



**AGENDA
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
5803 THUNDERBIRD
LAGO VISTA, TX
JANUARY 18, 2024 AT 5:30 PM**

JOIN MEETING VIA VIDEO CONFERENCE

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Access Code: 411-397-613

CALL TO ORDER, CALL OF ROLL

Kevin Sullivan, Mayor
Chelaine Marion, Mayor Pro-Tem
Shane Saum, Council Member
Stephanie Smith, Council Member

Rob Durbin, Council Member
Paul Roberts, Council Member
Paul Prince, Council Member

EXECUTIVE SESSION

Convene into a closed Executive Session pursuant to;

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071).

ACTION ON EXECUTIVE SESSION ITEMS (action and/or vote may be taken on the following agenda items):

Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Government Code Section 551.071)

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

CITIZEN COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the

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form available at that location and provide it to the Mayor prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below. The Council will reconvene from executive session at or around 6:30 p.m.

[Citizen Participation Registration Form](#)

ITEMS OF COMMUNITY INTEREST

Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.
2. Routine Reports from City Council Board/Commission/Committee Liaisons.

CONSENT AGENDA

All matters listed under Consent Agenda, are to be considered routine by the City Council and will be enacted by one motion. There will not be separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

3. Consider approval of Resolution No. 24-2049; a resolution of the City of Lago Vista accepting a resignation and appointing an individual to fill the resulting vacancy on the Golf Course Advisory Committee for an unexpired term.
4. Consider authorizing the City Manager to initiate a zoning ordinance amendment application to correct conflicts, errors, omissions, and ambiguities in Ordinance Number 06-04-27-01, the Lago Vista Town Centre Planned Development District (PDD).
5. Consider approval of a Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization (IDM) Grant from the Texas Department of Transportation for the Police Department (TXDOT).

PUBLIC HEARING AND POSSIBLE ACTION

6. The City Council will hold a public hearing and consider an Ordinance Authorizing The Issuance Of The City Of Lago Vista, Texas Combination Tax And Revenue Certificates Of Obligation, Series 2024; Levying An Ad Valorem Tax And Pledging Certain Surplus Revenues In Support Of The Certificates; Approving An Official Statement, A Bond Purchase Agreement, A Paying Agent/Registrar Agreement And Other Agreements Relating To The Sale And Issuance Of The Certificates; And

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Ordaining Other Matters Relating To The Issuance Of The Certificates.

ACTION ITEMS

7. Discussion, consideration, and possible action regarding the award of RFQ 23-09 for City Attorney Services to Bickerstaff Heath Delgado Acosta, LLP, authorize the City Manager to execute an agreement for such services.
8. Discussion, consideration, and possible action on Ordinance 24-01-18-02; an ordinance of the City Council of Lago Vista, Texas, amending article 1.500 of Chapter 1 of the Lago Vista Code of Ordinances to update existing purchasing policies and procedures to create a local preference program.
9. Discussion, consideration, and possible action on Ordinance 24-01-18-03; an ordinance amending the Rules of Procedure based on discussions at the January 4th meeting of City Council.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board located at all times in City Hall in said City at 1:15 p.m. on the 10th day of January 2023.

Lucy Aldrich, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.



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CITY COUNCIL AGENDA ITEM REPORT

DATE:	January 18, 2024
SUBMITTED BY:	Lucy Aldrich, City Secretary
SUBJECT:	Routine Reports from City staff.
FINANCIAL IMPACT:	N/A



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CITY COUNCIL AGENDA ITEM REPORT

DATE: January 18, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Routine Reports from City Council
Board/Commission/Committee Liaisons.

FINANCIAL IMPACT: N/A



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CITY COUNCIL AGENDA ITEM REPORT

DATE: January 18, 2024

SUBMITTED BY: Lucy Aldrich, City Secretary

SUBJECT: Consider approval of Resolution No. 24-2049; a resolution of the City of Lago Vista accepting a resignation and appointing an individual to fill the resulting vacancy on the Golf Course Advisory Committee for an unexpired term.

BACKGROUND: Golf Course Advisory Committee member Imelda Faught has resigned from the board creating a vacancy.

FINDINGS: City staff received notice from Golf Course Advisory Committee Council Liaison Shane Saum that committee member Imelda Faught is stepping down from service on that committee.

A resolution accepting Ms. Faught's resignation and appointing a new member to fill the unexpired term ending December 31, 2024 has been prepared.

Staff recommends City Council approve the resolution recognizing the vacancy and appointing a new member to serve the unexpired term.

FINANCIAL IMPACT: N/A

ATTACHMENTS:
[24-2049 Resolution for GCAC Vacancy Appointment.pdf](#)

CITY OF LAGO VISTA, TEXAS

RESOLUTION 24-2049

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS
ACCEPTING A RESIGNATION AND APPOINTING AN INDIVIDUAL TO FILL THE
RESULTING VACANCY FOR AN UNEXPIRED TERM AS A MEMBER OF THE GOLF
COURSE ADVISORY COMMITTEE.**

WHEREAS, the Golf Course Advisory Committee has a vacancy due to a recent resignation;
and

WHEREAS, it is important to appoint individuals who are objective, knowledgeable and that
have acquired relevant experience; and

WHEREAS, it is prudent to fill the vacancies on the Committee to maximize opportunities for
a quorum and conducting business.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF LAGO VISTA, TEXAS:**

THAT, the City Council of the City of Lago Vista, Texas, accepts the resignation of Ms. Imelda
Faught and does hereby appoint Rebecca Stone as a member with a term that begins
immediately and expires December 31, 2024.

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 18th day of January 2024.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the above
and foregoing instrument was passed and approved.



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CITY COUNCIL AGENDA ITEM REPORT

DATE: January 18, 2024

SUBMITTED BY: Roy Jambor, Development Services

SUBJECT: Consider authorizing the City Manager to initiate a zoning ordinance amendment application to correct conflicts, errors, omissions, and ambiguities in Ordinance Number 06-04-27-01, the Lago Vista Town Centre Planned Development District (PDD).

BACKGROUND: Over the course of the last several years, the Development Services Department has been in contact with an individual representing a partnership who purchased what is now described as Lot J (formerly Lot G and Lot H) of the Lago Vista Town Centre subdivision. As the property fronts on or near both of our heaviest commercial corridors, it is logical to conclude that the current zoning ordinance would be very permissive regarding the permitted uses.

Unfortunately, like several of the older zoning ordinances the staff has reviewed, this one includes several apparent conflicts, errors, ambiguities, and missing exhibits or attachments. The packet includes a copy of that ordinance marked to identify ambiguous or erroneous language regarding the allowable uses. It appears that a referenced "Retail Center Site Development Plan" was not included for Council consideration, although the uses allowed by the ordinance require reference to such plan.

Although we have no way to be sure, it seems likely that the applicants or their representatives prepared these draft ordinances, and the staff did not discover the flaws before adoption. Nonetheless, we have warned this partnership that they would be best served by a request to the City to correct these flaws prior to starting the remaining portions of the required development process. That process can involve significant costs associated with the required professional design services.

Although the staff has discovered many of these flawed ordinances in the past, it would be ill-advised to proceed with

an attempted correction without the participation of the current property owner who can make their development plans known. Otherwise, multiple amendment requests might result. A formal request from the current property owners is included in the packet prior to the existing zoning ordinance.

FINDINGS:

By initiating the application, the city is, to some extent, acknowledging a level of responsibility, albeit indirectly, in overseeing the correction process. Alternatively, if the city were to require an application fee from the property owner, it could imply a different approach. In any case, the situation does not seem equivalent or analogous to a fee waiver request, as the property in question currently lacks clear and discernible zoning rights.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

[Ord 06-04-27-01.pdf](#)

[LV Town Centre Map.pdf](#)



January 5, 2024

Mr. Kevin Sullivan
Mayor, Lago Vista
5803 Thunderbird Street
Suite 101
Lago Vista, TX 78645

Re: Lots G and H of Lago Vista Town Centre Subdivision and Ordinance No. 06-04-27-01

Dear Kevin:

On behalf of the ownership of this property (Lots G and H of the Lago Vista Town Centre Subdivision), we are hereby formally requesting a clarification on the zoning for the property. Per Section 4.1 of the attached PDD, "each lot within the PDD shall comply with the least restrictive zoning requirements of the C-1 and C-2 Districts except as hereinafter specifically modified." Given this stipulation in the Ordinance (No 06-04-27-01), we are asking for the City Council to confirm that all zoning requirements and allowed uses of the C-1 and C-2 Districts (see attached Table B - Table of Allowed Uses) are specifically permitted on this property.

Best regards,

John Ghiselli

cc: Steve Oram

CITY OF LAGO VISTA, TEXAS

ORDINANCE NO. 06-04-27-01

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING THE LOTS KNOWN AS THE LAGO VISTA TOWN CENTRE SUBDIVISION FROM C-2 and R-1A ZONING TO A "PLANNED DEVELOPMENT DISTRICT" TO BE KNOWN AS THE LAGO VISTA TOWN CENTRE PLANNED DEVELOPMENT DISTRICT; ESTABLISHING THE ZONING REQUIREMENTS FOR THE PLANNED DEVELOPMENT DISTRICT, MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the owner/developer of the property known as Lago Vista Town Centre Subdivision (described hereinafter as the "Property") has requested that the Property be rezoned; and

WHEREAS, approximately 10.91 acres described on **Exhibit A** attached hereto, including the lots currently described as Lots 6146, 6147, 6148, 6151, 6152, 6153, 6154, 6155, 6156, 6157, 6158, 6159, 6160, 6161, 6162, 6163, 6164, 6165, 6166, 6167, 6168, 6169, 6170, 6171, and 6172 of the Bar K Ranches Subdivision, Section 6, Travis County, Texas and Lots 1B and 1C, of Resubdivision of Lot 1, Block A, Lago Vista Village Center, a Subdivision in Travis County, Texas, according to the map or plat thereof recorded under Document No. 200400097 of the Official Public Records of Travis County, Texas, is in the process of being replatted and the new plat will establish the Property as Lots A, B, C, D, E, F, G, and H of Lago Vista Town Centre Subdivision, and

WHEREAS, the properties as mentioned above will be commonly referred to as the Lago Vista Town Centre,

WHEREAS, after giving ten (10) days written notice to the owners of land within 200-feet of the Property, the Planning and Zoning Commission and City Council held a public hearing on the proposed re-zoning on the property included in the Lago Vista Town Centre PDD Zoning Ordinance to the City Council; and

WHEREAS, after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the Planning and Zoning Commission and the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property; has transpired;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinance. Ordinance No. 98-04-27-03 as amended is hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Ordinance is hereby amended by changing the zoning district for the Property, being the 10.91 acre tract of land described on **Exhibit "A"** attached to this ordinance, from the current zoning district C-2 and R-1A to zoning district "PDD". **The Property is hereby rezoned to Planned Development District ("PDD") with the uses of individual lots as set forth on the approved subdivision plat as provided in Section 4.** **The approved plat does not set forth any uses.**

Section 4. Zoning Requirements. The zoning requirements established herein shall apply to the Planned Development District ("PDD") known as Lago Vista Town Centre Planned Development District. The comprehensive zoning requirements of Ordinance No. 98-04-27-03, as amended, shall apply to each property as individually zoned; provided that should any conflict appear between the requirements in the comprehensive zoning ordinance and the requirements for the individual lots set forth herein, the requirements set forth herein shall control:

This is language that is consistent with development standards like the balance of this same list, instead of uses. Permitted uses are simply different, not either more or less "restrictive."

1. Zoning. Each lot within the PDD shall comply with **the least restrictive zoning requirements of the C-1 and C-2 Districts except as hereinafter specifically modified.**
2. The impervious cover for the entire development contained in PDD may exceed normal commercial development limits of 60% so long as adequate water quantity and/or quality facilities are approved designed and constructed to accommodate runoff. Under no circumstances shall the impervious cover of the PDD exceed 70%.
3. Minimum parking requirements for all lots included in the PDD shall meet or exceed a ratio of 1 parking space for every 300 square feet of building area.
4. Exterior lights shall not be permitted to shine directly in the eyes of any occupant of any vehicle on any roadway or directly on to adjoining private property. Except for business that are open 24 hrs. per day, lighting other than that necessary for security, shall be turned off at 11:00 PM.
Exception: Holiday lighting between Thanksgiving and New Years Day may be on all night provided it does not blind motorists or cause a nuisance to adjoining residences.
Light Poles shall not exceed 25 feet in height measured from the base of the pole to the top of the fixture, have no more than 2 fixtures per pole for lights located near the perimeter of the property and no more than 4 fixtures per

pole for lights located near the center of the property, have a limited wattage per fixture, have hooded fixtures that direct the light down, and have no more than one single light per every other pole illuminated after 11:00 PM for security purposes.

5. All signage and exterior lighting will comply with City of Lago Vista ordinances and development regulations and shall be reduced to half their original illumination after 11:00 PM. Variances to the provisions of the Lago Vista Sign Ordinance may be considered on a case by case basis in accordance with established procedures.
6. Lots in this subdivision may be served by off site storm water detention and water quality facilities approved by the City of Lago Vista.
7. Topographic grading shall comply with accepted engineering practices, the Americans with Disabilities Act and any other federal, state or regional regulations. Cuts and fills in excess of four (4) feet shall require approval by the City of Lago Vista through the Site Development Plan.
8. Building Set backs from the rear lot lines shall be a minimum of twenty-five (25) feet.
9. No interior side yard set back shall be required between the lots within the PDD. .
10. All portions of lots adjoining Peacemaker Trail will be considered to be "side yard" if the lot also has frontage on a different street or road.
11. The minimum lot width for all lots included in the PDD is 50 feet.
12. The maximum building height for all lots in the Lago Vista Town Centre Subdivision shall be thirty-four (34) feet above the highest point of the lot on which the structure is located.
13. Parking for all lots in the Lago Vista Retail Center may be shared among the various buildings in the Center as well as all driveways and other related facilities, provided the minimum requirements are met for the proper ratio of cumulative buildings to cumulative parking and adequate ingress and egress is provided for each building and each building sharing a parking lot and driveway have the uninhibited right to use the parking lot and driveway from the other owners.
14. All portions of the PDD which are adjacent to residentially zoned properties will be screened by a privacy fence or decorative screening wall with a minimum height of six (6) feet and not exceeding the maximum height of twelve (12) feet and approved by the City of Lago Vista. Openings for vehicular access shall be allowed for driveways as included in the Site Development Plan. Gated openings for pedestrian access shall be allowed at the discretion of the developer.
15. Constrictors or poisonous snakes, lion, tigers, bears, or other exotic animals are prohibited within the PDD.
16. Professional kennel operations are prohibited.
17. Accessory use structures other than an ATM machine shall not be permitted.
18. All development shall be constructed in accordance with the Lago Vista Retail Center Site Development Plan attached hereto, and made a part hereof.

There is no "Lago Vista Retail Center Site Development Plan" attached, notwithstanding whether it included any designated uses or not.

Section 5. Amendment of Ordinances. Ordinance No. 98-04-27-03 as amended is hereby amended to add the above-described planned development district.

Section 6. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 7. Conflicts. Any portion of any ordinance in conflict herewith is hereby repealed to the extent of such conflict only.

Section 8. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code* and approval of the replat of the PDD property into Lots A, B, C, D, E, F, G and H.

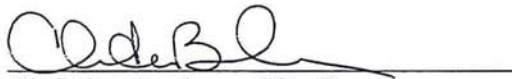
Section 9. Open Meetings. It hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 27th day of April, 2006.


Mayor

ATTEST:

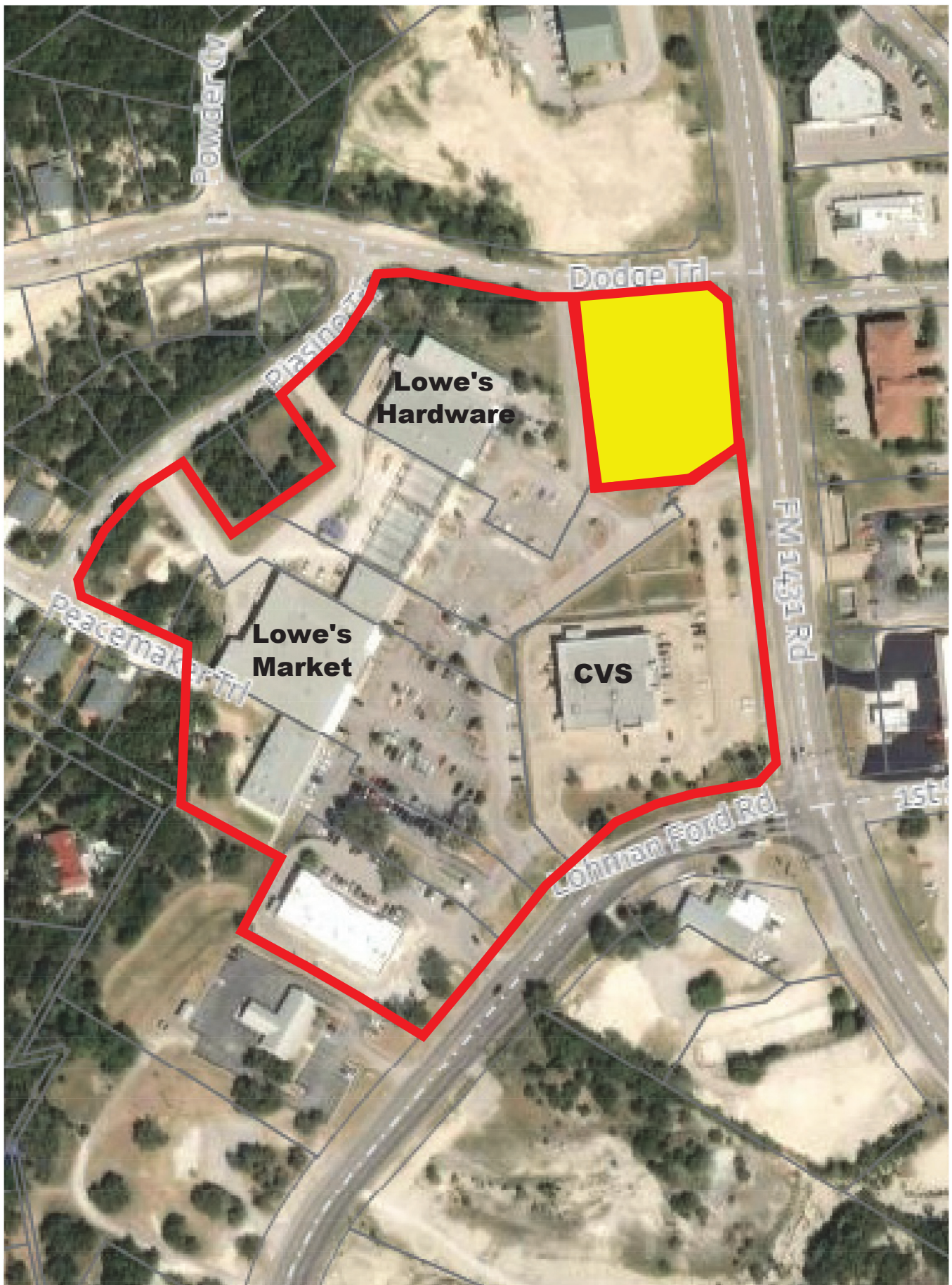

Christina Buckner, City Secretary

On a motion by Council Member Pat Dixon, seconded by Council Member Fred Harless, the above and foregoing ordinance was passed and approved.

EXHIBIT A

Lago Vista Town Centre Subdivision

Resubdivision of Lots 6146 – 6148 and 6151 – 6172, Bar-K Ranches Plat 6, and resubdivision of Lots 1B and 1C, resubdivision of Lot 1, Block A, Lago Vista Village Center, Travis County, Texas.



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CITY COUNCIL AGENDA ITEM REPORT

DATE: January 18, 2024

SUBMITTED BY: Gary Bosherars, Police Department

SUBJECT: Consider approval of a Selective Traffic Enforcement Program (STEP) Impaired Driving Mobilization (IDM) Grant from the Texas Department of Transportation for the Police Department (TXDOT).

BACKGROUND: The Texas Department of Transportation allocates grant funding to law enforcement agencies as a component of the Selective Traffic Enforcement Program (STEP). This grant serves to reimburse the expenditures associated with overtime for law enforcement officers engaged in supplementary traffic enforcement efforts. The Police Department has formally submitted an application for the Impaired Driving Mobilization (IDM) grant under the auspices of the STEP program. This specific grant is designed to facilitate overtime funding for officers, enabling them to enhance their presence in additional traffic enforcement activities during designated two-week intervals surrounding spring break, Independence Day, and Labor Day.

FINDINGS: The Police Department has been granted a sum of \$12,000 to partake in the Selective Traffic Enforcement Program's Impaired Driving Mobilization (STEP IDM) initiative. This financial allocation is designated to reimburse the City for up to \$12,000 in overtime expenses incurred by our officers engaged in additional traffic enforcement duties during two-week intervals surrounding spring break, Independence Day, and Labor Day. The utilization of this funding will enable the deployment of additional officers with the primary objective of conducting heightened traffic enforcement activities on major thoroughfares within the City. Initial costs will be borne by the City and subsequently reimbursed by the Texas Department of Transportation (TXDOT) upon completion of the work. Historical interactions with TXDOT regarding similar grant opportunities have demonstrated prompt reimbursement processes.

FINANCIAL IMPACT: A 25% matching obligation accompanies this grant, and it can

be fulfilled through various means, including payment of benefits on the overtime hours worked by officers and accounting for administrative time dedicated to compiling and submitting requisite reports for the grant. Adequate funding exists within the current budget meet these matching requirements. The initial expenses related to officer overtime will be borne by the City, with reimbursement from TXDOT upon the completion of the work and the subsequent submission of expenditure reports. There are sufficient funds in our current budget to cover the initial outlays.

Staff recommends approval accepting the STEP IDM Grant from TXDOT and authorize the City Manager to execute the agreement with TXDOT.

ATTACHMENTS:

[Grant Approved Letter.pdf](#)

Gary Boshears

From: monique.campa@txdot.gov
Sent: Thursday, December 7, 2023 9:18 AM
To: Gary Boshears
Cc: egrantshelp@txdot.gov; norah.maposa@txdot.gov; monique.campa@txdot.gov
Subject: Traffic Safety Project 2024-LagoVistaPD-IDM-00045 Approved

Congratulations, your Traffic Safety Project 2024-LagoVistaPD-IDM-00045 has been approved.

The TxDOT Compliance Division has started a monitoring program of other entities' internal ethics and compliance programs as outlined in Texas Administrative Code (TAC) 10.51. This monitoring program includes Traffic Safety Program Subgrantees based on the requirements outlined in Texas Administrative Code 25.906 subparagraph B. Traffic Safety Subgrantees are obligated to comply with 43 TAC 25.906 which necessitates adopting and enforcing an internal ethics and compliance program that satisfies the requirements of 43 TAC 10.51.

If you have not had your ICP approved by TxDOT, as part of processing your STEP Mobilization grant, please complete the [ICP Certification Form](https://www.txdot.gov/apps/eGrants/eGrantsHelp/Instructions/ICPCertificationForm2433.pdf) ((<https://www.txdot.gov/apps/eGrants/eGrantsHelp/Instructions/ICPCertificationForm2433.pdf>)) to certify your agency's compliance. Completed forms should be emailed to your TxDOT Project Manager, who will upload the form to your Organization page in eGrants.

- * TxDOT Traffic Safety eGrants allows s to electronically/digitally sign your grant agreement.
- * You must read the relevant instructions linked below for full details of either process.
- * If your agency or organization is no longer interested in receiving grant funding, and you would like to have your proposal withdrawn, contact your TxDOT Project Manager.

You must read and follow the "Mobilization Instructions" instructions on the eGrantsHelp webpage for detailed steps and explanations on how to digitally sign your grant agreements in eGrants with Electronic Signatures and follow the award process:

<https://www.txdot.gov/apps/eGrants/eGrantsHelp/Instructions/MobilizationInstructions.pdf>

Also, please be mindful that the grant becomes effective on Dec 10, 2023, or on the date of final signature by both parties, whichever is later. No costs can be incurred prior to the effective date of the grant.

For questions regarding this notice, contact your TxDOT Project Manager. If you have technical questions, contact your TxDOT Project Manager, or eGrantsHelp at: egrantshelp@txdot.gov





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CITY COUNCIL AGENDA ITEM REPORT

DATE: January 18, 2024

SUBMITTED BY: Jai Brown, Finance

SUBJECT: The City Council will hold a public hearing and consider an Ordinance Authorizing The Issuance Of The City Of Lago Vista, Texas Combination Tax And Revenue Certificates Of Obligation, Series 2024; Levying An Ad Valorem Tax And Pledging Certain Surplus Revenues In Support Of The Certificates; Approving An Official Statement, A Bond Purchase Agreement, A Paying Agent/Registrar Agreement And Other Agreements Relating To The Sale And Issuance Of The Certificates; And Ordaining Other Matters Relating To The Issuance Of The Certificates.

BACKGROUND: On October 19, 2023, the City Council authorized publication of the statutorily required notice to issue Certificates of Obligation (the "Certificates") in the maximum amount of \$26,000,000 for expenses incurred or to be incurred for (i) constructing, improving, and/or renovating City parks; (ii) improving, expanding and constructing City streets including related drainage, sidewalks, traffic improvements and lighting; (iii) improving, expanding, constructing and equipping renovations to the City's water and wastewater system, to include effluent dispersal irrigation, upgrading water and wastewater treatment plants and ground storage tanks; (iv) public safety equipment to include police radios; and, (v) payment of professional services in connection therewith including legal, engineering, architectural and fiscal fees and the costs of issuing the Certificates (collectively the "Project"). Such notice was published twice in the Hill Country News on Thursday, November 2, 2023 and Thursday, November 9, 2023, as required by Texas law. After 45 days after the date of the first publication, the City may authorize issuance of the Certificates, which is being proposed for consideration at the January 18, 2024 City Council meeting.

The attached ordinance (the "Ordinance") authorizes the issuance and sale of the Certificates and approves the Bond Purchase Agreement to give effect to the sale of the Certificates. The Certificates constitute direct and general

obligations of the City payable from a combination of (i) the levy and collection of a direct and continuing ad valorem tax, within the limits prescribed by law, on all taxable property within the City and (ii) a limited pledge of the surplus revenues of the City's Water and Sewer System not to exceed \$1,000 as provided in the Ordinance. Issuance of the Certificates does include a tax levy, however the City will be able to manage any tax impact each year during the budgeting process. The Bond Purchase Agreement will be entered into by and between the City and the Underwriters (FHN Financial Capital Markets And Frost Bank), whereby the Underwriters agree to purchase the Certificates from the City, and the City agrees to sell and deliver the Certificates to the Underwriters subject to the terms and conditions set forth in the Bond Purchase Agreement.

The Ordinance and all attachments are intentionally blank in the agenda packet since pricing will not occur until the morning January 18, 2024. The Ordinance and all attachments will be completed and finalized after the sale is finalized prior to the Council Meeting on January 18, 2024. The form and substance of the final Official Statement (the "Official Statement"), which is substantially similar to the form and substance of the Preliminary Official Statement, will be finalized after the sale of the Certificates, is also approved and adopted pursuant to the Ordinance.

FINDINGS:

The City's Bond Counsel and Financial Advisor will be present at the Council meeting to go over the terms of the pricing and explain any material changes to the Ordinance and attachments that are required as a result of the pricing.

Staff will continue to work with Bond Counsel and the City's Financial Advisor, to bring required items before Council with the desired end result of the Certificates closing on February 21, 2024.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

[Ordinance 01.18.2024 \(FINAL\).pdf](#)

ORDINANCE NO. 24-01-18-01

ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF LAGO VISTA, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN SURPLUS REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A BOND PURCHASE AGREEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES

**THE STATE OF TEXAS §
COUNTY OF TRAVIS §
CITY OF LAGO VISTA §**

WHEREAS, the City Council (the "City Council") of the City of Lago Vista, Texas (the "City"), deems it advisable to issue certificates of obligation in the amount \$23,465,000 (the "Certificates") for the purpose of paying contractual obligations incurred or to be incurred by the City for (i) constructing, improving, and/or renovating City parks; (ii) improving, expanding and constructing City streets including related drainage, sidewalks, traffic improvements and lighting; (iii) improving, expanding, constructing and equipping renovations to the City's water and wastewater system, to include effluent dispersal irrigation, upgrading water and wastewater treatment plants and ground storage tanks; (iv) public safety equipment to include police radios; and (v) payment of professional services in connection therewith including legal, engineering, architectural and fiscal fees and the costs of issuing the Certificates.

WHEREAS, the City Council passed a resolution on October 19, 2023 authorizing and directing the City Secretary to give notice of intention to issue certificates of obligation for the purposes described above, and said notice has been duly published in a newspaper of general circulation in said City, said newspaper being a "newspaper" as defined in Section 2051.044, Texas Government Code;

WHEREAS, there has not been filed with the City Secretary or any other officer of the City a petition protesting the issuance of such certificates of obligation and requesting an election on same;

WHEREAS, notice of a public hearing on the issuance of the Certificates hereinafter authorized to be issued was published in the time and manner required by the City's Home Rule Charter;

WHEREAS, a public hearing was conducted by the City Council of the City pursuant to such published notice, in further compliance with the City's Home Rule Charter; and

WHEREAS, it is affirmatively found and determined that the City is authorized to proceed with the issuance and sale of the Certificates as authorized by the Constitution and laws of the State

of Texas, including, particularly, Tex. Loc. Gov't Code Ann. ch. 271, subch. C, and Tex. Gov't Code ch. 1502; and

WHEREAS, it is officially found, determined and declared that the meeting at which this Ordinance has been adopted was open to the public and public notice of the date, hour, place and subject of said meeting, including this Ordinance, was given, all as required by the applicable provisions of Tex. Gov't Code Ann. ch. 551.

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

SECTION 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES.

The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this section. The Certificates are hereby authorized to be issued and delivered in the aggregate principal amount of \$23,465,000 for the purpose of paying contractual obligations incurred or to be incurred by the City for: (i) constructing, improving, and/or renovating City parks; (ii) improving, expanding and constructing City streets including related drainage, sidewalks, traffic improvements and lighting; (iii) improving, expanding, constructing and equipping renovations to the City's water and wastewater system, to include effluent dispersal irrigation, upgrading water and wastewater treatment plants and ground storage tanks; (iv) public safety equipment to include police radios; and (v) payment of professional services in connection therewith including legal, engineering, architectural and fiscal fees and the costs of issuing the Certificates.

SECTION 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITIES OF CERTIFICATES. Each Certificate issued pursuant to this Ordinance shall be designated: "CITY OF LAGO VISTA, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024", and initially there shall be issued, sold, and delivered hereunder fully registered certificates, without interest coupons, dated February 15, 2024, in the respective denominations and principal amounts hereinafter stated, numbered consecutively from R-1 upward (except the Initial Certificate delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owners thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said certificates or any portion or portions thereof (in each case, the "Registered Owner"), and said certificates shall mature and be payable serially on February 15 in each of the years and in the principal amounts, respectively, as set forth in the following schedule:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2025	\$100,000	2036	\$ 855,000
2026	520,000	2037	900,000
2027	545,000	2038	945,000
2028	575,000	2039	995,000
2029	600,000	2040	1,045,000
2030	635,000	2041	1,100,000
2031	665,000	2042	1,150,000
2032	700,000	2043	1,200,000
2033	735,000	2044	1,265,000
2034	775,000	****	****
2035	815,000	2049	7,345,000

The term "Certificates" as used in this Ordinance shall mean and include collectively the Certificates initially issued and delivered pursuant to this Ordinance and all substitute Certificates exchanged therefor, as well as all other substitute Certificates and replacement Certificates issued pursuant hereto, and the term "Certificate" shall mean any of the Certificates.

SECTION 3. INTEREST. The Certificates scheduled to mature during the years, respectively, set forth below shall bear interest from the dates specified in the FORM OF CERTIFICATE set forth in this Ordinance to their respective dates of maturity or redemption prior to maturity at the following rates per annum:

<u>YEAR</u>	<u>RATE</u>	<u>YEAR</u>	<u>RATE</u>
2025	5.000%	2036	5.000%
2026	5.000	2037	5.000
2027	5.000	2038	5.000
2028	5.000	2039	5.000
2029	5.000	2040	5.000
2030	5.000	2041	5.000
2031	5.000	2042	4.000
2032	5.000	2043	5.000
2033	5.000	2044	5.000
2034	5.000	****	****
2035	5.000	2049	5.000

Interest shall be payable in the manner provided and on the dates stated in the FORM OF CERTIFICATE set forth in this Ordinance.

SECTION 4. CHARACTERISTICS OF THE CERTIFICATES. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept by U.S. Bank, N.A., Dallas, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Certificates (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar

shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Certificate to which payments with respect to the Certificates shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be made in the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein, and said Certificates shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) Payment of Certificates and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Certificates, and of all conversions and exchanges of Certificates, and all replacements of Certificates, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage

prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day immediately preceding the date of mailing of such notice.

(c) In General. The Certificates (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Certificates, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificates shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Certificates, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Initial Certificate initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange for any Certificate or Certificates issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF CERTIFICATE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Certificates that at all times while the Certificates are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Certificates under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Certificates, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Certificates, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Certificates issued in exchange for the Initial Certificate initially issued as provided in Section 4(h) shall be issued in the form of a separate single fully registered Certificate for each of the maturities thereof registered in the name of Cede & Co. as nominee of DTC and except as provided in subsection (f) hereof, all of the Outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Certificates registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Certificates. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Certificates, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Certificates, including any notice of redemption, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Certificates. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal, premium, if any, and interest, with respect to such Certificate, for the purposes of registering transfers with respect to such Certificates, and for all other purposes of registering transfers with respect to such Certificates, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Certificates only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Certificates to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Certificate evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Certificates, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Certificates shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificate is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, in the manner provided in the blanket representation letter of the City to DTC.

(h) Initial Certificate. The Certificates herein authorized shall be initially issued as a fully registered certificate, being one certificate setting forth each maturity, and the Initial Certificate shall be registered in the name of the Representative or the designees thereof as set forth in Section 12 hereof. The Initial Certificate shall be the Certificate submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Initial Purchaser. Immediately after the delivery of the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate delivered hereunder and exchange therefor Certificates in the form of a separate single fully registered Certificate for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(f), all of the outstanding Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

SECTION 5. FORM OF CERTIFICATE. The form of the Certificate, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Initial Certificate initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF CERTIFICATE

**UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF TRAVIS
CITY OF LAGO VISTA, TEXAS
COMBINATION TAX AND LIMITED REVENUE
CERTIFICATE OF OBLIGATION,
SERIES 2024**

NO. R-__

**PRINCIPAL
AMOUNT
\$_____**

<u>INTEREST RATE</u>	<u>DATE OF CERTIFICATES</u>	<u>MATURITY DATE</u>	<u>CUSIP NO.</u>
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February 15, 2024

REGISTERED OWNER:

PRINCIPAL AMOUNT:**DOLLARS**

ON THE MATURITY DATE specified above, the CITY OF LAGO VISTA, in Travis County, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the date of initial delivery of the Certificates, February 21, 2024, on February 15, 2025 and semiannually on each February 15 and August 15 thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above calculated on the basis of a 360-day year of twelve 30-day months; except that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date immediately preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged or converted from is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption prior to maturity, at U.S. Bank N.A., which is the "Paying Agent/Registrar" for this Certificate at its designated office for payment currently, Dallas, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Certificate shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Certificate (the "Certificate Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the last day of the month immediately preceding each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Certificate appearing on the

Registration Books at the close of business on the last business day immediately preceding the date of mailing of such notice.

ANY ACCRUED INTEREST due at maturity or upon the redemption of this Certificate prior to maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Certificate for redemption and payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Certificate that on or before each principal payment date, interest payment date, and accrued interest payment date for this Certificate it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Certificate Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Certificates, when due.

IF THE DATE for the payment of the principal of or interest on this Certificate shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the city where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS CERTIFICATE is one of a series of Certificates dated February 15, 2024, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$23,465,000 for the purpose of paying contractual obligations incurred or to be incurred by the City for: (i) constructing, improving, and/or renovating City parks; (ii) improving, expanding and constructing City streets including related drainage, sidewalks, traffic improvements and lighting; (iii) improving, expanding, constructing and equipping renovations to the City's water and wastewater system, to include effluent dispersal irrigation, upgrading water and wastewater treatment plants and ground storage tanks; (iv) public safety equipment to include police radios; and (v) payment of professional services in connection therewith including legal, engineering, architectural and fiscal fees and the costs of issuing the Certificates.

ON FEBRUARY 15, 2034, or on any date thereafter, the Certificates maturing on and after February 15, 2035 may be redeemed prior to the scheduled maturity, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Certificates, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Certificate may be redeemed only in an integral multiple of \$5,000).

THE CERTIFICATES maturing on February 15, 2049 (the "Term Certificates") are subject to mandatory sinking fund redemption by lot prior to maturity in the following amounts, on the following dates and at a price of par plus accrued interest to the redemption date.

Certificates Maturing February 15, 2049

Redemption Date	Principal Amount
February 15, 2045	\$1,325,000
February 15, 2046	\$1,395,000
February 15, 2047	\$1,465,000
February 15, 2048	\$1,540,000
February 15, 2049*	\$1,620,000*

*Final Maturity

THE PRINCIPAL AMOUNT of the Term Certificates required to be redeemed pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the City by the principal amount of any Term Certificates of the stated maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the City, at a price not exceeding the principal amount of such Term Certificates plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the City with monies in the Interest and Sinking Fund at a price not exceeding the principal amount of the Term Certificates plus accrued interest to the date of purchase thereof, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.

NO LESS THAN 30 days prior to the date fixed for any such redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Certificate to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the business day immediately preceding the date of mailing such notice and to major securities depositories, national bond rating agencies and bond information services; provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Certificates. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Certificates or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Certificates or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Certificates shall be redeemed a substitute Certificates or Certificates having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Certificate Ordinance.

WITH RESPECT TO any optional redemption of the Certificates, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

DURING ANY PERIOD in which ownership of the Certificates is determined only by a book entry at a securities depository for the Certificates, if fewer than all of the Certificates of the same maturity and bearing the same interest rate are to be redeemed, the particular Certificates of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered certificates, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Certificate Ordinance, this Certificate may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered certificates, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Certificate Ordinance. Among other requirements for such assignment and transfer, this Certificate must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Certificate or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Certificate may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Certificate or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Certificate or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Certificate or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of the unredeemed balance of the Certificate.

WHENEVER the beneficial ownership of this Certificate is determined by a book entry at a securities depository for the Certificates, the foregoing requirements of holding, delivering or transferring this Certificate shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Certificates is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Certificate Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Certificates.

IT IS HEREBY certified, recited and covenanted that this Certificate has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Certificate have been performed, existed and been done in accordance with law; that this Certificate is a general obligation of said City, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate, together with other obligations of the City, is additionally secured by and payable from a limited pledge of the surplus revenues of the City's water and wastewater system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or part of the Net Revenues of the City's water and wastewater system, which amount shall not exceed \$1,000, all as provided in the Certificate Ordinance.

BY BECOMING the Registered Owner of this Certificate, the Registered Owner thereby acknowledges all of the terms and provisions of the Certificate Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Certificate Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Certificate and the Certificate Ordinance constitute a contract between each Registered Owner hereof and the City.

IT IS FURTHER CERTIFIED that the City has designated the Certificates as "qualified tax-exempt obligations" within the meaning of Section 265(b) of the Internal Revenue Code of 1986.

IN WITNESS WHEREOF, the City has caused this Certificate to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of said City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Certificate.

City Secretary, City of Lago Vista, Texas

Mayor, City of Lago Vista, Texas

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Certificate is not accompanied by an
executed Registration Certificate of the Comptroller
of Public Accounts of the State of Texas)

It is hereby certified that this Certificate has been issued under the provisions of the Certificate Ordinance described in the text of this Certificate; and that this Certificate has been issued in conversion or replacement of, or in exchange for, a certificate, certificates, or a portion of a certificate or certificates of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated: _____

U.S. Bank, N.A.,
Dallas, Texas
Paying Agent/Registrar

By: _____
Authorized Representative

FORM OF ASSIGNMENT:

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer
Identification Number of Transferee

(Please print or typewrite name and address,
including zip code, of Transferee)

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Certificate on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Certificate in every particular, without alteration or enlargement or any change whatsoever.

**FORM OF REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS FOR INITIAL CERTIFICATE:**

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

INSERTIONS FOR THE INITIAL CERTIFICATE

The Initial Certificate shall be in the form set forth in this Section, except that:

A. immediately under the name of the Certificate, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"ON THE MATURITY DATE SPECIFIED ABOVE, the City of Lago Vista, Texas (the "City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
-------------	-------------------------	----------------------

(Information from Sections 2 and 3 to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the date of initial delivery of the Certificates at the respective Interest Rate per annum specified in the schedule above. Interest is payable on February 15, 2025 and semiannually on each August 15 and February 15 thereafter to the date of payment of the principal installment specified above; except, that if this Certificate is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date immediately preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

C. The Initial Certificate shall be numbered "T-1."

SECTION 6. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Certificates. All ad valorem taxes levied and collected for and on account of said Certificates shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Certificates are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificates as such principal matures (but never less than 2% of the original amount of said Certificates as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Certificates are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Certificates shall be deposited in the Interest and Sinking Fund and used to pay interest on the Certificates.

Chapter 1208, Texas Government Code, applies to the issuance of the Certificates and the pledge of the taxes and Surplus Revenues granted by the City under Sections 7 and 8 of this Ordinance, and is therefore valid, effective, and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid, such that the pledge of the taxes and Surplus Revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then, in order to preserve to the registered owners of the Certificates the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to

comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

SECTION 7. REVENUES. The Certificates together with other obligations of the City, are additionally secured by and shall be payable from and secured by a limited pledge of the surplus revenues of the City's water and wastewater system, after payment of all operation and maintenance expenses or collections thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding) which are payable from all or any part of the revenues of the City's water and wastewater system, which amount shall not exceed \$1,000, with such amount constituting "Surplus Revenues." The City shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to Section 6, to the extent necessary to pay the principal and interest on the Certificates. Notwithstanding the requirements of Section 6, if Surplus Revenues are actually on deposit or budgeted for deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to Section 6 may be reduced to the extent and by the amount of the Surplus Revenues then on deposit in the Interest and Sinking Fund or budgeted for deposit therein.

The Mayor and the City Secretary are hereby ordered to do any and all things necessary to accomplish the transfer of monies to the Interest and Sinking Fund of this issue in ample time to pay such items of principal and interest.

SECTION 8. DEFEASANCE OF CERTIFICATES. (a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Certificate, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until all Defeased Certificates shall have become due and payable or (3) any combination of (1) and (2). At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes or revenues herein levied and pledged as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Certificate as aforesaid when proper notice of redemption of such Certificates shall have been given or upon the establishment of irrevocable provisions for the giving of such notice, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or an eligible trust company or commercial bank as provided in this Section may at the discretion of the City Council

also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Certificate and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Certificates and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Certificates and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section for the payment of Certificates and such Certificates shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Certificate affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Certificate to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Certificate for redemption in accordance with the provisions of this Ordinance, the City may call such Defeased Certificate for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Certificate as though it was being defeased at the time of the exercise of the option to redeem the Defeased Certificate and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Certificate.

As used in this section, "Defeasance Securities" means (i) Federal Securities, and (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Certificates are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent.

"Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America.

SECTION 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED CERTIFICATES. (a) Replacement Certificates. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) Application for Replacement Certificates. Application for replacement of damaged, mutilated, lost, stolen or destroyed Certificates shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the Registered Owner applying for a replacement certificate shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Certificate, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Certificate shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Certificate, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Certificates. Prior to the issuance of any replacement certificate, the Paying Agent/Registrar shall charge the Registered Owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Certificate shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Certificates duly issued under this Ordinance.

(e) Authority for Issuing Replacement Certificates. In accordance with Subchapter B of Chapter 1206, Texas Government Code, as amended, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement certificate without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such certificates is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificates in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Certificates issued in conversion and exchange for other Certificates.

SECTION 10. CUSTODY, APPROVAL, AND REGISTRATION OF CERTIFICATES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. (a) The Mayor of the City is hereby authorized to have control of the Initial Certificate issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificates pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller

of Public Accounts of the State of Texas. Upon registration of the Certificates said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to the Initial Certificate, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Certificates issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Certificates. In addition, if bond insurance is obtained, the Certificates may bear an appropriate legend as provided by the insurer.

(b) The obligation of the initial purchaser to accept delivery of the Certificates is subject to the initial purchaser being furnished with the final, approving opinion of McCall, Parkhurst & Horton L.L.P., bond counsel to the City, which opinion shall be dated as of and delivered on the date of initial delivery of the Certificates to the initial purchaser. The engagement of such firm as bond counsel to the City in connection with issuance, sale and delivery of the Certificates is hereby approved and confirmed. The execution and delivery of an engagement letter between the City and such firm, with respect to such services as bond counsel, is hereby authorized in such form as may be approved by the Mayor or the City Manager, and the Mayor or the City Manager is hereby authorized to execute such engagement letter.

SECTION 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Certificates as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Certificates, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Certificates or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Certificates (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Certificates being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Certificates being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Certificates, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Certificates, other than investment property acquired with --

(A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Certificates;

(7) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Certificates have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(9) to assure that the proceeds of the Certificates will be used solely for new money projects

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the certificateholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Certificates. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department

of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Certificates, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Certificates, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Certificates. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Certificates, or (2) the date the Certificates are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Certificates. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Certificates. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Written Procedures. Unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the City hereby adopts and establishes the instructions attached hereto as Exhibit A as its written procedures.

SECTION 12. SALE OF CERTIFICATES. The Certificates are hereby sold and shall be delivered to FHN Financial Capital Market, as senior manager of a syndicate (collectively, the "Underwriter"), at the price of \$25,869,730.99 (which amount is equal to the principal amount of the Certificates plus an original issue premium of \$2,534,297.60 and less an underwriting discount of \$129,566.61) all pursuant to the terms and provisions of a Purchase Agreement in substantially the form attached hereto as Exhibit "B" which the Mayor or Mayor Pro-Tem is hereby authorized to execute and deliver and which the City Secretary of the City is hereby authorized to attest. The City will initially deliver to the Underwriter one certificate for each maturity of the Certificates authorized under this Ordinance. The Certificates shall initially be registered in the name of CEDE & Co.

In consultation with, and reliance upon the advice of the financial advisor for the City, the City Council hereby finds the terms and sale of the Certificates are the most advantageous reasonably available on the date and time of the pricing of the Certificates given the then existing market conditions and the stated terms of sale on such date and time and accordingly that such terms are in the best interest of the City.

SECTION 13. DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Certificates when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Certificates, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Certificates then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and

shall be in addition to every other remedy given hereunder or under the Certificates or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Certificates shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Certificate authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

SECTION 14. ESTABLISHMENT OF PROJECT FUND. (a) Project Fund. The Series 2024 Certificate Project Fund is hereby created and shall be established and maintained by the City at an official depository bank of the City. Proceeds from the sale of the Certificates shall be deposited in the Project Fund.

(b) Investment of Funds. The City hereby covenants that the proceeds of the sale of the Certificates will be used as soon as practicable for the purposes for which the Certificates are issued. Obligations purchased as an investment of money in any fund shall be deemed to be a part of such fund. Any money in any fund created by this Ordinance may be invested as permitted by the Public Funds Investment Act, as amended and the City's Investment Policy.

(c) Security for Funds. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.

(d) Maintenance of Funds. Any funds created pursuant to this Ordinance may be created as separate funds or accounts or as subaccounts of the City's General Fund held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such funds or of such funds and the City shall keep full and complete records indicating the monies and investments credited to each such fund.

(e) Interest Earnings. Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with the Certificate proceeds for the purpose for which the Certificates are issued as set forth in Section 1 hereof or to pay principal or interest payments on the Certificates; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on Certificate proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Certificates from being arbitrage certificates shall be so rebated and not considered as interest earnings for the purposes of this Section.

SECTION 15. APPROVAL OF OFFICIAL STATEMENT. The City hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Certificates by the Underwriters in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement dated January 9, 2024 prior to the date hereof is confirmed, approved and ratified. The City Council hereby finds and determines that the Preliminary Official Statement and final Official Statement were "deemed final" (as that term is defined in 17 CFR Section 240.15c(2)-12) as of their respective dates.

SECTION 16. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT. Attached hereto as Exhibit "C" is a substantially final form of Paying Agent/Registrar Agreement. The Mayor or Mayor Pro-tem is hereby authorized to amend, complete or modify such agreement as necessary and are further authorized to execute such agreement.

SECTION 17. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, (i) within six months after the end of each fiscal year of the City ending in or after 2023, financial information and operating data, which information and data may be unaudited, with respect to the City of the general type included in the final Official Statement authorized by Section 15 of this Ordinance, being the information described in Exhibit "D" hereto and (ii) if not provided as part of such financial information and operating data, audited financial statements of the City, within six months after the end of each fiscal year of the City ending in or after 2023. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "A" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

- (b) Event Notices . The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Certificates:

- A. Principal and interest payment delinquencies;
- B. Non-payment related defaults, if material within the meaning of the federal securities laws;
- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Certificates, or other events affecting the tax status of the Certificates
- G. Modifications to rights of holders of the Certificates, if material within the meaning of the federal securities laws;
- H. Certificate calls, if material within the meaning of the federal securities laws;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Certificates, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material within the meaning of the federal securities laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.
- O. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

- P. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

"Financial Obligation" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Limitations, Disclaimers, and Amendments . The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Certificates within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 12.02 of this Ordinance that causes the Certificates no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Certificates, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Certificates at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY CERTIFICATE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Certificates in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Certificates in the primary offering of the Certificates in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Certificates consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Certificates. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Certificates in the primary offering of the Certificates.

SECTION 18. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (v) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, any bond insurer of the Certificates (the "Bond Insurer") and the holders of Certificates aggregating in principal amount 51% of the aggregate principal amount of then outstanding Certificates that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Certificates and the Bond Insurer,

nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:

- (1) Make any change in the maturity of any of the outstanding Certificates;
- (2) Reduce the rate of interest borne by any of the outstanding Certificates;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Certificates;
- (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Certificates or any of them or impose any condition with respect to such payment; or
- (5) Change the minimum percentage of the principal amount of any series of Certificates necessary for consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Certificates a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Certificates.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Certificates then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Certificates shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Certificate pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Certificate during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Certificates then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

SECTION 19. NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on any Certificates or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Certificates.

SECTION 20. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Certificates or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Certificates.

SECTION 21. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Certificates, the initial sale and delivery of the Certificates, the Paying Agent/Registrar Agreement, the Purchase Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Certificates, the Mayor, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of the bond insurer, if any, or (iii) obtain the approval of the Certificates by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 22. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the lien on and pledge of the ad valorem taxes and Surplus Revenues granted by the City under Sections 6 and 7 of this Ordinance to secure the payment of the Certificates.

SECTION 23. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 24. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other

than the City, the registered owners of the Certificates or the Underwriters, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, the registered owners of the Certificates and the Underwriters.

SECTION 25. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

SECTION 26. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 27. USE OF PREMIUM. The Certificates are being sold at a premium in the total amount of \$337,842.30. With respect to such premium, \$79,873.30 shall be used to pay costs of issuance and \$257,969.00 shall be deposited into the Project Fund.

SECTION 28. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 29. EFFECTIVE DATE. This Ordinance shall become effective upon the final passage of this Ordinance, and no petition was received from the qualified electors of the City protesting the issuance of such Certificates.

FINALLY PASSED AND APPROVED on first and final reading in accordance with Section 1201.028, Texas Government Code, on this January 18, 2024.

Mayor, City of Lago Vista, Texas

ATTEST:

City Secretary, City of Lago Vista, Texas

[CITY SEAL]

EXHIBIT "A"

WRITTEN PROCEDURES FOR FEDERAL TAX COMPLIANCE

These procedures, together with any federal tax certifications, provisions included in the order, ordinance or resolution (the "Authorizing Document") authorizing the issuance and sale of any tax-exempt debt (the "Obligations"), letters of instructions and/or memoranda from bond counsel and any attachments thereto (the "Closing Documents"), are intended to assist the City of Lago Vista, Texas (the "City") in complying with federal guidelines related to the issuance of such Obligations.

A. Arbitrage Compliance. Federal income tax laws generally restrict the ability to earn arbitrage in connection with the Obligations. The City Manager of the City (such officer, together with other employees of the City who report to or such officer, is collectively, the "Responsible Person") will review the Closing Documents periodically (at least once a year) to ascertain if an exception to arbitrage compliance applies.

Procedures applicable to Obligations issued for construction and acquisition purposes. With respect to the investment and expenditure of the proceeds of the Obligations that are issued to finance public improvements or to acquire land or personal property, the Responsible Person will:

1. Instruct the appropriate person who is primarily responsible for the construction, renovation or acquisition of the facilities financed with the Obligations (the "Project") that (i) binding contracts for the expenditure of at least 5% of the proceeds of the Obligations must be entered into within 6 months of the date of closing of the Obligations (the "Issue Date") and that (ii) the Project must proceed with due diligence to completion;

2. Monitor that at least 85% of the proceeds of the Obligations to be used for the construction, renovation or acquisition of the Project are expended within 3 years of the Issue Date;

3. Monitor the yield on the investments purchased with proceeds of the Obligations and restrict the yield of such investments to the yield on the Obligations after 3 years from the Issue Date; and

4. To the extent that there are any unspent proceeds of the Obligations at the time the Obligations are refunded, or if there are unspent proceeds of the Obligations that are being refunded by a new issuance of Obligations, the Responsible Person shall continue monitoring the expenditure of such unspent proceeds to ensure compliance with federal tax law with respect to both the refunded Obligations and any Obligations being issued for refunding purposes.

Procedures applicable to Obligations with a debt service reserve fund. In addition to the foregoing, if the City issues Obligations that are secured by a debt service reserve fund, the Responsible Person will assure that the maximum amount of any reserve fund for the Obligations invested at a yield higher than the yield on the Obligations will not exceed the lesser of (1) 10% of the principal amount of the Obligations, (2) 125% of the average annual debt service on the

Obligations measured as of the Issue Date, or (3) 100% of the maximum annual debt service on the Obligations as of the Issue Date.

Procedures applicable to Escrow Accounts for Refunding Obligations. In addition to the foregoing, if the City issues Obligations and proceeds are deposited to an escrow fund to be administered pursuant to the terms of an escrow agreement, the Responsible Person will:

1. Monitor the actions of the escrow agent to ensure compliance with the applicable provisions of the escrow agreement, including with respect to reinvestment of cash balances;
2. Contact the escrow agent on the date of redemption of obligations being refunded to ensure that they were redeemed; and
3. Monitor any unspent proceeds of the refunded obligations to ensure that the yield on any investments applicable to such proceeds are invested at the yield on the applicable obligations or otherwise applied (see Closing Documents).

Procedures applicable to all Tax-Exempt Obligation Issues. For all issuances of Obligations, the Responsible Person will:

1. Maintain any official action of the City (such as a reimbursement resolution) stating the City's intent to reimburse with the proceeds of the Obligations any amount expended prior to the Issue Date for the acquisition, renovation or construction of the Project;
2. Ensure that the applicable information return (e.g., U.S. Internal Revenue Service ("IRS") Form 8038-G, 8038-GC, or any successor forms) is timely filed with the IRS;
3. Assure that, unless excepted from rebate and yield restriction under section 148(f) of the Internal Revenue Code of 1986, as amended, excess investment earnings are computed and paid to the U.S. government at such time and in such manner as directed by the IRS (i) at least every 5 years after the Issue Date and (ii) within 30 days after the date the Obligations are retired;
4. Monitor all amounts deposited into a sinking fund or funds pledged (directly or indirectly) to the payment of the Obligations, such as the Interest and Sinking Fund, to assure that the maximum amount invested within such applicable fund at a yield higher than the yield on the Obligations does not exceed an amount equal to the debt service on the Obligations in the succeeding 12 month period plus a carryover amount equal to one-twelfth of the principal and interest payable on the Obligations for the immediately preceding 12-month period; and
5. Ensure that no more than 50% of the proceeds of the Obligations are invested in an investment with a guaranteed yield for 4 years or more.

B. Private Business Use. Generally, to be tax-exempt, only an insignificant amount of the proceeds of each issue of Obligations can benefit (directly or indirectly) private businesses. The Responsible Person will review the Closing Documents periodically (at least once a year) for the purpose of determining that the use of the Project financed or refinanced with the proceeds of the

Obligations does not violate provisions of federal tax law that pertain to private business use. In addition, the Responsible Person will:

1. Develop procedures or a "tracking system" to identify all property financed with Obligations;
2. Monitor and record the date on which the Project is substantially complete and available to be used for the purpose intended;
3. Monitor and record whether, at any time the Obligations are outstanding, any person, other than the City, the employees of the City, the agents of the City or members of the general public:
 - (i) has any contractual right (such as a lease, purchase, management or other service agreement) with respect to any portion of the Project;
 - (ii) has a right to use the output of the Project (e.g., water, gas, electricity); or
 - (iii) has a right to use the Project to conduct or to direct the conduct of research;
4. Monitor and record whether, at any time the Obligations are outstanding, any person, other than the City, has a naming right for the Project or any other contractual right granting an intangible benefit;
5. Monitor and record whether, at any time the Obligations are outstanding, the Project, or any portion thereof, is sold or otherwise disposed of; and
6. Take such action as is necessary to remediate any failure to maintain compliance with the covenants contained in the Authorizing Document related to the public use of the Project.

C. Record Retention. The Responsible Person will maintain or cause to be maintained all records relating to the investment and expenditure of the proceeds of the Obligations and the use of the Project financed or refinanced thereby for a period ending three (3) years after the complete extinguishment of the Obligations. If any portion of the Obligations is refunded with the proceeds of another series of Obligations, such records shall be maintained until the three (3) years after the refunding Obligations mature or are otherwise paid off. Such records can be maintained in paper or electronic format.

D. Responsible Person. A Responsible Person shall receive appropriate training regarding the City's accounting system, contract intake system, facilities management and other systems necessary to track the investment and expenditure of the proceeds and the use of the Project financed or refinanced with the proceeds of the Obligations. The foregoing notwithstanding, each Responsible Person shall report to the governing body of the City whenever experienced advisors and agents may be necessary to carry out the purposes of these instructions for the purpose of seeking approval of the governing body to engage or utilize existing advisors and agents for such purposes.

EXHIBIT "B"
BOND PURCHASE AGREEMENT

EXHIBIT "C"
PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT "D"

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 17 of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Official Statement referred to) below:

- (1) Table 1 - Valuation, Exemptions and Tax Supported Debt
- (2) Table 2 – Taxable Assessed Valuation by Category
- (3) Table 3 - Tax Rates, Levies, Collections and Ratios
- (4) Table 4 - Ten Largest Taxpayers
- (5) Table 5 – Tax Supported Debt Service Requirements
- (6) Table 6 - Authorized But Unissued Ad Valorem Tax Debt
- (7) Table 7 - Other Obligations
- (8) Table 8 - Summary of General Fund Revenues and Expenditures and Changes in Net Balances
- (9) Table 8A – Condensed Statement of Activities
- (10) Table 9 - Summary of General Fund Balance Sheet
- (11) Table 9A – Condensed Statement of Net Position
- (12) Table 10 - Municipal Sales Tax History
- (13) Table 11 - Current Investments
- (14) Appendix C

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in the paragraph above.

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CITY COUNCIL AGENDA ITEM REPORT

DATE: January 18, 2024

SUBMITTED BY: Tracie Hlavinka, City Manager

SUBJECT: Discussion, consideration, and possible action regarding the award of RFQ 23-09 for City Attorney Services to Bickerstaff Heath Delgado Acosta, LLP, authorize the City Manager to execute an agreement for such services.

BACKGROUND: The City put out a request for proposal for City Attorney Services on July 3, 2023, with a closing date of August 24, 2023. The City received a total of six (6) responses to the request. A comprehensive review of the submissions was conducted by key stakeholders. Following a meticulous evaluation, two (2) firms, Bojorquez Law Firm, PC, and Bickerstaff Heath Delgado Acosta, LLP, rose to the top of the list with their combined scores. Both firms made presentations to the City Council and answered specifically asked questions at the November 30, 2023, Council meeting.

FINDINGS: According to Section 4.04 of the City Charter: The City Manager shall appoint a City Attorney subject to approval by the Council. The City Manager may also appoint other attorneys to assist the City Attorney as may be deemed necessary and approved by the Council.

Based on the presentations, answers to specific questions asked by the City Council, feedback from both City Council and City staff, the City Manager is recommending appointment to Bickerstaff Heath Delgado Acosta, LLP, for City Attorney services.

To facilitate a seamless transition of attorney services, the City Manager proposes that Bojorquez Law Firm concludes its services on February 29, 2024. This timeline allows for the resolution of ongoing projects. Simultaneously, the City Manager suggests initiating a contract for attorney services with Bickerstaff Heath Delgado Acosta, LLP, starting on February 1, 2024. This proactive approach ensures the swift commencement of new projects with the new firm.

FINANCIAL IMPACT:

Attorney services expenses are allocated within the FY2024 budget under the department of Legal, with a designated budgetary provision of \$405,000.



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CITY COUNCIL AGENDA ITEM REPORT

DATE: January 18, 2024

SUBMITTED BY: Joe Crawford, City Council

SUBJECT: Discussion, consideration, and possible action on Ordinance 24-01-18-02; an ordinance of the City Council of Lago Vista, Texas, amending article 1.500 of Chapter 1 of the Lago Vista Code of Ordinances to update existing purchasing policies and procedures to create a local preference program.

BACKGROUND: State law allows cities to adopt "local preference" ordinances which give marginal benefit to local businesses in procurement decisions. These programs are meant to allow Texas cities to benefit from businesses with local experience, to foster economic development and employment within the City and increase the City's tax revenue.

In recent years the City has made progress on its Procurement Policies and Procedures, which has been commended by its auditors. When considering changes to the existing Procurement Policies and Procedures Council should consider, in addition to the possible benefits of such changes, the possibility that consideration of additional metrics may dilute the procurement process, interfere with the efficient administration of the procurement program, or open the door to preferential treatment to certain vendors without regard to the benefits to the City.

The draft ordinance attached was provided by Council member Saum based on programs from other Texas cities. The Interim City Attorney has also included changes to reflect state law and the City's existing Purchasing Policies and Procedures.

FINANCIAL IMPACT: There is no immediate impact on the budget, but the ordinance would allow the purchase price for certain contracts to increase by up to 5% for purchase of non-professional services or goods, and an undefined amount for the purchase of professional services.

ATTACHMENTS:

ORDINANCE NO. 24-01-18-02

AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING ARTICLE 1.500 OF CHAPTER 1 OF THE LAGO VISTA CODE OF ORDINANCES TO UPDATE EXISTING PURCHASING POLICIES AND PROCEDURES TO CREATE A LOCAL PREFERENCE PROGRAM.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, sound purchasing guidelines contribute greatly to the economical and effective operation of the City of Lago Vista and provide the public confidence and trust in government; and

WHEREAS, the City Council of the City of Lago Vista has previously established Purchasing Policies and Procedures, published in accordance with Chapter 1 of the Code of Ordinances, to ensure that City purchasing staff obtain the most value for the tax dollar in a fair, efficient, and equitable manner; and

WHEREAS, the mission of the City of Lago Vista Finance Department is to procure quality goods and services necessary to provide the citizens with the services they expect at the best possible price within the guidelines of all federal, state, and municipal purchasing laws, while complying with best practices and state procurement laws; and

WHEREAS, it is a policy of the City of Lago Vista to use its spending powers to promote fiscal responsibility and maximize the amount of resident tax dollars that remain in the local economy for the benefits of its citizens by utilizing all available legal opportunities to contract with local businesses; and

WHEREAS, it is a policy of the city to afford a bidding preference to local businesses, unless prohibited by granting agencies, exempted by federal or state laws/codes, local ordinances or city resolutions, or if doing so would be clearly disadvantageous to the city; and

WHEREAS, it is the policy of the city to achieve these policy goals by utilizing a local business purchasing preference in the competitive and noncompetitive processes of procuring goods and services when those goods and services are available from a local business; and

WHEREAS, nothing in this article may be construed to require the city to enter into a contract with a bidder that is not a responsible bidder nor is the City required to find a local business if one is not available for that good or service, nor to allow the City to circumvent other provisions of the Purchasing Policies and Procedures; and

WHEREAS, except as provided by this ordinance, Local Preference Program, the city's procurement shall otherwise remain unchanged; and

WHEREAS, the City Council desires to amend the Lago Vista Code of Ordinances as described below, and to direct staff to prepare an amendment to the Purchasing Policies and Procedures in accordance with this Code amendment.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Chapter 1, Article 1.500, of the Lago Vista Code of Ordinances by replacing Section 1.501 in its entirety, and adding Section 1.503 each as shown in **Exhibit “A.”**

SECTION 3. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.013 of the *Texas Local Government Code*, and in the City’s Purchasing Policies and Procedures. The City Secretary or their designee may change the formatting of the attached, including numbering, to promote uniformity throughout the Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the provisions of the *Texas Local Government Code*.

SECTION 6. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is 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, IT IS SO ORDERED.

[signatures included on following page]

PASSED AND APPROVED this 18th day of January 2024.

Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilor _____, seconded by Councilor _____, the
above and foregoing ordinance was passed and approved.

EXHIBIT “A”

CHAPTER 1

General Provisions

Article 1.500 Purchasing.

State Law reference—Purchasing procedures by municipalities, generally, V.T.C.A., Local Government Code, Chapter 252.

Sec 1.501 Purchasing Policy

1. The city manager shall direct that purchases of supplies, materials or equipment by the city be made in accordance with the fiscal and budgetary policy adopted by the council and as provided by state law.
2. The city manager shall ensure all purchases under Sec 1.501 follow the Local Preference Program provisions under Sec. 1.503.

Sec 1.503 Local Preference Program

1. Declaration of policy
 - a. It is the policy of the City of Lago Vista to use its spending powers to promote fiscal responsibility and maximize the amount of resident tax dollars that remain in the local economy for the benefits of its citizens by utilizing all available legal opportunities to contract with local businesses.
 - b. It is the policy of the city to afford a bidding preference to local businesses, unless prohibited by granting agencies, exempted by federal or state laws/codes, local ordinances or city resolutions, or if doing so would be clearly disadvantageous to the city.
 - c. It is the policy of the city to achieve the policy goal to support local business by utilizing a local business purchasing preference in the competitive and noncompetitive processes of procuring goods and services when those good and services are available by a local business.
 - d. Nothing in this article may be construed to require the city to enter into a contract with a bidder that is not a responsible bidder nor is the City required to find a local business if one is not available for that good or service.
 - e. Except as provided by this article, Local Preference Program, the city's procurement shall otherwise remain unchanged.
2. The following words and phrases, when used in this article, have the meanings provided in this section:

Bid means any response to a procurement issued by the City for non-professional services or for the purchase of personal property not affixed to real property.

Headquartered means the place where a business entity's officers direct, control and coordinate the entity's activities.

Joint venture means a collaboration of business entities, in response to a solicitation, which is manifested by a written agreement between two (2) or more independently owned and controlled business entities to form a third business entity solely for the purposes of undertaking distinct roles and responsibilities in the completion of a given contract. Under this business arrangement, each joint venture partner shares in the management of the joint venture and also shares in the profits or losses of the joint venture enterprise commensurately with its contribution to the venture.

Local business means a business with a principal place of business within the incorporated limits of the City.

Managing department means the department managing the procurement for a contract.

Principal place of business means (1) a business headquartered for one (1) year or more in the incorporated limits of the city; or (2) a business having an established place or places of business in the incorporated limits of the city from which at least ten (10) of its employees or at least twenty (20) percent of its total number of full-time, part-time and contract employees are regularly based, and from which a substantial role in the business' performance of a service, retail or commercially useful function or a substantial part of its operations is conducted by those employees. A location utilized solely as a post office box, mail drop or telephone message center or any similar combination, with no other substantial work function, is not a principal place of business.

3. Purchases of professional services

- a. In procuring professional services under this Article or Texas Government Code, § 2254.004, or its successor, the managing department may, when appropriate, award a predetermined number of additional points to a respondent based upon knowledge of, and experience regarding local conditions as part of the qualifications determination.
- b. In procuring professional services not governed by statute, the managing department may, when appropriate, award more points to a respondent that is a local business headquartered within the incorporated limits of the city, or half of the points awarded to a headquartered business to a respondent that is a local business not headquartered within the incorporated limits of the city.
- c. For respondents submitting responses as a joint venture to solicitations for professional services not governed by statute, the following is applicable:
 - i. For joint ventures, ownership and location of the individual entities entering into the joint venture relationship may be considered in the award of points.

4. Purchases of non-professional services

- a. *Non-professional services contracts of fifty thousand dollars (\$50,000.00) to under five hundred thousand dollars (\$500,000.00).* In procuring non-professional services, excluding construction services, if the city receives one (1) or more bids from a bidder that is a local business and whose bid is within: (i) five (5) percent of the lowest bid price received by the city, in the event of competitive, sealed bids, or (ii) three (3) percent of the lowest bid price received by the city in the event of any other bidding process, from a bidder who is not a local business, the city shall enter into a contract that requires an expenditure of fifty thousand dollars (\$50,000.00) to under five hundred thousand dollars (\$500,000.00) with the bidder that is a local business.
- b. *Construction services contracts of fifty thousand dollars (\$50,000.00) to under one hundred thousand dollars (\$100,000.00).* In procuring non-professional construction services, if the city receives one (1) or more bids from a bidder that is a local business and whose bid is within: (i) five (5) percent of the lowest bid price received by the city, in the event of competitive, sealed bids, or (ii) three (3) percent of the lowest bid price received by the city in the event of any other bidding process, from a bidder who is not a local

business, the city shall enter into a contract that requires an expenditure of fifty thousand dollars (\$50,000.00) to under one hundred thousand dollars (\$100,000.00) with the bidder that is a local business.

- c. When a bidder is a joint venture, each joint venture partner must meet the definition of a local business to be eligible for the preference described in that section.
- d. To award a contract to a bidder who is not the lowest bidder under this Section 4, the City Council must determine, in writing, that the local business offers the municipality the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City.

5. Purchases of personal property that is not affixed to real property

- a. *Contracts of fifty thousand dollars (\$50,000.00) to under five hundred thousand dollars (\$500,000.00).* In purchasing any personal property that is not affixed to real property, if the city receives one (1) or more bids from a bidder that is a local business and whose bid is within five (5) percent of the lowest bid price received by the city from a bidder who is not a local business, the city shall enter into a contract that requires an expenditure of fifty thousand dollars (\$50,000.00) to under five hundred thousand dollars (\$500,000.00) with the bidder that is a local business.
- b. *Contracts of five hundred thousand dollars (\$500,000.00) or more.* In purchasing any personal property that is not affixed to real property, if the city receives one (1) or more bids from a bidder that is a local business and whose bid is within three (3) percent of the lowest bid price received by the city from a bidder who is not a local business, the city shall enter into a contract that requires an expenditure of five hundred thousand dollars (\$500,000.00) or more with the bidder that is a local business.
- c. When a bidder is a joint venture, each joint venture partner must meet the definition of a local business to be eligible for the preference described in that section.
- d. To award a contract to a bidder who is not the lowest bidder under this Section 4, the City Council must determine, in writing, that the local business offers the municipality the best combination of contract price and additional economic development opportunities for the City created by the contract award, including the employment of residents of the City and increased tax revenues to the City.

6. Exceptions

This Section 1.503 does not:

- a. apply to any contract funded in whole or in part by the federal government or where the city acts as a conduit for federal money.
- b. apply to contracts where the City Manager, managing department or city council has determined that it would not be in the best interest of the city.
- c. apply to contracts for federal or state lobbying services.
- d. apply to purchases made through a purchasing cooperative program.
- e. prohibit the City from rejecting all bids.
- f. in accordance with Local Government Code, § 271.0951, apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C.A. Section 153.

7. Suspension or Expulsion from the Program for Cause and Appeals Process

- a. Any local business may be suspended or expelled from the local preference program for cause by the City Manager for violations of federal, state, or local ordinance, rule, or regulation (including but not limited to the City's Purchasing Policies and Procedures) related to a procurement made through the program.
- b. A determination by the City Manager that a suspension or expulsion from the program of

a local business is warranted shall be written and include a list of all documented violations and any additional basis for the action taken. This written determination shall be forwarded to the local business by certified mail with a return receipt requested. If the delivery fails or is refused, the notice shall be deemed to have occurred on the date of the delivery attempt certified by the USPS. The required mailing may be waived by the local business pending a willingness to provide a signed copy of the written determination acknowledging its receipt.

- c. The determination by the City Manager that a suspension or expulsion from the program is warranted can be appealed to the City Council based on an alleged error or erroneous conclusion. The appeal shall consist of a formal letter to the Mayor alleging the specific errors made. The right to appeal the determination regarding a suspension or expulsion expires fifteen (15) calendar days following receipt of the written notice, or the next official business day of the City when the City offices are closed. Following this deadline, the suspension or revocation becomes final.

8. Responsibilities and enforcement

- a. The City shall be responsible for establishing the documentation necessary to establish a principal place of business in the city. Any entity claiming to be a local business shall submit to the city a form promulgated by the City Manager or their designee attested to by a duly authorized representative of the business. The City Manager or their designee shall make the final determination as to whether a business is a local business.
- b. The City Manager or their designee is directed to provide written guidance to departments, through the City's Purchasing Policies and Procedures upon implementation of this article and shall provide interpretative guidance and criteria related to joint ventures seeking preferences under this program to ensure uniform application that meets the intent of this article.
- c. The submission of documentation by a business entity that is required to establish a principal place of business, or to demonstrate the existence of and participation in a joint venture, that is found to contain false information is grounds for exclusion from the program.
- d. The City Manager or their designee shall produce annual reports, summarizing the dollar amount of procurements awarded to local businesses under this program, the names of the businesses that were procured through the program and the total number of local businesses that were considered during procurements and how many were not chosen.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	January 18, 2024
SUBMITTED BY:	Joe Crawford, City Attorney
SUBJECT:	Discussion, consideration, and possible action on Ordinance 24-01-18-03; an ordinance amending the Rules of Procedure based on discussions at the January 4th meeting of City Council.
BACKGROUND:	The City Council has adopted rules of procedure in accordance with the City's Charter and Ordinances. Such rules of procedure contemplate annual review of the rules of procedure. At its January 4th meeting, the City Council discussed various provisions and reached consensus on several of those changes. Included in the packet are clean and redline versions of the Rules of Procedure which include changes drafted by the City's Interim City Attorney.
FINDINGS:	Staff recommends that Council consider approval of the attached rules of procedure if it finds that the attached draft reflects the discussion at the January 4th meeting.
FINANCIAL IMPACT:	N/A
ATTACHMENTS:	Ordinance 24-01-18-03 Rules of Procedure.pdf 2024.01.09 Rules of Procedures (clean).pdf 2024.01.09 Rules of Procedures (redline).pdf

ORDINANCE NO. 2024-01-18-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ORDINANCE 23-01-05-06, RULES OF PROCEDURE, PROVIDING FOR PUBLICATION, PROVIDING FOR PENALTIES, AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSE.

WHEREAS, the City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary of proper for carrying out a power granted by to the City; and

WHEREAS, Article III, Section 3.13 of the City Charter of Lago Vista, Texas requires the City Council to establish by ordinance its procedures for conducting Council meetings; and

WHEREAS, the City Council of the City of Lago Vista most recently amended its rules of Procedure by adopting Ordinance No. 23-01-05-06 establishing Rules of Procedure applicable to the City Council and all City commissions, boards and advisory committees; and

WHEREAS, the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to amend the Rules of Procedure by repealing and replacing the current version.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend the Rules of Procedure by replacing such Rules of Procedure in their entirety with the version shown in Exhibit “A.”

SECTION 3. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict herewith.

SECTION 4. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council

hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

SECTION 7. OPEN MEETINGS. It is hereby officially found and determined that the meeting at which this ordinance is 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, IT IS SO ORDERED.

PASSED AND APPROVED this _____ day of January, 2024 by a vote of the City Council of the City of Lago Vista, Texas.

Kevin Sullivan, Mayor

ATTEST:

Lucy Aldrich, City Secretary

On a motion by Councilmember_____, seconded by Councilmember_____, the above and foregoing ordinance was passed and approved.

Exhibit “A”

RULES OF PROCEDURE

FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS



Adopted: 2021

Sources Include: Robert's Rules of Order, Rosenberg's Rules of Order, National Association of Parliamentarians, and the Texas Cities of Bellaire, Huntsville, Kerrville, Killeen, Murphy, West University Place, and Weatherford.

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ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

1.1 Authority.

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

1.2 Applicability.

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to the commissions, boards, and committees of the City of Lago Vista, in accordance with the Charter. Open meeting requirements of the City Council do not apply to city boards, committees, and commissions without rulemaking, nor quasi-judicial except as required under state law. Processes for disciplinary action will be similar for the City Council and the regulatory boards and commissions but will vary for the non-regulatory commissions, boards, and committees. Any reference to Mayor also applies to the presiding officer of a commission, board, or committee of the City of Lago Vista. Any reference to City Council also applies to any commission, board, or committee. Decisions made by state-mandated boards and commissions, like those of City Council, may require a super-majority vote. Detailed, unique information about commissions, boards, and committees can be found in Article 7 of this document.

1.3 Amendment.

These rules may be amended, or new rules adopted, by a majority vote of the members of the City Council present.

1.4 Annual Review.

Following the municipal elections each year, Council may review these Rules of Procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter. In the event no annual review occurs, the standing Rules of Procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

2.1 Construction of Authority.

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and laws of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Lago Vista, Texas; (5) these Rules; and, (6) Rosenberg's Rules of Order as amended and set forth herein.

2.2 Meetings Shall Be Public.

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

The Lago Vista City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the city secretary a minimum of 24 hours in advance at (512) 267-1155.

All meetings of the City Council, commissions, boards, and committees with regulatory authority will be video recorded and posted to the city website. Meetings should be conducted in such a way that recordings are possible. Currently, that translates to conducting the meeting in Council chambers or a location approved by the Council Liaison. Boards, committees, and commissions without regulatory authority may be video recorded and posted to the city website when possible.

2.3 Conduct of Meetings.

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

2.4 Regular Meetings.

Regular meetings of the City Council shall be on the first and third Thursday of each month at 5:30 p.m. in Council chambers. The regular session of the City Council shall begin at 6:30, but work sessions and executive sessions will be held before the regular session and may continue after the regular session. The City Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Please refer to Section 1.331 of the Code of Ordinances for more information on meeting specifications.

2.5 Special/Town Hall Meetings.

Special meetings of the City Council may be called upon request of the mayor, or two members of the City Council then seated. A request for a special meeting shall be filed with the city secretary or the city manager in written/electronic format unless made at a regular meeting at which a quorum of council members is present. The city manager and all Council members shall be notified of all special meetings.

2.6 Emergency Meetings.

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

2.7 Work Sessions.

Work sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.8 Executive Sessions.

Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can convene into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing and identify the section or sections of the Open Meetings Act under which the closed meeting is held. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified agenda of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept in accordance with state law, subject to opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject other than that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

Items discussed in executive session are to remain private, unless items that were not eligible for executive session were discussed. Except for action taken in open session, no Council Member, staff member or legal counsel may discuss or reveal the proceedings of an executive session. Section 551.146 of the Texas Government Code makes such an act a **class B misdemeanor** and opens the person who reveals such information personally liable for any damages resulting from such action.

2.9 Recessed Meetings.

No meeting shall be recessed for a longer period of time than allowed by state law.

2.10 Quorum.

The number of members of the City Council that shall constitute a quorum for the conduct of business shall be in accordance with the City Charter.

2.11 Conflict of Interest.

Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter.

2.12 Presiding Officer.

Rules governing the presiding officer are defined in the City Charter.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The presiding officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the City Council in debates and discussions. This practice in no way precludes the presiding officer from participating in the meeting fully and freely; however the presiding officer should not make a motion unless the remainder of the commission, board or council members fail to make a motion.

The presiding officer of commissions, boards, and committees shall be the person selected according to the rules defined in the appropriate enabling ordinance and powers vested in that presiding officer will also be defined in that same ordinance.

2.13 Minutes of Meetings.

The city secretary shall keep an account of all proceedings of the City Council, and they shall be open to public inspection in accordance with the laws of the State of Texas.

2.14 Suspension of Rules.

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended and/or amended by a super majority vote (see Article 3.7 of these rules) of the City Council.

2.15 Amendment of Rules.

These rules may be amended, or new rules adopted, by a super majority vote of the members of the city council present.

ARTICLE 3. PARLIAMENTARY PROCEDURE

3.1 Purpose.

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. These rules enable the majority to express their opinion and fashion a result.

3.2 Model Format for an Agenda Item Discussion.

The following nine (9) steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

- 1. *Announce the Item.*** The mayor should announce the agenda item number and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
- 2. *Receive a Report.*** The mayor should invite the appropriate people to report on the item, including any recommendation they might have.
- 3. *Council Discussion.*** The mayor should ask the council members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond. Council discussion on an item may continue after citizen comments are given.
- 4. *Seek Citizen Input.*** The mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the mayor should announce that public input is closed, or if a public hearing, close the public hearing.
- 5. *Motion First.*** The mayor should invite a motion from the City Council before debate is given on the merits of the item. The mayor should announce the name of the member who makes the motion.
- 6. *Motion Second.*** The mayor should determine if any member of the City Council wishes to second the motion. The mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the mayor.
- 7. *Discuss the Motion.*** The mayor will announce that there is a motion and a second, and will restate the motion, and will invite the members of the City Council to discuss the motion. If there is no desired discussion, the mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
- 8. *Vote.*** The mayor calls for the vote. A simple majority vote determines whether the motion passes or fails unless a super-majority is required for passage. All Council members, including the mayor, shall vote upon every question, ordinance, or resolution, unless recused because of a conflict of interest as defined in the City Charter. Unless so excused, any Council Member refusing to vote shall be recorded in the minutes as voting with the majority. Action items require a vote.
- 9. *Announce the Outcome.*** The mayor announces the results of the vote and should also state what action (if any) the Council has taken.

3.3 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I

move approval of the ordinance as submitted,” or “I make a motion that we deny the resolution.”

3.4 The Motion to Amend.

If a member wants to change a basic motion, the member will have to move to amend the original or previously amended motion. A motion to amend might be: “I move that we amend the motion to include the changes we discussed to the ordinance.” A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until a motion is made to limit debate (call the question or move the question) which requires a super majority. At that time, the mayor shall call for a vote on the motion.

3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the mayor must immediately call a vote on the motion, if seconded by another Council Member.

- **Motion to Adjourn.** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- **Motion to Recess.** This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- **Motion to Fix the Time to Adjourn.** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, “I move we adjourn this meeting at Midnight.” It requires a simple majority vote.
- **Motion to Table.** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the very next regular Council meeting.
- **Motion to Remove from Table.** This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

3.7 Motions Requiring a Three-Fourths or Supermajority Vote to Pass.

Normally a super majority vote consists of six votes (four to pass as a simple majority, plus two more). For the purposes of these rules and as defined in the Charter, a three-fourths vote shall be referenced as a Supermajority vote. In exceptional circumstances where the number of council members is diminished due to vacancy, the following shall constitute a three-fourths or super majority vote:

NUMBER OF COUNCIL MEMBERS	NUMBER OF VOTES FOR SUPER MAJORITY
6	5 or more
5	4

4	3
3	3

- ***Motion to Limit Debate.*** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a super majority vote to pass.
- ***Motion to Object to the Consideration of an Item.*** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a super majority vote to pass. (Normally, this motion is unnecessary because the objectionable item can be defeated outright or tabled.)
- ***Motion to Suspend the Rules.*** This motion is debatable but requires a super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.
- ***Motion to Hire/Fire the City Manager.*** The city manager shall be appointed or removed by a vote of at least 5 members, provided that his or her salary may be set by a simple majority vote. (Charter Art. IV Section 4.01 – City Manager.)

3.8 Motion to Reconsider.

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure on the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first rule involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Second, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it must be ruled out of order by the mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

3.9 Courtesy, Decorum and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the mayor (and the members of the City Council)

to maintain that atmosphere of courtesy and decorum. The mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants in the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. ***Request to Speak.*** Before a council member, staff member or an audience member may speak, they must first be recognized by the mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the city secretary. The mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. ***Order.*** If a person fails to request to speak before speaking, the mayor shall rule them 'out of order' and remind them that they do not have the floor. While the City Council is in session, all council members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the mayor.
3. ***Improper References Prohibited.*** Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. ***Interruptions.*** A council member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the council member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the council member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order available to council, city manager, city secretary, or city attorney are as follows:
 - a. ***Point of Privilege.*** The proper interruption would be: "Point of Privilege." The mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or too cold or a fan motor might interfere with a council members ability to hear.
 - b. ***Point of Order.*** The proper interruption would be: "Point of Order." The mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the mayor called for a vote on a motion that permits debate without allowing any discussion.
 - c. ***Motion to Appeal.*** If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the mayor by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the mayor is reversed.
 - d. ***Call for orders of the day.*** This is simply another way of saying, "let's return to the agenda." If a council member believes the discussion has strayed from the agenda. The motion does not require a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
 - e. ***Withdraw a Motion.*** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

3.10 Enforcement of Rules and Procedures.

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the mayor under his or her own action, or upon a motion to enforce by any council member. Reference to sergeant at arms only refers to city council meetings and at board, committee, or commission meetings as requested by the council liaison and approved by the city manager.

1. **Warning.** The mayor may order any person (council member, staff member or audience member) in violation of these rules to be silent.
2. **Removal.** If, after receiving a warning from the mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the mayor may order the person to leave the meeting. If the person does not leave the room, the mayor may order the sergeant-at-arms to remove the person.
3. **Sergeant-at-Arms.** The sergeant-at-arms shall be the highest-ranking police officer in attendance at the council meeting, or such other officer designated by the chief of police for that purpose.

Upon instruction of the mayor, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code).

4. **Resisting Removal.** Any person who resists removal by the sergeant-at-arms may be charged with violating Section 42.05 of the Texas Penal Code.
5. **Motion to Enforce.** Any council member may move to require the mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

3.11 Council May Discipline its Own Members.

In the event a council member violates the Charter, these Rules or any other ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of Lago Vista, the City Council on supermajority vote may discipline the offending member. This process will be in force for the City council and the three commissions with regulatory authority. Discipline of advisory boards is addressed in Section 7.8 of this document. The issue shall be raised within 30 days of the offense, or it is no longer actionable.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. **No Action.** The City Council chooses to take no action.
2. **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member in the confines of the executive session.
3. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record. For purposes of calculating a supermajority vote under this section, the City Council shall include the total number of

those members of the City Council present and voting in favor of such censure, divided by the total number of members of the City Council less any vacancies, and less the member who is the subject of the vote.

If one of the regulatory boards or commissions holds a disciplinary session and cannot come to a resolution about one of the above options, the council liaison will bring the matter to the council for resolution.

ARTICLE 4. MEETING AGENDAS

The mayor and the city manager or an appropriate designee, shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each council member, on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

To facilitate the agenda process, the mayor, two council members, or the city manager may place an item on the City Council agenda. Staff assistance, if required, should be requested through the city manager. Agenda items must be provided to the city manager's office at city hall by 12:00 noon on the seventh (7) calendar day preceding the date of the regular meeting. If the agenda topic does not allow for staff to adequately prepare information for City Council's consideration, the item may be postponed until the next regular meeting.

4.1 Call to Order & Announcement of a Quorum

The mayor shall call the meeting to order. The mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council who are absent.

4.2 Executive Session Items.

This section is only used when it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session and after the regular session, as necessary.

4.3 Action on Executive Session Items.

This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

4.4 Pledge of Allegiance to the United States Flag and Texas Flag and Invocation

The Council shall recite the Pledge of Allegiance to the United States Flag and pledge to the Texas Flag. In addition, an Invocation may be made at this time. Committees, boards, and commissions can independently determine if they would like to recite the pledges and conduct an invocation.

4.5 Citizen Comments on Non-Agenda Items.

All persons desiring to speak to the City Council on a non-agenda item must submit a 'request to speak card' to the city secretary at least five (5) minutes before meeting starts.

4.6 Items of Community Interest.

The mayor, council members, and citizens will have an opportunity to speak about items of community interest.

4.7 Presentations & Proclamations.

The mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

4.8 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The mayor shall first request staff comments. The mayor shall open the public hearing and receive citizen input. While the public hearing is open, City Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

4.9 Regular Agenda Items.

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

4.10 Citizen Comments on Agenda Items.

All persons desiring to speak to the City Council on an agenda item must submit a “request to speak card” (or its digital/remote equivalent) to the City Secretary at least five (5) minutes before meeting starts.

4.11 Approval of the Minutes.

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.

4.12 Consent Agenda Items.

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled “consent agenda.” Said consent agenda may consist of any and all business regularly coming before the City Council (except required public hearings and items requiring a supermajority vote) including approval of the minutes of previous meetings.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request that any item be removed from the consent agenda and considered separately. Such a request shall be honored as if it had been passed by majority vote.

If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

4.13 Discussion Items.

Discussion items for individual consideration shall be considered and discussed by the City Council individually.

4.14 Staff and Council Liaison Reports.

This section is used for routine reports provided by staff regarding their respective departments to the Council and discussion of staff reports previously distributed to council. Council Liaisons may report on activity taking place within their assigned boards, committees, and commissions. Council Liaisons may also bring forward items from their assigned board, committees, and commissions for City Council consideration for future discussion and action if needed. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public. See Rules and Procedures Section 7.8 (4) d.

4.15 Executive Session

If the City Council did not finish deliberations on the executive session items at the early session, Council may reconvene into executive session after the regular session as necessary.

4.16 Adjournment.

The mayor shall adjourn the meeting upon passage of the appropriate motion.

ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

5.1 Purpose.

City Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of work session meetings.

5.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

5.3 Documents and Exhibits to be Presented.

Staff shall make available to the City Council all documents, exhibits, maps, plats, architectural drawings, specifications, or other similar documents at least 72 hours before the beginning of the session. When necessary, the mayor and city manager can introduce new material after the 72-hour deadline when new information is vital to an agenda item.

5.4 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the city manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

5.5 Prohibitions Against Formal Actions.

No formal actions may be taken at a work session. Council may provide staff direction on the matter being considered and ask that the item be placed on a regular or special called meeting agenda for formal action.

5.6 Audience Comments or Questions.

Audience comments or questions will be considered at a work session subject to legal time constraints.

ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

6.1 Purpose.

It is the desire of the City Council to hear from the citizens of Lago Vista and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments and may be included in the agenda as a reminder.

6.2 Rules Governing Citizen Comments.

1. A maximum of 30 minutes will be devoted to receiving comments from the public on non-agenda items.
2. Each speaker is limited to one presentation per agenda item and a maximum timed limit of three minutes on any item unless the council, by supermajority, votes to suspend the rules. Notwithstanding the foregoing, one speaker may donate their allotted three minutes to another speaker to allow the donee a total of up to six minutes to present.
3. No individual may address City Council without submitting a speaker card at least five (5) minutes prior to the beginning of the meeting. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed. The mayor can consider comments from citizens that did not submit a request as time permits.
4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
5. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or
 - b. A recitation of existing policy in response to the inquiry.
 - c. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal attacks are strictly prohibited, and violators may be removed from the council chambers.

7. No placards, banners or signs may be displayed in the council chambers or city hall. Exhibits relating to a presentation are acceptable.
8. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
9. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.

6.3 Preservation of Order.

Immediately preceding the opening of a public hearing, the mayor may read or may direct the city secretary to read the rules governing citizen comments. Council meetings are the workplace to carry out the business of the City of Lago Vista; therefore, any conduct that could constitute harassment in the workplace is prohibited. The mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chambers any person speaking out of order or disrupting the order of the meeting. In all cases, the mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

ARTICLE 7. BOARDS AND COMMISSIONS

7.1 General.

All standing boards and commissions are described under Article VII, Commissions and Boards, of the City of Lago Vista City Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council and all Rules of Procedure apply to them, provided that such boards shall not be required to follow any open meetings rules that are not applicable to such board under state law.

7.2 Meeting Times and Agenda Order.

All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda. Boards with rulemaking or quasi-judicial authority must be in accordance with the Texas Open Meetings Act.

7.3 Boards with Regulatory Authority.

In no specific order: Planning and Zoning Commission, Building and Standards Commission, and Board of Adjustment.

7.4 Committees without Regulatory Authority.

In no specific order: Lago Vista Parks and Recreation Advisory Committee, Lago Vista Airport Advisory Board, Lago Vista Economic Development Advisory Committee, Lago Vista Library Advisory Board, Lago Vista Golf Course Advisory Committee, Lago Vista Youth Advisory Committee, and any additional non-regulatory city committees or boards that are created.

7.5 Appointments.

City Council Members shall review applications of all eligible applicants for vacant positions on the City's boards, commissions, and committees. Each Council Member assigned as Liaison to a board, commission, or committee shall nominate appointees to the specific board. City Council shall vote to approve or deny nominations, by majority vote, until such time as all vacancies have been filled on the specific board, commission, or committee. Regardless of the requirements of federal law, City Council shall not discriminate on the basis of race, color, national origin, religion, sex, age or disability when making appointments to boards and commissions.

7.6 Board Members' Service.

Members appointed to boards or commissions that have regulatory authority shall serve 2-year terms in accordance with the City Charter. Members appointed to boards or commissions that *do not have* regulatory authority shall also serve 2-year terms, serve at the will of the Council, and may be removed, replaced, or not reappointed at the discretion of City Council by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards, commissions or committees shall follow the Rules of Procedure set forth for the City Council. Members of boards, committees, and commissions are selected in order of best qualified in accordance with the criteria adopted by ordinance for the specific body, but secondarily by lack of membership on any other board, committee, or commission so as to encourage a broad base of citizen participation.

7.7 Open Government Training.

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the Office of the Attorney General. At the conclusion of the training video, the appointee will be given an opportunity to print from the Attorney General's website a Certificate of Completion. The certificate should be filed with the city secretary, as proof of Open Government training.

7.8 Council Liaisons and Committees, Boards, and Commissions.

1. Definition of Liaison

Liaison: a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

2. Council Liaison

With City Council approval, a Council member may serve for a calendar year as the City Council's Liaison (i.e., representative) to an organization, and may be reappointed for subsequent years. A Liaison is responsible for facilitating communication, collaboration, and coordination with the designated organization, and with regular reporting and accountability to the City Council. There are typically Council Liaisons to four types of organizations:

- a. a county-wide or regional policy or governing body or inter-governmental organization, such as Travis County Tax Appraisal District, Emergency Service Districts, Property Owners Associations, etc.; and
- b. A community organization, such as arts, business, or social service organizations; and
- c. A governing or inter-agency board or commission, such as the Planning and Zoning Commission, Building and Standards Commission, or Board of Adjustment; and
- d. A citizen advisory board or committee of the city, whether or not the City Charter calls for an ex-officio Council member, such as the Airport Advisory Board, the Library Advisory Board, Economic Development Advisory Committee, Parks and Recreation Advisory Committee, and the Golf Course Advisory Committee.

3. Council Liaison Procedures

Individual members of the City Council may be assigned as liaisons whose duties involve staying current with a group or activity by attending meetings or conferring with members and keeping the City Council informed. Liaisons may advocate City Council actions on behalf of their assigned group or activity. Liaisons' functions and duties may be further defined and/or directed by the mayor or mayor pro tem, in the absence of the mayor, with concurrence of the City Council.

4. Duties and Expectations of a Council Liaison

- a. A Council member acting as a Liaison to a Council advisory committee or other body (board or commission) is not a member of the committee. Rather, the Councilmember is a positive resource to support the committee in the completion of its work, subject to the rules stated below.
- b. A Council liaison is acting as a representative of the full City Council and, as such, has no authority to provide direction or guidance to the committee other than direction or guidance provided by the full City Council, or as otherwise provided by these rules of procedure.
- c. The Council liaison shall work to ensure that the committee is only taking actions or doing work that is within the scope of the committee as determined or approved by City Council. The liaison can do this, for example, by reminding the committee of the scope of work that the City Council set for the committee.
- d. The Council liaison shall report on items and issues from their board, committee or commission meetings, and shall bring to the Council, via an agenda item or during routine reports of the council liaisons, any requests from the committee, such as the following:
 - Questions raised by a committee about the committee's scope of work; and
 - Requests from the committee to change the committee's scope of work; and
 - Requests for expenditures of the city resources to further the committee's work (money, staff time, or other resources); and

- Requests from the committee to place an item on a Council meeting agenda; and
- Items that are liaison or staff-initiated topics that need City Council input or need feedback to the committee.

5. Selecting, replacing, and training of committee members

- a. The council liaison takes the lead in filling vacancies, reviewing applications with the chair, and interviewing candidates for the board, committee, or commission. No candidate can be nominated to a committee without an application on file. The city council shall call for applications to be submitted by applicants in the October/November time frame and then makes appointments in the December timeframe. Vacancies that occur at other times will be filled by applicants that submitted applications during the typical October/November timeframe or subsequently. Should the list of candidates be exhausted, the City Council can make the decision to publicize the acceptance of additional applications outside the normal October-December timeframe.
- b. The council liaison is responsible for resolving any issues with a committee member in consultation with the committee chair and city attorney as appropriate. If the issue is with the committee chair, the council liaison will resolve the issue in consultation with the mayor and city attorney as appropriate. If the issue is judged to be of a nature that requires the full council to review and adjudicate, then the issue will be brought to the council for action within a timely manner. If a council member becomes aware of a situation with a committee, board, or commission member that is not being handled by the associated council liaison, the council member will discuss the issue with the council liaison. If the council liaison continues to not address the situation, the other council member shall bring the issue to the mayor and city attorney for evaluation.
- c. Possible actions of the Council include:
 - i. **No Action.** The City Council chooses to take no action.
 - ii. **Private Censure.** The City Council may choose to privately censure the offending member.
 - iii. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.
 - iv. **Removal.** If the violation is severe enough in nature, the council; may make the decision to remove the member from the board or commission.
- d. Removal of a chairperson is brought to council for resolution by the liaison, working with the mayor. Any actions to remove a committee member must conform with rules covered in the city charter, ordinances, and state law.
- e. The council liaison and staff liaison are responsible for securing any training requirements for new or replaced committee members. This includes appropriate legal and/or specific subject-matter content training. This may require expenditure of funds for registration and/or travel that would need to be included in the City's budget.

6. Selecting and replacing council liaisons

- a. After elections each November, the city council members will discuss each committee, current liaison assignments, proposed changes, and make liaison assignments for the upcoming year.
- b. When a problem exists with a council liaison, the committee chair will approach the mayor to discuss issues and resolutions related to the council liaison. The mayor will bring suggested resolutions to the full council for possible action.

7. Selecting committee officers

Each January, each committee is required to elect a chair, vice-chair, and secretary from among its members.

8. Planning and reporting of the annual work plan of the committee

- a. At the beginning of each calendar year, each committee will conduct a workshop to lay out objectives for the year that tie to the Comprehensive Master Plan and create an annual work plan. The Planning and Zoning and Building and Standards Commissions generally have their work brought to them but shall develop work plans to update ordinances when necessary. In the case of non-state mandated boards and committees, they will be responsible for developing the work plan associated with the board or committee.
- b. The committee and related department head will review the committee's annual work plan once a year.
- c. Every June or July, the committee chair will report to the city council the progress on the committee's annual work plan. Objectives and priorities will be adjusted as required.

9. Preparing and publishing the agendas

- a. The committee chair will have the ultimate responsibility for creating the agenda for each meeting.
 - i. The committee chair is responsible for accumulating desired agenda items from the other committee members, and city staff.
 - ii. If council liaison would like an item included on a board committee, or commission's agenda, he/she will bring that item before city council for discussion, consideration and possible action followed by the council liaison reporting back to city council the actions of the board, committee, or commission on said item.
 - iii. If an item is presented by the council liaison, the committee chair cannot withhold the item from the agenda.
 - iv. If a department head would like an item included on a board, committee, or commission's agenda, he/she will bring that item to the chair of such board, committee, or commission. After receiving such a request, the chair of such board, committee, or commission may not omit that item from the next available agenda without first receiving the written permission from the designated council liaison to omit such item.
 - v. The committee chair has the authority to interact with the council liaison and the department head related to the committee for the purpose of gathering appropriate information that should accompany agenda items. Should the committee chair feel he/she needs access to other city staff, he/she will do so through city manager.
 - vi. The agenda should be emailed to the department head related to the committee a minimum of seven (7) days prior to the scheduled meeting, copying the city secretary and the council liaison. The department head will provide any feedback about necessary alterations, which the chairperson will be responsible for making and then forwarding to the appropriate city staff for legal posting.
- b. When deemed appropriate by the council liaison (i.e., agenda items that involve acquisition or divestiture of city assets, the expenditure of city funds, etc.), the committee chair and council liaison will be jointly responsible for:
 - i. determining what supporting material should be provided in a packet to the committee prior to the meeting.
 - ii. accumulating the appropriate material with support of city staff; and
 - iii. determining which city staff will be required to support the successful conduct of each item on the agenda and making the appropriate arrangements with city staff to attend the meeting.
- c. The committee secretary (whether committee member or city staff depending on whether it is a state mandated committee), chairperson, or related department head is responsible for the

distribution of final agenda and packet items to committee members and council liaison.

10. Roles in board, committee, or commission meetings

- a. Appropriate city staff and council liaison are permitted in executive sessions for their designated boards, committees, or commissions as appropriate for the items to be discussed.
- b. The secretary is required to take notes or audio recordings and prepare the minutes of the meeting (except for state mandated committees/boards where city designated staff will record and prepare the minutes).
- c. A council liaison plays a limited role in the operation of a board, committee, or commission meeting. The following points provide a guideline for the council liaison in this context:
 - i. The council liaison has no voting rights in such meetings.
 - ii. No council member, including the council liaison, may influence a board, committee, or commission's recommendations with his/her opinions, except as provided in the limited examples included in subsection (iii), below.
 - iii. A council liaison does not lead a board, committee, or commission meeting or participate other than:
 - A. to provide factual information to help support the discussions and deliberations,
 - B. to answer member questions,
 - C. to listen attentively so as to be able to be the primary two-way communication channel between the committee and council, and
 - D. to raise suggestions to consider or questions to address relating to an item on the agenda, if it appears that the board, committee, or commission is unaware of such considerations.
 - iv. All the above apply equally to open and executive session segments of a board, committee, or commission meeting.
 - v. A council liaison attends all meetings of his or her assigned boards, committees, or commissions, and if the council liaison cannot attend a meeting in person, he or she should attend such meeting by video conference call or arrange a replacement council member.

11. Sub-committees

- a. Committees, boards, and commissions may make use of sub-committees (a non-quorum sub-set of the committee, board, or commission) to analyze issues and bring back recommendations to the full entity.
- b. To appropriately create a sub-committee, an item must be placed on the committee, board, or commission official agenda to discuss and possibly take action on the issue at hand and the use of a sub-committee to help study and derive recommendations on the issue. The full body can discuss the issue and vote to create a sub-committee to review the issue and report back information and recommendations to the full body. When creating a sub-committee, the full body in its approved motion should specify:
 - i. The issue the sub-committee will review;
 - ii. The members of the sub-committee (no more than 1 less than a quorum of the full body); and
 - iii. The time frame within which the sub-committee will operate.

TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple
Motion to Hire/Fire the City Manager	Yes	Yes	Yes	At least 5 votes

- For the purposes of these rules, amendments are not debatable and only require the approval of the member who made the original motion and any member who seconded the motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the members who made the original motion and seconded the motion.

RULES OF PROCEDURE

FOR THE CITY COUNCIL, COMMISSIONS, BOARDS, AND ADVISORY COMMITTEES OF THE CITY OF LAGO VISTA, TEXAS



Adopted: 2021

Sources Include: Robert's Rules of Order, Rosenberg's Rules of Order, National Association of Parliamentarians, and the Texas Cities of Bellaire, Huntsville, Kerrville, Killeen, Murphy, West University Place, and Weatherford.

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ARTICLE 1. AUTHORITY, APPLICABILITY, AMENDMENT, AND ANNUAL REVIEW

1.1 Authority.

Article III, Section 13 of the City Charter of the City of Lago Vista, Texas grants the City Council the right to determine its own rules of procedure; the following rules are enumerated under and by authority of said provision.

1.2 Applicability.

The rules of procedure adopted by the City Council are applicable not only to the City Council, but also to the commissions, boards, and committees of the City of Lago Vista, in accordance with the Charter. Open meeting requirements of the City Council do not apply to city boards, committees, and commissions without rulemaking, nor quasi-judicial except as required under state law. Processes for disciplinary action will be similar for the City Council and the regulatory boards and commissions but will vary for the non-regulatory commissions, boards, and committees. Any reference to Mayor also applies to the presiding officer of a commission, board, or committee of the City of Lago Vista. Any reference to City Council also applies to any commission, board, or committee. Decisions made by state-mandated boards and commissions, like those of City Council, may require a super-majority vote. Detailed, unique information about commissions, boards, and committees can be found in Article 7 of this document.

1.3 Amendment.

These rules may be amended, or new rules adopted, by a majority vote of the members of the City Council present.

1.4 Annual Review.

Following the municipal elections each year, Council may review these Rules of Procedure, make changes as appropriate, and adopt their own rules of procedure in accordance with the Charter. In the event no annual review occurs, the standing Rules of Procedure continue in effect. This does not limit the Council's right and ability to amend the rules at any other time during the year, in accordance with the Charter.

ARTICLE 2. GENERAL RULES OF PROCEDURE AND POLICIES

2.1 Construction of Authority.

The construction of authority in all matters associated with the meetings and activities of the City Council, including the agenda, shall be: (1) the U.S. Constitution and laws of the United States of America; (2) the Texas Constitution and statutes of the State of Texas; (3) the City Charter; (4) the Code of Ordinances of the City of Lago Vista, Texas; (5) these Rules; and, (6) Rosenberg's Rules of Order as amended and set forth herein.

2.2 Meetings Shall Be Public.

All meetings of the City Council shall be public, and notices thereof shall be posted as provided under the Texas Government Code, Chapter 551, Open Meetings Act. Except in the case of an emergency meeting, notice of all meetings shall be given 72 hours before the time set for any meeting.

The Lago Vista City Hall is wheelchair accessible and special parking is available on the east side of the building. If special accommodations are required, please contact the city secretary a minimum of 24 hours in advance at (512) 267-1155.

All meetings of the City Council, commissions, boards, and committees with regulatory authority will be video recorded and posted to the city website. Meetings should be conducted in such a way that recordings are possible. Currently, that translates to conducting the meeting in Council chambers- [or a location approved by the Council Liaison](#). Boards, committees, and commissions without regulatory authority may be video recorded and posted to the city website when possible.

2.3 Conduct of Meetings.

Meetings of the City Council shall be conducted according to the rules adopted by the City Council, as well as the terms and provisions of Rosenberg's Rules of Order as amended herein and when not inconsistent with these rules.

2.4 Regular Meetings.

Regular meetings of the City Council shall be on the first and third Thursday of each month at 5:30 p.m. in Council chambers. The regular session of the City Council shall begin at 6:30, but work sessions and executive sessions will be held before the regular session and may continue after the regular session. The City Council may, by majority vote at a regular meeting, change the days or times of meetings as circumstances may necessitate. Please refer to Section 1.331 of the Code of Ordinances for more information on meeting specifications.

2.5 Special/Town Hall Meetings.

Special meetings of the City Council may be called upon request of the mayor, or two members of the City Council then seated. A request for a special meeting shall be filed with the city secretary or the city manager in written/electronic format unless made at a regular meeting at which a quorum of council members is present. The city manager and all Council members shall be notified of all special meetings.

2.6 Emergency Meetings.

In case of an emergency or urgent public necessity, which shall be expressed in the meeting notice, it shall be sufficient if members receive, and notice is posted one (1) hour before the meeting is convened. Notice shall be provided also to the media in accordance with the Texas Government Code, Section 551.047.

2.7 Work Sessions.

Work sessions are special meetings called for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council.

2.8 Executive Sessions.

Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

The City Council can convene into an executive session as stated on a posted agenda during a regular or special meeting. However, before said session begins, the presiding officer shall announce that the executive session is commencing and identify the section or sections of the Open Meetings Act under which the closed meeting is held. The order in which an executive session may appear on the agenda is subject to the discretion of the City Council. A certified agenda of the meeting will be created by the presiding officer or his or her designee, sealed and permanently kept in accordance with state law, subject to opening by court order. No voting or action shall be taken by the City Council during an executive session. No other subject other than that posted on the agenda is to be considered. Adjournment of the executive session and any vote needed shall be made during the open public meeting.

Items discussed in executive session are to remain private, unless items that were not eligible for executive session were discussed. Except for action taken in open session, no Council Member, staff member or legal counsel may discuss or reveal the proceedings of an executive session. Section 551.146 of the Texas Government Code makes such an act a **class B misdemeanor** and opens the person who reveals such information personally liable for any damages resulting from such action.

2.9 Recessed Meetings.

No meeting shall be recessed for a longer period of time than allowed by state law.

2.10 Quorum.

The number of members of the City Council that shall constitute a quorum for the conduct of business shall be in accordance with the City Charter.

2.11 Conflict of Interest.

Rules governing a City Council member's ability to vote when a conflict of interest exists shall be governed by the City Charter.

2.12 Presiding Officer.

Rules governing the presiding officer are defined in the City Charter.

The Presiding Officer shall serve as the chair of all meetings and shall make final rulings on all questions pertaining to these rules. All decisions of the presiding officer are final unless overruled by the City Council through a motion to appeal as described in Article 3.9 – Courtesy, Decorum and Order of these rules.

The presiding officer is entitled to participate in the discussion and debate and is entitled to vote on all business before the City Council. Because the presiding officer conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the City Council in debates and discussions. This practice in no way precludes the presiding officer from participating in the meeting fully and freely; however the presiding officer should not make a motion unless the remainder of the commission, board or council members fail to make a motion.

The presiding officer of commissions, boards, and committees shall be the person selected according to the rules defined in the appropriate enabling ordinance and powers vested in that presiding officer will also be defined in that same ordinance.

2.13 Minutes of Meetings.

The city secretary shall keep an account of all proceedings of the City Council, and they shall be open to public inspection in accordance with the laws of the State of Texas.

2.14 Suspension ~~and Amendment~~ of Rules.

Any provisions of these rules not governed by federal, state law or the City Charter may be temporarily suspended and/or amended by a super majority vote (see Article 3.7 of these rules) of the City Council ~~and may be amended in a similar fashion if such amendment was introduced at the previous regular meeting of the City Council and shall have received preliminary approval of the City Council at such meeting. For the purpose of this section, preliminary approval shall mean a motion and a second with a majority vote to preliminarily approve the amendment.~~

2.15 Amendment of Rules.

These rules may be amended, or new rules adopted, by a super majority vote of the members of the city council present.

ARTICLE 3. PARLIAMENTARY PROCEDURE

3.1 Purpose.

The purpose of these rules of parliamentary procedure is to establish orderly conduct of the meetings. The ultimate purpose of these rules of parliamentary procedure is to encourage and facilitate decision-making by the City Council. These rules enable the majority to express their opinion and fashion a result.

3.2 Model Format for an Agenda Item Discussion.

The following nine (9) steps may be used as a model or guidebook by the presiding officer. The meeting is governed by the agenda and the agenda constitutes the only items to be discussed. Each agenda item can be handled by the presiding officer (Mayor) in the following basic format:

1. **Announce the Item.** The mayor should announce the agenda item number and should clearly state the subject matter of the agenda item by reading the caption for the item being considered.
2. **Receive a Report.** The mayor should invite the appropriate people to report on the item, including any recommendation they might have.
3. **Council Discussion.** The mayor should ask the council members if they have any technical questions for clarification. At this point, members of the City Council may ask clarifying questions to the people who reported on the item, and they should be given time to respond. Council discussion on an item may continue after citizen comments are given.
4. **Seek Citizen Input.** The mayor should invite citizen comments – or if a public hearing, open the public hearing. Upon conclusion, the mayor should announce that public input is closed, or if a public hearing, close the public hearing.
5. **Motion First.** The mayor should invite a motion from the City Council before debate is given on the merits of the item. The mayor should announce the name of the member who makes the motion.
6. **Motion Second.** The mayor should determine if any member of the City Council wishes to second the motion. The mayor should announce the name of the member who seconds the motion. If no member of the City Council wishes to second the motion, then the motion fails, and should be so stated by the mayor.
7. **Discuss the Motion.** The mayor will announce that there is a motion and a second, and will restate the motion, and will invite the members of the City Council to discuss the motion. If there is no desired discussion, the mayor may call for a vote. If there has been no discussion or a brief discussion, then there is no need to repeat the motion before taking a vote. If the discussion has been lengthy, it is a good idea to repeat the motion before calling for the vote.
8. **Vote.** The mayor calls for the vote. A simple majority vote determines whether the motion passes or fails unless a super-majority is required for passage. All Council members, including the mayor, shall vote upon every question, ordinance, or resolution, unless recused because of a conflict of interest as defined in the City Charter. Unless so excused, any Council Member refusing to vote shall be recorded

in the minutes as voting with the majority. Action items require a vote.

9. ***Announce the Outcome.*** The mayor announces the results of the vote and should also state what action (if any) the Council has taken.

3.3 The Basic Motions.

The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move approval of the ordinance as submitted," or "I make a motion that we deny the resolution."

3.4 The Motion to Amend.

If a member wants to change a basic motion, the member will have to move to amend the original or previously amended motion. A motion to amend might be: "I move that we amend the motion to include the changes we discussed to the ordinance." A motion to amend seeks to retain the basic motion on the floor (a motion made and seconded), but to modify it in some way. A motion to amend requires the agreement of the person making the original motion. If the basic motion has already been seconded, the motion to amend must be acknowledged and accepted by the member who seconded the basic motion.

3.5 Discussion and Debate.

The basic rule of motions is that they are subject to discussion and debate. Accordingly, the basic motion and the motion to amend are all eligible, each in their turn for full discussion by and before the City Council. Discussion and debate can continue as long as the members wish to discuss it, or until a motion is made to limit debate (call the question or move the question) which requires a super majority. At that time, the mayor shall call for a vote on the motion.

3.6 Other Motions.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Council to move on. The following motions are NOT debatable, and the mayor must immediately call a vote on the motion, if seconded by another Council Member.

- ***Motion to Adjourn.*** This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.
- ***Motion to Recess.*** This motion, if passed, requires the Council to immediately take a recess. Normally the Mayor will determine the length of the recess which could last for a few minutes to several hours. It requires a simple majority vote.
- ***Motion to Fix the Time to Adjourn.*** This motion, if passed, requires the Council to adjourn the meeting at the specific time set in the motion. For example, "I move we adjourn this meeting at Midnight." It requires a simple majority vote.
- ***Motion to Table.*** This motion, if passed, requires discussion of the agenda item to be halted immediately, and the agenda item to be placed on hold. The motion may contain a specific time to bring the item up again, or it may not specify a time. If no time is specified, the item shall be placed on the agenda at the very next regular Council meeting.
- ***Motion to Remove from Table.*** This motion, if passed, allows the Council to remove an item previously placed on hold. A vote in favor of removing an item from the table must be made before the Council can take action on an item that was tabled.

3.7 Motions Requiring a Three-Fourths or Supermajority Vote to Pass.

Normally a super majority vote consists of six votes (four to pass as a simple majority, plus two more). For the purposes of these rules and as defined in the Charter, a three-fourths vote shall be referenced as a Supermajority vote. In exceptional circumstances where the number of council members is diminished due to vacancy, the following shall constitute a three-fourths or super majority vote:

NUMBER OF COUNCIL MEMBERS	NUMBER OF VOTES FOR SUPER MAJORITY
6	5 or more
5	4
4	3
3	3

- ***Motion to Limit Debate.*** This motion is sometimes referred to as, “moving the question” or, “calling the question.” When a member of the Council makes such a motion, the member is saying, “I have had enough discussion, let’s vote on the issue.” When such a motion is made, the mayor should ask for a second, stop the discussion and vote on the motion to limit debate. The motion requires a super majority vote to pass.
- ***Motion to Object to the Consideration of an Item.*** This motion, if passed, precludes the City Council from even considering the item on the agenda. It does not preclude the item from appearing on a future agenda. The motion requires a super majority vote to pass. (Normally, this motion is unnecessary because the objectionable item can be defeated outright or tabled.)
- ***Motion to Suspend the Rules.*** This motion is debatable but requires a super majority vote to pass. This motion allows the Council to suspend its own rules for a particular purpose. For example, the Council may desire to give a particular speaker more time than normally allowed. A “motion to suspend the rules and give the speaker ten additional minutes,” accomplishes this desire.
- ***Motion to Hire/Fire the City Manager.*** The city manager shall be appointed or removed by a vote of at least 5 members, provided that his or her salary may be set by a simple majority vote. (Charter Art. IV Section 4.01 – City Manager.)

3.8 Motion to Reconsider.

There is a special motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure on the issue. As such, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a simple majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

The first rule involves timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next regular meeting (if properly noticed and on the posted agenda). A motion to reconsider made at a later time is considered untimely and it may not be considered unless the Council suspends the rules to consider it.

Second, the motion to reconsider can only be made by a member of the Council who voted in the majority on the original motion. The motion to reconsider may be seconded by any member of the City Council regardless of how they voted on the original motion. If a member of the Council who voted in the minority on the original motion seeks to make a motion to reconsider, it must be ruled out of order by the mayor. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If a motion to reconsider passes, then the original matter is back before the Council, and a new original motion is in order. The matter may be discussed as if it were on the floor for the first time.

3.9 Courtesy, Decorum and Order.

These rules of order are meant to promote an atmosphere of courtesy and decorum appropriate for the efficient discussion of business. It is the responsibility of the mayor (and the members of the City Council) to maintain that atmosphere of courtesy and decorum. The mayor should always ensure that debate and discussion focus on the item and the policy in question, not on the personalities of the participants in the discussion. Debate on policy is healthy; debate on personalities is not. In order to assist in the creation and maintenance of that atmosphere, the following rules shall govern all meetings:

1. **Request to Speak.** Before a council member, staff member or an audience member may speak, they must first be recognized by the mayor. Upon recognition the person requesting to speak shall hold the floor and shall make their point clearly and succinctly. Public comments must be kept relevant to the subject before the Council. The mayor shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, overly redundant, or slanderous remarks may be barred by the mayor from further comment before the Council during the meeting. Audience members who wish to speak during an agenda must first complete a 'request to speak card' and submit it to the city secretary. The mayor has the right to cut a speaker off if the discussion becomes too personal, too loud, too crude, irrelevant, impertinent, redundant, or slanderous.
2. **Order.** If a person fails to request to speak before speaking, the mayor shall rule them 'out of order' and remind them that they do not have the floor. While the City Council is in session, all council members must preserve order and decorum. A person shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the meeting, nor disturb any other person while speaking or refuse to obey the orders of the mayor.
3. **Improper References Prohibited.** Every person desiring to speak shall address the entire Council and shall not single out a member of the Council, the audience, or a staff member. Speakers shall confine themselves to the question under debate, avoiding all personal attacks and indecorous language.
4. **Interruptions.** A council member, once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or other such interruption expressed below. If the council member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and if the council member is found to be in order, he or she shall be permitted to proceed speaking. Allowable interruptions or points of order available to council, city manager, city secretary, or city attorney are as follows:
 - a. **Point of Privilege.** The proper interruption would be: "Point of Privilege." The mayor would then ask the interrupter to, "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room might be too hot or too cold or a fan motor might interfere with a council members ability to hear.
 - b. **Point of Order.** The proper interruption would be: "Point of Order." The mayor would then ask the interrupter to, "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the mayor called for a vote on a motion that permits debate without allowing any discussion.
 - c. **Motion to Appeal.** If the Mayor makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the mayor by stating, "motion to appeal." If the motion is seconded and after debate if it passes by a simple majority vote, the ruling of the mayor is reversed.
 - d. **Call for orders of the day.** This is simply another way of saying, "let's return to the agenda." If a council member believes the discussion has strayed from the agenda. The motion does not require

- d. a vote. If the Mayor discovers that the discussion has strayed from the agenda, he or she simply returns to the business of the day.
- e. **Withdraw a Motion.** During the debate and discussion of a motion, the original maker of the motion on the floor, at any time, may interrupt the speaker to withdraw his or her motion. The motion is immediately deemed withdrawn and discussion on the motion shall cease. Council members are free to make the same motion or another motion.

3.10 Enforcement of Rules and Procedures.

The following provisions may be used to enforce the good order and decorum of the meeting. The action may be taken by the mayor under his or her own action, or upon a motion to enforce by any council member. Reference to sergeant at arms only refers to city council meetings and at board, committee, or commission meetings as requested by the council liaison and approved by the city manager.

1. **Warning.** The mayor may order any person (council member, staff member or audience member) in violation of these rules to be silent.
2. **Removal.** If, after receiving a warning from the mayor, the person continues to disturb the meeting or breach the peace and good order of the meeting, the mayor may order the person to leave the meeting. If the person does not leave the room, the mayor may order the sergeant-at-arms to remove the person.
3. **Sergeant-at-Arms.** The sergeant-at-arms shall be the highest-ranking police officer in attendance at the council meeting, or such other officer designated by the chief of police for that purpose.

Upon instruction of the mayor, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who intentionally disturbs the proceedings of the City Council. A violation of these rules may be deemed an attempt to disrupt, obstruct, and/or interfere with a lawful meeting and subject the violator to prosecution under state law for disrupting a lawful meeting. (Section 42.05, Texas Penal Code).

4. **Resisting Removal.** Any person who resists removal by the sergeant-at-arms may be charged with violating Section 42.05 of the Texas Penal Code.
5. **Motion to Enforce.** Any council member may move to require the mayor to enforce these rules and the affirmative vote of a simple majority of the Council shall require the mayor to do so. A motion to enforce is an allowable interruption and is not debatable.

3.11 Council May Discipline its Own Members.

In the event a council member violates the Charter, these Rules or any other ordinance of the City or acts in a manner that causes embarrassment or disgrace to the City of Lago Vista, the City Council on supermajority vote may discipline the offending member. This process will be in force for the City council and the three commissions with regulatory authority. Discipline of advisory boards is addressed in Section 7.8 of this document. The issue shall be raised within 30 days of the offense, or it is no longer actionable.

Such action may only take place after an executive session is held to discuss the offense. The offending member shall be present at the executive session to answer any questions asked by members of the City Council or make other statements as he or she may desire to make in his or her defense. If the offending member refuses to attend the executive session, the remaining members of the City Council may proceed in his or her absence.

The outcome of the executive session may be as follows and shall be made publicly in open session in accordance with the Texas Open Meetings Act:

1. **No Action.** The City Council chooses to take no action.
2. **Private Censure.** The City Council may choose to privately censure the offending member, leaving their comments to the offending member in the confines of the executive session.
3. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record. For purposes of calculating a supermajority vote under this section, the City Council shall include the total number of those members of the City Council present and voting in favor of such censure, divided by the total number of members of the City Council less any vacancies, and less the member who is the subject of the vote.

If one of the regulatory boards or commissions holds a disciplinary session and cannot come to a resolution about one of the above options, the council liaison will bring the matter to the council for resolution.

ARTICLE 4. MEETING AGENDAS

The mayor and the city manager or an appropriate designee, shall prepare an agenda and cause the same to be posted a minimum of 72 hours prior to the meeting. Agendas shall be delivered to the City Council, in the format requested by each council member, on or before 6:00 PM of the day of the posting, or within such other times as established by the City Council from time to time. In the event of an emergency meeting of the City Council, this provision shall be suspended when not inconsistent with the provisions of federal or state law or the City Charter.

To facilitate the agenda process, the mayor, two council members, or the city manager may place an item on the City Council agenda. Staff assistance, if required, should be requested through the city manager. Agenda items must be provided to the city manager's office at city hall by 12:00 noon on the seventh (7) calendar day preceding the date of the regular meeting. If the agenda topic does not allow for staff to adequately prepare information for City Council's consideration, the item may be postponed until the next regular meeting.

4.1 Call to Order & Announcement of a Quorum

The mayor shall call the meeting to order. The mayor shall announce that a quorum of the City Council is present and shall state for the record the names of all members of the City Council who are absent.

4.2 Executive Session Items.

This section is only used when it is necessary for the Council to convene in executive session. Executive sessions are sessions closed to the public. They are only permitted for the purpose of discussing matters enumerated in Chapter 551, Open Meetings Act of the Texas Government Code. Disclosure of topics to be discussed shall be made to the public in accordance with the requirements of the Open Meetings Act.

If the subject of the executive session warrants, the executive session may be held prior to the regular session and after the regular session, as necessary.

4.3 Action on Executive Session Items.

This section is only used if Council conducts an executive session. Action on executive session items must be taken during public/open session of the Council. Action may include the taking of no action at all.

4.4 Pledge of Allegiance to the United States Flag and Texas Flag and Invocation

The Council shall recite the Pledge of Allegiance to the United States Flag and pledge to the Texas Flag. In addition, an Invocation may be made at this time. Committees, boards, and commissions can independently determine if they would like to recite the pledges and conduct an invocation.

4.5 Citizen Comments on Non-Agenda Items.

All persons desiring to speak to the City Council on a non-agenda item must submit a 'request to speak card' to the city secretary at least five (5) minutes before meeting starts.

4.6 Items of Community Interest.

The mayor, council members, and citizens will have an opportunity to speak about items of community interest.

4.7 Presentations & Proclamations.

The mayor shall make any presentation or deliver any proclamation as may be required from time to time. Outside entities and organizations granted permission to make a presentation shall be placed in this section.

4.8 Public Hearings.

This section is only used when a statutorily required public hearing is part of the order of business. The mayor shall first request staff comments. The mayor shall open the public hearing and receive citizen input. While the public hearing is open, City Council may ask questions of the speakers, but may not deliberate or argue with the public on the matter at hand. Those speaking at a public hearing are required to follow the rules established herein for citizen comments. Upon conclusion of citizen comments, the mayor shall close the public hearing. Council may deliberate or take action on the matter at hand upon the closing of the public hearing.

4.9 Regular Agenda Items.

Items for individual consideration shall be considered by the City Council individually and approved by either a simple majority vote or a super majority vote as may be required.

4.10 Citizen Comments on Agenda Items.

All persons desiring to speak to the City Council on an agenda item must submit a "request to speak card" (or its digital/remote equivalent) to the City Secretary at least five (5) minutes before meeting starts.

4.11 Approval of the Minutes.

The Council shall consider the minutes of any meeting presented for their review since the last regular meeting. This heading will only be used when there are no other items listed on a consent agenda.

4.12 Consent Agenda Items.

There is hereby established, as a part of every agenda for regular and/or special called meetings of the City Council, a portion of said agenda that shall be labeled "consent agenda." Said consent agenda may consist of any and all business regularly coming before the City Council (except required public hearings and items requiring a supermajority vote) including approval of the minutes of previous meetings.

All items set out in the consent agenda shall be deemed passed upon passage of an affirmative motion, by a vote of the majority of the members of the City Council then seated, that the consent agenda be adopted. No further action shall be deemed necessary, and all such items appearing on the consent agenda, upon passage of such motion, shall be deemed adopted as if voted upon separately and as if the caption and/or body of any ordinance therein set out shall have been read in full.

Any member of the City Council may request that any item be removed from the consent agenda and considered separately. Such a request shall be honored as if it had been passed by majority vote.

If any item was removed from the consent agenda, it will be considered immediately following approval of the remainder of the consent agenda.

4.13 Discussion Items.

Discussion items for individual consideration shall be considered and discussed by the City Council individually.

4.14 Staff and Council Liaison Reports.

This section is used for routine reports provided by staff regarding their respective departments to the Council and discussion of staff reports previously distributed to council. Council Liaisons may report on activity taking place within their assigned boards, committees, and commissions. Council Liaisons may also bring forward items from their assigned board, committees, and commissions for City Council consideration for future discussion and action if needed. No discussion or action may be taken on an item without the specific item first being listed on the agenda and noticed to the public. See Rules and Procedures Section 7.8 (4) d.

4.15 Executive Session

If the City Council did not finish deliberations on the executive session items at the early session, Council may reconvene into executive session after the regular session as necessary.

4.16 Adjournment.

The mayor shall adjourn the meeting upon passage of the appropriate motion.

ARTICLE 5. WORK SESSION POLICIES AND PROCEDURES

5.1 Purpose.

City Council may call and hold work sessions for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the City Council. The following rules shall prevail for the call and conduct of work session meetings.

5.2 Agenda.

Only a limited number of matters shall be considered by the City Council during a work session, and sufficient time for consideration of such matters shall be provided. An abbreviated agenda order shall be used for all work session agendas.

5.3 Documents and Exhibits to be Presented.

Staff shall make available to the City Council all documents, exhibits, maps, plats, architectural drawings, specifications, or other similar documents at least 72 hours before the beginning of the session. When necessary, the mayor and city manager can introduce new material after the 72-hour deadline when new information is vital to an agenda item.

5.4 Technical Questions.

All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session. Council may, through the city manager, request the attendance of such staff members or outside experts as may be required to answer such questions.

5.5 Prohibitions Against Formal Actions.

No formal actions may be taken at a work session. Council may provide staff direction on the matter being considered and ask that the item be placed on a regular or special called meeting agenda for formal action.

5.6 Audience Comments or Questions.

Audience comments or questions will be considered at a work session subject to legal time constraints.

ARTICLE 6. RULES GOVERNING CITIZEN COMMENTS

6.1 Purpose.

It is the desire of the City Council to hear from the citizens of Lago Vista and to stimulate discussion and offer a forum for a cordial and meaningful public debate on matters that are properly a concern of the City Council. The following rules shall control and govern audience comments and may be included in the agenda as a reminder.

6.2 Rules Governing Citizen Comments.

1. A maximum of 30 minutes will be devoted to receiving comments from the public on non-agenda items.
2. Each speaker is limited to one presentation per agenda item and a maximum timed limit of three minutes on any item unless the council, by supermajority, votes to suspend the rules. Notwithstanding the foregoing, one speaker may donate their allotted three minutes to another speaker to allow the donee a total of up to six minutes to present.
3. No individual may address City Council without submitting a speaker card at least five (5) minutes prior to the beginning of the meeting. The card must clearly state the subject or issue on which the citizen wishes to speak. If the subject matter does not pertain to city business, the mayor shall advise the individual and/or make recommendations as to how they may get the issue addressed. The mayor can consider comments from citizens that did not submit a request as time permits.
4. Citizens speaking on agenda items shall restrict their comments to the subject matter listed.
5. Citizens speaking on non-agenda items shall only speak on matters pertaining to city business or issues which the Council would have the authority to act upon if brought forth as an agenda item.
6. Council may not act upon or discuss any issue brought forth as a non-agenda item; except to:
 - a. Make a statement of specific factual information given in response to the inquiry, or
 - b. A recitation of existing policy in response to the inquiry.
 - c. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Proper respect, decorum, and conduct shall prevail at all times. Impertinent, slanderous, or personal

attacks are strictly prohibited, and violators may be removed from the council chambers.

7. No placards, banners or signs may be displayed in the council chambers or city hall. Exhibits relating to a presentation are acceptable.
8. Arguing, intimidation or other disruptive behavior is prohibited. Discussion and/or debate are acceptable only on items specifically listed on the agenda.
9. Unauthorized remarks from the audience, stomping of feet, applauding, whistles, yells, or any type of disruptive behavior is prohibited. Applause of appreciation may be acceptable when recognizing a significant event or achievement.

6.3 Preservation of Order.

Immediately preceding the opening of a public hearing, the mayor may read or may direct the city secretary to read the rules governing citizen comments. Council meetings are the workplace to carry out the business of the City of Lago Vista; therefore, any conduct that could constitute harassment in the workplace is prohibited. The mayor shall preserve order and decorum and, if necessary, shall cause to be silenced or removed from the council chambers any person speaking out of order or disrupting the order of the meeting. In all cases, the mayor shall preside over the Council meeting and ensure that proper conduct and decorum is adhered to.

ARTICLE 7. BOARDS AND COMMISSIONS

7.1 General.

All standing boards and commissions are described under Article VII, Commissions and Boards, of the City of Lago Vista City Charter. Ad hoc boards may be temporarily appointed and terminate upon completion of a specific task or special purpose for which it was created, or when abolished by a majority vote of the City Council. No ad hoc board shall have powers other than advisory to the City Council and all Rules of Procedure apply to them, provided that such boards shall not be required to follow any open meetings rules that are not applicable to such board under state law.

7.2 Meeting Times and Agenda Order.

All boards, commissions, and committees shall be subject to these rules. Each board, commission, and committee shall set their own agenda. Boards with rulemaking or quasi-judicial authority must be in accordance with the Texas Open Meetings Act.

7.3 Boards with Regulatory Authority.

In no specific order: Planning and Zoning Commission, Building and Standards Commission, and Board of Adjustment.

7.4 Committees without Regulatory Authority.

In no specific order: Lago Vista Parks and Recreation Advisory Committee, Lago Vista Airport Advisory Board, Lago Vista Economic Development Advisory Committee, Lago Vista Library Advisory Board, Lago Vista Golf Course Advisory Committee, Lago Vista Youth Advisory Committee, and any additional non-regulatory city committees or boards that are created.

7.5 Appointments.

City Council Members shall review applications of all eligible applicants for vacant positions on the City's boards, commissions, and committees. Each Council Member assigned as Liaison to a board, commission, or committee shall nominate appointees to the specific board. City Council shall vote to approve or deny

nominations, by majority vote, until such time as all vacancies have been filled on the specific board, commission, or committee. Regardless of the requirements of federal law, City Council shall not discriminate on the basis of race, color, national origin, religion, sex, age or disability when making appointments to boards and commissions.

7.6 Board Members' Service.

Members appointed to boards or commissions that have regulatory authority shall serve 2-year terms in accordance with the City Charter. Members appointed to boards or commissions that *do not have* regulatory authority shall also serve 2-year terms, serve at the will of the Council, and may be removed, replaced, or not reappointed at the discretion of City Council by majority vote, with or without cause. When conducting the business of the City, appointed members of all boards, commissions or committees shall follow the Rules of Procedure set forth for the City Council. Members of boards, committees, and commissions are selected in order of best qualified in accordance with the criteria adopted by ordinance for the specific body, but secondarily by lack of membership on any other board, committee, or commission so as to encourage a broad base of citizen participation.

7.7 Open Government Training.

Upon initial appointment, within 90 days of taking the oath of office or assuming duties, all board, commission, and or committee members shall be required to watch the Texas Public Information Act and the Texas Open Meetings Act training videos as provided by the Office of the Attorney General. At the conclusion of the training video, the appointee will be given an opportunity to print from the Attorney General's website a Certificate of Completion. The certificate should be filed with the city secretary, as proof of Open Government training.

7.8 Council Liaisons and Committees, Boards, and Commissions.

1. Definition of Liaison

Liaison: a person who establishes and maintains communication for mutual understanding and cooperation (Merriam-Webster Dictionary).

2. Council Liaison

With City Council approval, a Council member may serve for a calendar year as the City Council's Liaison (i.e., representative) to an organization, and may be reappointed for subsequent years. A Liaison is responsible for facilitating communication, collaboration, and coordination with the designated organization, and with regular reporting and accountability to the City Council. There are typically Council Liaisons to four types of organizations:

- a. a county-wide or regional policy or governing body or inter-governmental organization, such as Travis County Tax Appraisal District, Emergency Service Districts, Property Owners Associations, etc.; and
- b. A community organization, such as arts, business, or social service organizations; and
- c. A governing or inter-agency board or commission, such as the Planning and Zoning Commission, Building and Standards Commission, or Board of Adjustment; and
- d. A citizen advisory board or committee of the city, whether or not the City Charter calls for an ex-officio Council member, such as the Airport Advisory Board, the Library Advisory Board, Economic Development Advisory Committee, Parks and Recreation Advisory Committee, and the Golf Course Advisory Committee.

3. Council Liaison Procedures

Individual members of the City Council may be assigned as liaisons whose duties involve staying current with a group or activity by attending meetings or conferring with members and keeping the City Council informed. Liaisons may advocate City Council actions on behalf of their assigned group or activity.

Liaisons' functions and duties may be further defined and/or directed by the mayor or mayor pro tem, in the absence of the mayor, with concurrence of the City Council.

4. Duties and Expectations of a Council Liaison

- a. A Council member acting as a Liaison to a Council advisory committee or other body (board or commission) is not a member of the committee. Rather, the Councilmember is a positive resource to support the committee in the completion of its work, subject to the rules stated below.
- b. A Council ~~member~~ liaison is acting as a representative of the full City Council and, as such, has no authority to provide direction or guidance to the committee other than direction or guidance provided by the full City Council, [or as otherwise provided by these rules of procedure](#).
- c. The Council ~~member~~ liaison shall work to ensure that the committee is only taking actions or doing work that is within the scope of the committee as determined or approved by City Council. The liaison can do this, for example, by reminding the committee of the scope of work that the City Council set for the committee.
- d. The ~~Councilmember~~[Council](#) liaison shall report on items and issues from their board, committee or commission meetings, and shall bring to the Council, via an agenda item [or during routine reports of the council liaisons](#), any requests from the committee, such as the following:
 - Questions raised by a committee about the committee's scope of work; and
 - Requests from the committee to change the committee's scope of work; and
 - Requests for expenditures of the city resources to further the committee's work (money, staff time, or other resources); and
 - Requests from the committee to place an item on a Council meeting agenda; and
 - Items that are liaison or staff-initiated topics that need City Council input or need feedback to the committee.

5. Selecting, replacing, and training of committee members

- a. The council liaison takes the lead in filling vacancies, reviewing applications with the chair, and interviewing candidates for the board, committee, or commission. No candidate can be nominated to a committee without an application on file. The city council shall call for applications to be submitted by applicants in the October/November time frame and then makes appointments in the December timeframe. Vacancies that occur at other times will be filled by applicants that submitted applications during the typical October/November timeframe or subsequently. Should the list of candidates be exhausted, the City Council can make the decision to publicize the acceptance of additional applications outside the normal October-December timeframe.
- b. The council liaison is responsible for resolving any issues with a committee member in consultation with the committee chair and city attorney as appropriate. If the issue is with the committee chair, the council liaison will resolve the issue in consultation with the mayor and city attorney as appropriate. If the issue is judged to be of a nature that requires the full council to review and adjudicate, then the issue will be brought to the council for action within a timely manner. If a council member becomes aware of a situation with a committee, board, or commission member that is not being handled by the associated council liaison, the council member will discuss the issue with the council liaison. If the council liaison continues to not address the situation, the other council member shall bring the issue to the mayor and city attorney for evaluation.

c. Possible actions of the Council include:

- i. **No Action.** The City Council chooses to take no action.
- ii. **Private Censure.** The City Council may choose to privately censure the offending member.
- iii. **Public Censure.** The City Council may choose to publicly censure the offending member through a resolution passed by supermajority vote and entered into the public record.
- iv. **Removal.** If the violation is severe enough in nature, the council; may make the decision to remove the member from the board or commission.

- d. Removal of a chairperson is brought to council for resolution by the liaison, working with the mayor. Any actions to remove a committee member must conform with rules covered in the city charter, ordinances, and state law.
- e. The council liaison and staff liaison are responsible for securing any training requirements for new or replaced committee members. This includes appropriate legal and/or specific subject-matter content training. This may require expenditure of funds for registration and/or travel that would need to be included in the City's budget.

6. Selecting and replacing council liaisons

- a. After elections each November, the city council members will discuss each committee, current liaison assignments, proposed changes, and make liaison assignments for the upcoming year.
- b. When a problem exists with a council liaison, the committee chair will approach the mayor to discuss issues and resolutions related to the council liaison. The mayor will bring suggested resolutions to the full council for possible action.

7. Selecting committee officers

Each January, each committee is required to elect a chair, vice-chair, and secretary from among its members.

8. Planning and reporting of the annual work plan of the committee

- a. At the beginning of each calendar year, each committee will conduct a workshop to lay out objectives for the year that tie to the Comprehensive Master Plan and create an annual work plan. The Planning and Zoning and Building and Standards Commissions generally have their work brought to them but shall develop work plans to update ordinances when necessary. In the case of non-state mandated boards and committees, they will be responsible for developing the work plan associated with the board or committee.
- b. The committee and related department head will review the committee's annual work plan once a year.
- c. Every June or July, the committee chair will report to the city council the progress on the committee's annual work plan. Objectives and priorities will be adjusted as required.

9. Preparing and publishing the agendas

- a. The committee chair will have the ultimate responsibility for creating the agenda for each meeting.
 - i. The committee chair is responsible for accumulating desired agenda items from the other committee members, and city staff.
 - ii. If council liaison would like an item included on a board committee, or commission's agenda, he/she will bring that item before city council for discussion, consideration and

possible action followed by the council liaison reporting back to city council the actions of the board, committee, or commission on said item.

- iii. If an item is presented by the council liaison, the committee chair cannot withhold the item from the agenda.

- iv. If a department head would like an item included on a board, committee, or commission's agenda, he/she will bring that item to the chair of such board, committee, or commission. After receiving such a request, the chair of such board, committee, or commission may not omit that item from the next available agenda without first receiving the written permission from the designated council liaison to omit such item.

- ~~iv-v.~~ The committee chair has the authority to interact with the council liaison and the department head related to the committee for the purpose of gathering appropriate information that should accompany agenda items. Should the committee chair feel he/she needs access to other city staff, he/she will do so through city manager.

- ~~v-vi.~~ The agenda should be emailed to the department head related to the committee a minimum of seven (7) days prior to the scheduled meeting, copying the city secretary and the council liaison. The department head will provide any feedback about necessary alterations, which the chairperson will be responsible for making and then forwarding to the appropriate city staff for legal posting.

- b. When deemed appropriate by the council liaison (i.e., agenda items that involve acquisition or divestiture of city assets, the expenditure of city funds, etc.), the committee chair and council liaison will be jointly responsible for:
 - i. determining what supporting material should be provided in a packet to the committee prior to the meeting.
 - ii. accumulating the appropriate material with support of city staff; and
 - iii. determining which city staff will be required to support the successful conduct of each item on the agenda and making the appropriate arrangements with city staff to attend the meeting.
- c. The committee secretary (whether committee member or city staff depending on whether it is a state mandated committee), chairperson, or related department head is responsible for the distribution of final agenda and packet items to committee members and council liaison.

10. Roles in board, committee, or commission meetings

- a. Appropriate city staff and council liaison are permitted in ~~committee~~ executive sessions for their designated boards, committees, or commissions as appropriate for the items to be discussed.
- b. The secretary is required to take notes or audio recordings and prepare the minutes of the meeting (except for state mandated committees/boards where city designated staff will record and prepare the minutes).
- c. A council liaison plays a limited role in the operation of a board, committee, or commission meeting. The following points provide a guideline for the council liaison in this context:
 - i. The council liaison has no voting rights in ~~committees~~ such meetings.
 - ~~i.—The~~ No council member, including the council liaison ~~shall not, may~~ influence ~~the committee's~~ a board, committee, or commission's recommendations with his/her
 - ii. opinions, except as provided in the limited examples included in subsection (iii), below.
 - iii. A council liaison does not lead a board, committee, or commission meeting or participate other than:
 - A. to provide factual information to help support the ~~committee's~~ discussions and deliberations,
 - B. to answer ~~committee~~ member questions, ~~and~~
 - C. to listen attentively so as to be able to be the primary two-way communication channel between the committee and council, ~~and~~

D. to raise suggestions to consider or questions to address relating to an item on the agenda, if it appears that the board, committee, or commission is unaware of such considerations.

- iv. All the above apply equally to open and executive session segments of a board, committee, or commission meeting.
- v. A council liaison attends all ~~committee~~ meetings of his or her assigned boards, committees, or commissions, and if the council liaison cannot attend a meeting in person, he or she should attend such meeting by video conference call or arrange a replacement council member ~~if he/she cannot attend~~.

11. Sub-committees

- a.** Committees, boards, and commissions may make use of sub-committees (a non-quorum sub-set of the committee, board, or commission) to analyze issues and bring back recommendations to the full entity.
- b.** To appropriately create a sub-committee, an item must be placed on the committee, board, or commission official agenda to discuss and possibly take action on the issue at hand and the use of a sub-committee to help study and derive recommendations on the issue. The full body can discuss the issue and vote to create a sub-committee to review the issue and report back information and recommendations to the full body. When creating a sub-committee, the full body in its approved motion should specify:
 - i.** The issue the sub-committee will review;
 - ii.** The members of the sub-committee (no more than 1 less than a quorum of the full body); and
 - iii.** The time frame within which the sub-committee will operate.

TABLE OF MOTIONS AND POINTS OF ORDER

MOTION/ORDER	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE TYPE
Basic Motion	Yes	Yes	Yes	Simple
Motion to Amend	*	No	Yes	N/A
Motion to Adjourn	Yes	No	No	Simple
Motion to Recess	Yes	No	Yes	Simple
Motion to Fix the Time to Adjourn	Yes	No	No	Simple
Motion to Table	Yes	No	No	Simple
Motion to Limit Debate	Yes	No	No	Super
Motion to Object to the Consideration of an Item	Yes	No	No	Super
Motion to Suspend Rules	Yes	No	No	Super
Motion to Reconsider	Yes	Yes	Yes	Simple
Point of Privilege	No	No	No	N/A
Point of Order	No	No	No	N/A
Motion to Appeal	Yes	Yes	No	Simple
Call for Orders of the Day	No	No	No	N/A
Withdraw a Motion	No	No	No	N/A
Motion to Enforce	Yes	No	No	Simple
Motion to Hire/Fire the City Manager	Yes	Yes	Yes	At least 5 votes

- For the purposes of these rules, amendments are not debatable and only require the approval of the member who made the original motion and any member who seconded the motion. An amendment to an amendment, requires first the approval of the member who made the original amendment and secondly the approval of the members who made the original motion and seconded the motion.