



MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
NOVEMBER 1, 2011 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on November 1, 2011 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, 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.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL & CERTIFICATION OF A QUORUM

PRESENTATIONS

Bret Baldwin
Mayor

John Daugherty
Mayor Pro Tem

Colleen Halbert
Deputy Mayor Pro Tem

Dennis Richmond
Councilmember

Scott Bradley
Councilmember

Bernard Grant
Councilmember

Dave Brandon
Councilmember

- Presentation and review of Murphy Maize Days and 5K/Fun Run

PUBLIC COMMENTS

CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Approval of the Minutes from the October 18, 2011 Regular City Council Meeting.
- B. Consider and/or act upon approval of a resolution approving the 2011 tax roll with a total levy of \$8,328,925.99 as certified by Kenneth L. Maun, Tax Assessor Collector of Collin County.
- C. Consider and / or act upon approval of a Memorandum of Agreement (MOA) with the State of Texas Department of State Health Services (DSHS) for Mutual Aid of Emergency Medical Services for Public Assistance to provide mutual aid in a pending or actual disaster.
- D. Consider and/or act upon approval of a cross-connection backflow ordinance.

INDIVIDUAL CONSIDERATION

1. Consider and/or act upon authorizing the City Manager to enter into an Interlocal Agreement with the City of Richardson for Phase 1 of a feasibility study for a Multi Agency Recreation Center.
2. Consider and/or act upon approval of 9-1-1 address changes.

James Fisher
City Manager

3. Consider and/or act upon changes to the Governance Policy and Code of Ethics, including personnel matters and clarifying what constitutes an investigation, an inquiry, the scope of access by City Council Members to records and information, and setting forth procedures to deal with a violation of such policies.

CITY MANAGER/STAFF REPORTS

- Early Voting continues through November 4
- Election Day – November 8
- Board & Commission applications being accepted
- Board & Commission interviews – Nov 14-18

EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Johnny Boles v. City of Murphy, et al.*, Civil Action No. 4:11cv682
- §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.
- §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.

RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Johnny Boles v. City of Murphy, et al.*, Civil Action No. 4:11cv682

- §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.
- §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, TX 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on October 28, 2011 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Aimee Nemer, TRMC, MMC
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or anemer@murphytx.org

DRAFT

**MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas**

**October 18, 2011
6:00 P.M.**

CALL TO ORDER (4:30 PM)

Mayor Baldwin called the meeting to order in the Council Chambers at 4:38 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

Secretary Nemer certified a quorum with the following:

Council Present

Mayor Baldwin

Mayor Pro Tem John Daugherty

Deputy Mayor Pro Tem Colleen Halbert

Councilmember Scott Bradley

Councilmember Grant arrived at 4:50 p.m.

Councilmember Richmond arrived at 5:52 p.m.

Council Absent

Councilmember Dave Brandon

EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.

Council Action

Council convened into Executive Session at 4:39 p.m.

RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

§551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.

Council Action

Council reconvened into Regular Session at 5:32 p.m. Councilmember Daugherty moved to appoint Mayor Baldwin, Councilmember Halbert, and Councilmember Grant to serve on the interview panel for Municipal Court Judge. Councilmember Bradley seconded the motion. A vote was taken and passed unanimously with Councilmembers Richmond and Brandon absent for this vote.

WORK SESSION

- **Board & Commissions**

Council Discussion

Council discussed the Board and Commission appointment process, establishing an Ethics Review Commission, and the continuing roles of the Community Events Committee and the Budgetary Finance Committee. Mayor Baldwin, Councilmember Daugherty, and Councilmember Grant volunteered to serve on the Interview Panel. Council directed staff to begin soliciting applications and schedule the interviews and appointments for November/December with terms beginning January 1.

CONVENE INTO REGULAR SESSION (6:00 PM)

Mayor Baldwin convened into Regular Session at 6:06 p.m. in the Community Room.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Baldwin gave the invocation.

PUBLIC COMMENTS

There were no public comments submitted.

DISCUSSION ITEMS

- **Discussion with City of Richardson regarding joint recreation center project.**

Council Discussion

The following representatives presented information on a Multi Agency Recreation Center (MARC) proposed as a joint project between the City of Murphy and the City of Richardson to be located in Breckinridge Park.

David Morgan, Assistant City Manager, Richardson
Mick Massey, Park Director, Richardson
Ken Berendt, Principal Architect, Barker Rinker Seacat Architecture
Ken Ballard, President, Ballard King & Associates

Representatives from the Murphy Community Development Board and the Parks and Recreation Board were also present.

The discussion centered around a feasibility study for the MARC project with Phase One – Market Analysis, Programming and Operation/Revenue Projections (\$11,810 Murphy/\$66,230 Richardson); and Phase Two –Program Refinement, Site Plan and Budget Definition. (\$8560 Murphy/\$47,970 Richardson)

Council will have further discussions and consider participation in this project at an upcoming Council meeting in November or December.

After the discussion, Mayor Baldwin called for a recess at 7:02. Mayor Baldwin reconvened in the Council Chambers at 7:10 p.m.

CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. **Approval of the Minutes from the October 4, 2011 Regular City Council Meeting.**
- B. **Consider and/ or act upon a resolution authorizing the acceptance of the Collin County Funding Assistance Program grant award and contract for Murphy Central Park - Phase 1 and Maxwell Creek Greenbelt Expansion.**

Council Action

Councilmember Halbert moved to approve Consent Agenda Items A and B as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 6-0 with Councilmember Brandon absent.

- C. **Consider and/ or act upon an ordinance of the City Council of the City of Murphy, Texas, amending Ordinance No. 11-08-890 providing a severability clause; providing a penalty clause; and providing an effective date.**

Council Action

Mayor Baldwin requested to remove Item C from the Consent Agenda to be considered individually. After some clarification, Councilmember Halbert moved to approve an ordinance amending Ordinance No. 11-08-890 providing a severability clause; providing a penalty clause; and providing an effective date, and amending Section 82-373 Mandatory Watering Schedule for Stage 3; Prohibited Hours, Section A Schedule, to clarify the schedule between November 1 and March 31. Councilmember Daugherty seconded the motion. A vote was taken and passed, 6-0 with Councilmember Brandon absent.

INDIVIDUAL CONSIDERATION

1. **Consider and/or act on proposed operating hours for the Murphy Community Center.**

Public Comments

Mr. Keith Patton addressed Council in favor of establishing member fees for the Community Center. Mr. Patton also suggested a permitting process for catering vendors for the facility.

Council Action

There was no action on this item. Council discussed the proposed hours, membership rates, reservation fees, after hour rates, catering policies, and alcohol policies. Staff was directed to bring back final policies for Council approval.

CITY MANAGER/STAFF REPORTS

City Manager Fisher reported on the following:

- **October 18 – Chamber Lunch –State of the City**
- **October 24 – November 4 - Early Voting**

EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.074 Personnel Matters – To deliberate the duties of a public officer or employee.
- City Council
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice regarding duties of public officers.

Council Action

Council convened into Executive Session at 7:59 p.m.

RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.
- §551.074 Personnel Matters – To deliberate the duties of a public officer or employee.
- City Council
- §551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice regarding duties of public officers.

Council Action

Council reconvened into Regular Session at 9:05 p.m. No action was taken as a result of the Executive Session.

ADJOURNMENT

DRAFT

With no further business, the meeting was adjourned at 9:05 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

Issue

Consider and/or act upon Resolution approving the 2011 tax roll with a total levy of \$8,328,925.99 as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County.

Background

The City contracts with the Collin County Tax Assessor Collector for assessment and collection of property taxes. The Tax Assessor Collector calculates the total tax levy and submits this to the City for approval by the governing body. Approval of the tax roll is required by Section 26.09 of the Texas Property Tax Code.

Financial Considerations

The 2011 appraisal roll was certified to the City by the Chief Appraiser of the Collin Central Appraisal District and approved by the City Council on August 9, 2011. The tax roll consists of the approved tax rate applied to the taxable appraisal values. This total levy includes funding for both maintenance and operations of the City and debt service.

Staff Recommendation

Motion to approve the resolution approving the 2011 tax roll and total tax levy as certified by Kenneth L. Maun, Tax Assess Collector for Collin County.

Attachments

- 1) Resolution
- 2) Correspondence from Tax Assessor

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, CONCERNING THE APPROVAL OF THE 2011 TAX ROLL WITH A TOTAL LEVY OF \$8,328,925.99

WHEREAS The City of Murphy has a taxable levy in the amount of \$8,328,925.99 as certified by Kenneth L. Maun, Collin County Tax Assessor Collector, for the 2011 tax year,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. Section 26.09 of the Texas Property Tax Code requires submittal of the tax roll to the governing body for approval.

SECTION 2. The City Council approves the tax roll with a total levy in the amount of \$8,328,925.99 for 2010 tax year for the City of Murphy.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas on this 1st day of November, 2011.

APPROVED:

BRET M. BALDWIN, Mayor

ATTEST:

AIMEE NEMER, City Secretary



**KENNETH L. MAUN
TAX ASSESSOR COLLECTOR**

COLLIN COUNTY
2300 Bloomdale Road
P.O. Box 8046
McKinney, TX 75070-8046
(972) 547-5020
METRO (972) 424-1460 ext. 5020
FAX (972) 547-5040
Email: kmaun@collincountytexas.gov

October 3, 2011

Bret Baldwin, Mayor
City of Murphy
206 North Murphy Road
Murphy, TX 75094

Dear Bret Baldwin,

Attached is the 2011 Tax Roll Summary for the City of Murphy.

Submission of the 2011 Tax Roll to your governing body for approval, in accordance with *Texas Property Tax Code*, Section 26.09, will constitute the 2011 Tax Roll for City of Murphy.

Please provide my office a copy of your ordinance approving the Tax Roll at your earliest convenience. While this is a formality in the Texas Property Tax Code, we do want to fulfill the requirements of the law and do appreciate your cooperation.

If you have any questions, please let me know.

Sincerely,

Kenneth L. Maun
Tax Assessor Collector

Cc: Linda Truitt, Finance Director
James Fisher, City Manager

2011 TAX ROLL SUMMARY

21 - MURPHY CITY

	Amount	Count
NUMBER OF ACCOUNTS		6,191
APPRAISAL VALUES		
ROLLCODE: PERSONAL		
Personal	\$33,937,132	
ROLLCODE: REAL		
Agriculture	\$14,780,870	
Improvement	\$1,018,639,484	
Improvement Non-Home Site	\$81,789,867	
Land	\$319,192,678	
Land Ag Land	\$25,405	
Land Non-Home Site	\$92,621,542	
TOTAL APPRAISALS	\$1,540,946,978	
DEFERRALS		
Ag	\$14,780,870	30
TOTAL DEFERRALS	\$14,760,870	
EXEMPTIONS		
Cap Adjustment	\$583,788	36
Disabled	\$3,062,500	64
Disabled Veteran	\$3,737,425	76
Full	\$22,054,637	131
Nominal Value	\$6,399	26
Over 65	\$22,571,707	464
Solar/Wind	\$23,375	1
TOTAL EXEMPTIONS	\$52,039,831	
GRAND TOTAL FOR DEFERRALS AND EXEMPTIONS	\$66,800,701	
TOTAL APPRAISED VALUE	\$1,540,946,978	
TAXABLE VALUE	\$1,474,146,277	
ROLLCODE: PERSONAL		
Levy	\$191,708.56	401
ROLLCODE: REAL		
Levy	\$8,137,217.43	5,790
TOTAL LEVY	\$8,328,925.99	
LEVY LOST DUE TO FROZEN	\$0.00	

Issue

Consider and / or act upon approval of a Memorandum of Agreement (MOA) with the State of Texas Department of State Health Services (DSHS) for Mutual Aid of Emergency Medical Services for Public Assistance to provide mutual aid in a pending or actual disaster.

Background

In times of emergency, pending or actual, the state activates ambulances from all regions to perform duties necessary to providing care for those affected by the emergency. This may be in the form of responding to an area of our state, in advance of a pending emergency, and moving patients to other facilities outside of the anticipated region. Or, being dispatched to a facility such as the Joint Reserve Base in Ft. Worth in order to accept patients that are being relocated into the Dallas Fort Worth region and transporting those patients to local facilities.

Other times, the state may send the ambulances into an actual developing emergency in order to supplement the local efforts.

This MOA at times will be for personnel only to staff a Med Bus. The Med Buses in our region are located in Sherman and Frisco. Our personnel would be assigned to one of the buses and deployed into the region of impact.

Without the signed MOA Murphy Fire Rescue would not be allowed to participate in this valuable program allowing paramedics in one region to support operations in another region. There is no expectation from DSHS that in order to receive assistance under this program that an agency must sign the agreement. This is only an agreement to provide services and under what terms reimbursement is to be made.

Financial Considerations

The City of Murphy would be reimbursed for the labor and vehicle expenses associated with a deployment including necessary backfilling overtime personnel to fill vacancies left in Murphy by the personnel deployed.

The attachment lists reimbursement rates and details.

Board/Staff Recommendation

Motion to approve a Memorandum of Agreement with the State of Texas Department of State Health Services for Mutual Aid of Emergency Medical Services for Public Assistance to provide mutual aid in a pending or actual disaster.

Attachments

- 1) MOA



DEPARTMENT OF STATE HEALTH SERVICES

DAVID L. LAKEY, M.D.
COMMISSIONER

1100 W. 49th Street • Austin, Texas 78756
1-888-963-7111 • <http://www.dshs.state.tx.us>
TDD: 512-458-7708

Memorandum of Agreement For Mutual Aid of Emergency Medical Services for Public Assistance to Provide Mutual Aid in a Pending or Actual Disaster Between: The Department of State Health Services And DSHS Licensed EMS Providers

This signed and executed Memorandum of Agreement For Mutual Aid of Emergency Medical Services for Public Assistance to provide Mutual Aid in a Pending or Actual Disaster Between: The Department of State Health Services and DSHS Licensed EMS Providers supersedes any previous Memorandum of Agreement for Mutual Aid of Emergency Medical Services for Public Assistance to Provide Mutual Aid in a Pending or Actual Disaster Between: The Department of State Health Services And DSHS Licensed EMS Providers signed and executed prior to August 21, 2006 by the DSHS Licensed EMS Provider and authorized DSHS representatives.

I. PURPOSE

State Missions

The purpose of this Memorandum of Agreement (MOA) is to establish a mechanism whereby properly staffed and equipped ambulances may be deployed throughout the state to provide mutual aid in a pending or actual disaster, as a “state mission.” NOTE: It is the intent of DSHS that ambulance firms only commit their resources to state missions to the extent that their local service area will NOT experience a significant degradation of service nor will the provider exceed any of their other contractual obligations during a disaster situation and/or normal course of business for the purposes of this MOA (e.g. contracts to evacuate nursing homes, 911 contracts, etc)

State Facility Evacuation

The purpose of this Memorandum of Agreement (MOA) is to establish a mechanism whereby properly staffed and equipped ambulances **will** be placed on a list of ambulance resources and will be **required** to respond to State Facilities for the mission of evacuating the state schools and/or hospital as authorized by the State Operations Center and/or the Department of State Health Services. NOTE: It is the intent of DSHS that ambulance firms only

commit their resources to the evacuation of state facilities to the extent that their local service area will NOT experience a degradation of service nor exceed any of their other contractual obligations during a disaster situation and/or normal course of business for the purposes of this MOA (e.g. contracts to evacuate nursing homes, 911 contracts, etc)

II. DESCRIPTION

The Department of State Health Services (DSHS) intends to complete Memorandum of Agreements for Mutual Aid of Emergency Medical Services for Public Assistance with DSHS licensed Emergency Medical Services (EMS) Providers in order to have available a sufficient number of ambulances to respond to provide mutual aid and/or state facility evacuations in a pending disaster or actual disaster.

III. ACTIVATION

State Missions

This agreement may be activated only by notification by of the Assistant Commissioner for Regulatory Services or his/her designee to any needed DSHS Licensed EMS Providers. Activation, pursuant to this MOA, may occur at any time; day or night including weekends and/or holidays only after an official written and signed notification of deployment letter has been sent via fax or email to the DSHS Licensed EMS Provider with the official deployment packet of documents/forms to be utilized during the mission. If the DSHS Licensed EMS Providers self-deploys, without proper notification from DSHS, they will not be eligible for reimbursement through this Memorandum of Agreement. Upon acceptance of deployment activation, the DSHS Licensed EMS Provider must have properly staffed and equipped ambulances en route to the designated mission within eight (8) hours from the time they receive the notification of deployment letter from DSHS. For reimbursement purposes, the mission will start when the DSHS Licensed EMS Provider leaves its home area and will conclude at the time the DSHS Licensed EMS Provider returns to its home area after DSHS issues a demobilization order.

State Facility Evacuation

This agreement will be activated only by notification by of the Assistant Commissioner for Regulatory Services or his/her designee to DSHS Licensed EMS Providers who agreed to respond to state facility evacuation(s). Activation, pursuant to this MOA, may occur at any time; day or night including weekends and/or holidays. Activation of deployment will occur when DSHS sends an official written and signed notification of deployment letter via fax or email to the DSHS Licensed EMS Provider along with the official deployment packet of documents/forms to be utilized during the state facility evacuation. . DSHS Licensed EMS Providers should not self-deploy to a state facility evacuation. If the DSHS Licensed EMS Providers self-deploy, they will not be eligible for reimbursement through this Memorandum of Agreement. When activated, the DSHS Licensed EMS

Provider must have properly staffed and equipped ambulances en route to the designated area within three (3) hours from the time they receive the notification of deployment letter from DSHS. For reimbursement purposes the mission will start when the DSHS Licensed EMS Provider leaves its home area and will conclude at the time the DSHS Licensed EMS Provider returns to its home area after DSHS issues a demobilization order.

IV. RESPONSIBILITIES

State Missions

The DSHS Licensed EMS Provider will be required to comply with the following to provide mutual aid in a pending or actual disaster:

1. The DSHS Licensed EMS Provider must have at least twelve (12) months of experience providing local and/or long distance emergency medical services to live human beings in the State of Texas.
2. The DSHS Licensed EMS Provider must maintain a business office within the boundaries of the State of Texas.
3. The DSHS Licensed EMS Provider must adhere and abide by all federal, state and local laws and must adhere and abide by the Texas Health & Safety Code, Chapter 773, Emergency Medical Services and the Texas Administrative Code, Title 25: Health Services, Chapter 157: Emergency Medical Care during the time of its deployment to provide mutual aid in a pending or actual disaster and must adhere and abide by all laws and rules at all times.
4. The DSHS Licensed EMS Provider will only respond when notified by the Assistant Commissioner for Regulatory Services or his/her designee. If the DSHS Licensed EMS Provider deploys without proper notification (self-deploy) the Memorandum of Agreement will not be in effect, and the provider will not be reimbursed.
5. The DSHS Licensed EMS Provider must keep detailed records (utilizing the DSHS packet of documents/forms) of the services requested and fulfilled, and provide those records as requested to include, but not limited to:
 - Patient Care Records;
 - Patient demographics, including patient(s) insurance information;
 - A Time Log Record form of activities.
6. The DSHS Licensed EMS Provider must keep all receipts of its expenditures during deployment.
7. The DSHS Licensed EMS Provider will be required to be **self-sufficient for an undetermined amount of time** and should be aware that its staff could be living in field conditions. The following items are suggested, but not limited to:
 - Cell phone and charger;
 - Cash and credit cards to purchase fuel and food;
 - Extra clothes;
 - Extra expendable medical supplies;
 - Food and water; and
 - Sleeping bags.
8. The DSHS Licensed EMS Provider must ensure that all personnel responding have proof of their individual DSHS EMS certifications and a form of picture identification with them at all times.

9. If the DSHS Licensed EMS Provider commits to provide a BLS unit, they must staff it with a minimum of 2 Texas EMT-Basics.
10. If the DSHS Licensed EMS Provider commits to provide an ALS unit, they must staff it with a minimum of 1 Texas certified EMT-Basic and 1 Texas certified EMT-Intermediate.
11. If the DSHS Licensed EMS Provider commits to provide a MICU unit, they must staff it with a minimum of 1 Texas certified EMT-Basic and 1 Texas certified EMT-Paramedic.
12. This MOA is for each of the two (2) person crew per ground ambulance vehicles that are deployed. Additional crew members must be approved in writing by DSHS prior to a pending or actual disaster to be eligible for reimbursement.
13. The DSHS Licensed EMS Provider must bill primary sources of reimbursement, such as Medicaid, Medicare, private insurances or third party providers before sending an invoice to DSHS. The DSHS Licensed EMS Provider must submit proof of denial and/or proof of payment for each patient that is transported.

State Facility Evacuation

The DSHS Licensed EMS Provider will be required to comply with the following to provide mutual aid in a pending or actual disaster for state facility evacuation(s):

1. The DSHS Licensed EMS Provider must respond to the request of DSHS to evacuate state facilities. By checking the state facility box in the Acceptance of Agreement section below, it will be obligated to timely respond and deploy upon receipt of a DSHS notification of deployment letter.
2. The DSHS Licensed EMS Provider must deploy and be en route to the state facility within three (3) hours from the time they receive the notification of deployment letter from DSHS.
3. The DSHS Licensed EMS Provider must have at least twelve (12) months of experience providing local and/or long distance emergency medical services to live human beings in the State of Texas.
4. The DSHS Licensed EMS Provider must maintain a business office within the boundaries of the State of Texas.
5. The DSHS Licensed EMS Provider must adhere and abide by all federal, state and local laws and must adhere and abide by the Texas Health & Safety Code, Chapter 773 Emergency Medical Services Act and the Texas Administrative Code, Title 25: Health Services, Chapter 157: Emergency Medical Care during the time of a state or federal State of Emergency, mass casualty event or disaster and must adhere and abide by all laws and rules at all times.
6. The DSHS Licensed EMS Provider will only respond when notified by the Assistant Commissioner for Regulatory Services or his/her designee. If the DSHS Licensed EMS Providers self-deploys, without proper notification from DSHS, they will not be eligible for reimbursement through this Memorandum of Agreement.
7. The DSHS Licensed EMS Provider must keep detailed records (utilizing the DSHS packet of documents/forms) of the services requested and received, and provide those records as requested to include, but not limited to:
 - Patient Care Records;
 - Patient demographics, including patient(s) insurance information;
 - A Time Log Record form of activities.

8. The DSHS Licensed EMS Provider must keep all receipts of its expenditures.
9. The DSHS Licensed EMS Provider will be required to be **self-sufficient for an undetermined amount of time** and should be aware that it could be living in field conditions. The following items are suggested, but not limited to:
 - Cell phone and charger;
 - Cash and credit cards to purchase fuel and food;
 - Extra clothes;
 - Extra expendable medical supplies;
 - Food and water; and
 - Sleeping bags.
10. The DSHS Licensed EMS Provider must ensure that all personnel responding have proof of their individual DSHS EMS certifications and a form of picture identification with them at all times.
11. If the DSHS Licensed EMS Provider commits to provide a BLS unit, they must staff it with a minimum of 2 Texas certified EMT-Basics.
12. If the DSHS Licensed EMS Provider commits to provide an ALS unit, they must staff it with a minimum of 1 Texas certified EMT-Basic and 1 Texas certified EMT-Intermediate.
13. If the DSHS Licensed EMS Provider commits to provide a MICU unit, they must staff it with a minimum of 1 Texas certified EMT-Basic and 1 Texas certified EMT-Paramedic.
14. This MOA is for each of the two (2) person crew per ground ambulance vehicles that are deployed. Additional crew members must be approved in writing by DSHS prior to a pending or actual disaster to be eligible for reimbursement.
15. The DSHS Licensed EMS Provider must bill primary sources of reimbursement, such as Medicaid, Medicare, private insurances or third party providers before sending an invoice to DSHS. The DSHS Licensed EMS Provider must submit proof of denial and/or proof of payment for each patient that is transported.

V. PUBLIC INFORMATION COORDINATION

The EMS providers and DSHS will ensure that local jurisdictions (e.g., regional medical operations centers (ROMCs); emergency operations centers (EOCs); regional advisory councils (RACs) are apprised that the provider has voluntarily assigned assets to State Missions and/or State Facility Evacuations.

VI. FUNDING

- The DSHS Licensed EMS Provider costs related to the implementation of this agreement will be the responsibility of the DSHS Licensed EMS Provider.
- In the event that the terms of this agreement are activated in response to provide mutual aid and/or state facility evacuation(s) in a pending or actual disaster, the DSHS Licensed EMS Provider may invoice DSHS as follows:
 - Private-Not-For-Profit Providers without paid staff (Volunteer Providers):
 - DSHS will reimburse a base rate of \$47.92 per hour for a Basic Life Support (BLS) ambulance. NO labor costs will be paid, since volunteer providers do not pay for staffing.
 - DSHS will reimburse a base rate of \$54.92 per hour for an Advanced Life Support (ALS) ambulance. NO labor costs will be paid, since volunteer providers do not pay for staffing.

An Equal Employment Opportunity Employer

- DSHS will reimburse a base rate of \$57.92 per hour for a Mobile Intensive Care Unit (MICU) ambulance. NO labor costs will be paid, since volunteer providers do not pay for staffing.
 - DSHS will reimburse a maximum of \$50.00 per crew member per deployment (Total of \$100.00 per two member crew) for items needed for the crew to be self-sufficient during the deployment. These items will include food, water, and personal care items. The DSHS EMS Licensed Provider must keep receipts for these items and must submit them to DSHS when the DSHS EMS Licensed Provider submits an invoice to DSHS.
- Private-Not-For-Profit Providers with paid staff:
 - DSHS will reimburse a base rate of \$47.92 per hour for a Basic Life Support (BLS) ambulance plus actual labor costs plus fringe benefits for two (2) crew members per ground ambulance vehicle.
 - DSHS will reimburse a base rate of \$54.92 per hour for an Advanced Life Support (ALS) ambulance plus actual labor costs plus fringe benefits for two (2) crew members per ground ambulance vehicle.
 - DSHS will reimburse a base rate of \$57.92 per hour for a Mobile Intensive Care Unit (MICU) ambulance plus actual labor costs plus fringe benefits for two (2) crew members per ground ambulance vehicle.
 - DSHS will reimburse a maximum of \$50.00 per crew member per deployment (Total of \$100.00 per two member crew) for items needed for the crew to be self-sufficient during the deployment. These items will include food, water, and personal care items. The DSHS EMS Licensed Provider must keep receipts for these items and must submit them to DSHS when the DSHS EMS Licensed Provider submits an invoice to DSHS.
- Private-For-Profit Providers:
 - DSHS will reimburse a base rate of \$47.92 per hour for a Basic Life Support (BLS) ambulance plus actual labor costs plus fringe benefits for two (2) crew members per ground ambulance vehicle.
 - DSHS will reimburse a base rate of \$54.92 per hour for an Advanced Life Support (ALS) ambulance plus actual labor costs plus fringe benefits for two (2) crew members per ground ambulance vehicle.
 - DSHS will reimburse a base rate of \$57.92 per for a Mobile Intensive Care Unit (MICU) ambulance plus actual labor costs plus fringe benefits for two (2) crew members.
 - DSHS will reimburse a maximum of \$50.00 per crew member per deployment (Total of \$100.00 per two member crew) for items needed for the crew to be self-sufficient during the deployment. These items will include food, water, and personal care items. The DSHS EMS Licensed Provider must keep receipts for these items and must submit them to DSHS when the DSHS EMS Licensed Provider submits an invoice to DSHS.
- Municipalities or Governmental Providers:
 - DSHS will reimburse a base rate of \$47.92 per hour for a Basic Life

Support (BLS) ambulance plus actual labor costs plus fringe benefits for two (2) crew members per ground ambulance vehicle.

- DSHS will reimburse a base rate of \$54.92 per hour for an Advanced Life Support (ALS) ambulance plus actual labor costs plus fringe benefits for two (2) crew members per ground ambulance vehicle.
 - DSHS will reimburse a base rate of \$57.92 per hour for a Mobile Intensive Care Unit (MICU) ambulance plus actual labor costs plus fringe benefits for two (2) crew members.
 - DSHS will reimburse a maximum of \$50.00 per crew member per deployment (Total of \$100.00 per two member crew) for items needed for the crew to be self-sufficient during the deployment. These items will include food, water, and personal care items. The DSHS EMS Licensed Provider must keep receipts for these items and must submit them to DSHS when the DSHS EMS Licensed Provider submits an invoice to DSHS.
-
- DSHS has based these rates through experience from the 2005 Hurricane season and the reimbursement process. A chart describing the breakdown of the rates according to quantity, line item description, unit of measure and cost of measure is shown in Appendix A of this document.
 - The DSHS Licensed EMS Provider shall timely submit paperwork, documentation, receipts and an invoice to DSHS after the DSHS Licensed EMS Provider has been demobilized.
 - DSHS will submit a method for submitting the required information after the mutual aid provided during a pending or actual disaster.
 - DSHS will require EMS providers to bill primary sources of reimbursement to include, but not limited to Medicaid, Medicare, private insurances and third party payers. The DSHS Licensed EMS Provider must submit proof of one (1) form of denial and/or proof of payment to DSHS when they submit an invoice to DSHS.
 - The DSHS Licensed EMS Provider will be able to invoice DSHS the total hours deployed according to the DSHS funding rates minus the amount of funds received from primary sources of reimbursement. (Example: If the DSHS Licensed EMS Provider receives \$300 from a primary source of reimbursement such as Medicaid, Medicare, private insurance or third party provider, the \$300 will be deducted from the total hourly rate for the mission).
 - The hourly rate will start when the DSHS Licensed EMS Provider leaves its home area and will conclude at the time DSHS issues a written demobilization order to the provider's headquarters and the DSHS Licensed EMS Provider arrives in its home area.
 - The DSHS Licensed EMS Provider is permitted to invoice DSHS for the difference between the regular time hourly pay rate and the overtime hourly pay for two (2) crew members required to fill the regularly scheduled shift at the home base left empty by the crew that is deployed on a State Mission or State Facility Evacuation. (Example: The "A-shift" crew is on duty and is the crew that is sent for a State Mission or State Facility Evacuation. They are still deployed for their next regularly scheduled shift. The DSHS Licensed EMS Provider can invoice DSHS for the difference between the regular time hourly pay rate and the overtime hourly pay rate for the crew that fills the "A-shift's" schedule at the provider's home base. Example: The back-fill crew members

regular time hourly pay rate is \$10.00 and their overtime hourly pay rate is \$15.00, the amount that can be invoiced is \$5.00 per hour.)

VII. EFFECTIVE DATE, AMENDMENT AND TERMINATION

This Memorandum of Agreement For Mutual Aid of Emergency Medical Services for Public Assistance to Provide Mutual Aid in a Pending or Actual Disaster becomes effective on the date of final signature by DSHS and will remain in effect until superseded, suspended or terminated by written mutual agreement. Either party wishing to terminate this agreement shall submit a written notification no less than sixty (60) days prior to the desired termination date.

VIII. ACCEPTANCE OF AGREEMENT

I _____ (Firm Administrator or Firm Owner) commits
_____ (EMS Ambulance Provider) to the following Missions.

State Mission:

No. of units _____ **BLS** _____ **ALS** _____ **MICU**.

This is the minimum level of care and staff that is guaranteed at the time of the signing of this MOA (Cannot exceed its EMS Provider License Level).

- OR -

State Facility Evacuation(s) (Mandatory when called by DSHS):

No. of units _____ **BLS** _____ **ALS** _____ **MICU**.

This is the minimum level of care and staff that is guaranteed at the time of the signing of this MOA (Cannot exceed its EMS Provider License Level).

- OR -

BOTH:

State Facility Evacuation(s) (Mandatory when called by DSHS):

No. of units _____ **BLS** _____ **ALS** _____ **MICU**.

This is the minimum level of care and staff that is guaranteed for evacuations at the time of the signing of this MOA (Cannot exceed its EMS Provider License Level).

State Mission(s):

No. of units _____ **BLS** _____ **ALS** _____ **MICU**

This is the minimum level of care and staff that is guaranteed for evacuations at the time of the signing of this MOA (Cannot exceed its EMS Provider License Level).

If the provider can upgrade its units to a higher level (not exceeding its EMS Provider License Level) at the time of deployment, with the appropriate documentation and at the discretion of DSHS, the provider will be eligible for reimbursement at the higher level according to the rates in Appendix A of this MOA and according to their provider type in paragraph V, entitled, "Funding of this MOA."

DSHS Licensed Ambulance Provider:

Business Name

Business Address

Business Phone Number Fax Number

Business Email Address

Business Contact Phone Number (Land or Cell)

2 nd Contact Name Printed	Title	Date
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2nd Contact's Phone Number (Land or Cell)

Provider's Business Service Area (counties and RAC)

Signature of Provider Owner or its Authorized Agent	Printed Name	Title	Date
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Department of State Health Services (DSHS):

Texas State EMS Director or designee Date

Director, Client Services Contract Unit Date

APPENDIX A

DSHS has based reimbursement rates as follows:

<u>Quantity</u>	<u>Line Item Description</u>	<u>Unit of Measure</u>	<u>Unit of Cost</u>	<u>Hourly Rate</u>
COSTS FOR BLS UNIT				
1	Ambulance	per hour	\$35.00	\$35.00
	Per Diem - Based on \$35.00 per day per person of a 2 person crew	per hour	\$2.92	\$2.92
1	Medical Supplies Cost - Based on \$240.00 per day per ambulance	per hour	\$10.00	\$10.00
				\$47.92 per hour
	Personal Care Items - Based upon \$50.00 per deployment per person of a 2 person crew. Items, to include food, water, personal care items for the 2 person crew to be self-sufficient during deployment. (Receipts must be kept and submitted to DSHS with invoice.		Per Deployment	\$100.00
COSTS FOR ALS UNIT				
1	Ambulance	per hour	\$40.00	\$40.00
	Per Diem - Based on \$35.00 per day per person of a 2 person crew	per hour	\$2.92	\$2.92
1	Medical Supplies Cost - Based on \$288.00 per day per ambulance	per hour	\$12.00	\$12.00
				\$54.92 per hour
	Personal Care Items - Based upon \$50.00 per deployment per person of a 2 person crew. Items, to include food, water, personal care items for the 2 person crew to be self-sufficient during deployment. (Receipts must be kept and submitted to DSHS with invoice.		Per Deployment	\$100.00
COSTS FOR MICU UNIT				
1	Ambulance	per hour	\$40.00	\$40.00
	Per Diem - Based on \$35.00 per day per person of a 2 person crew.	per hour	\$2.92	\$2.92
1	Medical Supplies Cost - Based on \$360.00 per day per ambulance	per hour	\$15.00	\$15.00
				\$57.92 per hour
	Personal Care Items - Based upon \$50.00 per deployment per person of a 2 person crew. Items, to include food, water, personal care items for the 2 person crew to be self-sufficient during deployment. (Receipts must be kept and submitted to DSHS with invoice.		Per Deployment	\$100.00

Issue

Consider and/or act on approval of the Cross-connection Backflow Ordinance.

Background

In April, the TCEQ inspector stressed the importance on maintaining a consistent, monitored, backflow inspection program. Staff had previously mailed letters to all identified businesses that needed their annual backflow inspections. Most businesses have been responsible and followed up with the requested inspections. To enforce this TCEQ mandated cross-connection program, the City needs to adopt the proposed ordinance for businesses that do not comply. There are nearly 200 backflow devices in the Murphy business district that are considered a major health hazard to the public drinking water if not monitored properly.

What is a Cross-connection? Cross-connections that contaminate drinking water distribution lines are a major concern. A cross-connection is formed at any point where a drinking water line connects to equipment (boilers), systems containing chemicals (air conditioning systems, fire sprinkler systems, irrigation systems), or water sources of questionable quality. Cross-connection contamination can occur when the pressure in the equipment or system is greater than the pressure inside the drinking water line (backpressure). Contamination can also occur when the pressure in the drinking water line drops due to fairly routine occurrences (main breaks, heavy water demand), causing contaminants to be sucked out from the equipment and into the drinking water line (backsiphonage). Outside water taps and garden hoses tend to be the most common sources of cross-connection contamination at home. The garden hose creates a hazard when submerged in a swimming pool or when attached to a chemical sprayer for weed killing. Garden hoses that are left lying on the ground may be contaminated by fertilizers, pet waste, or garden chemicals. Improperly installed valves in your toilet could also be a source of cross-connection contamination. Community water supplies are continuously jeopardized by cross-connections unless appropriate valves, known as backflow prevention devices, are installed and maintained. Murphy inspectors have surveyed all industrial, commercial, and institutional facilities in the service area to make sure that all potential cross-connections are identified and eliminated or protected by a backflow preventer. Murphy must also inspect and test or have tested each backflow preventer to make sure that it is providing maximum protection.

Under Section §290 Subchapter D of the Texas Administrative Code, specifically §290.44(h) Backflow, siphonage, all water purveyors (i.e. cities, water districts, etc.) are required to establish cross connection programs and adopt a plumbing ordinance to meet Texas Commission on Environmental Quality (TCEQ) minimum requirements. Annual testing is required by a certified inspector and records must be kept.

Section §290.44(h)(1)(B)(i) requires that “an adequate internal cross-connection control program shall include an annual inspection and testing by a certified backflow prevention assembly tester on all backflow prevention assemblies used for health hazard protection”. If incorrectly assembled or inoperable, non potable water or other contaminants have the ability

to enter the potable (“drinking water”) system. Most businesses have numerous assemblies i.e. fire suppression, lawn irrigation, soda fountains, mop sinks etc. Residences with an irrigation system, fire suppression, water purification or softener systems etc. can also have such devices.

Below is the analysis and results of a recent backflow/cross connection ordinance survey that Murphy participated in completed by the City of Rowlett:

The City of Rowlett contacted 25 cities to conduct this survey including Addison, Allen, Carrollton, Cedar Hill, Coppell, DeSoto, Duncanville, Farmers Branch, Flower Mound, Frisco, Garland, Grand Prairie, Highland Park, Irving, Lancaster, Lewisville, McKinney, Mesquite, Murphy, Plano, Richardson, Rockwall, Sachse, University Park and Wylie. Twenty (20) cities responded.

Of the 20 cities that responded, 18 or 90% have a cross connection control ordinance in place. In addition, 100% of the cities with such an ordinance stated that they require an annual inspection. This is not surprising given what it takes to meet the minimum requirements of the TCEQ. However, from this point, the cities differ in how they enforce the annual inspection and who bears the financial burden. For example, seven (7) or 39% of those cities require annual inspections from commercial properties only and one (1) other city requires residential to be tested bi-annually.

Cities with cross-connection control ordinance were also asked who is responsible for scheduling the annual test and who bears the cost. Seventeen (17) cities with the annual testing requirement require the property owner or tenant to schedule the annual test and one (1) city does the scheduling themselves. This also holds true with who bears the burden of the cost. Seventeen (17) cities place the property owners or tenants.

Financial Considerations

The Public Works Water Distribution operation budget funds employees to enforce the City Backflow Protection requirements.

Staff Recommendation

Motion to approve the Cross-connection Backflow Ordinance.

Attachment

1) Backflow Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS, BY ADOPTING A NEW ARTICLE XI ENTITLED “CROSS CONNECTION CONTROL PROGRAM”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council of the City of Murphy, has determined the necessity of adopting a cross connection control program to comply with the requirements of Chapter 290 of the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems and to ensure the protection of the water supply of the City of Murphy; and

WHEREAS, the City Council of the City of Murphy, is of the opinion that the adoption of a cross connection control program is in the best interest of the City of Murphy and will promote the health, safety and welfare of the citizens of the City of Murphy and the general public.

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

Section 1. Findings Incorporated.

The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Amendment of Chapter 82, Code of Ordinances.

That Chapter 82 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended by adding a new article XI, entitled “Cross Connection Control Program” and it hereby is added as set forth herein:

Article XI. Cross Connection Control Program

Sec. 82-407. Purpose; Scope.

There is hereby established a cross connection control program for the purpose of which is to promote the public health, safety, and welfare of regulations designed to:

- (a) protect the public water system of the City of Murphy from the possibility of contamination or pollution by isolating within a customer’s private water system contaminants or pollutants that could backflow into the City’s public water system;
- (b) promote the elimination or control of existing cross connections, whether actual or potential, between a customer’s potable water system and non-potable water systems;

- (c) provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination of the City's public water system; and
- (d) comply with Chapter 290 of the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems.

Sec. 82-408. Definitions.

Definitions. For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this article is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the most recent edition of the City of Murphy Plumbing Code and/or the Manual of Cross-Connection Control published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, a copy of which is on file in the office of the city secretary, or in the Third Edition of the Recommended Practice for Backflow Prevention and Cross-Connection Control Manual M14 published by the American Water Works Association.

Auxiliary water supply means any water supplied other than water provided by the City's public water system, including water from another public water system or from a natural source including, but not limited to, wells, cisterns, springs, rivers, streams, used waters, or industrial fluids.

Backflow means the reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of a potable water supply from any sources other than the City's public water system.

Backflow prevention assembly or *assembly* means an assembly that when properly installed between the City's public water system and the terminus or point of ultimate use will prevent backflow.

Cross connection means a physical connection between a public water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree than an approved or auxiliary water supply source in the treatment process.

City or the city means the City of Murphy through the city manager or any representative, inspector or employee designated by the city manager.

Customer means a person, company or entity contracting with the City of Murphy to receive potable water service.

Nonresidential use means water used by any person other than a single-family or duplex residential customer of the water supply.

Person means any individual, partnership, association, corporation, firm, club, trustee, receiver, body politic and corporate, and any other such entity.

Premises or *property* means any property, real, improved or personal that is connected to the City's public water system.

Public water system or *system* means any public water system, including the system owned by the City of Murphy, which supplies water for public domestic use. The system will include all services,

reservoirs, facilities, and any equipment use in the process of producing, treating, storing, or conveying water for public consumption.

Tester means a person that is a certified backflow prevention assembly technician approved by and registered with the City and the TCEQ.

Water use survey means a survey conducted or caused to be conducted by the local authority designed to identify any possible sources of contamination to the potable water supply.

Sec. 82-409. Applicability.

This article applies to all properties that are connected to the City's public water system.

Sec. 82-410. Registration of Backflow Prevention Assembly Tester.

- (a) *Registration.* Prior to performing any testing of backflow prevention assemblies within the City of Murphy, a licensed backflow prevention assembly Tester must be registered with the City Utility Department.
 - (1) Eligibility for registration shall be conditioned upon applicant providing proof of being currently licensed as a backflow prevention assembly tester by the Texas Commission on Environmental Quality.
 - (2) Each applicant licensed as a backflow prevention assembly tester with the state shall furnish evidence to the City to show that he/she has available the necessary tools and equipment to properly test and certify such assemblies. Serial numbers of all test gauges shall be registered with the City. Registered serial numbers of test gauges shall be listed on tests and maintenance reports prior to being submitted to the City. Each recorded test kit shall be tested annually for accuracy and calibrated to maintain a +/- two percent (+/- 2%) accuracy factor. Failure to register the serial number or calibrate gauges annually shall be grounds for temporary suspension of a Tester's registration until compliance with this requirement is attained.
 - (3) Registration shall remain in force provided that the Tester maintains his/her eligibility for registration by complying with all requirements of this article and applicable state law. Evidence of renewal of the Tester's TCEQ backflow prevention testing license shall be furnished to the City upon request. A Tester shall advise the City if the Tester's state license is ever suspended or terminated within five (5) business days of notice to the Tester of such suspension or termination.
- (b) *Registration fee.* An annual registration fee in the amount of one hundred dollars (\$100.00), which such amount may be amended in the City's annual fee ordinance, shall be paid at the time an application for annual registration is submitted to the City. This annual registration fee includes the City's testing of the Tester's equipment and tools.
- (c) *Responsibilities.* Licensed backflow prevention assembly Testers shall be responsible for performing competent tests, issuing accurate reports of backflow prevention assembly test reports and test fees to the City. Licensed backflow prevention assembly Testers shall not change the design or operational characteristics of a backflow prevention assembly during repair or maintenance without prior written approval of the City.

Sec. 82-411. Backflow Prevention Assemblies Required.

(a) *Generally.* No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the City's public water system is protected in accordance with the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems (TCEQ Rules) and this article.

(b) Each service connection from the City's public water system to premises having an auxiliary water supply system shall be protected against backflow of water from the premises into the City's public water system with a reduced pressure backflow prevention assembly.

(c) For all newly constructed premises on which a substance is handled so that it may enter the City's public water system, each service connection from the public water system to such premises shall be protected against the backflow of water from the premises into the public water system. This requirement shall apply to each premises on which persons handle process water and water originating from the public water system which has been subjected to deterioration in sanitary quality.

(d) For all existing premises on which a substance is handled so that it may enter the City's public water system, each service connection from the public water system to such premises may be required to be protected against the backflow of water from the premises into the public water system upon the determination of the City. This requirement shall apply to each premises on which persons handle process waters and waters originating from the public water system which have been subjected to deterioration in sanitary quality.

(e) Backflow prevention assemblies shall be installed on a service connection to a premises: (1) having internal cross connections that cannot be permanently corrected and controlled in compliance with this article, (2) upon the City's determination that an intricate plumbing and piping arrangement exists which makes it impractical to ascertain whether cross connections exist therein, or (3) where a portion of the premises cannot be readily accessed for inspection purposes making it impractical or impossible to ascertain whether cross connections exist. The customer connected to the City's public water system shall make all necessary arrangements, at its sole expense, to remove without delay security barriers or other obstacles to access by the City.

(f) If an interstreet main flow may result from two (2) or more services supplying water to the premises, then a standard check valve shall be installed adjacent to the respective meters and on the owner's property. If a check valve is not adequate to protect the public water system's mains from pollution or contamination, the installation of an approved backflow prevention assembly may be required by the City.

(g) If a health hazard exists, a testable backflow prevention assembly shall be required. The backflow prevention assembly shall be a reduced pressure backflow prevention assembly, or air gap.

(h) Non health hazards shall require a double check backflow prevention assembly, pressurized vacuum breaker, or vacuum breaker installed downstream of a normally closed water supply valve. Any cross connection under back pressure shall require an air gap, or reduced pressure backflow prevention assembly.

Sec. 82-412. Backflow Prevention Assembly Installation Requirements.

All new, replacement, or reconditioned backflow prevention assemblies shall be installed in accordance with the International Plumbing Code, as adopted and amended by the City of Murphy and with the following standards, unless otherwise directed or approved by the City.

(a) *Plumbing permit required.* Prior to installation, a plumbing permit must be obtained from the building inspection department of the City.

(b) *Installation.* The assembly shall not be located in the same vault or meter box with the City's water meter. Backflow prevention assemblies shall not be installed within three (3) feet of a water meter box or vault. All backflow prevention assemblies installation shall be done in accordance with the Approved Backflow Prevention Assemblies issued by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, a copy of which is on file in the City's public works department. If installed in a structure, all backflow prevention assemblies must be easily accessible for testing, repair or replacement.

(c) *Location.* The owner or occupant must prove to the City that no connections or tees are located between the meter and the backflow prevention assembly. The relief valve discharge on a reduced pressure backflow prevention assembly shall not be solidly piped into a sump, sewer, drainage ditch, etc. Test cocks shall not be used as supply connections.

(d) *Air gap separation.* All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air gap separation. The water inlet piping shall terminate at a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one (1) inch, above the overflow rim of the receiving tank. An "approved air gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel and shall in no case be less than one (1) inch.

(e) *Reduced pressure backflow prevention assemblies.* Reduced pressure backflow prevention assemblies shall be installed above ground level and shall be placed a minimum of twelve (12) inches above the finished grade to allow clearance for repair work. A freeze-proof enclosure with a concrete slab at finished grade is recommended. Where it is impractical to install the assembly outside, the installation may be made inside the building in an area not susceptible to flooding. Proper free flowing/gravity drainage must be provided for the relief valve. If the drain line is to drain outside, then the termination point must be a minimum of twelve (12) inches above finished grade.

(f) *Double check valve assemblies.* Double check valve assemblies can be installed above finished grade in a freeze-proof enclosure or below grade in a vault. If assembly is installed below grade the test cocks must be plugged with corrosion resistant watertight plugs. Assembly shall be a minimum of twelve (12) inches above the floor.

(g) *Bypass.* If a bypass is installed around any approved backflow prevention assembly, the bypass must be protected from backflow/back pressure with the same type of backflow prevention assembly that it has bypassed. The backflow prevention assembly on the bypass must be installed according to the same requirements as the service line assembly.

(h) *Thermal expansion.* The installation of a backflow prevention assembly may create a closed system which may result in thermal expansion.

(i) *Lost pressure.* The City is not responsible for any pressure loss created by the installation of a backflow prevention assembly.

Sec. 82-413. Backflow Prevention Assembly Testing, Testing Reports, Maintenance and Inspections.

(a) *Testing.* It is the responsibility of the person, who owns or controls property, to have all assemblies tested in accordance with this article. All backflow prevention assemblies shall be tested upon installation by a registered backflow prevention assembly Tester as provided in Sec. 82-410 and certified to be operating within specifications. Backflow prevention assemblies for nonresidential customers shall be tested annually and shall also be tested immediately after installation, relocation, repair or work performed upstream of the assembly. In addition, premises that have been vacated and unoccupied for one (1) year, must be tested prior to re-occupancy. The City, however, may require more frequent testing upon ten (10) days prior written notice to the owner, occupant, manager or other person in control of the premises or the person responsible for the maintenance of the property. Each customer shall be responsible for all costs of such testing. All backflow prevention assemblies shall be tested in accordance with the manufacturer's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection Control (Manual M14) or the University of Southern California's Manual of Cross-Connection Control.

(b) Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection Control (Manual M14), current addition, or the University of Southern California's Manual of Cross Connection Control, current addition. The original calibration form must be submitted to the City within five (5) working days after calibration.

(c) *Reports.* A City of Murphy Backflow Prevention Assembly Test Report form shall be completed by each registered backflow prevention assembly Tester on each backflow prevention assembly tested. Each completed original form, together with the records of such tests, repairs or replacements shall be submitted to the City within five (5) working days of the test, repairs or replacement of each backflow prevention assembly.

(d) *Maintenance.* Assemblies shall be maintained, repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. An assembly is defective if it is not a properly installed backflow prevention assembly as required by this article.

(e) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the City. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this article, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection Control (Manual M14), current addition, University of Southern California's Manual of Cross Connection Control, current addition, or the current plumbing code of the City, whichever is more stringent.

(f) *Customer service inspections.*

(1) *Generally.* Duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article. Persons and occupants of premises which are provided water

service by the City, either directly or indirectly, shall allow the City or its representatives access at all reasonable times to all parts of the premises for the purposes of, among others, inspection, testing, records examination and/or to facilitate the performance of any of their duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(2) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the City has reason to believe that cross-connections or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

(3) The City is not liable for damage to a backflow prevention assembly, which may occur during testing, inspection and/or examination.

(4) A water use survey may be conducted at any premises located in the City which is served by the public water system or which provides water to the public. Upon determination that the premises falls under the provisions of this article and requires a backflow prevention assembly, a notice to abate the condition or to install the proper backflow prevention assembly shall be issued by the City.

Sec. 82-414. Emergency Suspension of Water Service.

(a) The City may without prior notice, suspend water service to any premises when such suspension is necessary to stop an actual or threatened backflow that presents or may present imminent and substantial danger to the environment, to the health or welfare of persons or to the City's public water system because the premises for the water account has:

- (1) a premises isolation device but does not have a point of use device; or
- (2) a premises isolation device that has failed when tested and the location does not have a point of use device.

(b) As soon as is practicable after the suspension of service, the City shall notify the owner or person in charge of the premises in person or by certified mail, return receipt requested, of the suspension, and shall order such person to correct the cross-connection which allowed the backflow to occur. When time permits, the owner or person in charge should be notified prior to suspending water service.

(c) If the person fails to comply with an order issued under subsection (b) of this section, the City may take such steps as the City deems necessary to prevent or minimize damage to the public water system or to minimize danger to persons.

(d) Suspended services shall not be reinstated until:

- (1) the person has presented proof, satisfactory to the City that the backflow has been eliminated and that its cause determined and corrected;

- (2) the person has paid the City for all costs incurred in responding to the backflow or threatened backflow; and
- (3) the person has paid the City for all costs the City will incur in reinstating service.

(e) A person whose service has been suspended may appeal such enforcement action to the city manager, in writing, within ten (10) days of the date of the notice of suspension.

(f) A person commits an offense if the person reinstates water service to the premises suspended pursuant to this section, without the prior approval of the city manager or his designee.

(g) The remedies provided by this section are in addition to any other remedies set out in this article. Exercise of this remedy shall not be a bar against, nor a prerequisite for, taking other action against a violator.

Sec. 82-415. Non-emergency Termination of Water Service.

- (a) The City may terminate the water service of any customer who violates the following conditions:
 - (1) Refusing an authorized representative of the City reasonable access to the customer's premises for the purpose of inspection;
 - (2) Hindering or denying an authorized representative of the City access to backflow prevention assemblies; or
 - (3) Failing to install a backflow prevention assembly.
- (b) The city manager or his designee will notify a customer of the proposed termination of its water service. The customer may petition the City manager for a reconsideration and hearing.
- (c) Exercise of this enforcement option by the City shall not be a bar to, nor a prerequisite for, taking any other action against the customer.
- (d) The city manager shall not reinstate suspended services until:
 - (1) The person has presented satisfactory proof that the backflow has been eliminated and its cause has been determined and corrected; and
 - (2) The person has paid the City for all costs the City will incur in reinstating service.
- (e) A person commits an offense if the person reinstates water service to premises terminated pursuant to this section, without the prior approval of the city manager or his designee.

Section 3. Severability Clause.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not

affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. Cumulative/Repealer Clause.

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, whether codified or uncodified, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict..

Section 5. Penalty Clause.

Any person who violates this article is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$2,000.00. Each day that one or more of the provisions in this article is violated shall constitute a separate offense. Compliance with this article may also be sought through injunctive relief in state district court.

Section 6. Savings Clause.

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

Section 7. Effective Date.

This ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the _____ day of _____, 2011.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

Issue

Consider and/or act upon authorizing the City Manager to enter into an Interlocal Agreement with the City of Richardson for Phase 1 of a feasibility study for a Multi Agency Recreation Center.

Background

On Tuesday, October 18th, the City of Richardson made a presentation regarding a Multi Agency Recreation Center Feasibility Study. The proposed study has two phases with a total cost of \$134,570 of which \$20,370 would be Murphy's portion if the City chooses to participate. Below is the breakdown for Phase 1 and Phase 2 costs.

Phase 1

\$11,810	Murphy
<u>\$66,230</u>	<u>Richardson</u>
\$78,040	Phase 1 Total

Phase 2

\$ 8,560	Murphy
<u>\$ 47,970</u>	<u>Richardson</u>
\$56,530	Phase 2 Total

\$ 20,370	Murphy Total for Phase 1 and 2
<u>\$114,200</u>	<u>Richardson Total for Phase 1 and 2</u>
\$134,570	Total

Financial Considerations

The FY12 Annual Budget has \$25,000 allocated for this study with the City of Richardson. At this time, staff is only requesting approval of Phase 1 in the amount of \$11,810.

Staff Recommendation

Motion to approve the City Manager to execute an Interlocal Agreement with the City of Richardson for a feasibility study for a Multi Agency Recreation Center.

Attachments

- 1) 10/18/11 Presentation from City of Richardson

BRECKINRIDGE PARK

MULTI AGENCY RECREATION CENTER FEASIBILITY STUDY APPROACH

City of Richardson



City of Murphy

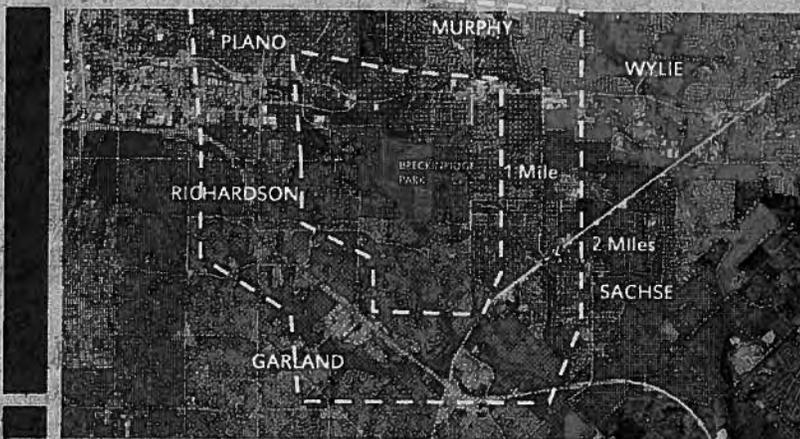


BARKER RINKER SEAGAT
ARCHITECTURE



BRECKINRIDGE PARK

Multi Agency Recreation Center



■ BRECKINRIDGE PARK

■ Multi Agency Recreation Center



BARKER RINKER SEACAT
ARCHITECTURE



■ BRECKINRIDGE PARK

■ Project Goals and Common Interests

- Provide recreational opportunities to members of both communities at Breckinridge Park
- Share in planning the facility between the communities
- Explore opportunities for shared capital costs
- Explore opportunities for shared operations
- Explore funding opportunities
- Planning for a permanent relationship between the communities

BARKER RINKER SEACAT
ARCHITECTURE



TEAM CONTACTS

BARKER RINKER SEACAT ARCHITECTURE



Ken Berendt, Principal, Architect, LEED® AP
 Steve Blackburn, Principal, Architect, LEED® AP
 Zach Black, Sr. Associate/ Project Manager, Architect, LEED® AP
 Barker Rinker Seacat Architecture
 303 455-1366
kberendt@brsarch.com
steveblackburn@brsarch.com
zachblack@brsarch.com



Ken Ballard, CPRP, President
 Ballard King & Associates, Ltd.
 (303) 470-9881
ken@ballardking.com

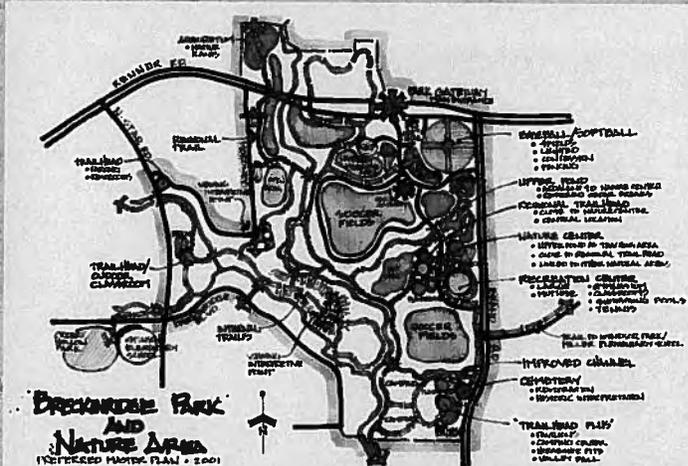


Mike Wilkins, PE, LEED® AP
 Scott Berman P.E., CFM, CPESC
 Freese and Nichols - Dallas
 214-217-2283 (direct)
 214-610-4806 (Google voice)
mw@fnass.com



BRECKINRIDGE PARK

2001 Park Master Plan

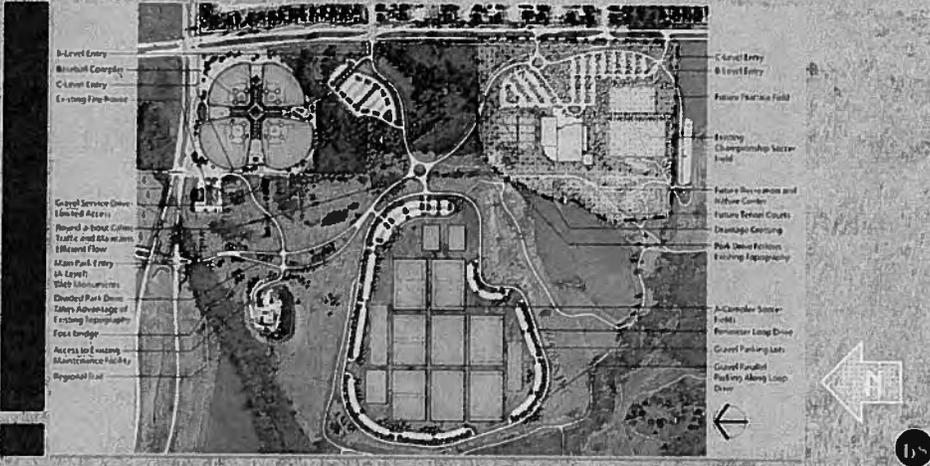


**BRECKINRIDGE PARK
AND
NATURE AREA**
 REFERENCED MASTER PLAN - 2001



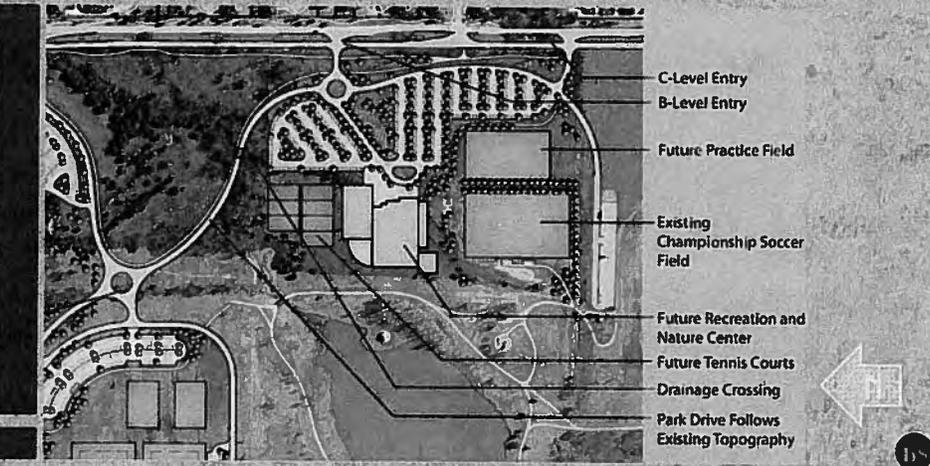
BRECKINRIDGE PARK

Master Plan Background



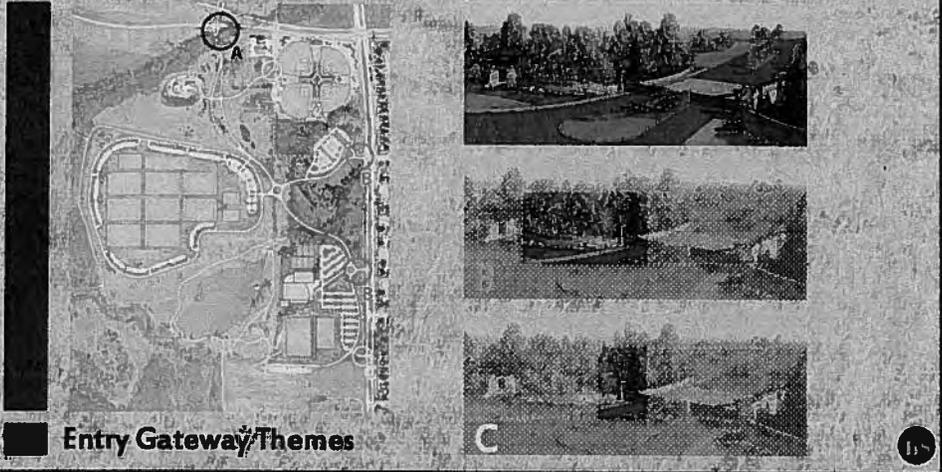
BRECKINRIDGE PARK

Multi Agency Recreation Center Site



BRECKINRIDGE PARK

Master Plan Gateways



The top section of the slide features a site plan map of Breckinridge Park. A specific area is circled and labeled 'A'. To the right of the map are three architectural renderings showing a building complex with a large, curved roof structure. A small circle with the number '15' is located in the bottom right corner of this section.

Entry Gateway Themes



BRECKINRIDGE PARK

Master Plan Gateways



The middle section of the slide features a detailed site plan on the left with a legend listing various elements like 'Main Entry Gateway', 'Pavilion', 'Play Area', etc. To the right is an aerial rendering of the park layout. Below the site plan are two architectural renderings of a building complex. A small circle with the number '15' is located in the bottom right corner of this section.

Main Entry Gateway at E. Renner Road



BRECKINRIDGE PARK

Master Plan Background



Recreation Center Site and Panoramic Views

15



BRECKINRIDGE PARK

Character



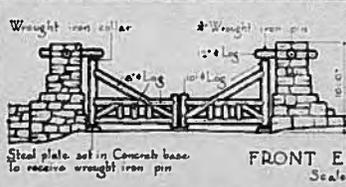
Character and Context Anticipation

16



BRECKINRIDGE PARK

Character



Character and Context Anticipation



BRECKINRIDGE PARK

Character



Character and Context Anticipation



BRECKINRIDGE PARK

Character



Local Signage and Tower Definitions

15



BRECKINRIDGE PARK

Character



Breckinridge Ball Parks

16



BRECKINRIDGE PARK

Approach

Phase One - Market Analysis, Programming and Operation/Revenue Projections - 8 Weeks

Activity	Scope Description
1.1	Board Approves Selection of Consultant / Contract Approval
1.2	Organize Multi-Agency Recreation Center Team (MARC Team)
1.3	Project Team Program Review, Research & Planning - Mission/Goals, Conceptual Program
1.4	MARC Team Kick Off Meeting - Mission/Goals, Conceptual Market Analysis & Program
1.5	Work Period - Project Program, Market Analysis and Site Evaluation
1.6	Prepare Project/Funding Analysis
1.7	Prepare End of Phase Report
1.8	MARC Team Workshop - Programming, Operational Proforma Analysis, Teaming, and Funding



BRECKINRIDGE PARK

Market Analysis

Market Orientation and Service Area

- Demographic Characteristics
- Household Income
- Age Classifications
- Participation Estimates
- Other Service Providers



■ BRECKINRIDGE PARK

■ Market Analysis

- Understand other providers in the area:
 - Public
 - Private
 - Non-Profits



■ BRECKINRIDGE PARK

■ Partnership Assessment Principles

- Define Expectations
- Guiding Principles for Capital and Operations
- Stakeholder Roles
- Common and Equitable Citizen Access



BRECKINRIDGE PARK

Operations & Revenues

OPiA

Operational Performance Indicator Analysis
A process to determine primary factors for successful outcomes.

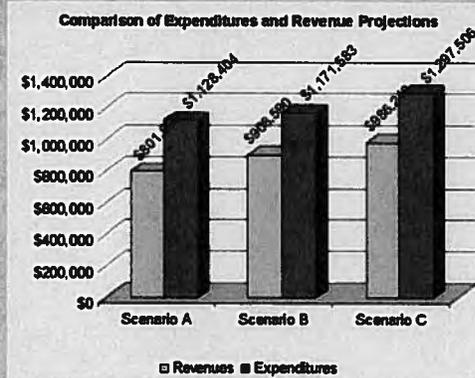
- Task 1 Determine the Important Drivers
- Task 2 Fiscal Planning Approach
- Task 3 Develop the Fiscal Planning Tools
- Task 4 Assemble the Operational Revenue Measurements
- Task 5 Assemble the Operational Expense Measurements
- Task 6 Develop Project Recommendations and Management Strategy



BRECKINRIDGE PARK

Operations & Management

- Expenditures
 - Personnel
 - Commodities
 - Contractual
 - Insurance & Capital Replacement
- Revenues
 - Fees
 - Programs
 - Contracts
 - Other (Babysitting, Vending...)



BRECKINRIDGE PARK

Amenities versus Revenue Production

High Revenue Potential

- * Leisure Pools
- * Weight/Cardiovascular
- * Aerobics/Dance Areas
- * Gym/Track
- * Concessions
- * Ice Arena

Medium Revenue Potential

- * Arts & Crafts Area
- * Racquetball
- * Sports Medicine Clinic
- * Game Rooms
- * Gymnastics Areas
- * Climbing Wall
- * Competitive Pools-25 meter

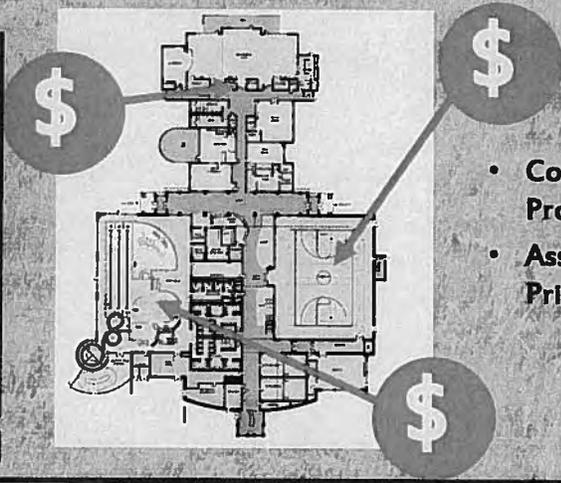
Low Revenue Potential

- * Senior Areas
- * Administrative/Support
- * Teen Lounge
- * Babysitting
- * Kitchen
- * Locker Room
- * Theater
- * Meeting Rooms
- * Tennis Courts
- * Competitive Pools-50 meter



BRECKINRIDGE PARK

Choose & Prioritize



- Confirm and Develop Program Elements
- Assign Costs and Priorities



BRECKINRIDGE PARK

Budgets & Feasibility

Program Based Project Estimate

- Design & Construction
- Site Development
- Furniture, Fixtures & Equipment
- Soft Costs



BRECKINRIDGE PARK

Approach

Phase Two - Program Refinement, Site Plan and Budget Definition - 6 Weeks

Activity	Scope Description
2.1	Phase Two Kick Off Workshop (concurrent with Task 1.8)
2.2	Work Period - Program Development, Planning Alternatives and Project Budget
2.3	MARC Team Workshop - Conceptual Plan Alternatives
2.4	Work Period - Prepare Fully Developed Preferred Conceptual Planning
2.5	MARC Team Meeting - Fully Developed Preferred Conceptual Planning
2.6	Work Period - Prepare Final Master Plan and Feasibility Report
2.7	MARC Team Presentation - Recreation Center Master Plan and Feasibility Report



BRECKINRIDGE PARK

Explore Alternative Site Layouts



Alternatives Possibilities
for the
Recreation Center Site



BRECKINRIDGE PARK

Site & Concept Plans



■ BRECKINRIDGE PARK

■ Building Character



■ BRECKINRIDGE PARK

■ Prepare Management Plan

- Operational Partnership Agreement
- Program and Building Use Plan
- Staffing and Full Time Organizational Chart
- Identification of Part-Time Staffing Requirements
- Identification of Contractual Service Needs
- Pricing and Cost Recovery Needs
- Customer Service Plan
- Equipment & Capital Maintenance Plan



■ BRECKINRIDGE PARK

■ Strategies

Difficulties

While we have done a number of studies for this type of project, few actually move forward due to the following reasons:

- Lack of agreement on a site that will equally serve the needs of many communities.
- Legal issues with funding projects with tax money that are not actually located in the city limits of the jurisdiction.
- Inability to come to agreement on capital funding and operations responsibilities.

DS



■ BRECKINRIDGE PARK

■ Strategies

Keys to Success

- Work through the issues in a methodical way and setting clear deadlines for moving forward
- Determining equitable capital and operations funding
- Set up an independent development and operations board
- Organizations that are motivated to come to an agreement

DS



BRECKINRIDGE PARK

Multi Agency Recreation Center Proposal

	Project Management, Planning & Architecture				Feasibility / Operations		Civil Engineering	
PHASE ONE								
	Barker Rinker Seacat Architecture				Bellard King		Freese and Nichols	
	PMC	Meeting	PM	Meeting	Staff	Meeting	Ken Ballard	Meeting
Hours & Meetings	128	4	48		4		227	2
Hourly Rates	\$186		\$190		\$200		\$126	
	\$23,680		\$9,120		\$800			
Sub Total Phase 1	\$29,520						\$28,376	\$7,800
Expenses	\$8,291				See expenses below with 10% mark up		\$2,802	
Total B/R	\$38,011							
Total Phase 1	\$46,302				Includes 10% mark up on consultants		Total B/R \$30,777	Total F&N \$7,800
PHASE TWO								
	PMC	Meeting	PM	Meeting	Staff	Meeting	Ken Ballard	Meeting
Hours & Meetings	142	4	74		8		42	1
Hourly Rates	\$186		\$190		\$200		\$126	
	\$26,270		\$14,060		\$1,600			
Sub Total Phase 2	\$36,130						\$5,260	\$8,200
Expenses	\$5,284				See expenses below with 10% mark up		\$1,201	\$0
Total B/R	\$40,414							
Total Phase 2	\$49,631				Includes 10% mark up on consultants		Total B/R \$6,461	Total F&N \$8,200



TEAM ROLES



- Project Management & Coordination
- Project Programming Evaluation
- Architecture and Planning
- Character and Image
- Estimating and Project Budget
- Project Phasing Potentials and Schedule



- Market Analysis
- Project Programming Evaluation
- Operations and Revenue Projections
- Funding Opportunities
- Phasing



- Site Engineering Evaluations
- Site Utilities and Grading Issues
- Project Site Budgeting/Estimating



TEAM EXPERIENCE

BARKER RINKER SEACAT
ARCHITECTURE

Waunakee, WI



Longmont, CO



Longmont, CO



Broomfield, CO



TEAM EXPERIENCE

BARKER RINKER SEACAT
ARCHITECTURE

- Hobbs Community Recreation Center -
- Ray and Joan Kroc Community Center -
- Ray and Joan Kroc Community Center -
- Cottonwood Aquatic/ Recreation Center -
- Adams 12 Aquatic Center - 1
- Las Cruces Recreation Aquatic Center -
- Hufflines Recreation Center -
- Ray and Joan Kroc Community Center -
- Ray and Joan Kroc Community Center -
- Ray and Joan Kroc Community Center -
- Erie Community Aquatic/ Recreation Center -
- Flagstaff AquaPlex -
- Federal Way Aquatic/ Recreation Center -
- Douglas H. Buck Community Aquatic/ Recreation Center -
- Macomb Township Community Aquatic/ Recreation Center -
- Cortez Aquatic/ Recreation Center -
- Cuyahoga Falls Aquatic/ Recreation and Wellness Center -
- Lonetree Aquatic/ Recreation Center -
- Paul Darda Recreation Center -
- North Boulder Recreation Center -
- Livonia Aquatic/ Recreation Center -

Hobbs, New Mexico (design)	84,000 SF
Green Bay, Wisconsin (under construction)	80,000 SF
Augusta, Georgia (under construction)	74,000 SF
Cottonwood, Arizona (2010)	52,000 SF
Thornton, Colorado (2010)	48,000 SF
Las Cruces, New Mexico (2011)	53,000 SF
Richardson, Texas (2009, LEED Silver)	25,550 SF
Quincy, Illinois (under construction)	80,000 SF
Coeur d'Alene, Idaho (2009)	120,000 SF
Salem, Oregon (2009, LEED Silver)	91,000 SF
Erie, Colorado (2008)	40,000 SF
Flagstaff, Arizona (2008)	52,000 SF
Federal Way, Washington (2007)	77,000 SF
Littleton, Colorado (2005)	54,000 SF
Macomb Township, Michigan (2004)	58,000 SF
Cortez, Colorado (2004)	40,000 SF
Cuyahoga Falls, Ohio (2004)	115,000 SF
Lone Tree, Colorado (2004)	54,000 SF
Broomfield, Colorado (2003)	85,000 SF
Boulder, Colorado (2003, LEED Silver)	61,000 SF
Livonia, Michigan (2003)	130,000 SF



TEXAS EXPERIENCE

BARKER RINKER SEACAT
ARCHITECTURE

RECREATION



CLIENT
City of Richardson

CONTACT
Roger Scott, Assistant Director of Parks
& Planning
972.744.4307
rscott@ci.richardson.tx.us

BUDGET

\$8.7 Million

COMPLETION

2009

Huffhines Recreation Center Richardson, Texas

The new 25,750 s.f. Huffhines Recreation Center connects the existing Huffhines Park, Duck Creek ponds and newly designed ball park complex to the north. It provides a recreation facility with community multipurpose performance space, expanded classroom space, fitness area and competitive-style gymnasium for various indoor sporting activities.

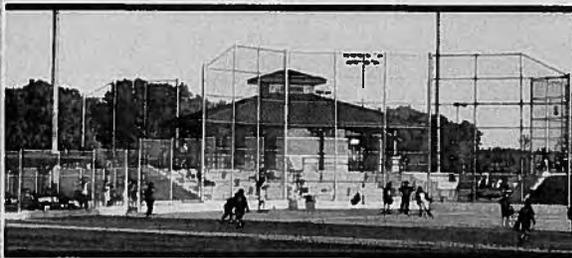
The facility has been designed to accommodate future expansion to include a three-court MAC gym with teen locker facilities that would allow for tournament-style programs for multiple athletic events. The project won't LEED® certification for sustainable design and energy efficiency.



TEXAS EXPERIENCE

BARKER RINKER SEACAT
ARCHITECTURE

RECREATION



CLIENT
City of Richardson

CONTACT
Roger Scott, Assistant Director of Parks
& Planning
972.744.4307

BUDGET

Huffhines Park: \$2.4 Million
Breckinridge Park: \$2.5 Million

COMPLETION

2009

Huffhines Park and Breckinridge Park Richardson, Texas

In 2007, the citizens of Richardson voted to approve funding for parks and recreation projects in the city to develop recreational facilities for large exercise for recreation. This provided an opportunity not only to upgrade facilities, but also to enhance the character of the city of Richardson.

The goal for two of the bond projects - Huffhines Park and Breckinridge Park - was to renovate the ball fields to a championship level of play. Huffhines Park is strategically located in the long-established section of the city, while the Breckinridge Park baseball fields are located among the eastern peninsula area's newer residential developments. At Breckinridge Park, the development of four baseball fields with grass fields will provide a program element that has been lacking in the city's recreation program. The role of the



TEXAS EXPERIENCE

BARKER RINKER SEACAT
ARCHITECTURE

RECREATION



CLIENT
Southlake, Texas

CONTACT
Chris Trumbull, Director of Community Services
817.718.9103
trumbullc@southlake-tx.us

BUDGET
TBD

ASSOCIATE FIRMS
PWA

COMPLETION
2016

Southlake Multipurpose Facility Study Southlake, Texas

The City of Southlake commissioned Barker Rinker Seacat Architects to conduct a feasibility study to analyze the conversion of the former Community Church on Southlake Boulevard to a multipurpose community facility. BRS then worked with the architect on a new multi-use community facility in Southlake Park. A community wide survey of residents and several on-site workshops were conducted to assess potential community uses.

Program was a complex to include a recreation center, senior center, aquatic center, public library, public meeting spaces, a regional performance arts center, Community Services Department and administrative office space, and building support area. The purpose of the study is to assist the City Council in making their determination to purchase and renovate an existing church building or its equivalent to serve the facility to serve the community's multi-purpose facility needs. The results of the study will help determine the location, constraints and the best community uses of the existing facility and site.



CITY OF
MURPHY

TEXAS EXPERIENCE

BARKER RINKER SEACAT
ARCHITECTURE

LIBRARY



CLIENT
City of North Richland Hills

CONTACT
Steve Brink, Library Director
817.421.5813
library@nrhills.com

ASSOCIATE FIRMS
Brown Architects, Wallard Architects

BUDGET
\$15 Million

COMPLETION
2016

North Richland Hills Library North Richland Hills, Texas

In the space granted by the City of North Richland Hills, Texas, a community of 68,000 near Fort Worth, the City has opened a new public library. Over the past 20 years, the North Richland Hills Library has been housed in a shopping center, City Hall and most recently a renovated church. The new central location is in a town center that will be home to residential shops and other cultural facilities.

The 14,800 sq ft library provides traditional library services, a new children's area, an interactive learning area, a new public meeting space, a new coffee shop and gift store. Additional spaces include public meeting rooms, tutoring rooms, computer lab, a conference room and additional office space.

The building uses traditional Texas style building forms and materials. It has a shaded main entry courtyard to allow multiple activities in the red brick building. A more active entry faces the Civic Green. The library was planned for expansion, with two levels of space to be added during the construction.



CITY OF
MURPHY

TEAM MULTI AGENCY EXPERIENCE



PROJECT & CONTACT

Waters Memorial Aquatic Center, Towner, Colorado, Mr. Vin Farmer, Development Manager, 720.972.6175

TSA Bay & Jean Rice Center Community Center, Salem, Oregon, Mayor Donna Amey, Exec. Director, 503.586.5162

TSA Bay & Jean Rice Center Community Center, Cedar Grove, Idaho, Mayor John Crummett, Exec. Director, 208.667.5162

Arroyo Grande Recreation Center Study, California, Contact not available

OSCARO Foundation, Eagle Creek, California, Steve Hunsick, Director, 916.777.0800

Spokane Recreation Center, Coeur d'Alene, Idaho, Terry Manager, 870.524.7822

Boyle's Bay & Recreation Center, Cedarvale, Iowa, James E. Cox, Director, 303.798.9331

Loose River Recreation Center, Cedarvale, Iowa, Larry Lott, Director, 303.798.9331

Clayton School-Old High School & Community Center, Missouri, Scott Ruppert, Project, City Manager, 301.499.3475

Northshore Community Recreation & Wellness Center, Escondido, California, Richard Pearson, Project, Parks & Rec Supervisor, 1.330.839.1077

Orange Recreation Center, DuRango, Colorado, Cathy Hedd, Director, 970.263.2928

Isabelle County, Ill. Pleasant Recreation Center Study, Alton, Illinois, Chris Bundy, Director of Recreation & Leisure, 618.773.5123

El Paso Recreation Center, Arlington, Colorado, Mr. Brown, 303.429.1212

Hope Recreation Center Study, North, Ohio, Contact not available

TSA Bay & Jean Rice Center Community Center, Norfolk, Virginia, Gordon Taylor, Asst. Director of Design, 404.728.8790

Agua Fria Aquatic Center, Colorado, 431-3434, Parks & Recreation Director, 303.431.7382

Wiley Library and City Hall Plaza, Colorado, Annette Jackson, Library Director, 970.852.4210

South American Cultural Plaza Study, Colorado, Brad Regel, President, 303.629.5554

AGENCIES INVOLVED

Address 17 for Star School District and City of Thornton

The Salvation Army and City of Salem, Oregon

The Salvation Army and City of Cedar Grove, Idaho

City of Arroyo Grande and Private Club

Wester in Eagle County, Metropolitan District and Eagle County, Colorado

Team of Spokane and Northern Log & Lumber, Metropolitan Recreation District

City of Littleton and Denver Suburban Park and Recreation District

City of Longmont and South Suburban Park and Recreation District

City of Clayton and Clayton School District, Missouri

City of Escondido, California and Burned Hill, California

City of Durango and LaPlata County, Colorado

Isabelle County and City of Mt. Pleasant, Illinois

City of Northglenn and Kinross Sports Center, Illinois

Douglas Green State University and City of Hesperia, Ohio

The Salvation Army and City of Norfolk, Virginia

Agua Fria and Recreation District and City of Arroyo Grande

City of Rifle and Grand County Public Library District

City of Grand Junction, Mesa County, Housing Authority, and Mesa County Library District

OUTCOME

Project complete; building opened in 2010

Project complete; building opened in 2009

Project complete; building opened in 2008

Study complete in 2010; project on hold

Project complete; building opened in 2008

Project complete; building opened in 2008

Project complete; building opened in 2004

Project complete; build as approved in 2008

Project complete; building opened in 2004

Project complete; building opened in 2002

Study complete in 2004; project on hold

Study complete in 2004

Study complete in 2002; project on hold

Building is currently in design with expected completion in 2014

Building is currently in design phase with expected completion in 2011

Planning complete; library approved in 2010

Study complete in 2010; project on hold



CITY OF MURPHY

TEAM EXPERIENCE



BALLARD* KING & ASSOCIATES LTD
Recreation Facility Planning and Operation Consultants

Texas Project Listing

Ballard*King and Associates has completed over 500 feasibility studies across the United States for a variety of recreation facilities. BKA has over 100 recreation facilities up and operating around the country. In addition, Ballard*King has completed studies for 12 different communities in Texas and has 3 recreation centers open. Below are listed a selected number of projects that Ballard*King has been involved with in Texas.

- Texas State Technical College Student Center, Sweetwater, TX
- Cedar Hill Recreation Center, Cedar Hill, TX
- Cedar Hill Recreation Center-Aquatics Addition, Cedar Hill, TX
- Elkhart High School Pool, Elkhart, TX
- Frisco Recreation Center Operations Study, Frisco, TX
- The Woodlands Recreation Center Study, The Woodlands, TX
- Pasadena Aquatic Center Feasibility Study, Pasadena, TX
- Round Rock Recreation Center, Round Rock, TX
- Burleson Aquatic Center Study, Burleson, TX
- Wylie Recreation Center Study, Wylie, TX
- Kerr County Suburban Army Home Corps Community Center, Kerrville, TX
- Hensley Creek Municipal Utility District Recreation Facilities Audit, Round Rock, TX
- Southlake Recreation Center Study, Southlake, TX



Wylie Recreation Center Study



Byrne Construction & Holzman MbusArchitecture



CITY OF MURPHY

Issue

Consider and/or act upon approval of 9-1-1 address changes.

Background

Collin County is responsible for coordinating the 9-1-1 addressing system and the City of Murphy assigns addresses within those requirements. Earlier this year, Ramona Luster, Collin County 9-1-1 Coordinator, contacted the City staff to correct the following addresses on FM 544:

- 1) The 5 properties on E FM 544 at the SW corner with McCreary Rd have 3700-block W FM 544 addresses (which are Wylie addresses), they should be in E FM 544's 600 and 700-blocks
- 2) The properties listed as 401 to 517 W FM 544 are in the 300-block with Plano Garage Door
- 3) The new businesses off Village Drive should be in the 400-block versus 600-block; and
- 4) Orchard Park should be in the 300-block versus 200-block.

The Address Review Committee (ARC) met several times with the County to address these changes. The Police, Fire, and Public Works Departments are looking for logic and consistency in the addressing system to improve the response time to emergency calls. Economic and Community Development also need a clear and concise system for the shoppers and visitors to Murphy. All future addressing will be coordinated by the Murphy Development Review Committee, including the Building Official in coordination with the Collin County 9-1-1 system.

The affected addresses slated for change are as follow:

West FM 544

Classic Gardens	401 W FM 544	305 W FM 544
Hobert Pools	501 W FM 544	315 W FM 544
Goodyear Tire and Auto	509 W FM 544	325 W FM 544
Avon Building	513 W FM 544	335 W FM 544
Murphy Medical Clinic	517 W FM 544	345 W FM 544
Christian Brothers Automotive	606 W FM 544	420 W FM 544
Naini Medical Bulding #100	604 Village Drive	416 Village Drive
Naini Medical Bulding #200	604 Village Drive	418 Village Drive
Orchard Park	210 W FM 544	304 W FM 544

East FM 544

Single Family Residence	3750 W FM 544	600 E FM 544
Single Family Residence	3740 W FM 544	610 E FM 544
Single Family Residence	3730 W FM 544	700 E FM 544
Single Family Residence	3720 W FM 544	704 E FM 544
Single Family Residence	3700 W FM 544	722 E FM 544

The City will distribute letters to those homeowners and businesses notifying them of the address changes as required. Twelve months is allocated to each property owner to make the changes. The city will also notify the North Central Council of Governments, the Collin Central Appraisal District, and the Plano Post Office of the changes as approved.

Financial Considerations

The City will not bear any costs to the individual businesses or homeowners associated with the change in address.

Staff Recommendation

Staff recommends approval of the 9-1-1 address changes as proposed.

West FM 544

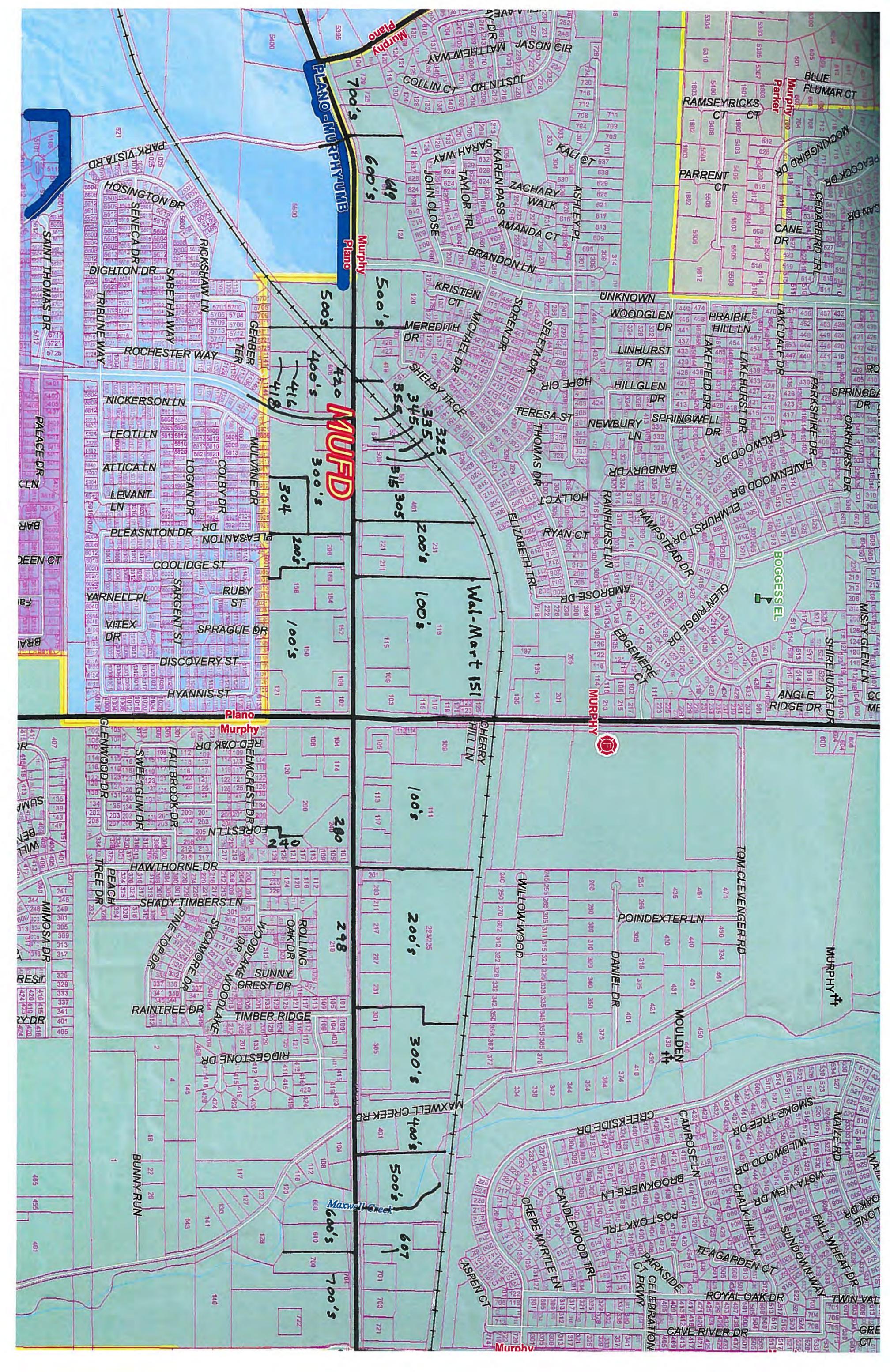
Classic Gardens	401 W FM 544	305 W FM 544
Hobert Pools	501 W FM 544	315 W FM 544
Goodyear Tire and Auto	509 W FM 544	325 W FM 544
Avon Building	513 W FM 544	335 W FM 544
Murphy Medical Clinic	517 W FM 544	345 W FM 544
Christian Brothers Automotive	606 W FM 544	420 W FM 544
Naini Medical Bulding #100	604 Village Drive	416 Village Drive
Naini Medical Bulding #200	604 Village Drive	418 Village Drive
Orchard Park	210 W FM 544	304 W FM 544

East FM 544

Single Family Residence	3750 W FM 544	600 E FM 544
Single Family Residence	3740 W FM 544	610 E FM 544
Single Family Residence	3730 W FM 544	700 E FM 544
Single Family Residence	3720 W FM 544	704 E FM 544
Single Family Residence	3700 W FM 544	722 E FM 544

Attachments

- 1) Proposed FM 544 Address Map
- 2) Existing FM 544 Address Map
- 3) Address List with Existing and Proposed Changes
- 4) Sample Letters (2)



Plano-Murphy UMB
Plano
Murphy

MURFD

Wal-Mart 151



600's
500's
400's
300's
200's
100's

418
416
345
335
325
315
305

280
240

298
210

300's
400's
500's

600's
700's

HOSINGTON DR
SENECA DR
DIGHTON DR
TRIBUNE WAY
ROCHESTER WAY
GERBER TER

NICKERSON LN
LEOTIL LN
ATTICA LN
LEVANT LN
PLEASANTON DR
COOLIDGE ST
SARGENT ST
RUBY ST
SPRAGUE DR
DISCOVERY ST
HYANNIS ST

YARNELL PL
VITEX DR
FALLBROOK DR
SWEETGUM DR
HAWTHORNE DR
SHADY TIMBERS LN
PINE TOP DR
SYCAMORE DR
WOODLAKE DR
WOODLAKE DR
SUNNY GREST DR
TIMBER RIDGE
RIDGESTONE DR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

KRISTEN CT
MICHAEL DR
SHELBY TRCE
MEREDITH DR
SOREN DR
SELETA DR
HOPE CIR
TERESA ST
THOMAS DR
HOLLY CT
RYAN CT
ELIZABETH TR

WOODGLEN DR
LINHURST DR
HILLGLEN DR
NEWBURY LN
SPRINGWELL DR
BANBURY DR
RAINFURST LN
AMPROSE DR
EDGEMERE CT

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
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WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

COLLIN CT
SARAH WAY
KAREN PASS
TAYLOR TRL
JOHN CLOSE
BRANDON LN

WOODGLEN DR
LINHURST DR
HILLGLEN DR
NEWBURY LN
SPRINGWELL DR
BANBURY DR
RAINFURST LN
AMPROSE DR
EDGEMERE CT

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

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CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

ASHLEY PL
ZACHARY WALK
AMANDA CT
KALI CT

WOODGLEN DR
LINHURST DR
HILLGLEN DR
NEWBURY LN
SPRINGWELL DR
BANBURY DR
RAINFURST LN
AMPROSE DR
EDGEMERE CT

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
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POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

PARRENT CT
RAMSEYRICKS CT
BLUE FLUMAR CT

WOODGLEN DR
LINHURST DR
HILLGLEN DR
NEWBURY LN
SPRINGWELL DR
BANBURY DR
RAINFURST LN
AMPROSE DR
EDGEMERE CT

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WAGGONBRID DR
CEDARBRID TR
CANE DR

WOODGLEN DR
LINHURST DR
HILLGLEN DR
NEWBURY LN
SPRINGWELL DR
BANBURY DR
RAINFURST LN
AMPROSE DR
EDGEMERE CT

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

WILLOW WOOD
POINDEXTER LN
DANIEL DR
MOLLEN DR
CREEKSIDE DR
CAMROSE LN
BROOKMERE LN
POST OAK TR
CANDLEWOOD TR

Existing Buildings and Houses on FM 544

Name of Business or Resident	Current Address	Proposed Address
West FM 544		
Walgreens	103 W FM 544	Address is correct
Sonic Drive In	109 W FM 544	Address is correct
Kwik Kar	211 W FM 544	Address is correct
Dry Clean Super Center	221 W FM 544	Address is correct
Store More Self Storage	231 W FM 544	Address is correct
Classic Gardens	401 W FM 544	305 W FM 544
Hobert Pools	501 W FM 544	315 W FM 544
Goodyear Tire and Auto	509 W FM 544	325 W FM 544
Avon Building	513 W FM 544	335 W FM 544
Murphy Medical Clinic	517 W FM 544	345 W FM 544
Plano Garage Door	355 W FM 544	Address is correct
Murphy Medical Center	619 W FM 544	Address is correct
Windy Hill Farms Lift Station	720 W FM 544	Address is correct
Tari Car Sales	729 W FM 544	Address is correct
Christian Brothers Automotive	606 W FM 544	420 W FM 544
Naini Medical Bulding #100	604 Village Drive	416 Village Drive
Naini Medical Bulding #200	604 Village Drive	418 Village Drive
Orchard Park	210 W FM 544	304 W FM 544
Chase Bank	206 W FM 544	Address is correct
Panda Express	160 W FM 544	Address is correct
One Murphy Village	158 W FM 544	Address is correct
Wells Fargo Bank	154 W FM 544	Address is correct
Murphy Oil	146 W FM 544	Address is correct
Wal-Mart	150 W FM 544	Address is correct
Jack in the Box	106 W FM 544	Address is correct
Starbucks	102 W FM 544	Address is correct

East FM 544

Shell Gas Station	104 E FM 544	Address is correct
Compass Bank	108 E FM 544	Address is correct
McDonalds	114 E FM 544	Address is correct
Murphy Crossing Shopping Center	120 E FM 544	Address is correct
Albertson's	200 E FM 544	Address is correct
Murphy Crossing Shopping Center	240 E FM 544	Address is correct
Murphy Crossing Shopping Center	280 E FM 544	Address is correct
Single Family Residence	210 E FM 544	298 E FM 544
Single Family Residence	3750 W FM 544	600 E FM 544
Single Family Residence	3740 W FM 544	610 E FM 544
Single Family Residence	3730 W FM 544	700 E FM 544
Single Family Residence	3720 W FM 544	704 E FM 544
Single Family Residence	3700 W FM 544	722 E FM 544
7- Eleven	721 E FM 544	Address is correct
Murphy Forum	703 E FM 544	Address is correct
Elevate Church	701 E FM 544	Address is correct
O'Reilly's Auto Parts	607 E FM 544	Address is correct
Race Trac	401 E FM 544	Address is correct
Murphy Marketplace Bldg 14	305 E FM 544	Address is correct
Whataburger	301 E FM 544	Address is correct
Murphy Marketplace Bldg 1	231 E FM 544	Address is correct
24 Hour Fitness	229 E FM 544	Address is correct
Murphy Marketplace Bldg 2	227 E FM 544	Address is correct
Murphy Marketplace Bldg 4	223 E FM 544	Address is correct
Murphy Marketplace Bldg 3	217 E FM 544	Address is correct
Murphy Marketplace Bldg 5	211 E FM 544	Address is correct
Murphy Marketplace Bldg 8	213 E FM 544	Address is correct
Sprouts	207 E FM 544	Address is correct
En Fuego	205 E FM 544	Address is correct
Wachovia Building	203 E FM 544	Address is correct
Pump Station	201 E FM 544	Address is correct
Chick-fil-A	117 E FM 544	Address is correct
Bank of America	113 E FM 544	Address is correct

Lowe's
Murphy Marketplace Bldg 9

111 E FM 544
109 E FM 544

Address is correct
Address is correct



Date , 2011

SAMPLE LETTER

address

Dear City Resident:

Your property address has been corrected for consistency with 9-1-1 addressing guidelines, to make it easier for the police, fire department, and/or ambulance services to find you in an emergency.

Please begin the conversion from your former address, --- FM 544, as soon as possible, to your corrected 9-1-1 address:
----- FM 544, Murphy, Tx 75094

All City records including Water Billing have been updated, but it is the resident's responsibility to notify all other utility providers and contacts of the new address.

Please make this conversion as soon as possible. The Post Office has been notified, and will deliver mail addressed with your old address for approximately one year (12 months).

The Collin Central Appraisal District and your emergency service dispatcher have also been notified of this change in the 9-1-1 database.

The two Collin County Department of Public Safety (DPS) offices (in McKinney and Plano) will update the address on drivers licenses at no charge, when shown this 9-1-1 address correction letter.

Property deeds are not affected by a change in address - even though the deed may reference a physical address, the legal description is the permanent property identifier. This office will provide an address verification letter at no charge, if ever needed in the future.

If you have any questions concerning this address, please do not hesitate to contact me at 972-468-4026.

Sincerely,

David Young, Building Official, City of Murphy
972-468-4026 (Office) 972-468-4041 (Fax)

cc: Collin Central Appraisal District
cc: City of Murphy Water Billing, Candy McQuiston
cc: Postmaster

From the desk of
David Young
Building Official

dyoung@murphytx.org
972/468-4026 direct
972/468-4041 fax

206 North Murphy Road
Murphy, TX 75094
www.murphytx.org



From the desk of
David Young
Building Official

dyoung@murphytx.org
972/468-4026 direct
972/468-4041 fax

206 North Murphy Road
Murphy, TX 75094
www.murphytx.org

Date , 2011

[REDACTED]
Wylie, Tx 75098

Dear City Resident:

The United States Postal Service changed your mail service from the Wylie Post Office to the Plano Post Office and requires correcting your address for mail delivery. In addition to mail delivery, your property address has been corrected for consistency with 9-1-1 addressing guidelines, to make it easier for the police, fire department, and/or ambulance services to find you in an emergency.

Please begin the conversion from your former address, 3720 W FM 544, Wylie, Tx 75098 as soon as possible, to your corrected 9-1-1 address:
704 E FM 544, Murphy, Tx 75094

All City records including Water Billing have been updated, but it is the resident's responsibility to notify all other utility providers and contacts of the new address.

Please make this conversion as soon as possible. The Post Office has been notified, and will deliver mail addressed with your old address for approximately one year (12 months).

The Collin Central Appraisal District and your emergency service dispatcher have also been notified of this change in the 9-1-1 database.

The two Collin County Department of Public Safety (DPS) offices (in McKinney and Plano) will update the address on drivers licenses at no charge, when shown this 9-1-1 address correction letter.

Property deeds are not affected by a change in address - even though the deed may reference a physical address, the legal description is the permanent property identifier. This office will provide an address verification letter at no charge, if ever needed in the future.

If you have any questions concerning this address, please do not hesitate to contact me at 972-468-4026.

Sincerely,

David Young, Building Official, City of Murphy
972-468-4026 (Office) 972-468-4041 (Fax)

cc: Collin Central Appraisal District
cc: City of Murphy Water Billing, Candy McQuiston
cc: Postmaster

Issue

Consider and/or act upon changes to the Governance Policy and Code of Ethics, including personnel matters and clarifying what constitutes an investigation, an inquiry, the scope of access by City Council Members to records and information, and setting forth procedures to deal with a violation of such policies.

Background

This item is placed on the agenda at the request of Council to review the referenced policies.

Attachments

- 1) Governance Policy
- 2) Ethics Policy

ORDINANCE NO. 10-11-862

**AN ORDINANCE OF THE CITY OF MURPHY, TEXAS,
AMENDING CHAPTER 2 OF THE CITY OF MURPHY'S
CODE OF ORDINANCES, TO ESTABLISH A CITY
COUNCIL GOVERNANCE POLICY AND RULES OF
PROCEDURE FOR CONDUCTING CITY COUNCIL
MEETINGS; AND PROVIDING FOR AN EFFECTIVE
DATE, PROPER NOTICE AND MEETING;
SEVERABILITY CLAUSE AND REPEALER CLAUSE.**

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

SECTION 1. RECITALS

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

**SECTION 2. ADOPTION OF GOVERNANCE POLICY AND RULES OF
PROCEDURE**

Chapter 2, Administration, of the Code of Ordinances of the City of Murphy is hereby amended by adding a new Article X, Governance Policy and Rules of Procedure:

Article X, Governance Policy and Rules of Procedure attached hereto as Exhibit "A" and incorporated herein for all purposes is hereby enacted.

SECTION 3. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

SECTION 5. Severability

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase,

clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 6. Repealer

The provisions of this Ordinance shall be cumulative of all other ordinances, or parts of ordinances, and resolutions, or parts of resolutions governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances, or parts of ordinances, or resolutions, or parts of resolutions, inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

PASSED AND APPROVED by the City Council of the City of Murphy, Texas this 15th day of November, 2010.



Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

Exhibit "A"
Article X

CITY OF MURPHY
CITY COUNCIL GOVERNANCE POLICY
AND RULES OF PROCEDURE

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COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-601. INTRODUCTION

(a) The municipal government provided by the City of Murphy's Charter, hereinafter the "Charter", shall be known as the "Council-Manager form of Government." Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the statutes of this state, and by the Charter, all powers of the City of Murphy, hereinafter referred to as the "City", shall be vested in an elected council, hereinafter referred to as the "City Council" or "Council", which shall enact local legislation, adopt budgets, determine policies, and appoint City officials as noted in the Charter, including the City Manager, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by the Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by the statutes of the State of Texas.

(b) The City Council is the governing body for the City. Therefore, it must bear the initial responsibility for the integrity of governance. Pursuant to Section 3.13 of the Charter, the Council shall determine its own rules of order and business. The Council is responsible for its own development, its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

(c) This policy addresses mayor and council relations, council and staff relations, council and city attorney, engineer and municipal judge relations, council and media relations, roles and meetings. By adopting this policy, we, as members of the city council, acknowledge our responsibility to each other, to our professional staff and to the public. This policy will be reviewed and adopted on an annual basis.

**COUNCIL GOVERNANCE POLICY
AND RULES OF PROCEDURE**

SECTION 2-602. MISSION

(a) The City of Murphy will provide for the health, welfare and safety for our citizens, neighbors and employees with a commitment to communicate and serve all with respect, dignity and courtesy, focusing on superior customer service. We will listen to our citizens and guests; address their needs; and provide a safe and appealing place to work, play and call home.

(b) In order to ensure proper discharge of duties for the improvement of democratic local government, members of the City Council will display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Murphy and each other in their relationships.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-603. INFORMATION

(a) On major policy issues, the city manager shall provide briefing material to the Council in advance of council consideration of the policy alternatives. Whenever possible, the management report shall be presented as a discussion item at a regular city council meeting. The policy briefing item will be placed on the next city council meeting agenda for Council consideration or a work session will be scheduled.

(b) All Council members should have the same information with which to make decisions. When one Council member has an information request, the response will be shared with all members of the Council so that each member may be equally informed.

(c) *Staff should provide City Council with information on agenda items as far in advance of the meeting as possible. Staff should avoid giving information at the meeting on issues that will be considered during the meeting.* In order to provide the Council with timely information, please strive to submit questions on Council agenda items ahead of the meeting. City council members are encouraged to submit their questions on agenda items to the City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting.

(d) The City Manager shall provide operational updates to the City Council informing them of the progress on projects, items of concern, city events, financial, and legal issues currently pending before the City. The update shall be by email and no less than twice a month.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-604. ROLES

(a) The mayor shall preside at meetings of the Council, and shall be recognized as head of city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the Council. The mayor shall be entitled to vote as a member thereof on legislative or other matters, unless prohibited by law, and shall have no power of veto.

(b) The Council shall elect from among the council members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor. The Council shall elect from among the council members a deputy mayor pro tempore who shall act as mayor pro tempore during the absence or disability of the mayor pro tempore.

(c) As head of city government for ceremonial purposes, the mayor may issue and present proclamations and recognitions, and attend other ceremonial functions on behalf of the City. Council members may initiate, through the mayor or by a majority vote of the Council, similar items of recognition. Major community events sponsored by the City shall be a policy decision of the Council.

(d) The mayor shall preserve order and decorum and shall require council members engaged in debate to limit discussion to the question under consideration.

(e) The mayor is the spokesperson for the Council on all official positions taken unless absent, at which time the mayor pro tem or the deputy mayor pro tem will assume the role.

(f) The mayor will encourage all council members to participate in Council discussion ***and make sure all positions are adequately presented before an item is brought to vote.***

(g) The mayor may appoint a subcommittee made up council members and staff to evaluate policy alternatives and to recommend policy direction to the full Council. Subcommittee reports shall be made under the standard item for such reports at work sessions and regular meetings. Council deliberation on the subcommittee recommendations shall occur at regular sessions.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-605. MEETINGS

(a) **Regular Meetings** – The council shall meet regularly at such times as prescribed by Charter, but no less frequently than once each month and the regular meetings will begin at 6:00 p.m., unless postponed or canceled for valid reason(s). Regular meetings will be open to the public in accordance with the Texas Open Meetings Act.

(b) **Special Meetings** – Special meetings may be held on any day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the mayor or city manager. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.

(c) **Work sessions** – Work sessions will be held as needed and used to allow the City Council to discuss policy or budgetary items. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.

(d) **Executive Sessions** – The City Council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.

(e) **Public Notice** – The agenda for all regular meetings, special meetings, work sessions, and executive sessions and the notice listing items to be considered shall be posted on the City’s official bulletin board and web page in accordance with the Texas Open Meetings Act, at least 72 hours prior to the posted meeting.

(f) **Attendance** – Council members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the presiding officer.

(g) **Punctuality and Recess** – Members of the City Council shall arrive at meetings at or before the scheduled time for the meeting to begin. At the beginning of each meeting, the chair shall announce those members absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The chair may at any time, upon their own motion, or upon the request of a council member, declare a recess in the meeting. *The time limit of the recess shall be strictly followed.*

(h) **Conflict of Interest** – A Council member prevented from voting due to a conflict of interest shall leave the Dias during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the Charter and ordinances concerning conflicts of interest. Any Council member filing a conflict of interest affidavit on an Executive

Session item shall not confer with staff, the city attorney, Council members or the mayor regarding that matter.

(i) City Council Members -

1) During City Council meetings and work sessions, Council members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the City Council.

2) A Council member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a citizen, an individual employee or operational issue. Criticism is differentiated from questioning facts or the opinion of staff.

3) When there is more than one speaker from the floor on the same subject, Council members shall delay their comments until after all speakers on the subject have been heard.

4) The chair shall state all questions submitted for a vote and announce the result.

5). The professional staff is expected to provide its best recommendations on issues, provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and Council members. Staff respects the role of Council as policy makers for the City and understands that Council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

(j) Administrative Staff -

(1) Members of the administrative staff and employees of the City shall observe the same rules and decorum applicable to members of the City Council.

(2) Although the presiding officer has the authority to preserve decorum in meetings, the city manager also is responsible for the orderly conduct and decorum of all city employees under the city manager's direction and control.

(3) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in meetings.

(4) All persons addressing the City Council, including the city manager shall be recognized by the presiding officer and shall limit remarks to the matter under discussion.

e) All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual member.

(k) Citizens and Visitors -

(1) Citizens and visitors are welcome and encouraged to attend all public meetings of the City and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.

(2) Everyone attending the meeting will refrain from private conversations and turn mobile phones to vibrate while the City Council is in session.

(3) Citizens and visitors attending City Council meetings and work sessions shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the meeting or work session, shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the City Council during that session. If the presiding officer fails to act, any member of the Council may move to require enforcement of the rules, and the affirmative vote of a majority of the council shall require the presiding officer to act.

(4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who may direct the removal of offenders from the room. In case the presiding officer shall fail to act, any member of the council may move to require enforcement of the rules and the affirmative vote of the majority of the council shall require the presiding officer to act.

(5) No placards, banners, or signs will be permitted in the city council chamber or in any other room in which the Council is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted. Video presentations requested by a citizen or visitor as visual aids will not be broadcast over any city public access cable channel.

(6) The city manager shall act as sergeant-at-arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of the City Council.

(l) Agenda -

(1) The mayor and/or city manager shall set the agenda. Any council member may request an item be placed on a future agenda. The requested agenda item shall be included on an agenda no later than the second regularly scheduled meeting (approximately 30 days) after receiving the request unless otherwise agreed upon by the City Council.

(2) The "Consent Agenda" consists of operational items and previously discussed items that do not require deliberation by the Council.

(3) Any Council member may remove an item from the consent agenda for separate discussion and consideration of action.

(4) Any item may be deferred or postponed to a later date by the Mayor if there is no objection. If a member of City Council objects, a majority vote of Council is required to defer or postpone the item.

(5) The city manager may remove an item from the consent agenda items by providing notice to the City Council prior to the convening of the meeting. The chair shall announce the removal of an item from the consent agenda prior to requesting a motion.

(m) **Speakers** –

(1) A person wishing to address the City Council must first complete an appearance card and register it with the city secretary, before addressing council. The following information must be provided on the card: name, residence address, day time telephone number, the subject matter to be addressed by providing the agenda item number. Council welcomes public comments and understands that the speaker might not have been expecting to address the council; however procedure must be followed before addressing council. Appearance cards will be available at the chamber entrance and at the public podium.

(2) Speakers must address their comments to the presiding officer rather than to individual council members or staff.

(3) Speakers must keep their remarks specific to the item being considered by the City Council. If the speaker is addressing the city council under the “public *comments*” section, the speaker may address any item not slated for discussion on the agenda.

(4) Murphy citizens will be allowed to speak before non-residents.

(5) A person who registers to speak on a public hearing item or during the public *comment* section will be called on at that time.

(6) All speakers *will have an opportunity* to address the council. *All speakers will be asked to keep comments to a reasonable amount of time as determined by the Chair, usually less than five (5) minutes, depending on the number of speakers waiting to address the City Council. A majority vote of City Council can force the Chair to end the speakers comments or allow additional time.*

(7) For called public hearings, the applicant will be allowed *a specific amount of time* to make a presentation.

(8) In accordance with the Texas Open Meetings Act, the City Council will not discuss or consider any item addressed during the public comment section. Council members shall limit their response to public comment to a statement of specific factual information

given in response to the inquiry or comment, a recitation of existing policy in response to the inquiry or comment. Any deliberation of or decision about the subject of the public inquiry or comment shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

(9) Whenever it is necessary for a speaker to use an interpreter to translate comments to the City Council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the city council.

(n) **Motions** –

(1) The City Council may discuss an Agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any Council member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the Council member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the City Council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the City Council. Such a motion may only be made by a Council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

(i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation.

(iii) If a motion to reconsider a zoning ordinance is made after the closing of the public hearing and action on the ordinance, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter until proper notice of a public hearing in accordance with State Law is provided.

(5) If any two Council members request that discussion cease during a work session, the mayor shall poll the Council to obtain a consensus to continue or cease discussion.

(o) **Suspension of Rules** – Any provision of these rules not governed by the City Charter, City Code, State or Federal law may be temporarily suspended by a majority vote of the members of the City Council present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

(p) **Amendment of Rules** – These rules may be amended or new rules adopted, by a majority vote of the members of the City Council.

(q) **Failure to Comply** - A failure to comply with these rules does not invalidate any otherwise lawful act of the Council.

(r) **Tabling** – an item under consideration may be tabled until a later point in the meeting.

(s) **Postponement** – an item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before City Council unless there is a change.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

Section 2-606. ACCESS STATEMENT

The city manager is responsible to maintain physical security for all city facilities. Physical security is a balancing act between allowing appropriate access and denying access that might compromise city operations. It is the desire of the city to allow the public access to the city facilities during regular business hours, and allow council members restricted access after regular business hours.

- (a) Members of the City Council shall be issued a City photo identification card and an electronic badge access card. After regular business hours, the access badge card may be utilized to access the lobby of the Police and Fire buildings, City Hall 2nd floor lobby and the 1st floor of City Hall with the exception of the computer room and records room. A Councilmember must be accompanied by the City Manager or their designee if access to any other area after regular business hours is requested. Council members will be respectful of the demands made upon the City Manager or their designee to respond to said request.

SECTION 2-607. PUBLIC CONTACT / MEDIA RELATIONS

(a) Representative government is only successful when the citizens are kept informed and educated about the issues facing their municipality; consequently, it is imperative that the media play an important role in the council-manager-media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure positive relationships with print, radio, and television reporters. The mayor, City council and the city manager recognize that the news media provide an important link between the council and the public. It is the council's desire to establish a professional working relationship to help maintain a well-informed and educated citizenry.

(b) All reporters will receive an agenda in advance and will be furnished support material needed for clarification if requested.

- (b) The City Manager or his designee is the City's official representative to the media.
- (c) The mayor or city council by a majority vote may designate an alternative media representative.

**COUNCIL GOVERNANCE POLICY
AND RULES OF PROCEDURE**

SECTION 2-608. PLANNING

The mayor and council are responsible for establishing a vision for the city of Murphy and planning for its future.

(a) On an annual basis, the mayor, City Council and the city manager shall hold a minimum of one strategic planning session wherein they set priorities, goals and objectives. The goals and objectives shall address short term and long term needs, including financial, of the City.

(b) Policy direction shall be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long-term vision and budgetary measures.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-609. COUNCIL / STAFF RELATIONS

(a) Murphy has a Council-Manager form of government. Basically, with this structure, the City Council's role is to establish City policies and priorities. The Council appoints a City Manager to implement those policies and undertake the administration of the organization. The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the annual budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Council Members, and directs and coordinates the various departments. The City Manager is responsible for appointing all department directors, except as provided by the Charter, and authorizing all other personnel positions. The City Council authorizes positions through the budget process; based upon that authorization, the City Manager makes the appointments.

(b) The City Council shall direct comments, correspondence and concerns about City operations to the city manager's office. Citizens concerns, comments and correspondence regarding city operations received by Council members shall be forwarded to the city manager for appropriate staff action and a timely response.

(c) The City Council may inquire of the city manager about the conduct of any office, department or agency of the city and make investigations as to municipal affairs, per the city charter. In no manner, either directly or indirectly, shall a Council Member become involved in, or attempt to influence, personnel matters that are under the direction of the City Manager. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City purchasing procedures. Notwithstanding the foregoing, *any member of* the City Council, may, prior to or during a meeting, make inquiry to a department head on an agenda item posted for the next council meeting. The council member will carbon copy (cc) the city manager on any email communication to a *staff member*.

(d) Documents provided to one Council member shall also be distributed to all other members of the Council. The city manager shall prepare and submit to the Council prior to the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year. The city manager shall keep the Council advised of the financial condition and future needs of the City and make such recommendations that may seem desirable.

(e) In order to ensure proper presentation of agenda items by staff, questions arising from Council members after receiving their information packet should be, whenever possible, presented to the city manager or the manager's designated assistants for staff consideration prior to the Council meeting. This allows staff the time to address the

council members' concerns and provide all Council members with the additional information.

(f) Seeking political support from staff is not appropriate. The City is a non-partisan local government. Neither the City Manager nor any other person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

**COUNCIL GOVERNANCE POLICY
AND RULES OF PROCEDURE**

SECTION 2-610. COUNCIL RELATIONS WITH THE CITY ATTORNEY

(a) The city attorney is appointed by the City Council. The city attorney is the legal advisor for the Council, its committees, commissions and boards, the city manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City.

(b) The general legal responsibilities of the City Attorney are to:

(i) provide legal assistance necessary for formulation and implementation of legislative policies and projects;

(ii) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;

(iii) prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and

(iv) keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

(c) No Council member shall request or direct the city attorney to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. The city attorney shall determine whether or not a matter is significant. The city manager shall be informed of any project, study, opinion or report prepared by the city attorney as requested by the City Council. . The city manager shall not prevent council members from communication with the city attorney.

(d) It is important to note that the city attorney does not represent individual members of the Council, boards, commissions or employees, but rather the City as a whole.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-611. STAFF AND COUNCIL RELATIONS WITH BOARDS, COMMISSION AND COMMITTEES

(a) Staff support and assistance may be provided to advisory boards, commissions, and committees. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the city manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or bylaws. Staff members are to assist the advisory boards to ensure appropriate compliance with ordinances, Charter, state and local laws and regulations.

(b) Staff support includes: (1) preparation of an agenda; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. It is important to note that city staff *seeks to* not influence boards, commissions and committees, but provide objective information to help the boards, commissions and committees in their decision making process. Staff should provide information on options considered along with a summary of pros and cons of each option. Any prior direction by City Council on a particular issue should be provided by staff to any board, commission or committee considering the issue.

(c) The role of the city's boards, commissions and committees is to perform the specific functions established in state statutes, city ordinances, resolutions, or minute orders as applicable and to advise the City Council about the topics assigned.

(d) If a City Council member should attend a meeting of a board, commission or committee, the member shall not take part in the meeting nor address the board in any manner whether by questions or statements. A City Council member shall not attempt to influence the decisions of boards, commissions and committees, either directly or indirectly, nor express an opinion to a board, commission or committee about its actions unless at a City Council meeting. Boards that require a city council member to be a member of that board are exempt from this policy provision.

(e) All instructions to boards, commissions and committees by the City Council shall be in writing.

APPENDIX

- From the League of Kansas Municipalities

These tips are non-binding and not policies, but are good starting points for a successful Council-Manager form of government.

Tips for Successful Public Service

- Learn all you can about your city, its operation, its financing. Do your homework. Know your city ordinances.
- Devote sufficient time to your job and to studying the present and future problems of your community.
- Don't burn yourself out on the little things. Save some energy for the important matters.
- Don't act as a committee of one. Governing a city requires a team effort -- practically and legally.
- Don't let honest differences of opinion degenerate into personality conflicts.
- Remember that you represent *all* the people of your community, not just neighbors and friends.
- Take your budget preparation job seriously. It determines what your city does or doesn't do for the coming year and will influence decisions and actions in future years as well. The budget is the most important policy development tool available to govern a city.
- Establish policy statements. Written policy statements let the public and the city staff know where they stand. They help the City Council govern, and writing them provides a process to develop consensus. "That's the way it's always been done" is not good enough either to stay out of trouble or to get things done.
- Make decisions on the basis of public policy and be consistent. Treat similar situations similarly.
- Don't be stampeded into action. Don't be misled by the strong demands of special interest groups who want it done now, their way. Your job is to find the long-term public interest of the community as a whole, and you may be hearing from the wrong people.
- Don't be afraid of change. Don't be content just to follow the routine of your predecessors. Charge your appointed officers and their employees with being responsible for new ideas and better ways. Listen to what they have to say.
- Don't give quick answers when you're not sure of the real answer. It may be embarrassing to appear ignorant, but it can be more embarrassing and damaging to tell a person something that is wrong.
- As an individual, even if you're the mayor, don't make promises you can't deliver! Most decisions and actions require approval of the City Council, and that takes a majority vote.
- Don't spring surprises on your fellow Council Members or your city staff, especially at formal meetings. If a matter is worth bringing up for discussion, it is

worth being on the agenda. While surprises may get you some publicity, at the embarrassment of others, they tend to erode the “team” approach to governance.

- Retain competent key employees. Pay them well. Trust their professional judgment and recognize their responsibilities.
- Don’t bypass the system! You have a city manager. Council Members should stick to policy-making and avoid personal involvement in the day-to-day operations of the city.
- Don’t let others bypass your system--insist that people such as vendors or service providers first work with your city staff. If direct contact with Council Members is advisable, this should be with the Council as a whole, not on a one-to-one basis.
- Learn to evaluate recommendations and alternative courses of action. Request your staff to provide options. Encourage imaginative solutions.
- Be concerned with the long-term future to avoid unnecessary expense and delay and to avoid taking short-term gains at the expense of long-term losses.
- Balance personal rights and property interests. Balance the possible harm to a few versus the good of the many.
- Be concerned with the total development (physical, economic, social) of your community.
- Visit other cities, particularly those with a reputation of being well run. Get to know the officials of neighboring and similarly sized cities.
- Don’t act as if the city operates in a vacuum. Cities must work within the intergovernmental system to be effective. Keep in contact and cooperate with your federal, state, county, and school officials.
- Keep your constituents informed, by such means as a weekly “open letter” in the local newspaper, radio interviews, or news releases. Be friendly and deal effectively with the news media. Lack of good communications is one of the big problems of cities.
- Remember that what you say, privately and publicly, will often be news. Avoid overpublicizing minor problems.
- Appoint citizen advisory committees when you need them, but be prepared to follow their advice if you use them.
- Have some goals and objectives. What do you want to accomplish this year? Next year? What do you want the city to accomplish this year? During the next five years?
- Be a leader as well as part of the team of elected and appointed officials who were selected to make your city an even better place to live.
- Having a practice of “no surprises” between the council and staff, and vice versa, fosters a productive working relationship.

ORDINANCE NO. 10-11-863

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 2 OF THE CITY OF MURPHY’S CODE OF ORDINANCES, TO ESTABLISH A CODE OF ETHICS FOR CITY OFFICIALS AND EMPLOYEES, INCLUDING REGULATIONS RELATED TO STANDARDS OF CONDUCT; GIFTS AND HONORARIUMS; CONFLICTS OF INTEREST; CONFLICT DISCLOSURE STATEMENTS; INTEREST IN PROPERTY ACQUIRED WITH PUBLIC FUNDS; NEPOTISM; BRIBERY; CITY RECORDS; MISUSE OF OFFICIAL INFORMATION; ABUSE OF OFFICIAL CAPACITY; AND OFFICIAL OPPRESSION; CREATING AN ETHICS REVIEW COMMISSION; PROVIDING A COMPLAINT PROCESS FOR VIOLATIONS OF THE CODE OF ETHICS; PRESCRIBING THE ROLE OF THE CITY ATTORNEY IN THE COMPLAINT PROCESS; PROVIDING A HEARING PROCESS; PROVIDING SANCTIONS FOR VIOLATIONS OF THE CODE OF ETHICS; AND PROVIDING FOR DISTRIBUTION AND PROOF OF COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE, PROPER NOTICE AND MEETING; SEVERABILITY CLAUSE AND REPEALER CLAUSE.

WHEREAS, statutory provisions governing the ethical conduct of public officials and employees are found in various codes including the Texas Local Government Code, the Texas Government Code and the Texas Penal Code; and

WHEREAS, the City Council finds it desirable and necessary to adopt a comprehensive ethics ordinance that sets out the statutory parameters relating to the conduct of public officials and employees in one easily accessible location; and

WHEREAS, the City Council believes that a position in government is a position of public trust that demands a high standard of behavior, and

WHEREAS, each employee and official of the City of Murphy should uphold the Constitution, laws and regulations of the United States and the State of Texas and the Charter and ordinances of the City of Murphy; and

WHEREAS, the City of Murphy seeks to promote personal integrity, honesty and ethical conduct in all activities undertaken by City Officials and employees through the adoption of this Ordinance; and

WHEREAS, the City of Murphy seeks to inspire public confidence and trust in City of Murphy officials and employees through the adoption of this “Code of Ethics”;

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

SECTION 1. RECITALS

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

SECTION 2. ADOPTION OF CODE OF ETHICS

Chapter 2, Administration, of the Code of Ordinances of the City of Murphy is hereby amended by adding a new Article IX, Code of Ethics:

Article IX, Code of Ethics attached hereto as Exhibit “A” and incorporated herein for all purposes is hereby enacted.

SECTION 3. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 552 of the Texas Local Government Code.

SECTION 5. Severability

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 6. Repealer

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

PASSED AND APPROVED by the City Council of the City of Murphy, Texas this 15th day of November, 2010.


Bret M. Baldwin, Mayor
City of Murphy

ATTEST:


Aimee Nemer, City Secretary
City of Murphy



APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

EXHIBIT “A”

**ARTICLE IX
CODE OF ETHICS**

Section 2-501. Definitions.

The terms used in this Article shall have the following meanings:

Business Entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

Candidate. This term has the meaning assigned by section 251.001, Election Code.

City Council means the mayor and six (6) council members elected to serve as the governing body of the City.

City Employee means any person employed by the City, including those individuals that are employed on a part-time or temporary basis and employees of any corporation created by the City, but such term shall not be extended to apply to any independent contractor.

City Attorney means the City Attorney appointed by the City Council pursuant to the City Charter.

City Engineer means the City Engineer appointed by the City Manager.

City Manager means the City Manager appointed by the City Council pursuant to the City Charter.

City Official means every member of the City Council, the City Manager, City Secretary, the City Attorney, the City Engineer and all members of any board, commission, or committee appointed by the City Council, including, the board members of the Murphy Economic Development Corporation (4A) (“MEDC”) and the 4B Murphy Community Development Corporation (“MCDC”), and the executive directors of the MEDC and the MCDC.

Confidential Information means any information that a City Official would be privy to because of the official’s position but otherwise is not available to the public under the provisions of the Texas Public Information Act (Tex. Gov’t Code Ch. 552).

Conflict Disclosure Statement means the disclosure statement form adopted by the Texas Ethics Commission required by Chapter 176 of the Local Government Code.

Conflict of Interest Questionnaire means the conflicts of interest form adopted by the Texas Ethics Commission required by Chapter 176 of the Local Government Code.

Economic Benefit means any taxable income or any money, real or personal property, contract rights, sale, lease, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Economic Interest means a legal or equitable interest in real or personal property or a fiduciary obligation to such property or contractual right in such property that is more than Two Thousand Five Hundred Dollars (\$2500.00). Service by a City Official or City Employee as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create an Economic Interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an Economic Interest in the securities or other assets unless the City Official or City Employee participates in the management of the fund. A City Official or City Employee does not have an Economic Interest in a matter if the economic impact on the City Official or City Employee is indistinguishable from the impact on the public or on the particular group affected by the matter.

Family Member means a person related to a City Official in the first degree of consanguinity or affinity, as described by Subchapter B, Chapter 573 of the Government Code, except that the term does not include a person who is considered to be related to a City Official by affinity only as described by Section 573.024(b) of the Government Code. This definition would include children, spouses, parents, step-children and parents-in-law or children-in-law, except that relationships by affinity would end upon divorce.

Gift means a favor, hospitality, or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an *inter vivos* or testamentary trust.

Permissible Gift means a thing of nominal value given (not to exceed \$100.00 in value), and not given to request a specific favor, special treatment, or influence a City Official or City Employee. Marketing advertisement items of nominal value, or certificates or plaques having no intrinsic value, are considered permissible gifts or gratuities. The purchase of meals of nominal value, provided there is a rotation of purchasing, is considered a permissible gift. The provision of training/education programs of a general nature is considered a permissible gift or gratuity. Items that exceed \$100.00 in value, if divided (e.g. holiday food or sporting event tickets distributed by lot) or donated for a City-sponsored function, are considered permissible gifts and/or gratuities.

Qualified Voter means a person who meets the qualifications of Section 11.002 of the Texas Election Code to vote in City elections.

Second Degree by Affinity is defined by Subchapter B., Chapter 573 of the Government Code and examples of such relationship are set out in the Chart attached hereto as Exhibit "1."

Substantial Interest means the interest that a City Official and/or a Family Member has in a business or business entity or in real property as described below:

(a) The City Official and/or a Family Member owns ten percent (10%) or more of the voting stock or shares of the business entity; or

(b) The City Official and/or a Family Member owns ten percent (10%) or more or \$15,000.00 or more of the fair market value of the business entity; or

(c) Funds received by the City Official and/or a Family Member from the business entity exceed ten percent (10%) of the person's gross income for the previous year;

(d) The City Official and/or Family Member has a Substantial Interest in real property if the interest is an equitable or legal interest with a fair market value of \$2,500 or more.

Third Degree by Consanguinity is defined by Subchapter B., Chapter 573 of the Government Code and examples of such relationship are set out in the Chart attached hereto as Exhibit "1."

Section 2-502. Standards of Conduct

(a) General Provisions

(1) No City Official or City Employee may disclose any Confidential Information gained through the City Official's or City Employee's office or position concerning property, operations, policies, or affairs of the City, or use such Confidential Information to advance any Economic Interest of the City Official or City Employee, confer any Economic Benefit to the City Official or City Employee, or their Family Member. This Subsection shall not preclude disclosure of such Confidential Information in connection with any investigation or proceeding regarding whether there has been a violation of this Code of Ethics to any investigatory, administrative or judicial authority.

(2) No City Official or City Employee may use his or her office or position or City owned facilities, equipment, supplies, or resources of the City to advance any Economic Interest of the City Official or City Employee, confer any Economic Benefit to the City Official or City Employee, for a political campaign of the City Official or City Employee, or for any of the City Official's or City Employee's Family Members. Notwithstanding the foregoing, City owned facilities, equipment, supplies or resources may be used by City Officials or City Employees to the extent such uses are customary, incidental or lawfully available to the public.

(3) No City Official shall knowingly represent, directly or indirectly, any person, group or business entity:

(i) Before the City Council or the board, commission or committee of which he or she is a member;

(ii) Before a board or commission which has appellate jurisdiction over the board, commission or committee of which he or she is a member;

(iii) In any action or proceeding against the interests of the City or in any litigation in which the City or any department, agency, board, commission or committee is a party; or

(iv) In any action or proceeding in the municipal court(s) of the City which was instituted by a City Official or City Employee in the course of his or her official duties, or a criminal proceeding in which any City Official or City Employee is a material witness for the prosecution.

(4) The restrictions contained in Subsection (3) do not prohibit the following:

(i) A City Official, or his or her spouse, appearing before the City Council or a City board, commission or committee to represent himself or herself in a matter affecting his or her property; provided, however, that no such person, or his or her spouse, shall personally appear before the City Council, board, commission or committee of which he or she is a member and must submit their case through an authorized representative;

(ii) A City Official or City Employee appearing before the City Council or a City board, commission or committee to address employment matters;

(5) No City Official may act as surety for any person or business entity that has work, business, or a contract with the City, or act as a surety on any bond required by the City for a City Official.

(6) No City Official or City employee shall default or refuse to answer any questions pertinent to the proceedings before the City Council, or fail or refuse to obey any subpoena, or to produce any books, papers or other material issued by the City Council pursuant to Sec. 3.17 of the City Charter.

(7) No City Official or City Employee shall deny, abridge or compromise equality of rights under state and federal law with respect to appointment to or removal of any appointed position with the City as prohibited by Sec. 14.02 of the City Charter.

(8) No City Official or City Employee who seeks appointment or promotion with respect to any City appointed position shall, directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or in connection with, his or her test, appointment or promotion with respect to any City position as prohibited by Sec. 14.03 of the City Charter.

(9) No City Official or City Employee shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification, appointment or promotion with respect to any City position, or attempt to commit any fraud preventing the impartial execution of the

personnel provisions, rules and regulations of the City Charter as prohibited by Sec. 14.04 of the City Charter.

(10) No City Official, who holds any compensated non-elective City position, or City Employee shall use their official title or position with the City to solicit any contribution or endorse the candidacy of any Candidate for public office in the City as prohibited by Sec. 14.05 of the City Charter. Any such person shall have the right to exercise his/her legal rights to participate in the election process when he/she is not on duty, in a City building, City provided uniform or attire, or using a City vehicle or equipment.

(11) Members of the City Council shall not in any way dictate the appointment, removal or discipline of the City Officials or City Employees appointed by the City Manager or any of the City Manager's subordinates as prohibited by Sec. 3.08(2) of the Charter. Notwithstanding the foregoing, the City Council, at a meeting called for that purpose, may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such City Officials and City Employees.

(12) Except for the purpose of inquiries and investigations provided by the Charter, the City Council shall interact with City Officials and City Employees who are subject to the direction and supervision of the City Manager in accordance with the Governance Policy adopted by the City Council. The City shall not give orders to any such City Official or City Employee, either publicly or privately, except as otherwise provided in the Charter.

SECTION 2-503. Gifts and Honorariums

(a) Prohibition:

(1) No City Official or City Employee may solicit or accept any Gift, favor or privilege, that is offered or given with the intention of influencing the judgment or discretion of the City Official or City Employee; or given in consideration of the favorable exercise of the City Official's or City Employee's judgment or discretion in the past.

(2) A City Employee performing regulatory functions or conducting inspections or investigations shall not solicit, accept, or agree to accept any benefit from a person the City Employee knows to be subject to regulation, inspection, or investigation by the City Employee or the City.

(3) A City Employee having custody of prisoners shall not solicit, accept, or agree to accept any benefit from a person the City Employees knows to be in his custody or the custody of the City.

(4) A City Employee or a City Official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the City shall not solicit, accept, or agree to accept any benefit from a person the City Employee or City official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.

(5) A City Employee or City Official who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision shall not solicit, accept, or agree to accept any Economic Benefit from a person the City Employee or City Official knows is interested in or likely to become interested in any matter before the City Employee or City Official or tribunal.

(6) A City Official is prohibited from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that the City Official would not have been requested to provide but for the City Official's official position or duties.

(b) Donation of Unsolicited Gift

A City Employee or City Official who receives an unsolicited Gift that the City Employee or City Official is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

(c) Exceptions

The prohibitions set out in this section do not apply to:

(1) a fee prescribed by law to be received by a City Employee or City Official or any other benefit to which the City Employee or City Official is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a City Employee or City Official;

(2) a Gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or

(3) a benefit to a City Employee or City Official required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code, that is derived from a function in honor or appreciation of the recipient if:

(A) the benefit and the source of any benefit in excess of \$50 is reported in the statement; and

(B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or the City;

(4) a political contribution as defined by Title 15, Election Code;

- (5) a Permissible Gift as defined in this Ordinance, excluding cash or a negotiable instrument as described by Section 3.104, Business & Commerce Code;
- (6) an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;
- (7) food, lodging, transportation, or entertainment accepted as a guest and, if the done is required by law to report those items, reported by the doner in accordance with that law;
- (8) any Gift or benefit otherwise excepted under section 36.10, Penal Code; or
- (9) This section does not prohibit a City Official from accepting (1) transportation expenses, (2) lodging expenses or (3) meals in connection with a conference or similar event in which the City Official renders services, such as addressing an audience or engaging in a seminar to the extent that those services are more than merely perfunctory.

SECTION 2-504. Conflict of Interest; Recusal.

- (a) Conflict of Interest. No City Official may vote on or participate in any decision-making process on a matter concerning property or a business entity if the official has a Substantial Interest in the real property or business entity.
- (b) Recusal.
 - (1) A City Official shall disclose the existence of any Substantial Interest in any business entity or real property involved in any decision pending before such City Official, or the body of which he or she is a member. To comply with this Subsection, a City Official shall, prior to any discussion or determination of the matter, either file an affidavit of disclosure as required by Local Government Code § 171.004 or, if not so required, shall publicly disclose in the official records of the City to the City Secretary the nature of the interest. To further comply with this Subsection, a City Official shall notify the City Manager, of if the City Official is the City Manager, shall notify the City Secretary, in writing of the nature of any Substantial Interest he or she may have in a Business Entity or real property which would be affected by an exercise of discretionary authority by the City Official and the City Manager or City Secretary shall assign the matter to another employee. In disclosing a Substantial Interest in a Business Entity, a City Official shall not be required to disclose the dollar amount of any income that he or she receives from the Business Entity.
 - (2) The City Council shall take a separate vote on any budget item specifically dedicated to a contract with a Business Entity in which a member of the Council has a Substantial Interest. The member of the City Council that has the Substantial Interest may not participate in the separate vote.

(3) In addition to complying with the requirements of Chapter 171 of the Local Government Code, to avoid the appearance and risk of impropriety, a City Official should abstain from participation in, discussion of, and any vote on a matter involving a person or Business Entity that the official knows is likely to affect the Economic Interest of, or confer an Economic Benefit on:

(i) The City Official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity as defined by Chapter 573 of the Government Code, or a client of the City Official;

(ii) An employer of the City Official, the City Official's parent, child, step-child, or spouse;

(iii) A Business Entity for which the City Official serves as an officer or director or serves in any policy-making position;

(iv) A person or Business Entity from whom, within the past twelve months, the City Official or the official's spouse, directly or indirectly, received an Economic Benefit; or

(v) A person or Business Entity from whom, within the past twelve months, the City Official or the official's spouse, directly or indirectly, engaged in negotiations pertaining to business opportunities.

SECTION 2-505. Conflict Disclosure Statements.

(a) A City Official shall file a sworn Conflicts Disclosure Statement with the City Secretary whenever a City Official or a Family Member (i) is receiving taxable income from an employment or other business relationship with a person or Business Entity who has contracted with the City for the sale or purchase of real property, goods or services or that is considering contracting with the City for the sale or purchase of real property, goods or services that exceeds \$2,500.00 (not including investment income) during the twelve (12) month period preceding the date that the City Official became aware of the contract, or (ii) has received Gifts with a value of more than \$250.00 during the twelve (12) month period preceding the date that the City Official became aware of the contract from a person or Business Entity that contracts with the City for the sale or purchase of real property, goods or services or that the City is considering doing business with such person or Business Entity. The City Official shall file the Conflicts Disclosure Statement with the City Secretary no later than 5:00 p.m. on the seventh business day after the date the City Official becomes aware of the facts that require the filing of the Statement.

(b) A City Official commits an offense if the City Official knowingly fails to file the Conflicts Disclosure Statement. An offense under the above Subsection is a Class C misdemeanor.

(c) The City Secretary shall accept and file any and all City Official Conflict Disclosure Statements and any Vendor Conflict of Interest Questionnaires.

(d) The City Secretary shall maintain a list of City Officials and shall make that list available to the public and any person who may be required to file a Conflicts of Interest Questionnaire. The City Secretary shall maintain copies of the Conflict Disclosure Statements and Conflict Questionnaires on the City's internet website.

(e) City Officials shall abstain from participation in, discussion of, and any vote on a matter involving a person or Business Entity, if, within the 12 months preceding the date of the vote, the City Official has filed, or should have filed, a Conflicts Disclosure Statement under Chapter 176 of the Local Government Code.

SECTION 2-506. Interest in Property Acquired with Public Funds

(a) Disclosure of Interest in Property

A City Official who has a legal or equitable interest in real property that is to be acquired with public funds shall file an affidavit within 10 days before the date on which the property is to be acquired by purchase or condemnation.

(b) Affidavit

The affidavit must:

- (1) State the name of the City Official;
- (2) State the City Official's office, public title, or job designation;
- (3) Fully describe the property;
- (4) Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
- (5) State the date when the person acquired an interest in the property;
- (6) Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
- (7) Contain an acknowledgement of the same type required for recording a deed in the deed records of the county.

The affidavit must be filed with the county clerk of the county in which the City Official resides and the county clerk of each county in which the property is located.

SECTION 2-507. Nepotism

(a) Prohibition:

(1) A City Official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from City funds or fees of office if:

(A) the individual is related to the City Official within the Third Degree by Consanguinity or the Second Degree by Affinity; or

(B) the City Official holds the appointment or confirmation authority as a member of a state or local Council, the legislature, or a court and the individual is related to another member of that Council, legislature, or court within the Third Degree by Consanguinity or the Second Degree by Affinity.

(2) A City Official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the City Official's direction or control and that is to be compensated directly or indirectly from City funds or fees of office if:

(A) The individual is related to another City Official within the Third Degree by Consanguinity or the Second Degree by Affinity; and

(B) the appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other City Official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first City Official within the Third Degree by Consanguinity or the Second Degree by Affinity.

(b) Exceptions

(1) The prohibitions in Section 2-507 do not apply to:

(A) an appointment to the office of a notary public or to the confirmation of that appointment;

(B) an appointment or employment of a personal attendant by a City Official for attendance on the City Official who, because of physical infirmities, is required to have a personal attendant; or

(C) any other appointment excepted under Chapter 573, Government Code.

(2) The prohibition in Section 2-507 does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

(A) the individual is employed in the position immediately before the election or appointment of the City Official to whom the individual is related in a prohibited degree; and

(B) that prior employment of the individual has been continuous for at least six (6) months.

(3) If, under Subsection (b)(2), an individual continues in a position, the City Official to whom the individual is related in a prohibited degree may not participate in any deliberation or vote on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

SECTION 2-508. Bribery.

(a) Prohibition:

A City Official or City Employee shall not:

(1) intentionally or knowingly offer, confer, or agree to confer on another person, or solicit, accept or agree to accept from another person:

(A) any benefit or consideration for the City Official's or City Employee's decision, vote, recommendation, or other exercise of official discretion as a City Official or City Employee;

(B) any benefit as consideration for the City Official's or City Employee's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;

(C) any benefit as consideration for a violation of a duty imposed by law on a City Official or City Employee; or

(D) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual interference in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this Subsection.

(b) No Defense

(1) It is no defense to prosecution under this Section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office or he lacked jurisdiction or for any other reason.

(2) It is no defense to prosecution under this Section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:

(A) the decision, opinion, recommendation, vote, or other exercise of discretion has occurred;
or

(B) the City Official or City Employee ceases to be a public servant.

(c) Exceptions

(1) It is an exception to the application of Subsections (a)(1)(A), (B) and (C) that the benefit is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported in accordance with Chapter 305, Government Code.

SECTION 2-509. City Records

(a) Prohibition:

A City Official or City Employee shall not:

(1) knowingly make a false entry in, or false alteration of, a City record;

(2) make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine City record;

(3) intentionally destroy, conceal, remove, or otherwise impair the verity, legibility, or availability of a City record;

(4) possess, sell, or offer to sell a City record or a blank City record form with intent that it be used unlawfully;

(5) make, present, or use a City record with knowledge of its falsity; or

(6) possess, sell, or offer to sell a City record or a blank City record form with knowledge that it was obtained unlawfully.

(b) Exception

It is an exception to the application of Subsection (a)(3) of this Section that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Subtitle C, Title 6, Local Government Code.

Section 2-510. Misuse of Official Information

(a) Prohibition

(1) A City Employee or City Official shall not misuse information to which he or she has access by virtue of his or her office or employment and that has not been made public, and shall not:

(A) acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

(B) speculate or aid another to speculate on the basis of the information; or

(C) as a City Official or City Employee coerce another into suppressing or failing to report that information to a law enforcement agency.

(2) A City Employee or City Official shall not with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:

(A) the City Official or City Employee has access to by means of his office or employment; and

(B) has not been made public.

In this section, “information that has not been made public” means any information to which the public does not generally have access, and/or that is prohibited from disclosure under Chapter 552, Government Code.

SECTION 2-511. Abuse of Official Capacity

(a) Prohibition:

(1) A City Official or City Employee commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:

(A) violates a law relating to the City Official’s or City Employee’s office or employment; or

(B) misuses City property, services, personnel, or any other thing of value belonging to the City that has come into the City Official’s or City Employee’s custody or possession by virtue of the City Official’s or City Employee’s office or employment.

(b) Exceptions:

(1) A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the City for purposes of this Section due to the administrative difficulty and cost involved in recapturing the discount or award for the City.

SECTION 2-512. Official Oppression

(a) Prohibition:

(1) A City Official or City Employee acting under color of his office or employment commits an offense if he:

(A) intentionally subjects another person to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

(B) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful; or

(C) intentionally subjects another to sexual harassment.

(b) For purposes of this Section, a City Official or City Employee acts under color of his office or employment if he acts or purports to act in an official capacity or takes advantage of such actual or purported activity.

(c) In this Section, “sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person’s exercise or enjoyment of any right, privilege, power or immunity, either explicitly or implicitly.

Section 2-513. Ethics Review Commission

(a) There is hereby created an Ethics Review Commission (the “Commission”) is an advisory commission having jurisdiction over ethics complaints as described in this Article involving City Officials and City Employees.

(b) The Commission is to be composed of five (5) members each serving a two (2) year term. The City Council shall appoint each member (a “Commissioner”) to the Commission. If a vacancy occurs on the Commission, the City Council shall appoint a person to fill the unexpired term. Each Commissioner shall take an oath of office comparable to that taken by Council members. Commissioners shall serve without compensation, but shall be eligible to be reimbursed for actual expenses in accordance with the City’s reimbursement policy.

(1) Terms of Commissioners. At the City Council meeting which creates the Commission, two (2) Commissioners shall be selected to serve an initial one (1) year term and three (3) Commissioners shall be selected to serve an initial two (2) year term. Thereafter, all members’ terms shall be two (2) years. The Commission members shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council. Any Commissioner who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his/her position on the Commission. Any Commissioner who applied for and received an excused absence from the Commission chairperson prior to the meetings(s) at issue shall not be considered absent for

purposes of this Subsection. Any Commissioner who no longer resides within the corporate boundaries of the City is deemed to have automatically vacated his/her position on the Commission.

(2) Commission Officers; quorum. From among its members the Commission shall elect its officers, those being the Chairperson, Vice-Chairperson, and Secretary. Officers shall be elected for terms of one (1) year. The Chairperson shall preside over all meetings and may vote. If the Chairperson fails or refuses to act, the Vice-Chairperson shall perform the duties of the Chairperson. If the Chairperson and Vice-Chairperson are absent, any Commissioner may be appointed by the remaining members of the Commission to preside over the meeting. Three (3) or more Commissioners present at a meeting shall constitute a quorum, but no action of the Commission shall be of any force or effect unless it is adopted by the favorable votes of three (3) or more of its members.

(3) Meetings. The Commission shall have such meetings as may be necessary to fulfill its responsibilities. The Commission shall meet at least once a year. The date of the annual meeting shall be in September as set by the Commission. The Chairperson or any two (2) members of the Commission may call a meeting provided that reasonable notice is given to each Commissioner and written notice is posted in accordance with the provisions of the Texas Open Meetings Act. The Commission shall comply with the provisions of the Texas Open Meetings Act when conducting any meetings and/or hearings under this Article.

(4) Qualifications.

(A) Commissioners must be Qualified Voters who are residents of the City of Murphy.

(B) No Commissioner may be a City Official, City Employee or Family Member of a City Official or City Employee.

(C) Commissioners shall maintain objectivity and be free of conflicts of interest in discharging their duties. Commissioners shall be independent in fact and appearance when hearing matters brought before the Commission. When a Commissioner has any reason to believe that he or she cannot be impartial, intellectually honest and free of conflicts of interest in discharging any of the duties of the Commission, such Commissioner shall disclose the facts and circumstances which create the conflict and shall not vote or otherwise participate in consideration of the matter.

(D) The Commission shall have the authority to review and investigate complaints filed in accordance with this Article and issue a written finding of the Commission's determination when appropriate.

(E) Service on the Commission does not preclude a member from filing a complaint with the Commission. The Commission member filing the complaint must recuse himself/herself from the Commission procedure.

(F) The Commission may make recommendations to the City Council regarding revisions and changes to this Ordinance.

(G) The Commission may seek any necessary assistance or resources from the City Council and City Manager regarding support needed to carry out the Commission's duties.

(H) The Commission shall determine its rules and procedures which shall be submitted in writing for approval of the Council. The Commission shall establish, amend and rescind its procedures and maintain proper records of its proceedings and its opinions.

(I) The Commission shall have the power to investigate, request, and gather evidence necessary to determine if a violation has occurred. The Commission shall have the power to enforce the provisions of this Ordinance, including recommending to the City Council the prosecution of alleged violators. Nothing in this Article shall be construed, however, to prevent complainants, including the City, from instituting direct legal action on their own behalf through the appropriate judicial authority.

(J) The Commission shall receive from the City such administrative support as reasonably necessary to carry out the duties of the Commission and shall assist the Commission with maintenance of its records in compliance with the City's records retention schedule.

Section 2-514. Complaint Process

(a) Filing

(1) Any City Official, City Employee, or Qualified Voter of the City who believes that there has been a violation of this Ordinance may file a sworn complaint. A complaint alleging a violation of this Ordinance must meet the requirements herein and must be filed with the City Secretary. A complaint alleging a violation of this Article by the City Attorney must also be filed with the persons named in Section 2-515(f). A complaint must be filed within six (6) months from the date of the alleged violation. Please refer to Section 2-515 City Attorney (c).

(2) Required Contents of a Complaint. An ethics complaint must be in writing and under oath and must set forth in simple, concise, and direct statements the following:

(A) The name of the complainant;

(B) The street or mailing address and the telephone number of the complainant;

(C) The name of the person who allegedly committed the violation;

- (D) The position or title of the person who allegedly committed the violation;
 - (E) The nature of the alleged violation, including, if possible, the specific rule or provision of this Article alleged to have been violated;
 - (F) A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and must contain the following:
 - (i) Documents or other material available to the complainant relevant to the allegation;
 - (ii) A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents; if known, and
 - (iii) A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known.
 - (G) If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.
- (3) The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Ordinance.
- (4) Upon request, the City Secretary shall provide information to persons about the requirements of a complaint and the process for filing a complaint.
- (b) Confidentiality and Ex Parte Communications
- (1) No City Official or City Employee may reveal information relating to the filing or processing of a complaint except as required for the performance of official duties.
- (2) All documents relating to a pending complaint are confidential, unless they are required to be disclosed under the Texas Public Information Act (Tex. Gov. Code Ch. 552).
- (3) After a complaint has been filed, and during the consideration of a complaint by the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission. This provision does not prevent a member of the Commission from consulting with the City Attorney, or its independent legal counsel selected by the City Council regarding procedural and legal issues.
- (4) City Council approval shall be required for legal fees, cost, and related expenses of \$5,000 or more.

(c) Notification

(1) A copy of a complaint shall be promptly forwarded by the City Secretary to the City Attorney and to the person charged in the complaint.

(2) The person alleged in the complaint to have violated this Article shall be provided with a copy of this Code of Ethics and informed that:

(A) Within fourteen (14) days of receipt of the complaint, a sworn response must be filed with the City Secretary;

(B) Failure to file a response does not preclude the City Attorney from processing the complaint.

(3) City Officials and City Employees have a duty to cooperate with the City Attorney, pursuant to this Section.

(4) All members of the Commission shall receive copies of the complaint, any background documentation, and any responses at least seven (7) days before a hearing on the matter.

Section 2-515. Role of the City Attorney

(a) The City Attorney serves as legal counsel to the Ethics Review Commission. When complaints are filed against members of the City Council, the City Manager, or the City Attorney, independent legal counsel may be utilized to advise the Commission and take part in its proceedings, subject to approval of the fee arrangement by the City Council.

(b) The City Attorney serves as Ethics Advisor to City Officials and City Employees. As Ethics Advisor, the City Attorney is available to respond confidentially to inquiries relating to the Ethics Ordinance (this Article) and may render advisory opinions on potential conflicts of interest or violation of this section at the request of a City Official or City Employee. The advisory opinion in any subsequent charges concerning the matter may be used as a defense to an alleged violation of this section unless material facts were omitted or misstated by the person requesting the opinion.

(c) The City Attorney shall receive all sworn complaints and provide a copy and a preliminary review of the complaint to the Commission for action. The City Attorney shall, within fifteen (15) days of receiving the complaint and the response of the accused person, if any, provide a written report to the Commission. The report shall state whether, in the City Attorney's opinion, the written complaint: (1) was filed timely; (2) alleges misconduct by a person whose conduct is regulated under this Code; (3) alleges the occurrence of conduct that might reasonably constitute a violation of this Article; and (4) is signed and sworn to by the person filing the complaint.

(d) The City Attorney shall also advise the Commission whether the City Attorney has issued a written opinion or opinions to the accused person that relate to the conduct at issue and whether, in the City Attorney's opinion, the conduct was undertaken in good faith reliance on a written opinion that concluded the conduct was not in violation of this Article. Where the City Attorney concludes that the conduct was undertaken in good faith reliance on a written opinion, the City Attorney shall recommend that the Commission dismiss the complaint following the preliminary hearing.

(e) The City Attorney's recommendation that the Commission conduct further proceedings does not mean that any of the allegations of the complaint are true or false or that any City Official or City Employee has violated or not violated this Article.

(f) If a complainant alleges a violation by the City Attorney, the complaint must be filed with the Chairperson of the Commission, with a copy to the Mayor and the City Manager.

Section 2-516. Hearing Process

(a) Preliminary Hearing

(1) When the City Attorney, or independent legal counsel selected by the Commission as set out in Sec. 2-515(a) above, has rendered an opinion that a complaint is defective as to form or insufficient because it does not allege the existence of reasonable grounds to believe that a violation of this Ordinance has occurred, the Commission, as soon as reasonably possible, but in no event later than sixty (60) days after receiving a complaint, shall conduct a Preliminary Hearing. The purpose of the Preliminary Hearing is to determine whether there are reasonable grounds to believe that a violation of this Ordinance has occurred.

(2) The complainant and the City Official or City Employee named in the complaint have the right of representation by legal counsel.

(A) The complainant shall pay for complainant's legal fees, cost, and related expenses. If the City Official or Employee is finally found to be in violation of this Ordinance, the City shall reimburse the complainant for his or her reasonable legal fees, costs and related expenses and the City Official or Employee shall reimburse the City for the amount paid to complainant for complainant's legal fees, costs and related expenses.

(B) The City shall pay for legal fees, cost, and related expenses for representation of the City Official or Employee.

(3) Statements at a Preliminary Hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing.

(4) The person filing a complaint shall state the alleged violation and describe in narrative form the testimony and other evidence which are presented to prove the alleged violation as stated in the written complaint.

(5) The City Official or City Employee named in the complaint shall have the opportunity to respond but is not required to attend or make any statement. The City Official or City Employee may describe in narrative form the testimony and other evidence presented to disprove the alleged violation. If the City Official or City Employee agrees that a violation has occurred, the Commission may consider the appropriate sanction.

(6) Only members of the Commission may question the complainant, the independent counsel for the Commission, or the City Official or City Employee named in the complaint.

(7) At the conclusion of the Preliminary Hearing one of the following actions shall be taken:

(A) If the Commission does not determine that there are reasonable grounds to believe that a violation of this Article has occurred, the complaint shall be dismissed.

(B) If the Commission determines that there are reasonable grounds to believe that a violation of this Article has occurred, it shall schedule a final hearing.

(C) If the City Official or City Employee has agreed that a violation has occurred, the Commission may proceed to determine the appropriate sanction without the necessity of a final hearing and state its findings pursuant to Subsection (b)(4) below.

(b) Final Hearing

(1) Except as provided by Subsection 2-516(a)(7)(C) above, a final hearing shall be held as expeditiously as possible following the determination by the Commission that there are reasonable grounds to believe that a violation of this Article has occurred, but in no event shall it be held more than thirty (30) days after said determination. The Commission may grant two postponements, not to exceed fifteen (15) days each, upon the request of the City Official or City Employee named in the complaint.

(2) If a complaint proceeds to a final hearing, the Commission may request witnesses to attend and testify, administer oaths and affirmations, take evidence and request the production of books, papers, records, or other evidence needed for the performance of the Commission's duties or exercise of its powers, including its powers of investigation.

(3) The complainant and the City Official or City Employee named in the complaint have the right of representation by legal counsel.

(4) The issue at a final hearing is whether a violation of this Article has occurred. The Commission shall make its determination based on the evidence in the record. All witnesses shall make their statements under oath. If the Commission determines that a violation has

occurred, it shall state its findings in writing, identify the particular provision(s) of this Article which have been violated, and within five (5) working days deliver a copy of the findings to the complainant, the person accused in the complaint, and the City Secretary. The City Secretary shall deliver a copy of the findings to the Council, the City Manager and the City Attorney.

Section 2-517. Sanctions for Violations

(a) If the Commission determines that a violation of this Article has occurred, it shall consider appropriate sanctions. The Commission may receive additional testimony or statements before considering sanctions, but is not required to do so.

(b) If the Commission determines that a violation has occurred, it may impose the following sanctions.

(1) A letter of notification is an appropriate sanction when the violation is clearly unintentional, or when the conduct of the person complained against was done in reliance upon an opinion of the City Attorney. The letter of notification shall advise the City Official or City Employee of any steps to be taken to avoid future violations.

(2) A letter of admonition is the appropriate sanction when the Commission finds the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.

(3) A letter of reprimand is the appropriate sanction when the Commission finds a serious violation has been committed intentionally or knowingly or through disregard of this Ordinance. A written reprimand directed to a City Employee shall be included in the employee's personnel file.

(4) A letter of censure is the appropriate sanction when the Commission finds that a serious violation has occurred and/or more than one serious violation or repeated serious violations of this Article have been committed by a City Official.

(c) Copies of all sanction letters issued by the Commission under this section shall be sent to the City Council.

(d) In addition, if the violation is found by the Commission to be done willfully and the seriousness of the violation warrants, the Commission may recommend to the City Council the suspension or removal from office of any official serving in a City-appointed position.

(e) Except with regard to violations of Chapters 171 and 176 of the Texas Local Government Code, violations of the Penal Code, or violations of the Government Code, a violation by any City Official or City Employee as designated herein of one or more of the provisions of this Article shall not be deemed to be a Class C misdemeanor under the laws of the State of Texas.

Section 2-518. Distribution and Proof of Compliance

The City Secretary shall make available to each new City Official designated in this Article, a copy of the text of this Ordinance; Chapter 171 and Chapter 176 of the Texas Local Government Code pertaining to conflicts of interest; the Texas Open Meetings Act (Tex.Gov. Code Ch. 551); the Texas Public Information Act (Tex. Gov. Code Ch. 552) Chapter 573 of the Texas Government Code; Texas Penal Code Sections 36.02, 37.10, 39.02, 39.03 and 39.06 (collectively referred to in this section as the “Ethics Statutes”).

EXHIBIT “1”

Consanguinity and Affinity

Affinity Kinship (Marriage) Relationships

1 st Degree	2 nd Degree
Father-in-Law	Spouse’s Grandfather
Mother-in-Law	Spouse’s Grandmother
Son-in-Law	Spouse’s Brother (Brother-in-Law)
Daughter-in-Law	Spouse’s Sister (Sister-in-Law)
Spouse	Spouse’s Grandson
	Spouse’s Granddaughter
	Brother’s Spouse (Sister-in-Law)
	Sister’s Spouse (Brother-in-Law)

Consanguinity (Blood) Relationships

1 st Degree	2 nd Degree	3 rd Degree
Father	Grandfather	Great-Grandfather
Mother	Grandmother	Great-Grandmother
Son	Brother	Nephew
Daughter	Sister	Niece
	Grandson	Great-Grandson
	Granddaughter	Great-Granddaughter
		Uncle
		Aunt