, rental and/or franchise fee as may be permitted by law.
- (8) Impose such regulations and restrictions as may be deemed desirable or conducive to the health, safety, welfare and accommodation of the public.
- (9) Require the franchisee to restore at his expense all public or private property to a condition equal to that before being damaged or destroyed by the franchise.

Section 12.09 — Penalty Authorized:

The Council shall have the power and authority to assess a penalty for failure to comply and to review any franchise at any time to ensure that the franchisee is complying with the terms of the franchise agreement, this Charter, the franchise ordinance and the laws of the State. If in the opinion of the Council the terms of same are not being met, the Council shall so notify the franchisee in writing stating where the franchisee has failed to comply and setting a time for a hearing and deadline for correction. If after the hearing and time set by the Council for correction, the Council may repeal the franchise and/or enforce the penalty for failure to comply.

Section 12.10 — Consent of Property Owners:

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility. Nothing in this Charter or in any franchise granted hereunder shall ever be construed to deprive any such property as is now or hereafter may be provided by law.

Section 12.11 — Franchise Value Not to be Allowed:

~~In determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as to the value of any franchise granted by the City.~~

Section 12.12 — Extensions:

~~All extensions of public utilities shall become a part of the aggregate property of the public utility and shall be subject to all the obligations and rights prescribed in this Charter and the original grant. The right to use and maintain any extension shall terminate with the original grant.~~

Section 12.13 — Other Conditions:

~~All franchises heretofore granted are recognized as contracts between the City and the franchisee and the contractual rights as contained therein shall not be impaired by the provisions of this Charter except:~~

- ~~(1) The power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved.~~
- ~~(2) The general power of the City heretofore existing and herein prescribed to regulate the rates and services of a utility including the right to require adequate and reasonable extension of plant and service and to require that maintenance of facilities be performed at the highest reasonable standard of efficiency shall be enforced.~~
- ~~(3) The Council shall review each franchise at its first renewal date subsequent to the adoption of this Charter and may cause the franchise so reviewed to meet the provisions of this Charter.~~

Section 12.14 — Franchise Records:

~~Every public utility or others holding a franchise with the City of Brady shall file with the City certified copies of all franchises owned or claimed under which such franchisee is operating within the City of Brady. The Council shall acknowledge all franchisee [franchises] in force at that time and shall compile and maintain a public record of franchises.~~

Section 12.15 — Election Required for City Owned Utilities:

~~In accordance with State law, no City owned electric utility, natural gas system, water system, sewer system, park or swimming pool shall ever be sold or leased in whole or in part without authorization by a majority vote of the qualified voters of the City voting at an election held for that purpose, nor shall the same be encumbered except as authorized by State law and this Charter. Such determination to sell, lease, or encumber such systems or facilities in whole or in part shall~~

~~be ascertained at an election which shall be held in accordance with the laws applicable to the issuance of municipal bonds by the City. Any encumbrance herein authorized shall be payable only from revenues derived from said system.~~

Section 12.16 — Other Contracts Concerning City Property:

~~The Council shall have the power to grant, amend, renew or extend contracts concerning the management and/or use of any city owned facility where such contract agreement would be in the best interests of the citizens. For purposes of this section, examples of such City facilities are the civic center, lake and related facilities, parks, golf course, swimming pools, G. Rollie White Complex, racing facilities, and any other such property. Such contracts shall fully describe the agreement in explicit terms to protect the interests of the citizens. All contracts shall be reviewed by the City Attorney prior to acceptance of the contract.~~

~~All such contracts shall not exceed ten (10) years. Such contracts shall not be renewed, amended or extended without first being reviewed and approved by the Council.~~

Section 12.17 — Lease or Rent of City Facilities:

~~The Council may authorize the renting of City owned facilities for the temporary use of an individual, organization, or group provided that the Council prescribes the rules and fees by ordinance.~~

Section 12.18 — Regulation of Rates:

~~The Council shall by ordinance determine, fix and regulate with proper hearing and notice the rates to be charged for water, gas, electricity and any and all public utilities and public services operating within the City, unless such right is denied by the laws of the State of Texas. The Council shall also regulate the rates to be charged within the City for all public transportation whether for passengers, freight or baggage, including ambulance services. The Council shall by ordinance regulate the rates to be charged for any communication system operating in the City, including cable television, community television antenna services and any other services making use of the airspace over and above the City of Brady. The Council shall not voluntarily transfer the right to regulate utilities and rates for services to any other authority nor shall the Council contract such regulatory right except as authorized by a vote of the people per Section 12.15 of this Charter or when ordered to do so by State Law.~~

Section 12.19 — Sale of Utility Services Outside the City:

The Council shall have the authority and power to sell and provide electricity, water, gas, sewer and/or other utility services to persons or firms outside the City limits of Brady and permit such to connect with City systems under contract with the City. The Council shall not deny service to any citizen within the City by reason of providing service outside the City and shall consider each case on a fair and equitable basis protecting the interest of the citizens of Brady. The Council shall have the authority to regulate the rates for such service, to prescribe the kind of materials used, to inspect same and require the system to meet City codes the same as if the service was inside the City limits. Such regulations may include charges for installing electric or pipe lines. Such regulations may also set penalties for non-compliance.

If the Council is petitioned for service outside the City, the petitioner shall adhere to requirements established by the Council by ordinance as a condition of receiving service.

Section 12.20 — Airports:

The Council is authorized to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and navigation facilities within or without the limits of the City. This authority includes buildings and other facilities related to the airport for purposes of storing and servicing aircraft as well as for the accommodation of air passengers and crews. The Council may use any property. The City may own the property or it may purchase, lease or acquire by eminent domain proceedings any property needed for such purposes. This includes: easements or land outside the airport boundaries as are necessary for safe and efficient operation of the airport. It is intended that this authority is granted in accordance with Chapter 22 County & Municipal Airports, Transportation Code and Chapter 23 Airport Security Personnel, Transportation Code as now exists or as amended.

Section 12.21 — Utility Customer Rights:

The utility customers of the City of Brady have the right to decline installation and the right to request removal of any product and/or service of the City which the customer deems harmful to their person, property or privacy. The City of Brady shall notify customers by mail of these rights and include the manner and date the customer must notify the City of their intent to decline installation and/or request removal of product and/or service. Upon receipt of notification, the City of Brady shall comply with the customer's request to decline installation and/or request removal of the product and/or service within 30 days. The City shall restore all previously provided utilities at no charge to the customer. The City shall not impose a surcharge to customers who decline installation and/or request removal of any product and/or service. The City of Brady is civilly liable to the customer for personal injury, property damage or death during the time the customer was subjected to product and/or service.

Section 13.04 Personal Conflict of Financial Interest:

All Officers and employees of the City shall comply with state law regarding conflicts of interest.

- ~~1. No member of the Council nor any employee of the City with a financial interest, either directly or through any business entity in which such Councilperson or employee has a substantial interest shall vote or deliberate on:~~
 - ~~a. Any contract with the City; or~~
 - ~~b. The sale, lease, or rental to the City of any real property interest, including, without limitation, land, oil, gas or other mineral or hydrocarbon; or~~
 - ~~c. The sale, lease, rental or furnishing to the City of any materials, supplies or services.~~
- ~~2. "Business Entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law.~~
- ~~3. For the purpose of this section, a person has substantial interest in a business entity if:~~
 - ~~a. The person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more of the fair market value of the business entity or funds received by the person's gross income for the previous year.~~
 - ~~b. A person has a substantial interest in real property if the interest is an equitable or legal ownership with an appraisal district market value of \$2,500.00 or more.~~
 - ~~c. A person is considered to have a substantial interest under this section if a person related to the person in the first degree by consanguinity (blood/adoption) or affinity (marriage) has a substantial interest under this section.~~
- ~~4. This section shall not apply in the following situations:~~
 - ~~a. During or because of a public calamity.~~
 - ~~b. Procurement to preserve or protect the public health or safety or necessary because unforeseen damage to public machinery, equipment, buildings or other property provided an emergency or urgent public necessity exists.~~
 - ~~c. Items or services available from only one source (as defined in Chapter 252 of the Texas Local Government Code, relating to competitive bidding, as amended from time to time).~~
 - ~~d. To the purchase by the City from any employee of any land, buildings or similar real property interests, provided the property is purchased for its appraised market value as evaluated by the Appraisal District appraising the asset and the purchase is approved by the City Council.~~

Section 13.15 Noncompliance:

Any one hundred (100) or more qualified voters of the City may require the City Council to show cause as to an alleged noncompliance with the articles and sections of this Charter. Such voters may petition the City Council for a public hearing concerning an alleged noncompliance, by signing a letter addressed and mailed to the Mayor. The letter must clearly state the incidence(s) of alleged noncompliance and the specific article(s) and/or section(s) that was/were alleged violated, and ask that the Mayor call a public hearing for the purpose of explaining the alleged incidence(s) of noncompliance to the Citizens of Brady.

The Mayor shall call a public hearing to be held within ten (10) days from the receipt of such petition. Such hearing shall be properly announced and a notice of the hearing shall be published in the official newspaper. The entire Council shall be compelled to attend the public hearing, and the Mayor or some other Councilman appointed by the Mayor shall be prepared to explain the alleged noncompliance (s) with the articles and sections of the Charter as specified in the petition. To provide for order, only a delegation of three (3) persons who signed the petition to the Mayor shall be permitted to question the members of the Council, and the questions must pertain to the incidence(s) of noncompliance described in the petition letter. The Mayor shall preside at the hearing and strive to resolve the question of noncompliance. The intent is for the elected officials to explain their actions on the relevant incidence(s) ~~and, therefore, neither the City Attorney nor any other Attorney or other person representing the Councilmembers may speak at the hearing.~~

Measure C

Section 8.02 Petition for Recall:

Before the question of recall of an elected official shall be submitted to the voters of the City, a petition demanding such question shall first be filed with the City Secretary. The petition shall be signed by qualified voters of the City equal in number to at least ~~twenty percent (20%) of the number of votes cast in the last regular municipal election of the City~~ twelve and one-half percent (12.5%) of the number of qualified voters registered to vote at the last general City election or 250, whichever is greater. Each person signing a recall petition shall affix his residence address and date of signing.

Section 9.03 Petition:

Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least ~~twenty percent (20%) of the number of votes cast in the last regular municipal election of the City~~ twelve and one-half percent (12.5%) of the number of qualified voters registered to vote at the last general City election or 250, whichever is greater.

Measure D

Section 3.02 Qualifications:

7. No person may resign from their current City Council seat and run in an election during their unexpired term.

SECTION THREE. The ballots for the City election must comply with the Texas Election Code and shall have the measures described in Section Two, above, stated as propositions as follows:

Measure A shall be placed on the ballot in the form of the following Proposition:

PROPOSITION A

Amendments to the City Charter eliminating those provisions which are repetitive of state law.

FOR _____

AGAINST _____

Measure B shall be placed on the ballot in the form of the following Proposition:

PROPOSITION B

Amendments to the City Charter revising and deleting provisions for consistency with State law.

FOR _____

AGAINST _____

Measure C shall be placed on the ballot in the form of the following Proposition:

PROPOSITION C

Amendments to the City Charter revising the requirements for initiative, referendum and recall from a percentage of those who voted in the last election to a percentage of the number of qualified voters registered to vote at the last general City election.

FOR _____

AGAINST _____

Measure D shall be placed on the ballot in the form of the following Proposition:

PROPOSITION D

Amendment to the City Charter revising the qualifications for filing for office adding no person may resign from their current City Council seat and run in an election during their unexpired term.

FOR _____

AGAINST _____

PASSED AND APPROVED ON THIS _____ DAY of _____, 2024.

Aaron Garcia, Mayor

ATTEST:

City Secretary, Tina Keys

2024 CHARTER ELECTION LANGUAGE PROPOSED

City of Brady Proposition A ballot language shall read:

Amendments to the City Charter eliminating those provisions which are repetitive of state law?

For Against

City of Brady Proposition B ballot language shall read:

Amendments to the City Charter revising and deleting provisions for consistency with State law?

For Against

City of Brady Proposition C Ballot language shall read:

Amendments to the City Charter revising the requirements for initiative, referendum and recall from a percentage of those who voted in the last election to a percentage of the number of qualified voters registered to vote at the last general City election?

For Against

City of Brady Proposition D Ballot language shall read:

Amendment to the City Charter revising the qualifications for filing for office adding no person may resign from their current City Council seat and run in an election during their unexpired term?

For **Against**

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	02/06/2024	AGENDA ITEM	7.C.
AGENDA SUBJECT:	Discussion, consideration, and possible action approving Resolution 2024-003 of the City of Brady, Texas, ordering a special election for the purpose of submitting to the qualified voters of the city a proposition to approve or reject giving authorization to the City Council of the City of Brady to sell the natural gas utility distribution system owned by the city of Brady, Texas		
PREPARED BY:	E. Corbell	Date Submitted:	2/2/2024
EXHIBITS:	Resolution 2024-003		
BUDGETARY IMPACT:	Required Expenditure:	\$50,000.00	
	Amount Budgeted:	\$50,000.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			
SUMMARY: During budget for FY24, council was unable to approve any supplemental requests or improvements in the gas divisions request, due to a lack of excess funds available in the gas division. Ongoing and increasing requirements on the gas division make the system more expensive to operate each year. Gas rates could be increased to help offset these requirements, but staff feels that raising rates could make the rates charged to the consumers exceed competitive rates elsewhere.			
Staff was directed by council to explore options relating to the sale of the gas division so that maintenance and operations will no longer fall under the city. The sale of any city owned utility must be authorized by a majority of the qualified voters of the City of Brady, so this Resolution authorizes the City to place the sale of the gas division on the ballot for the May 4, 2024, election.			
RECOMMENDED ACTION: Move to approve Resolution 2024-003			

RESOLUTION NO. 2024-003

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BRADY, TEXAS, ORDERING A SPECIAL ELECTION AND
ESTABLISHING PROCEDURES FOR SAID ELECTION TO BE
HELD ON SATURDAY, MAY 4, 2024; THE SPECIAL ELECTION
SHALL BE FOR THE PURPOSE OF SUBMITTING TO THE
QUALIFIED VOTERS OF THE CITY OF BRADY ONE
PROPOSITION TO APPROVE OR REJECT GIVING
AUTHORIZATION TO THE CITY COUNCIL OF THE CITY OF
BRADY, TEXAS, TO SELL THE NATURAL GAS UTILITY
DISTRIBUTION SYSTEM OWNED BY THE CITY OF BRADY,
TEXAS; PROVIDING OTHER MATTERS RELATING TO THE
SPECIAL ELECTION; AND FINDING AND DETERMINING THAT
THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS
OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

WHEREAS, the City of Brady, Texas, owns the Natural Gas Utility Distribution System that provides natural gas to the citizens of Brady, Texas, and other authorized users; and

WHEREAS, the City Council of the City of Brady, Texas, finds and determines that the calling of a special election for the purpose of submitting a proposition to approve or reject giving the City Council authority to sell the Natural Gas Utility Distribution System owned by the City of Brady, as required and authorized by Chapter 1502 of the Texas Government Code is just, reasonable and proper and in the best interest of the City; and

WHEREAS, pursuant to section 1502.055 of the Texas Government Code, the City Council of the City of Brady, Texas, hereby calls for a special election for the above stated purpose and hereby sets forth the procedures and requirements for the conduct of said special election as required by the Texas Election Code.

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

SECTION 1: The City of Brady will hold a Special Election on May 4, 2024, uniform election date, from 7:00 a.m. to 7:00 p.m. at City Hall, 201 East Main Street, Brady, Texas for the purpose of submitting to the qualified voters of the City of Brady a proposition to approve or reject giving the City Council authority to sell the Natural Gas Utility Distribution System owned by the City of Brady.

SECTION 2: The ballot for the Special Election shall conform to the requirements of the Texas Election Code, and on such ballot shall appear the following proposition, with the provision permitting voters to vote “For” or “Against” each proposition without voting “For” or “Against” all propositions. Such proposition shall be expressed substantially as follows:

Proposition E

Shall the City Council of the City of Brady, Texas, be authorized to sell the Natural Gas Utility Distribution System that is owned by the City of Brady, Texas?

SECTION 3: All qualified voters of the City of Brady shall be entitled to vote in said Special Election.

SECTION 4: The City Secretary of the City of Brady is hereby directed to cause notice to be given of said elections by publication in the official newspaper of the City of Brady, Texas, in accordance with the State Election Code.

SECTION 5: Early voting will be from April 22, 2024 until April 30, 2024, Monday through Friday from 8:00 a.m. to 5:00 p.m. at City Hall, 201 East Main Street, Brady, Texas.

Applications for ballots by mail shall be submitted to Tina Keys, P.O. Box 351, 201 East Main Street, Brady, Texas tkeys@bradytx.us by April 23, 2024.

SECTION 4: The Election Judge to serve at the polling place of such election shall be and are hereby appointed as follows:

Early Voting Place: City Hall

Early Voting Clerk: City Secretary

Deputy Early Voting Clerk: Sandra Bell

Polling Place: City Hall

Election Judge: Dawn Mork

Alternate Judge: Sandra Bell

SECTION 5: In accordance with Section 32.091 of the Texas Election Code, clerks shall be paid at the rate of \$12.00 per hour and the election judges shall be paid \$14.00 per hour.

SECTION 6: There shall be a minimum of two (2) clerks at the polling place, which may include the alternate judge.

SECTION 7: In accordance with Section 87.004 of the Texas Election Code, the presiding judge at City Hall and at least THREE (3) clerks shall also serve as the Early Voting Ballot Board to count ballots received during early voting by personal appearance and early voting by mail.

PASSED AND APPROVED this ____ day of _____, 2024.

Aaron Garcia, Mayor

ATTEST: _____

Tina Keys, City Secretary

2024 BALLOT LANGUAGE PROPOSED

City of Brady Proposition A ballot language shall read:

Amendments to the City Charter eliminating those provisions which are repetitive of state law?

For Against

City of Brady Proposition B ballot language shall read:

Amendments to the City Charter revising and deleting provisions for consistency with State law?

For Against

City of Brady Proposition C Ballot language shall read:

Amendments to the City Charter revising the requirements for initiative, referendum and recall from a percentage of those who voted in the last election to a percentage of the number of qualified voters registered to vote at the last general City election?

For Against

City of Brady Proposition D Ballot language shall read:

Shall Section 7.02 of the City Charter be amended to add no person may resign from their current City Council seat and run in an election during their unexpired term?

For Against

City of Brady Proposition E Ballot language shall read:

Shall an ordinance be enacted authorizing the sale of real property, with improvements owned, held, or claimed by the city as its natural gas utility distribution system?

For Against

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	2/6/2024	AGENDA ITEM	7.D.
AGENDA SUBJECT:	Discussion, consideration and possible action approving Interlocal Agreement for Mutual Aid with the City of Coleman		
PREPARED BY:	E. Corbell	Date Submitted:	1/31/2024
EXHIBITS:	Interlocal Agreement Coleman		
BUDGETARY IMPACT:	Required Expenditure:	\$	
	Amount Budgeted:	\$	
	Appropriation Required:	\$	
CITY MANAGER APPROVAL:			
SUMMARY: <p>The City of Coleman and the City of Brady at times send employees and equipment from their respective electrical divisions when the other community is needing additional resources.</p> <p>This document outlines roles, responsibilities and rates for each involved party.</p> <p>Coleman City Council approved the agreement at their February 1, 2024, meeting.</p>			
RECOMMENDED ACTION: <p>Mayor: "Do I have a motion to approve the Interlocal Agreement for Mutual Aid with the City of Coleman?"</p>			

**INTERLOCAL AGREEMENT TO PROVIDE MUTUAL AID
BETWEEN
THE CITY OF COLEMAN, TEXAS AND THE CITY OF BRADY, TEXAS**

This Interlocal Agreement to provide Mutual Aid ("Agreement") is made and entered into as of the _____ day of _____ 2024, (the "Effective Date"), by and between the City of Coleman, Texas, acting by and through its governing body, (hereinafter "Coleman"), and the City of Brady, Texas, acting by and through its governing body, (hereinafter "Brady"), pursuant to and under the authority of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the "Texas Interlocal Cooperation Act") and Chapter 418 of the Texas Government Code (the "Texas Disaster Act of 1975"). The undersigned Local Governments may sometimes be referred to individually as a "Party" and collectively as the "Parties."

RECITALS:

WHEREAS, the Parties hereto recognize the vulnerability of the people, communities and schools located within their cities to damages, injuries, and loss of life and property resulting from natural or man-made catastrophes, riots, or hostile military or paramilitary actions, and other emergencies; and

WHEREAS, the full and effective utilization of the resources available to the Parties are necessary for the prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster; and

WHEREAS, Chapter 791 of the Texas Government Code authorizes interlocal agreements between local governmental entities such as Coleman and Brady. Such Chapter also authorizes such entities to enter into interlocal agreements for emergency assistance; governmental functions and services, including police protection and detention services, public health and welfare, planning, administrative functions, and other governmental functions in which the contracting entities are mutually interested; and.

WHEREAS, Chapter 418 of the Texas Government Code provides that political subdivisions may render aid to other subdivisions under mutual aid agreements; and

WHEREAS, Coleman and Brady find that entering into interlocal agreements for mutual aid, emergency assistance, governmental functions, police protection and detention services, public health and welfare, planning, administrative functions, and other governmental functions serve a public purpose of both the Parties; and

WHEREAS, the Parties, acting by and through its governing bodies, adopt the foregoing premises as findings of said governing bodies; and

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants, agreements, obligations and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the Parties mutually agree as follows:

ARTICLE 1 PURPOSE

The Parties both operate municipally owned electric utilities (“MOUs”) and desire to render mutual aid and services to each other in times of emergency, and in times where staffing, expertise or equipment is unavailable, to benefit the operation of their MOUs.

ARTICLE II TERM

The term of this Agreement shall commence on the Effective Date and shall continue in existence for one (1) year (the “Initial Term”), unless terminated earlier as provided herein. The Agreement shall automatically renew for one (1) year terms (the “Renewal Terms”) unless either Party notifies the other Party, in writing, thirty (30) days prior to the expiration of the then-current term. Notwithstanding the foregoing, the Parties may terminate this Agreement at any time, without cause, by providing thirty (30) days prior written notice.

ARTICLE III MUTUAL AID AND SERVICES PROVIDED BY THE PARTIES

a. Request for Assistance. The Party requesting aid or services (the “Requesting Party”) shall make its request for assistance to the Party, by and through its representative appointed or designated in paragraph b. below, providing aid or services under this Agreement (the “Providing Party”) in writing and with reasonable specificity as to the amount and nature of the assistance requested. Such request may be done by e-mail. Upon receipt of such a request, the Parties shall further finalize in detail in writing, the assistance to be provided with respect to

numbers and types of personnel and equipment. In times of emergency, requests for assistance may be verbal, but as reasonably soon thereafter, shall be memorialized in writing. Requests for assistance shall not be limited to situations where a “disaster” is declared pursuant to Texas Disaster Act of 1975.

b. Party Representative. Each Party shall appoint or designate a person to take all steps necessary for the implementation of this Agreement and shall notify the other Party of such designation, in writing, as soon after the Effective Date as reasonably possible. The written notification may be by email.

c. Aid is Discretionary. The rendering of assistance under this Agreement is solely at the discretion of the Providing Party and may be declined on the Providing Party’s inability to handle the request for any reason. The Providing Party reserves the right to withdraw any crews or equipment from the Requesting Party’s service area at any time upon providing reasonable advance notice, verbal or written. In times of emergency, notice may be provided and be effective immediately.

d. Invoice. The Requesting Party shall reimburse the Providing Party for any and all costs of any nature incurred by the Providing Party in rendering the requested assistance, including wages, meals, lodging, transportation, and cost of equipment and materials. Costs shall be invoiced as set forth in attached Exhibit “A” which sets forth the labor, equipment, materials, transportation and other expenses as follows:

- Labor: Charges for labor, including administrative support, shall be billed at the Providing Party’s actual cost for hourly pay and any overtime, including fringe benefits.
- Equipment: Charges for equipment, such as bucket trucks, digger derricks, and other special equipment used by the Providing Party to provide the mutual aid or services. To be charged at the FEMA Schedule of Equipment Rates.
- Materials: Materials furnished shall be billed at actual cost.
- Transportation: Transportation shall be billed at the Providing Party’s standard rates and practices in effect at the time.
- Meals, Lodging. Other Related Expenses: Meals, lodging and other incidental expenses shall be reasonable and billed at actual cost.

Within sixty (60) days after completion of assistance work by the Providing Party, the Providing Party shall submit to the Requesting Party an invoice of all costs and

charges related to the assistance provided under this Agreement. For a period of one year following any assistance, both Parties are entitled to a reasonable opportunity to examine billing records and conduct an audit to verify charges.

Any invoice issued under this Agreement shall be due and payable thirty (30) days after receipt. Any amounts unpaid within thirty days of an invoice shall bear interest in accordance with TEX. GOV'T CODE § 2251.001, *et seq.*

ARTICLE IV CURRENT REVENUE; FAIR COMPENSATION

The Parties warrant that all payments, expenditures, fees, costs, and disbursements, if any, require of it hereunder or required by any other agreements, contracts and documents executed, adopted or approved pursuant to this Agreement, shall be paid from current revenues available to the paying Party. The Parties warrant that no debt is created by this Agreement and that any debt created through a purchase shall be the sole obligation of the purchasing Party and no obligation or liability for such debt shall be a liability or obligation of the other Parties. Further, the Parties warrant and agree that the mutual exchange of services provided herein, and the compensation each Party is receiving therefore, are in an amount that fairly compensates the performing Party for the services performed in this Agreement.

ARTICLE V MISCELLANEOUS

(a) **Damages, Disclaimer of Warranty, and Indemnity.** In no event shall the Providing Party be liable to the Requesting Party for any special, indirect, incidental, punitive, exemplary or consequential damages with respect to any claim arising out of or related to the assistance rendered under this Agreement or the work performed by the Providing Party's personnel or equipment. All work and assistance will be performed, and all equipment or material shall be provided, without warranties of merchantability and fitness for a particular purpose. The Providing Party's liability to the Requesting Party shall be limited to amounts payable under this Agreement, and all other damages at law or in equity are waived by the Requesting Party, subject to the exclusion below.

The Requesting Party assumes all risk of and responsibility for, and agrees, to the extent permitted by law, to hold harmless the Providing Party and its

elected or appointed officials, directors, officers and employees from and against any and all claims, demands, suits, actions, recoveries, judgements, costs and expenses (including reasonable attorney's fees) in connection therewith, including claims for negligence, made, brought, or obtained on account of loss of life or property, or injury or damage to the person or property of any person or persons which arise out of or relate to the Providing Party's performance of this Agreement, except to the extent such liabilities are the direct result of gross negligence or willful misconduct by Providing Party.

(b) **Force Majeure.** In the event that either Party shall be prevented from completing performance of its obligations under this Agreement by an Act of God, or other occurrence whatsoever, which is beyond the control of the acting Party, then the acting Party, after attempting to mitigate adverse impacts, shall be excused from any further performance of its respective obligations and undertakings.

(c) **Waiver.** The failure on the part of either Party herein at any time to require the performance by the other Party, of any portion of this Agreement, shall not be deemed a waiver of, or in any way affect that Party's rights to enforce such provision, or any other provision. Any waiver by any Party herein of any provision hereof, shall not be taken or held to be a waiver of any other provision hereof, or any other breach hereof.

(d) **State and Federal Laws.** This agreement is subject to all applicable Federal and State laws, statutes, codes and any applicable permits, ordinances, rules, orders and regulations of any local, state or federal government authority having or asserting jurisdiction, but nothing contained herein shall be construed as a waiver of any right to question or contest any such law, ordinance, order, rule or regulation in any forum having jurisdiction.

(e) **No Third-Party Beneficiary.** The Parties are entering into this Agreement solely for the benefit of their entities and agree that nothing herein shall be construed to confer any right, privilege or benefit on any person or entity other than the Parties hereto.

(f) **No Joint Enterprise.** This Agreement is not intended to create a joint enterprise. By entering this Agreement, the Parties are undertaking an agreement the purpose of which is to further the public good.

(g) **Entire Agreement.** This Agreement constitutes the entire agreement, and supersedes all prior agreements and understandings between the Parties concerning

the subject matter of this Agreement. There are no oral agreements or understandings regarding this Agreement. This Agreement can only be amended by written agreement signed by both parties.

(h) Severability. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement.

(i) Governing Law and Venue. The laws of the State of Texas shall apply to the interpretation and enforcement of this Agreement. Exclusive venue of any legal proceeding to enforce this Agreement, or otherwise related to this Agreement, shall be in the county in which the Providing Party maintains its principal place of business.

(j) Counterparts. This Agreement may be executed in counterparts, with each counterpart being deemed an original agreement, but with all counterparts assembled together being one Agreement.

(k) Assignment. Neither Party shall assign this Agreement without the prior written consent of the other Party, to be exercised in the discretion of the non-assigning party. Any attempt to assign this Agreement without such consent shall be null and void.

(l) **No Waiver of Immunity.** **Neither Party to this Agreement waives or relinquishes any immunity or defense on behalf of itself, its officers, employees, agents, and volunteers as a result of its execution of this Agreement and the performance of the covenants contained herein. Neither Party shall attempt to waive any immunity or defense the other Party may have. Neither Party may settle a claim that leaves the other Party's perceived or real liability unaddressed without the express written consent of the Party not attempting a settlement.**

(m) Notice: Notice of provisions of this Agreement may be given by email as noted below:

City of Coleman: _____

City of Brady: _____

(n) Representation on Authority of Parties/Signatories. Each person signing this Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Agreement. Each party represents and

warrants to the other that the execution and delivery of the Agreement and the performance of such party's obligations hereunder have been duly authorized and that the Agreement is valid and legal agreement binding on such party and enforceable in accordance with its terms.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

SIGNATURE PAGE FOLLOWS

EXECUTED in duplicate this _____ day of _____, 2024.

CITY OF BRADY:

Aaron Garcia, Mayor

Attest:

Tina Keys, City Secretary

CITY OF COLEMAN:

Tommy Sloan, Mayor

Attest:

Betty Bivins, City Secretary

INTERLOCAL AGREEMENT TO PROVIDE MUTUAL AID BETWEEN THE CITY OF COLEMAN, TEXAS AND THE CITY OF BRADY, TEXAS

Exhibit A

RATES FOR City of Coleman, Texas

- Labor: Charges for labor, including administrative support, shall be billed at the Providing Party's actual cost for hourly pay and any overtime, including fringe benefits. – Rates in effect as of 10-01-2023 – are subject to change based upon compensation and benefits at the time services are rendered

Position	Rate of Pay	Overtime Rate of Pay	Standby Rate of Pay
Electrical Superintendent	\$55.86	\$83.79	\$55.86
Distribution Superintendent	\$52.64	\$78.96	\$52.64
Senior Lineman	\$34.22	\$51.34	\$34.22
HEO/Groundman	\$32.81	\$49.21	\$32.81
Groundman	\$32.16	\$48.24	\$32.16

- Equipment: Charges for equipment, such as bucket trucks, digger derricks, and other special equipment used by the Providing Party to provide the mutual aid or services.

To be charged at the FEMA Schedule of Equipment Rates

- Materials: Materials furnished shall be billed at actual cost.
- Transportation: Transportation shall be billed at the Providing Party's standard rates and practices in effect at the time.
- Meals, Lodging, Other Related Expenses: Meals, lodging and other incidental expenses shall be reasonable and billed at actual cost.

RATES FOR City of Brady , Texas

- Labor: Charges for labor, including administrative support, shall be billed at the Providing Party's actual cost for hourly pay and any overtime, including fringe benefits. – Rates in effect as of 10-01-2023 – are subject to change based upon compensation and benefits at the time services are rendered

Position	Rate of Pay	Overtime Rate of Pay	Standby Rate of Pay
Electrical Superintendent	\$44.48	\$66.72	\$44.48

Class A Lineman	\$33.14	\$49.71	\$33.14
Class B Lineman	\$24.63	\$36.94	\$24.63

- Equipment: Charges for equipment, such as bucket trucks, digger derricks, and other special equipment used by the Providing Party to provide the mutual aid or services.

To be charged at the FEMA Schedule of Equipment Rates

- Materials: Materials furnished shall be billed at actual cost.
- Transportation: Transportation shall be billed at the Providing Party's standard rates and practices in effect at the time.
- Meals, Lodging, Other Related Expenses: Meals, lodging and other incidental expenses shall be reasonable and billed at actual cost.