



# Lewisville City Council

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## **A G E N D A**

### **LEWISVILLE CITY COUNCIL MEETING JANUARY 4, 2016**

**LEWISVILLE CITY HALL  
151 WEST CHURCH STREET  
LEWISVILLE, TEXAS 75057**

**WORKSHOP SESSION - 6:30 P.M.  
REGULAR SESSION - 7:00 P.M.**

Call to Order and Announce a Quorum is Present.

#### **WORKSHOP SESSION - 6:30 P.M.**

- A. Discussion of Regular Agenda Items and Consent Agenda Items

#### **REGULAR SESSION - 7:00 P.M.**

- A. **INVOCATION:** Mayor Pro Tem Ferguson
- B. **PLEDGE TO THE AMERICAN AND TEXAS FLAGS:** Councilman Gilmore
- C. **PUBLIC HEARINGS:**
  - 1. **Public Hearing:** Consideration of a Resolution Requesting that the City of Lewisville Crime Control and Prevention District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years.

**AGENDA  
LEWISVILLE CITY COUNCIL  
JANUARY 4, 2016**

**ADMINISTRATIVE COMMENTS:**

On November 8, 2011, the voters of the City of Lewisville approved the creation of the Lewisville Crime Control and Prevention District (District) for a period of five years, together with a one-eighth of one percent sales tax to support the District's operations. Pursuant to Section 363.301 of the Texas Local Government Code, the District will dissolve on May 6, 2017, unless the District holds a continuation referendum and a majority of votes cast in the referendum are in favor of the continuation. Section 363.251 of the Local Government Code provides that the Board shall order such a referendum if a majority of the Lewisville City Council requests a referendum after notice and a public hearing on the matter. The Local Government Code further allows the Lewisville City Council to specify the number of years for which the District should be continued. Should the City Council adopt the attached Resolution, the request for a referendum to continue the District and its sales tax for 20 years will be presented to the Lewisville Crime Control and Prevention Board at their January 25, 2016, meeting.

**RECOMMENDATION:**

That the City Council hold the public hearing and approve the Resolution as presented in the above caption.

2. **Public Hearing: Consideration of a Resolution Requesting that the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years.**

**ADMINISTRATIVE COMMENTS:**

On November 8, 2011, the voters of the City of Lewisville approved the creation of the Lewisville Fire Control, Prevention, and Emergency Medical Services District (District) for a period of five years, together with a one-eighth of one percent sales tax to support the District's operations. Pursuant to Section 344.301 of the Texas Local Government Code, the District will dissolve on May 6, 2017, unless the District holds a continuation referendum and a majority of votes cast in the referendum are in favor of the continuation. Section 344.251 of the Local Government Code provides that the board shall order such a referendum if a majority of the Lewisville City Council requests a referendum after notice and a public hearing on the matter. The Local Government Code further allows the Lewisville City Council to specify the number of years for which the District should be continued. Should the City Council adopt the attached Resolution, the request for a referendum to continue the District and its sales tax for 20 years will be presented to the Lewisville Crime Control and Prevention Board at their January 25, 2016, meeting.

**AGENDA  
LEWISVILLE CITY COUNCIL  
JANUARY 4, 2016**

**RECOMMENDATION:**

That the City Council hold the public hearing and approve the Resolution as set forth in the above caption.

3. **Public Hearing: Consideration of Amendments to the Community Development Block Grant (CDBG) 2013, 2014 and 2015 Annual Action Plans, Providing Funding for Concrete Street Upgrades Through Cancellation and Reduction of Other Projects.**

**ADMINISTRATIVE COMMENTS:**

The 2013 and 2014 CDBG Annual Action Plans submitted to the U.S. Dept. of Housing and Urban Development (HUD) included two Asphalt Street Rehabilitation Projects: Holfords Prairie-Bunker Hill and Poydras-Decker. This amendment would increase funding for these two projects from \$323,000 to \$697,000 in order to upgrade the streets from asphalt to concrete. To make funds available it would then cancel the 2014 Land Acquisition for Affordable Housing project (\$120,000) and the 2015 Sewer Manhole Rehabilitation project (\$165,000). It would also use \$25,000 in unallocated funds and reduce the Housing Rehabilitation project by \$64,000. The Community Development Block Grant Advisory Committee voted 4-0 at its meeting on November 17, 2015, to recommend approval of the amendment.

**RECOMMENDATION:**

That the City Council approve the Annual Action Plan amendments as set forth in the caption above.

- D. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.
  - E. **CONSENT AGENDA:** All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.
4. **APPROVAL OF MINUTES: City Council Minutes of the December 21, 2015, Workshop Session and Regular Session.**

**AGENDA  
LEWISVILLE CITY COUNCIL  
JANUARY 4, 2016**

- 5. Approval of a Contract Award for the Water Treatment Plant Painting Project to JNA Painting and Contracting Co., Baltimore, Maryland, in the Amount of \$670,519.50; and Authorization for the City Manager to Execute the Contract.**

**ADMINISTRATIVE COMMENTS:**

A total of thirteen (13) requests for proposals were downloaded from Bidsync.com. A total of two (2) proposals were received and opened December 10, 2015. Based on the evaluation matrix included in the request for proposals, JNA Painting and Contracting Company, Inc. received the highest evaluation score and is being recommended for award. This project consists of the repainting of the C. R. Feaster Water Treatment Plant pipe gallery, and plant clarifiers and flocculation basins. In addition to repainting, this project includes provisions for the surface preparation, blasting and coating of the piping, walls, tanks, and ferrous (iron) surfaces; removal, containment, and disposal of the debris and spent media; removal and installation of a new dehumidification unit; welding services to repair the existing structures, and tank disinfection. Funding is available in the Water Plant Painting Capital Project.

**RECOMMENDATION:**

That the City Council approve the contract as set forth in the caption above.

- 6. Approval of a Resolution Calling the May 7, 2016 Lewisville City Council General Election; Authorization of an Election Calendar; and Authorization for the Mayor to Sign the Election Order.**

**ADMINISTRATIVE COMMENTS:**

An election calendar has been prepared for the May 7, 2016, City Council election, which will include Place Nos. 4 and 5 on the ballot. State law requires that canvassing of the election be held between the 3<sup>rd</sup> and 11<sup>th</sup> day following an election. City staff recommends conducting the canvassing at the City Council meeting scheduled for May 16, 2016. City staff will be meeting with both Denton and Dallas Counties in the coming weeks and an item authorizing contracts for election services with both counties will be brought back for City Council consideration. These contracts will address polling locations for both early voting and Election Day.

**RECOMMENDATION:**

That the City Council approve the proposed resolution and election calendar as set forth in the caption above.

**AGENDA  
LEWISVILLE CITY COUNCIL  
JANUARY 4, 2016**

- G. **REPORTS**: Reports about items of community interest regarding which no action will be taken.
- H. **CLOSED SESSION**: In Accordance with Texas Government Code, Subchapter D,
1. Section 551.071 (Consultation with Attorney/Pending Litigation): Texas Commission on Environmental Quality Modification to Municipal Solid Waste Permit No. 1312A; Texas Commission on Environmental Quality Application to Obtain Municipal Solid Waste Permit Amendment - Permit No. 1312B; *The City of Lewisville v. Texas Commission on Environmental Quality*, D-1-GN-15-2382, Travis County; and *The City of Lewisville v. Texas Commission on Environmental Quality*, D-1-GN-15-001892, Travis County.
  2. Section 551.072 (Real Estate): Property Acquisition
  3. Section 551.087 (Economic Development): Deliberation Regarding Economic Development Negotiations
- I. **RECONVENE** into Regular Session and Consider Action, if Any, on Items Discussed in Closed Session.
- J. **ADJOURNMENT**

The City Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

## MEMORANDUM

**TO:** Mayor Rudy Durham  
Mayor Pro Tem R Neil Ferguson  
Deputy Mayor Pro Tem Greg Tierney  
Councilman Leroy Vaughn  
Councilman TJ Gilmore  
Councilman Brent Daniels

**FROM:** Julie Heinze, City Secretary

**DATE:** December 21, 2015

**SUBJECT:** **Public Hearing: Consideration of a Resolution Requesting that the City of Lewisville Crime Control and Prevention District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years.**

### **BACKGROUND**

On November 8, 2011, the voters of the City of Lewisville approved the creation of the Lewisville Crime Control and Prevention District (District) for a period of five years, together with a one-eighth of one percent sales tax to support the District's operations. Pursuant to Section 363.301 of the Texas Local Government Code, the District will dissolve on May 6, 2017, unless the District holds a continuation referendum and a majority of votes cast in the referendum are in favor of the continuation.

City staff recommends the City Council request continuation of the District and its one-eighth of one percent sales tax for the maximum period of 20 years. Pursuant to Section 363.251 of the Local Government Code, the Crime Control and Prevention District Board is required to hold a referendum on the question of continuing the District and its sales tax if the City Council requests the referendum. This section also stipulates that a referendum election not be held earlier than the fourth anniversary of the date the district was created. The City Council may adopt the resolution making the request after notice and a public hearing on the matter.

### **ANALYSIS**

While there are some exceptions, Texas Election Code limits municipalities to only hold elections, such as a sales tax election, on a uniform election date (May and November). Based on the May 2017 dissolution date, a Crime Control and Prevention District Election Referendum could be held either in May 2016 or November 2016 which coincides with the Presidential election. Staff recommends that the City hold the referendum in May and utilize the same polling locations as the County. Presidential elections have a significantly higher number of polling locations for both early and election day voting. All cities within the Denton and Dallas County areas participate in joint election agreements with both counties which allows for election cost

Subject: Public Hearing: Crime Control and Prevention District  
December 21, 2015  
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sharing. Most cities (and schools) hold their elections in May, which significantly lowers the cost of the elections.

City staff has contacted both Denton and Dallas County Election Administrators for a rough estimate of the cost for an election held in November 2016. Based upon historical data, Denton County has advised that an election held in May 2016 would cost approximately \$4,000 assuming LISD holds an election and \$7,000 - \$8,000 if LISD should cancel their election. However, should the City Council prefer to move forward with a November 2016 election, the cost to the City is estimated to be \$35,000 due to the increase in the number of polling locations. In addition, Lewisville would only be sharing costs with Denton County since most cities and schools avoid November elections when there is a Presidential election due to the higher number of polling locations. Since the City of Lewisville is not able to cost share to the same extent with Dallas County, (there are not as many participants who directly impact Lewisville) the City's costs for Dallas County are typically higher; therefore, staff anticipates the cost of a November election with Dallas County to be significantly higher than Denton County.

In addition, due to the nature of the Presidential election, a Crime Control and Prevention District Board Election Referendum will not only be listed at the end of the ballot, it will be more difficult to educate the voting public on the importance of its passage.

City staff recommends that the City Council conduct the required public hearing for which notice has been properly given, and upon completion of the public hearing, vote on the adoption of the attached resolution. Should the City Council adopt the attached resolution, the request for a referendum will be presented to the Lewisville Crime Control and Prevention Board at their January 25, 2016, meeting.

### **RECOMMENDATION**

That the City Council hold the public hearing and approve the Resolution as presented in the caption above.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, REQUESTING THAT THE BOARD OF DIRECTORS OF THE CITY OF LEWISVILLE CRIME CONTROL AND PREVENTION DISTRICT ORDER AN ELECTION REFERENDUM TO BE HELD ON MAY 7, 2016, ON THE CONTINUATION OF THE CRIME CONTROL AND PREVENTION DISTRICT AND THE CRIME CONTROL AND PREVENTION DISTRICT SALES TAX OF ONE-EIGHTH OF ONE PERCENT FOR A PERIOD OF 20 YEARS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the current authorization for the City of Lewisville Crime Control and Prevention District created under Chapter 363 of the Texas Local Government Code will expire on May 6, 2017; and

**WHEREAS**, Chapter 363 of the Texas Local Government Code provides for a process by which the City of Lewisville Crime Control and Prevention District shall continue beyond May 6, 2017, if an election is held and the majority of votes cast in said election are in favor of the continuation of the District; and

**WHEREAS**, Chapter 363 further provides that the Board of Directors of the City of Lewisville Crime Control and Prevention District shall order said election if a majority of the Lewisville City Council adopts a resolution requesting a continuation, and after notice and public hearing on the matter; and

**WHEREAS**, at its regular meeting of January 4, 2016, the City of Lewisville City Council, after notice thereof as required by law, held a public hearing on the question of whether to continue the City of Lewisville Crime Control and Prevention District, at which hearing all persons were given the opportunity to present evidence on the matter; and

WHEREAS, following said public hearing, the City of Lewisville City Council desires that the City of Lewisville Crime Control and Prevention District and its one-eighth of one percent sales tax be continued for an additional 20 years, and that the Board of Directors of the District order a referendum election to be held on May 7, 2016, on continuation of same.

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

**SECTION 1.** That the City of Lewisville City Council requests the Board of Directors of the City of Lewisville Crime Control and Prevention District order a referendum election to be held on May 7, 2016, on the continuation of the City of Lewisville Crime Control and Prevention District and its one-eighth of one percent sales tax for 20 years, at which election the qualified voters residing in the District shall have the opportunity to vote on the following proposition:

“Whether the City of Lewisville Crime Control and Prevention District should be continued for 20 years and the crime control and prevention district sales tax should be continued for 20 years.”

**SECTION 2.** That it is hereby officially found and determined that the meeting of the City of Lewisville City Council at which this Resolution was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, as required by Chapter 551 of the Texas Government Code.

**SECTION 3.** That this resolution shall be effective immediately upon adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 4<sup>th</sup> DAY OF JANUARY, 2016.**

**RESOLUTION NO.** \_\_\_\_\_

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**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

## LOCAL GOVERNMENT CODE

## TITLE 11. PUBLIC SAFETY

SUBTITLE C. PUBLIC SAFETY PROVISIONS APPLYING TO MORE THAN ONE TYPE OF  
LOCAL GOVERNMENT

## CHAPTER 363. CRIME CONTROL AND PREVENTION DISTRICTS

## SUBCHAPTER A. GENERAL PROVISIONS

Sec. 363.001. SHORT TITLE. This chapter may be cited as the Crime Control and Prevention District Act.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.002. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of a district.

(2) "Director" means a member of a board.

(3) "District" means a crime control and prevention district created under this chapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.003. LIABILITY OF STATE. The state is not obligated for the support, maintenance, or dissolution of a crime control district created under this chapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

## SUBCHAPTER B. CREATION OF DISTRICT AND TEMPORARY BOARD

Sec. 363.051. POLITICAL SUBDIVISIONS AUTHORIZED TO CREATE DISTRICT. (a) The creation of a crime control and prevention district may be proposed under this chapter by a majority vote of the governing body of a:

(1) county:

(A) with a population of more than 130,000; or

(B) that:

(i) does not border the United Mexican States;

(ii) is adjacent to a county with a population of 500,000 or more that borders the United Mexican States; and

(iii) has a population of 5,000 or more; or

(2) municipality that is partially or wholly located in a county with a population of more than 5,000.

(b) The governing body may create a district composed of all or part of the political subdivision governed by that body. A district created by a county may not contain area in more than one county.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 13.08(a), eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1101 (H.B. [3417](#)), Sec. 1, eff. June 15, 2007.

Sec. 363.052. TEMPORARY BOARD. (a) Not later than the 60th day after the date a district is proposed to be created by a governing body, the governing body shall appoint seven persons that reside in the proposed district to serve as temporary directors of the district.

(b) Not later than the 75th day after the date the district is proposed, the temporary board shall organize. The directors of the temporary board shall elect one of the directors as presiding officer of the board not later than the 15th day after the date of the appointments under Subsection (a).

(c) A temporary director who is not serving as presiding officer may designate another person to serve in the director's place.

(d) The governing body shall fill a vacancy in the office of a temporary director in the same manner that it originally filled the vacant position.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.053. ELECTION REQUIRED. A district proposed by the governing body may be created and a tax may be authorized only if the creation and the tax are approved by a majority of the qualified voters of the proposed district voting at an election called and held for that purpose.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.054. ELECTION ORDER. (a) After a majority of the temporary directors of a proposed district have approved a budget plan and a crime control plan in accordance with Section 363.061, a majority of the temporary directors may order that a creation election be held.

(b) An order calling an election under Subsection (a) must state:

- (1) the nature of the election, including the proposition that is to appear on the ballot;
- (2) the date of the election;
- (3) the hours during which the polls will be open;
- (4) the location of the polling places;
- (5) in summary form, the approved budget plan and crime control plan of the proposed district; and
- (6) the proposed rate of the sales and use tax for the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.055. SALES TAX: RATE; LIMITATION; MUNICIPAL AUTHORITY. (a) The proposed rate for the district sales and use tax imposed under Subchapter B, Chapter 321, Tax Code, may be any rate that is an increment of one-eighth of one percent, that the municipality determines is appropriate, and that would not result in a combined rate that exceeds the maximum combined rate prescribed by Section 321.101(f), Tax Code. The proposed rate for the district sales and use tax imposed under Subchapter B, Chapter 323, Tax Code, may be only:

- (1) one-eighth of one percent;
- (2) one-fourth of one percent;
- (3) three-eighths of one percent; or
- (4) one-half of one percent.

(b) A sales and use tax approved under this chapter may be charged in addition to any other sales and use tax authorized by law and is included in computing a combined sales and use tax rate for purposes of any limitation provided by law on the maximum combined sales and use tax rate of political subdivisions.

(c) A municipality that creates a district shall adopt a sales and use tax under Section [321.108](#), Tax Code, for financing the operation of the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 13.08(b), eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1101 (H.B. [3417](#)), Sec. 2, eff. June 15, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1246 (H.B. [157](#)), Sec. 4, eff. September 1, 2015.

Sec. 363.056. NOTICE OF ELECTION. In addition to the notice required by Section [4.003](#)(c), Election Code, the temporary directors of a proposed district shall give notice of an election to create a district by publishing a substantial copy of the election order in a newspaper with general circulation in the proposed district once a week for two consecutive weeks. The first publication must appear before the 35th day before the date set for the election.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.057. ELECTION DATE. The election shall be held on the first uniform election date that occurs after the 34th day after the date on which the election is ordered.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1,

1997. Amended by Acts 2001, 77th Leg., ch. 340, Sec. 4, eff. Sept. 1, 2001.

Sec. 363.058. BALLOT PROPOSITION. The ballot for an election to create a district shall be printed to permit voting for or against the proposition: "The creation of the \_\_\_\_\_ (name of the political subdivision proposing to create the district) Crime Control and Prevention District dedicated to crime reduction programs and the adoption of a proposed local sales and use tax at a rate of \_\_\_\_\_ (rate specified in the election order)."

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.059. CANVASSING RETURNS. (a) Not earlier than the second day or later than the 13th day after the date of the election, the temporary board of a proposed district shall meet and canvass the returns of the election.

(b) If a majority of the votes cast favor the creation of the district, the temporary board shall issue an order declaring the district created.

(c) If less than a majority of the votes cast favor the creation of the district, the temporary board may order another election on the matter not earlier than the first anniversary of the date of the preceding election.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.060. DISSOLUTION OF TEMPORARY BOARD. If a district has not been created under this chapter before the fifth anniversary of the date a district is proposed by the governing body, the temporary board is dissolved on that date and a district may not be created under this chapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.061. CRIME CONTROL PLAN AND BUDGET PLAN. (a) The temporary board of a proposed district shall formulate and approve a two-year crime control plan and a two-year budget plan. The crime control plan must include:

- (1) a detailed list of the crime control and crime prevention strategies to be supported by the district; and
- (2) the method of annually evaluating the effectiveness and efficiency of individual crime control and crime prevention strategies.

(b) The budget plan must include:

- (1) the amount of money budgeted by the district for each crime control and crime prevention strategy;
- (2) the amount of money budgeted by the district and the percentage of the total budget of the district for administration, with individual amounts showing the cost of the administration that would be conducted by the district and the cost of administration that would be conducted by private or public entities;
- (3) the estimated amount of money available to the district from all sources during the ensuing year;
- (4) the amount of balances expected at the end of the years for which the budget is prepared; and
- (5) the estimated tax rate that will be required.

(c) The crime control plan and budget plan must be adopted in the same manner as provided for adoption of a proposed annual budget under Section [363.204](#).

(d) The temporary board shall coordinate its efforts with local law enforcement officials, the local community supervision and corrections department, and the local juvenile probation department in developing its crime control plan and budget plan.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.062. FINANCING CREATION OF DISTRICT. (a) Except as provided by Subsections (b) and (c), the costs of creating a district by a county to be composed of the whole county shall be allocated as follows:

- (1) the county shall pay 40 percent;

(2) the municipality having the largest population in the county shall pay 40 percent; and

(3) the municipality having the second largest population in the county shall pay 20 percent.

(b) The county and the two municipalities may contract for a division of the costs of creating a district that is different from the division of costs described by Subsection (a).

(c) If a district is proposed for only a part of the county, the county shall pay the entire cost of creating the district.

(d) A municipality creating a district shall pay the entire cost of creating the district.

(e) If a district is created, the district shall reimburse each political subdivision that paid creation costs for the actual expenses the subdivision incurred in the creation of the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.063. DONATIONS, GIFTS, AND ENDOWMENTS. On behalf of a district, the temporary board may accept donations, gifts, and endowments to be held in trust for any purpose and under any direction, limitation, or provision prescribed in writing by the donor that is consistent with this chapter and the proper management of the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

#### SUBCHAPTER C. DISTRICT ADMINISTRATION

Sec. 363.101. BOARD OF DIRECTORS. (a) A district is governed by a board of seven directors appointed in the same manner as provided for the selection of temporary directors under Section [363.052\(a\)](#).

(b) Board members serve staggered two-year terms that expire September 1, except that the initial appointees under this section shall draw lots to determine:

(1) the three directors to serve terms that expire on September 1 of the first year following creation of the district; and

(2) the four directors to serve terms that expire on September 1 of the second year following creation of the district.

(c) Repealed by Acts 1999, 76th Leg., ch. 1219, Sec. 7(a), eff. Sept. 1, 1999.

(d) A vacancy in the office of director shall be filled for the unexpired term in the same manner that the vacant position was originally filled.

(e) A member of the board is not liable for civil damages or criminal prosecution for any act performed in good faith in the execution of duties as a board member or for an action taken by the board.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1219, Sec. 7(a), eff. Sept. 1, 1999.

Sec. 363.1015. ALTERNATE FORMS OF APPOINTMENT: BOARD OF DIRECTORS. (a) The governing body of a municipality or county by resolution may appoint the governing body's membership as the board of directors of the district.

(b) In a district for which the board is not appointed under Subsection (a), the governing body of the municipality or county may create a board by having each member of the governing body appoint one director to the board, subject to confirmation by the governing body.

(c) A director appointed under Subsection (b) serves:

(1) at the pleasure of the governing body of the municipality or county; and

(2) for a term concurrent with the term of the appointing member.

Added by Acts 1999, 76th Leg., ch. 1219, Sec. 1, eff. Sept. 1, 1999.

Sec. 363.102. FILING OF OFFICER'S BOND. (a) Before assuming the duties of the office, each director or officer, including a person designated under Section [363.101\(c\)](#), must execute a bond for \$5,000 payable to the district, conditioned on the faithful performance of the person's duties as director or officer.

(b) The bond shall be kept in the permanent records of the

district.

(c) The board may pay for the bonds of the directors or officers with district funds.

(d) The board and the district may issue or sell bonds conditioned on the faithful performance of a person's duties as a director as provided by this section.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.103. OFFICERS. (a) The board shall elect from among its members a president and vice president. The board shall appoint a secretary. The secretary need not be a director. The person who performs the duties of auditor for the political subdivision shall serve as treasurer for the district.

(b) Each officer of the board serves for a term of one year.

(c) A vacancy in a board office shall be filled for the unexpired term by the board.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.104. COMPENSATION. A director or officer serves without compensation, but a director or officer may be reimbursed for actual expenses incurred in the performance of official duties. Those expenses must be reported in the district's minute book or other district record and must be approved by the board.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.105. VOTING REQUIREMENT. A concurrence of a majority of the members of the board is necessary in matters relating to the business of a district. A two-thirds majority vote of the board is required to reject any application for funding available under this chapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1,

1997.

Sec. 363.106. CONTRACT FOR ADMINISTRATIVE ASSISTANCE. The board may contract with a public agency or private vendor to assist in the administration or management of the district or to assist in the review of applications for funding available under this chapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

#### SUBCHAPTER D. POWERS AND DUTIES

Sec. 363.151. DISTRICT RESPONSIBILITIES; LIMITATIONS ON EXPENDITURES. (a) The district may finance all the costs of a crime control and crime prevention program, including the costs for personnel, administration, expansion, enhancement, and capital expenditures.

(b) The program may include police and law enforcement related programs, including:

- (1) a multijurisdiction crime analysis center;
- (2) mobilized crime analysis units;
- (3) countywide crime stoppers telephone lines;
- (4) united property-marking programs;
- (5) home security inspection programs;
- (6) an automated fingerprint analysis center;
- (7) an enhanced radio dispatch center;
- (8) a computerized criminal history system;
- (9) enhanced information systems programs;
- (10) a drug and chemical disposal center;
- (11) a county crime lab or medical examiner's lab; and
- (12) a regional law enforcement training center.

(c) The program may include community-related crime prevention strategies, including:

- (1) block watch programs;
- (2) a community crime resistance program;
- (3) school-police programs;
- (4) senior citizen community safety programs;
- (5) senior citizen anticrime networks;

- (6) citizen crime-reporting projects;
- (7) home alert programs;
- (8) a police-community cooperation program;
- (9) a radio alert program; and
- (10) ride along programs.

(d) The program may include specific treatment and prevention programs, including:

- (1) positive peer group interaction programs;
- (2) drug and alcohol awareness programs;
- (3) countywide family violence centers;
- (4) work incentive programs;
- (5) social learning centers;
- (6) transitional aid centers and parole centers;
- (7) guided group interaction programs;
- (8) social development centers;
- (9) street gang intervention centers;
- (10) predelinquency intervention centers;
- (11) school relations bureaus;
- (12) integrated community education systems;
- (13) steered straight programs;
- (14) probation subsidy programs;
- (15) Juvenile Offenders Learn Truth (JOLT) programs;
- (16) reformatory visitation programs;
- (17) juvenile awareness programs;
- (18) shock incarceration;
- (19) shock probation;
- (20) community restitution programs;
- (21) team probation;
- (22) electronic monitoring programs;
- (23) community improvement programs;
- (24) at-home arrest;
- (25) victim restitution programs;
- (26) additional probation officers; and
- (27) additional parole officers.

(e) The program may include court and prosecution services, including:

- (1) court watch programs;
- (2) community arbitration and mediation centers;

- (3) night prosecutors programs;
  - (4) automated legal research systems;
  - (5) an automated court management system;
  - (6) a criminal court administrator;
  - (7) an automated court reporting system;
  - (8) additional district courts that are required by law to give preference to criminal cases, judges, and staff; and
  - (9) additional prosecutors and staff.
- (f) The program may include additional jails, jailers, guards, and other necessary staff.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.152. COORDINATION; EVALUATION; GRANTS. (a) The district shall coordinate its efforts with the local community justice council in developing its crime control and crime prevention program.

(b) The district shall fund an annual evaluation program to study the impact, efficiency, and effectiveness of new or expanded crime control and crime prevention programs.

(c) The board may seek the assistance of the Office of State-Federal Relations in identifying and applying for federal grants for criminal justice programs. The board shall notify the appropriate council of government of any intent to submit applications for federal funds and for inclusion in the regional criminal justice planning process.

(d) The district may apply for and receive grants for criminal and juvenile justice programs from the criminal justice division in the governor's office.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.153. GENERAL BOARD POWER OVER FUNDS. The board shall manage, control, and administer the district funds except as provided by Section [363.205](#).

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1,

1997.

Sec. 363.154. USE OF REVENUE. (a) In a district created by a county, the board, from the sales and use tax revenue distributed to the district under Section 323.105, Tax Code, must budget, to the extent practicable:

(1) not less than 49.75 percent of the revenue to finance programs for which applications are submitted under Section 363.209(a);

(2) not less than 24.87 percent of the revenue to finance programs for which applications are submitted under Section 363.209(b); and

(3) not less than 24.87 percent of the revenue to be distributed under Subsection (b) or (d).

(b) In a district containing more than one municipality, the funds under Subsection (a)(3) shall be apportioned to the municipalities of the district based on a formula that averages the proportionate percentage of:

(1) the population of a municipality to the total population of the district;

(2) the index crime reported in each municipality in the district to the total index crime reported in the district; and

(3) the sales tax generated by each municipality to the total sales tax generated in the district based on the amount collected during the preceding year.

(c) The regional council of governments of a county shall compute the formula described by Subsection (b). The regional council of governments shall provide the population estimates and the index crime statistics that are required to compute the formula. The regional council of governments shall provide the district with a statement of the amounts that the district must make available to each municipality in a district before the board adopts the budget and at that time also shall provide the district with a detailed summary of the computation.

(d) In a district containing only one municipality, the funds under Subsection (a)(3) shall be apportioned to the municipality.

(e) In a district created by a municipality, the board may spend

the revenue derived from the sales and use tax distributed under Section [321.108](#), Tax Code, only for a purpose authorized by Section [363.151](#).

(f) The budget distribution described by Subsection (a) or (e) shall be computed after a county or municipality has been properly reimbursed for expenses described by Section [363.062](#).

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1101 (H.B. [3417](#)), Sec. 3, eff. June 15, 2007.

Sec. 363.1541. REDUCTION OF TAX RATE FOR CERTAIN DISTRICTS. (a) This section applies only to a district created by a municipality that has elected to be added to the territory of a regional transportation authority under Section [452.6025](#), Transportation Code.

(b) The board shall reduce the sales and use tax imposed for the benefit of the district to the highest rate that will not impair the imposition of the regional transportation authority's sales and use tax on or before the effective date of the addition of the municipality to the authority as determined by the executive committee of the regional transportation authority under Section [452.6025](#), Transportation Code.

Added by Acts 2003, 78th Leg., ch. 915, Sec. 4, eff. June 20, 2003.

Sec. 363.155. RULES AND PROCEDURES. (a) A board may adopt rules governing district-funded programs and the functions of district staff.

(b) The board may prescribe accounting and control procedures for the district.

(c) The board is subject to the administrative procedure law, Chapter 2001, Government Code.

(d) Subsection (c) does not apply to a district that contains only one municipality.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1,

1997. Amended by Acts 1999, 76th Leg., ch. 1219, Sec. 2, eff. Sept. 1, 1999.

Sec. 363.156. PURCHASING. (a) Except as provided by Subsection (b), the board may prescribe the method of making purchases and expenditures by and for the district.

(b) To the extent competitive bidding procedures in Title 8 apply, the board may not enter purchasing contracts that involve spending more than \$25,000 unless the board complies with:

(1) Subchapter C, Chapter 262, if the district was created by a county; or

(2) Chapter 252, if the district was created by a municipality.

(c) If the political subdivision that created the district has a purchasing agent authorized by law, that agent shall serve as purchasing agent for the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 115, Sec. 6, eff. Sept. 1, 2001.

Sec. 363.157. PROPERTY TO BE USED IN ADMINISTRATION. The board may lease or acquire in another manner facilities, equipment, or other property for the sole purpose of administering the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. July 1, 1997.

Sec. 363.158. REIMBURSEMENT FOR SERVICES. (a) A county or municipality located entirely outside the boundaries of the district shall, on request, reimburse a district for the district's cost of including in a district program a resident of that county or municipality.

(b) The board may require reimbursement from the state for the district's cost of including in a district program or facility a person who is a resident of the state but is not a resident of the district.

(c) On behalf of the district, the board may contract with a

municipal or county government or with the state or federal government for the municipal, county, state, or federal government to reimburse the district for including a person in a district program.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. July 1, 1997.

Sec. 363.159. SERVICE CONTRACTS. When acting on behalf of the district, the board may contract with the following entities to furnish the staff, facilities, equipment, programs, and services the board considers necessary for the effective operation of the district:

- (1) a municipality, county, special district, or other political subdivision of the state;
- (2) a state or federal agency;
- (3) an individual; or
- (4) an entity in the private sector.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. July 1, 1997.

Sec. 363.160. DONATIONS, GIFTS, AND ENDOWMENTS. On behalf of the district, the board may accept donations, gifts, and endowments to be held in trust for any purpose and under any direction, limitation, or other provision prescribed in writing by the donor that is consistent with this chapter and the proper management of the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.161. AUTHORITY TO SUE AND BE SUED. The board may sue and be sued in the name of the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

#### SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

Sec. 363.181. ELECTION REQUIRED. The governing body that

created a district may add all or part of the territory in the political subdivision governed by that body to the district and the district may impose a tax in that territory only if the addition of the territory and the imposition of the tax are approved by a majority of the qualified voters of the territory to be added voting at an election held for that purpose.

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 2, eff. June 19, 2015.

Sec. 363.182. ELECTION ORDER. (a) After a majority of the board has approved a budget plan and a crime control plan in accordance with Section 363.061 that include the proposed addition of territory, a majority of the board may order that an additional election be held.

(b) An order calling an election under Subsection (a) must state:

- (1) the nature of the election, including the proposition that is to appear on the ballot;
- (2) the date of the election;
- (3) the hours during which the polls will be open;
- (4) the location of the polling places;
- (5) in summary form, the approved budget plan and crime control plan that include the proposed addition of territory; and
- (6) the proposed rate of the sales and use tax to be imposed in the territory to be added.

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 2, eff. June 19, 2015.

Sec. 363.183. NOTICE OF ELECTION. In addition to the notice required by Section 4.003(c), Election Code, the board shall give notice of an election to add territory to the district by publishing a substantial copy of the election order in a newspaper with general circulation in the territory to be added once a week for two consecutive weeks. The first publication must appear before the 35th day before the date set for the election.

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 2, eff. June 19, 2015.

Sec. 363.184. BALLOT PROPOSITION. The ballot for an election to add territory to a district shall be printed to permit voting for or against the proposition: "The addition of \_\_\_\_\_ (description of territory to be added) to the \_\_\_\_\_ (name of the political subdivision that created the district) Crime Control and Prevention District dedicated to crime reduction programs and the adoption of a proposed local sales and use tax in the territory to be added at a rate of \_\_\_\_\_ (rate specified in the election order)."

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 2, eff. June 19, 2015.

Sec. 363.185. ELECTION RESULTS. (a) If a majority of the votes cast in the election favor the addition of the territory to the district, the board shall issue an order declaring the territory added to the boundaries of the district.

(b) If a majority of the votes cast in the election do not favor the addition of territory to the district, the board may not order another election on the matter before the first anniversary of the date of the most recent election.

(c) The provisions of Section 321.102, Tax Code, governing the application of a municipal sales and use tax in the event of a change in the boundaries of a municipality apply to the application of a tax imposed under this chapter to territory added under this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 2, eff. June 19, 2015.

#### SUBCHAPTER E. DISTRICT FINANCES

Sec. 363.201. FISCAL YEAR. (a) The board shall establish the fiscal year for the district, and the district shall operate on the basis of that year.

(b) The fiscal year may not be changed more than once in a 24-month period.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.202. AUDITS AND DISTRICT RECORDS. (a) The board shall have an annual audit made of the financial condition of the district by an independent auditor.

(b) The annual audit and other district records shall be open to inspection during regular business hours at the principal office of the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.203. ANNUAL BUDGET PROPOSAL. (a) The board shall propose an annual budget based on the apportionment described by Section 363.154. The board shall consider the applications for program funding in preparing the proposed budget.

(b) The proposed budget must contain a complete financial statement, including a statement of:

- (1) the outstanding obligations of the district;
- (2) the amount of cash on hand to the credit of each fund of the district;
- (3) the amount of money received by the district from all sources during the previous year;
- (4) the estimated amount of money available to the district from all sources during the current fiscal year;
- (5) the amount of money needed to fund programs approved for funding by the board;
- (6) the amount of money requested for programs that were not approved for funding by the board;
- (7) the tax rate for the next fiscal year;
- (8) the amount of the balances expected at the end of the year in which the budget is being prepared; and
- (9) the estimated amount of revenues and balances available to cover the proposed budget.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1,

1997.

Sec. 363.204. ADOPTION OF BUDGET BY BOARD. (a) Not later than the 100th day before the date each fiscal year begins, the board shall hold a public hearing on the proposed annual budget.

(b) The board shall publish notice of the hearing in a newspaper with general circulation in the district not later than the 10th day before the date of the hearing.

(c) Any resident of the district is entitled to be present and participate at the hearing.

(d) Not later than the 80th day before the date each fiscal year begins, the board shall adopt a budget. The board may make any changes in the proposed budget that in its judgment the interests of the taxpayers demand.

(e) Not later than the 10th day after the date the budget is adopted, the board shall submit the budget to the governing body of the political subdivision that created the district.

(f) The board by rule may adopt procedures for adopting a budget different from the procedures outlined in this subchapter, but the board must hold public hearings relating to the budget.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.205. APPROVAL OF BUDGET BY GOVERNING BODY OF CREATING POLITICAL SUBDIVISION. (a) Not later than the 45th day before the date each fiscal year begins, the governing body of the political subdivision that created the district shall hold a public hearing on the budget adopted by the board and submitted to the governing body.

(b) The governing body must publish notice of the hearing in a newspaper with general circulation in the district not later than the 10th day before the date of the hearing.

(c) Any resident of the district is entitled to be present and to participate at the hearing.

(d) Not later than the 30th day before the date the fiscal year begins, the governing body shall approve or reject the budget submitted by the board. The governing body may not amend the budget.

(e) If the governing body rejects the budget submitted by the

board, the governing body and the board shall meet and together amend and approve the budget before the beginning of the fiscal year.

(f) The budget may be amended after the beginning of the fiscal year on approval by the board and the governing body.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.206. LIMITATIONS ON EXPENDITURES AND INVESTMENTS. (a) Money may be spent only for an expense included in the annual budget or an amendment to it.

(b) A district may not incur a debt payable from revenues of the district other than the revenues on hand or to be on hand in the current or immediately following fiscal year of the district.

(c) The board may not invest district funds in funds or securities other than:

(1) bonds of the United States;

(2) certificates of indebtedness issued by the United States secretary of the treasury;

(3) bonds of this state or a county, municipality, or school district of this state;

(4) shares or share accounts of savings and loan associations organized under the laws of this state or federal savings and loan associations domiciled in this state, if the shares or share accounts are insured by the Federal Deposit Insurance Corporation; or

(5) investments specified by Chapter 2256, Government Code.

(d) Subsection (b) does not apply to an expenditure related to, or an obligation issued or incurred in connection with, the financing of the construction or equipping of police facilities. Funds received by a municipality or other political subdivision of the state from a district for the financing of construction or equipping of police facilities may be used by the municipality or other political subdivision to secure the payment of bonds or other obligations issued by the municipality or other political subdivision to finance the construction or equipping of facilities described in Subsection (e), notwithstanding any law to the contrary.

(e) For purposes of this chapter, "police facility" means a police station or substation, police storefront, municipal court,

jail, or minimum security facility.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1219, Sec. 3, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 8.105, eff. Sept. 1, 2001.

Sec. 363.207. ACCOUNT OF DISBURSEMENTS OF DISTRICT. Not later than the 60th day after the last day of each fiscal year, an administrator shall prepare for the board a sworn statement of the amount of money that belongs to the district and an account of the disbursements of that money.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.208. DEPOSIT OF FUNDS. (a) The board shall deposit district funds in a special account in the treasury of the political subdivision that created the district.

(b) District funds, other than those invested as provided by Section [363.206\(c\)](#), shall be deposited as received in the treasury of the political subdivision and must remain on deposit.

(c) The board shall reimburse the political subdivision for any costs, other than personnel costs, the political subdivision incurs for performing the duties under this section.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.209. APPLICATIONS FOR PROGRAM FUNDING. (a) An officer of the political subdivision that created the district or the head of a department of that political subdivision may, with the consent of the political subdivision, apply to the board for funding of a program as described by Section [363.151](#).

(b) If the district was created by a county, the chief administrative officer of a municipality that is completely or partly located within the district may, with the consent of the governing body of the municipality, apply to the board for funding of a program

as described by Section [363.151](#).

(c) An application under this section must be submitted not later than the 140th day before the date the fiscal year begins, unless an exception has been adopted by rule.

(d) The board by rule may adopt application procedures.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.210. BONDS PROHIBITED. The board may not issue or sell general obligation bonds, revenue bonds, or refunding bonds.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

#### SUBCHAPTER F. REFERENDUM ON CONTINUATION OR DISSOLUTION OF DISTRICT

Sec. 363.251. REFERENDUM AUTHORIZED. (a) The board may hold a referendum on the question of whether to:

- (1) continue the district; or
- (2) dissolve the district.

(b) A board may order a referendum authorized by this subchapter on its own motion by a majority vote of its members.

(c) The board shall order a referendum authorized by this subchapter:

(1) on presentation of a petition that requests continuation or dissolution of the district and complies with the requirements of Sections 363.252-363.256; or

(2) if a majority of the governing body of the political subdivision that created the district by resolution requests a referendum on continuation or dissolution after notice and a public hearing on the matter.

(d) The board may not hold a referendum under this subchapter earlier than the fourth anniversary of the date the district was created or earlier than the third anniversary of the date of the last continuation or dissolution referendum.

(e) For a continuation referendum, the ballot shall be printed to permit voting for or against the proposition: "Whether the

\_\_\_\_\_ (name of the political subdivision that created the district) Crime Control and Prevention District should be continued and the crime control and prevention district sales and use tax should be continued."

(f) For a dissolution referendum, the ballot shall be printed to permit voting for or against the proposition: "Whether the \_\_\_\_\_ (name of the political subdivision that created the district) Crime Control and Prevention District should be dissolved and the crime control and prevention district sales and use tax should be abolished."

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1219, Sec. 4, eff. Sept. 1, 1999.

Sec. 363.2515. CONTINUATION OF DISTRICT: CERTAIN POLITICAL SUBDIVISIONS. (a) The board or the commissioners court of the county or governing body of the municipality that created the district may specify the number of years for which a district should be continued.

(b) A district may be continued under Subsection (a) only for 5, 10, 15, or 20 years.

(c) For a continuation referendum under this section, the ballot shall be printed to permit voting for or against the proposition: "Whether the \_\_\_\_\_ Crime Control and Prevention District should be continued for \_\_\_\_\_ years and the crime control and prevention district sales tax should be continued for \_\_\_\_\_ years."

Added by Acts 1999, 76th Leg., ch. 1219, Sec. 5, eff. Sept. 1, 1999.

Sec. 363.252. APPLICATION FOR PETITION. (a) On written application of 10 or more registered voters of the district, the clerk of the political subdivision that created the district shall issue to the applicants a petition to be circulated among registered voters for their signatures.

(b) To be valid, an application for a petition to continue the district must contain:

(1) the following heading: "Application for a Petition for a Local Option Referendum to Continue the Crime Control and Prevention

District and to Continue the Crime Control and Prevention District Sales and Use Tax";

(2) the following statement of the issue to be voted on: "Whether the \_\_\_\_\_ (name of the political subdivision that created the district) Crime Control and Prevention District should be continued and the crime control and prevention district sales and use tax should be continued";

(3) the following statement immediately above the signatures of the applicants: "It is the purpose and intent of the applicants whose signatures appear below that the crime control and prevention district be continued and the crime control and prevention district sales and use tax in \_\_\_\_\_ (name of the political subdivision that created the district) be continued"; and

(4) the printed name, signature, residence address, and voter registration certificate number of each applicant.

(c) To be valid, an application for a petition to dissolve the district must contain:

(1) the following heading: "Application for a Petition for a Local Option Referendum to Dissolve the Crime Control and Prevention District and to Abolish the Crime Control and Prevention District Sales and Use Tax";

(2) the following statement of the issue to be voted on: "Whether the \_\_\_\_\_ (name of the political subdivision that created the district) Crime Control and Prevention District should be dissolved and the crime control and prevention district sales and use tax should be abolished";

(3) the following statement immediately above the signatures of the applicants: "It is the purpose and intent of the applicants whose signatures appear below that the crime control and prevention district be dissolved and the crime control and prevention district sales and use tax in \_\_\_\_\_ (name of the political subdivision that created the district) be abolished"; and

(4) the printed name, signature, residence address, and voter registration certificate number of each applicant.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.253. PETITION. (a) To be valid, a petition for a referendum to continue a district must contain:

(1) the following heading: "Petition for a Local Option Referendum to Continue the \_\_\_\_\_ (name of the political subdivision that created the district) Crime Control and Prevention District and to Continue the Crime Control and Prevention District Sales and Use Tax";

(2) a statement of the issue to be voted on in the same words used in the application;

(3) the following statement immediately above the signatures of the petitioners: "It is the purpose and intent of the petitioners whose signatures appear below that the crime control and prevention district be continued and the crime control and prevention district sales and use tax in \_\_\_\_\_ (name of the political subdivision that created the district) be continued";

(4) lines and spaces for the names, signatures, residence addresses, and voter registration certificate numbers of the petitioners; and

(5) the date of issuance, the serial number, and the seal of the clerk of the political subdivision on each page.

(b) To be valid, a petition for a referendum to dissolve a district must contain:

(1) the following heading: "Petition for a Local Option Referendum to Dissolve the \_\_\_\_\_ (name of the political subdivision that created the district) Crime Control and Prevention District and to Abolish the Crime Control and Prevention District Sales and Use Tax";

(2) a statement of the issue to be voted on in the same words used in the application;

(3) the following statement immediately above the signatures of the petitioners: "It is the purpose and intent of the petitioners whose signatures appear below that the crime control and prevention district be dissolved and the crime control and prevention district sales and use tax in \_\_\_\_\_ (name of the political subdivision that created the district) be abolished";

(4) lines and spaces for the names, signatures, residence addresses, and voter registration certificate numbers of the petitioners; and

(5) the date of issuance, the serial number, and the seal of the clerk of the political subdivision on each page.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.254. COPIES OF APPLICATION AND PETITION. The clerk of the political subdivision shall keep an application and a copy of the petition in the files of the clerk's office. The clerk shall issue to the applicants as many copies as they request.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.255. FILING OF PETITION. To form the basis for the ordering of a referendum, the petition must:

(1) be filed with the clerk of the political subdivision not later than the 60th day after the date of its issuance; and

(2) contain at least a number of signatures of registered voters of the political subdivision equal to five percent of the number of votes cast in the political subdivision for all candidates for governor in the most recent gubernatorial general election.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.256. REVIEW BY CLERK. (a) The clerk of the political subdivision shall, on the request of any person, check each name on a petition to determine whether the signer is a registered voter of the district. A person requesting verification by the clerk shall pay the clerk a sum equal to 20 cents for each name before the verification begins.

(b) The clerk may not count a signature if the clerk has a reason to believe that:

(1) it is not the actual signature of the purported signer;

(2) the voter registration certificate number is not correct;

(3) it is a duplication either of a name or of handwriting

used in any other signature on the petition;

(4) the residence address of the signer is not correct; or

(5) the name of the voter is not signed exactly as it appears on the official copy of the current list of registered voters for the voting year in which the petition is issued.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.257. CERTIFICATION. Not later than the 40th day after the date a petition is filed, excluding Saturdays, Sundays, and legal holidays, the clerk of the political subdivision shall certify to the board the number of registered voters signing the petition.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.258. ELECTION ORDER. (a) The board shall record on its minutes the date the petition is filed and the date it is certified by the clerk.

(b) If the petition contains the required number of signatures and is in proper order, the board shall, at its next regular session after the certification by the clerk, order a referendum to be held at the regular polling place in each election precinct in the political subdivision on the next uniform election date authorized by Section [41.001\(a\)](#), Election Code, that occurs at least 20 days after the date of the order.

(c) The board shall state in the order the proposition to be voted on in the referendum. The order is prima facie evidence of compliance with all provisions necessary to give it validity.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.259. APPLICABILITY OF ELECTION CODE. A referendum authorized by this subchapter shall be held and the returns shall be prepared and canvassed in conformity with the Election Code.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.260. RESULTS OF REFERENDUM. (a) If less than a majority of the votes cast in a continuation referendum are for the continuation of a district or if a majority of the votes cast in a dissolution referendum are for dissolution of the district:

(1) the board shall certify that fact to the secretary of state not later than the 10th day after the date of the canvass of the returns; and

(2) the district is dissolved and ceases to operate on the earlier of:

(A) the last day of the district's fiscal year; or

(B) the 180th day after the date that the continuation or dissolution referendum is held.

(b) If a majority of the votes cast in a continuation referendum are for the continuation of the district or if less than a majority of the votes cast in a dissolution referendum are for dissolution of the district, another referendum may not be held except as authorized by Section [363.251](#).

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1219, Sec. 6, eff. Sept. 1, 1999.

Sec. 363.261. ELECTION CONTEST. Not later than the 30th day after the date the result of a referendum is declared, any qualified voter of the district may contest the election by filing a petition in a district court located in the district.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Sec. 363.262. EFFECTIVE DATE OF TAX CHANGE. (a) If less than a majority of the votes cast in a continuation referendum are for the continuation of the district or if a majority of the votes cast in a dissolution referendum are for dissolution of the district, the board shall notify the comptroller in writing of the results of the

referendum not later than the 10th day after the date the referendum returns are canvassed.

(b) If the district is to be dissolved as a result of the referendum, the abolition of the local crime control sales and use tax takes effect on the first day of the first calendar quarter that occurs after the expiration of the first complete calendar quarter that occurs after the comptroller receives a notice of the results of the continuation or dissolution referendum.

(c) If the comptroller determines that an effective date provided by Subsection (b) will occur before the comptroller can reasonably take the action required to implement abolition of the tax, the comptroller may extend the effective date until the final day of the succeeding calendar quarter.

Added by Acts 2001, 77th Leg., ch. 1263, Sec. 4, eff. Sept. 1, 2001.

#### SUBCHAPTER G. DISTRICT DISSOLUTION

Sec. 363.301. TIME FOR DISSOLUTION OF DISTRICT. (a) The district is dissolved on the first uniform election date that occurs after the fifth anniversary of the date the district began to levy taxes for district purposes if the district has not held a continuation or dissolution referendum.

(b) The district is dissolved on the first uniform election date that occurs after the fifth anniversary of the date of the most recent continuation or dissolution referendum.

(c) Subsection (b) does not apply to a district that is continued under Section [363.2515](#), and that district is dissolved at the end of the period for which it was continued.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 13.08(e), eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1420 (S.B. [575](#)), Sec. 1, eff. June 19, 2009.

Sec. 363.302. DISSOLUTION OF DISTRICT. (a) On the date that

the district is dissolved, the district shall convey or transfer, as provided by Subsection (h):

(1) title to land, buildings, real and tangible improvements, and equipment owned by the district;

(2) operating funds and reserves for operating expenses and funds that have been budgeted by the district for the remainder of the fiscal year in which the district is dissolved to support crime control activities and programs for residents of the political subdivision that created the district;

(3) taxes levied by the district during the current year for crime control purposes;

(4) funds established for payment of indebtedness assumed by the district; and

(5) any accumulated employee retirement funds.

(b) After the date the district is dissolved, the district may not impose taxes for district purposes or for providing crime control activities and programs for the residents of the district.

(c) If on the date that the district is dissolved the district has outstanding short-term or long-term liabilities, the board shall, not later than the 30th day after the date of the dissolution, adopt a resolution certifying each outstanding short-term and long-term liability. The political subdivision that created the district shall assume the outstanding short-term and long-term liabilities. The political subdivision shall collect the sales and use tax under Section 321.108 or 323.105, Tax Code, for the remainder of the calendar year and may by resolution of its governing body continue to collect the tax for an additional calendar year if the revenue from the tax is needed to retire liabilities of the district that were assumed by the political subdivision. The governing body shall notify the comptroller of this continuation not later than the 60th day before the date the tax would otherwise expire. Any tax collected after the liabilities have been retired shall be transferred or conveyed as provided by Subsection (a).

(d) The district and the board may continue to operate for a period not to exceed two months after carrying out the responsibilities required by Subsections (a) and (c). The board and the district are continued in effect for the purpose of satisfying these responsibilities.

(e) If the board and the district are continued in effect under Subsection (d), the board and district are dissolved entirely on the first day of the month following the month in which the board issues an order certifying to the secretary of state that no responsibilities of Subsections (a) and (c) are left unsatisfied.

(f) A district or board that continues to operate under Subsection (d) may not incur any new liabilities without the approval of the governing body of the political subdivision that created the district. Not later than the 60th day after the date of the dissolution referendum, the governing body shall review the outstanding liabilities of the district and set a specific date by which the political subdivision must retire the district's outstanding liabilities.

(g) On the date that the district is dissolved, district-funded programs, including additional courts, shall immediately terminate and district-funded personnel, except personnel required to retire the responsibilities of the district, are terminated.

(h) In a district created by a county, the board shall convey or transfer the value of the items described by Subsection (a) following the apportionment formula described by Section [363.154\(a\)](#). In a district created by a municipality, the board shall convey or transfer the value of the items described by Subsection (a) to the municipality.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 23.03(a), eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1101 (H.B. [3417](#)), Sec. 4, eff. June 15, 2007.

## MEMORANDUM

**TO:** Mayor Rudy Durham  
Mayor Pro Tem R Neil Ferguson  
Deputy Mayor Pro Tem Greg Tierney  
Councilman Leroy Vaughn  
Councilman TJ Gilmore  
Councilman Brent Daniels

**FROM:** Julie Heinze, City Secretary

**DATE:** December 21, 2015

**SUBJECT:** **Public Hearing: Consideration of a Resolution Requesting That the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District Board Order an Election Referendum to be Held on May 7, 2016, on the Continuation of the District and its One-Eighth of One Percent Sales Tax for a Period of 20 Years.**

### BACKGROUND

On November 8, 2011, the voters of the City of Lewisville approved the creation of the Lewisville Fire Control, Prevention, and Emergency Medical Services District (District) for a period of five years, together with a one-eighth of one percent sales tax to support the District's operations. Pursuant to Section 344.301 of the Texas Local Government Code, the District will dissolve on May 6, 2017, unless the District holds a continuation referendum and a majority of votes cast in the referendum are in favor of the continuation.

City staff recommends the City Council request continuation of the District and its one-eighth of one percent sales tax for the maximum period of 20 years. Pursuant to Section 344.251 of the Local Government Code, the Fire Control, Prevention, and Emergency Medical Services District Board is required to hold a referendum on the question of continuing the District and its sales tax if the City Council requests the referendum. This section also stipulates that a referendum election not be held earlier than the fourth anniversary of the date the district was created. The City Council may adopt the resolution making the request after notice and a public hearing on the matter.

### ANALYSIS

While there are some exceptions, Texas Election Code limits municipalities to only hold elections, such as a sales tax election, on a uniform election date (May and November). Based on the May 2017 dissolution date, a Fire Control, Prevention, and Emergency Medical Services District Election Referendum could be held either in May 2016 or November 2016 which coincides with the Presidential election. Staff recommends that the City hold the referendum in May and utilize the same polling locations as the County. Presidential elections have a significantly higher number of polling locations for both early and election day voting. All cities

within the Denton and Dallas County areas participate in joint election agreements with both counties which allows for election cost sharing. Most cities (and schools) hold their elections in May, which significantly lowers the cost of the elections.

City staff has contacted both Denton and Dallas County Election Administrators for a rough estimate of the cost for an election held in November 2016. Based upon historical data, Denton County has advised that an election held in May 2016 would cost approximately \$4,000 assuming LISD holds an election and \$7,000 - \$8,000 if LISD should cancel their election. However, should the City Council prefer to move forward with a November 2016 election, the cost to the City is estimated to be \$35,000 due to the increase in the number of polling locations. In addition, Lewisville would only be sharing costs with Denton County since most cities and schools avoid November elections when there is a Presidential election due to the higher number of polling locations. Since the City of Lewisville is not able to cost share to the same extent with Dallas County, (there are not as many participants who directly impact Lewisville) the City's costs for Dallas County are typically higher; therefore, staff anticipates the cost of a November election with Dallas County to be significantly higher than Denton County.

In addition, due to the nature of the Presidential election, a Fire Control, Prevention, and Emergency Medical Services District Board Election Referendum will not only be listed at the end of the ballot, it will be more difficult to educate the voting public on the importance of its passage.

City staff recommends that the City Council conduct the required public hearing for which notice has been properly given, and upon completion of the public hearing, vote on the adoption of the attached resolution. Should the City Council adopt the attached resolution, the request for a referendum will be presented to the Lewisville Fire Control, Prevention, and Emergency Medical Services Board at their January 25, 2016, meeting.

### **RECOMMENDATION**

That the City Council hold the public hearing and approve the Resolution as presented in the caption above.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, REQUESTING THAT THE BOARD OF DIRECTORS OF THE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT ORDER AN ELECTION REFERENDUM TO BE HELD ON MAY 7, 2016, ON THE CONTINUATION OF THE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT AND THE FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES DISTRICT SALES TAX OF ONE-EIGHTH OF ONE PERCENT SALES TAX FOR A PERIOD OF 20 YEARS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the current authorization for the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District created under Chapter 344 of the Texas Local Government Code will expire on May 6, 2017; and

**WHEREAS**, Chapter 344 of the Texas Local Government Code provides for a process by which the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District shall continue beyond May 6, 2017, if an election is held and the majority of votes cast in said election are in favor of the continuation of the District; and

**WHEREAS**, Chapter 344 further provides that the Board of Directors of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District shall order said election if a majority of the Lewisville City Council adopts a resolution requesting a continuation, and after notice and public hearing on the matter; and

**WHEREAS**, at its regular meeting of January 4, 2016, the City of Lewisville City Council, after notice thereof as required by law, held a public hearing on the question of whether to continue

the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District, at which hearing all persons were given the opportunity to present evidence on the matter; and

**WHEREAS**, following said public hearing, the City of Lewisville City Council desires that the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District and its one-eighth of one percent sales tax be continued for an additional 20 years, and that the Board of Directors of the District order a referendum election to be held on May 7, 2016, on continuation of same.

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

**SECTION 1.** That the City of Lewisville City Council requests the Board of Directors of the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District to order a referendum election to be held on May 7, 2016, on the continuation of the Fire Control, Prevention and Emergency Medical Services District and its one-eighth of one percent sales tax for 20 years, at which election the qualified voters residing in the District shall have the opportunity to vote on the following proposition:

“Whether the City of Lewisville Fire Control, Prevention, and Emergency Medical Services District should be continued for 20 years and the fire control, prevention, and emergency medical services district sales tax should be continued for 20 years”

**SECTION 2.** That it is hereby officially found and determined that the meeting of the City of Lewisville City Council at which this Resolution was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, as required by Chapter 551 of the Texas Government Code.

**SECTION 3.** That this resolution shall be effective immediately upon adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
LEWISVILLE, TEXAS, ON THIS THE 4<sup>th</sup> DAY OF JANUARY, 2016.**

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

## LOCAL GOVERNMENT CODE

## TITLE 11. PUBLIC SAFETY

## SUBTITLE A. MUNICIPAL PUBLIC SAFETY

CHAPTER 344. FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES  
DISTRICTS

## SUBCHAPTER A. GENERAL PROVISIONS

Sec. 344.001. SHORT TITLE. This chapter may be cited as the Fire Control, Prevention, and Emergency Medical Services District Act.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.002. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of a district.

(2) "Director" means a member of a board.

(3) "District" means a fire control, prevention, and emergency medical services district created under this chapter.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.003. LIABILITY OF STATE. The state is not obligated for the support, maintenance, or dissolution of a district created under this chapter.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

## SUBCHAPTER B. CREATION OF DISTRICT AND TEMPORARY BOARD

Sec. 344.051. AUTHORITY OF MUNICIPALITY TO PROPOSE DISTRICT.

(a) The governing body of a municipality with a population of not less than 25,000 nor more than 550,000, or a municipality with a population of more than 1.9 million, may propose the creation of a fire control, prevention, and emergency medical services district under this chapter.

(a-1) The governing body of a municipality may propose the

creation of a fire control, prevention, and emergency medical services district under this chapter if the municipality:

(1) has a population of 5,000 or more and less than 25,000; and

(2) is located in a county with a population of 750,000 or more:

(A) in which all or part of a municipality with a population of one million or more is located; and

(B) that is adjacent to a county with a population of two million or more.

(a-2) The governing body of a municipality may propose the creation of a fire control, prevention, and emergency medical services district under this chapter if the municipality is located in the extraterritorial jurisdiction of another municipality that has a population of 200,000 or more, both of which are located in a county with a population of less than 300,000 that is located on the international border.

(b) The proposed district may include all or any part of the municipality.

(c) Except as provided by Subsection (f), a district may be created inside the boundaries of an emergency services district operating under Chapter 775, Health and Safety Code, only if the governing body of the emergency services district gives its written consent by order or resolution not later than the 60th day after the date the governing body receives a request for its consent.

(d) If the governing body of the emergency services district consents to the inclusion of territory inside its geographic boundaries, the territory may be included in the district in the same manner as other territory is included under this chapter.

(e) The consent of the governing body of the emergency services district to include territory in the district and to initiate proceedings to create a district as prescribed by this chapter expires six months after the date on which the consent is given.

(f) Subsection (c) does not apply if:

(1) on the effective date of this chapter, the municipality is providing fire suppression and prevention services and emergency medical services; or

(2) the fire control, prevention, and emergency medical

services plan of the proposed district proposes emergency services that, on the effective date of this chapter, were not provided by any rural fire prevention district or emergency services district inside the boundaries of the municipality.

(g) If the voters in a municipality with a population of more than 1.9 million create a fire control, prevention, and emergency medical services district under this chapter, the fire department shall comply with the minimum standards established by the National Fire Protection Association or its successor in function regarding fire protection personnel operating at emergency incidents.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.  
Amended by Acts 2003, 78th Leg., ch. 1204, Sec. 2.004, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 639 (S.B. 917), Sec. 14, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 852 (H.B. 339), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 898 (S.B. 1453), Sec. 1, eff. June 18, 2015.

Sec. 344.052. TEMPORARY BOARD. (a) Not later than the 60th day after the date the governing body proposes to create a district under this chapter, the governing body shall appoint seven persons to serve as temporary directors of the district. The temporary directors must reside in the proposed district.

(b) Not later than the 75th day after the date the governing body proposes to create the district, the temporary board shall conduct a meeting to organize the board. The temporary directors shall elect one of its members as presiding officer of the board at that meeting.

(c) A temporary director other than the presiding officer may designate another person to serve in the director's place.

(d) The governing body shall fill a vacancy in the office of a temporary director in the same manner that it originally filled the vacant position.

(e) The term "governing body" in this section means the mayor if

the municipality creating the district has a population of 1.9 million or more.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.053. ELECTION REQUIRED. A proposed district may be created and a district tax may be authorized only if the creation and the tax are approved by a majority of the qualified voters of the proposed district voting at an election called and held for that purpose.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.054. CONFIRMATION ELECTION ORDER. (a) The temporary board may call and hold a confirmation election only after the board adopts plans under Section [344.061](#).

(b) An order calling an election under Subsection (a) must state:

- (1) the nature of the election, including the proposition that is to appear on the ballot;
- (2) the date of the election;
- (3) the hours during which the polls will be open;
- (4) the location of the polling places;
- (5) a summary of the proposed district's budget plan and fire control, prevention, and emergency medical services plan; and
- (6) the proposed rate of the sales and use tax for the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.055. SALES AND USE TAX. (a) A municipality that creates a district shall adopt a sales and use tax under Section [321.106](#), Tax Code, for financing the operation of the district. The proposed rate for the district sales and use tax imposed under Subchapter B, Chapter 321, Tax Code, may be only:

- (1) one-eighth of one percent;
- (2) one-fourth of one percent;
- (3) three-eighths of one percent; or

(4) one-half of one percent.

(b) A sales and use tax adopted under this chapter may be charged in addition to any other sales and use tax authorized by law, and is included in computing a combined sales and use tax rate for purposes of any limitation provided by law on the maximum combined sales and use tax rate of political subdivisions.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.056. NOTICE OF ELECTION. In addition to the notice required by Section 4.003(c), Election Code, the temporary directors of a proposed district shall give notice of an election to create a district by publishing a substantial copy of the election order in a newspaper with general circulation in the proposed district once a week for two consecutive weeks. The first publication must appear before the 35th day before the date set for the election.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.057. ELECTION DATE. The election shall be held on the next uniform election date authorized by Section 41.001(a), Election Code, after the date on which the election is ordered that affords sufficient time for election procedures to be carried out.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.058. BALLOT PROPOSITION. The ballot for an election to create a district shall be printed to permit voting for or against the proposition: "The creation of the \_\_\_\_\_ (name of the municipality proposing to create the district) Fire Control, Prevention, and Emergency Medical Services District dedicated to fire safety and emergency medical services programs and the adoption of a proposed local sales and use tax at a rate of \_\_\_\_\_ (rate specified in the election order)."

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.059. CANVASSING RETURNS. (a) Not earlier than the

second day and not later than the 13th day after the date of the election, the temporary board shall meet and canvass the returns of the election.

(b) If a majority of the votes cast in the election favor the creation of the district, the temporary board shall issue an order declaring the district created.

(c) If less than a majority of the votes cast in the election favor the creation of the district, the temporary board may order another election on the matter not earlier than the first anniversary of the date of the preceding election.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.060. DISSOLUTION OF TEMPORARY BOARD. If a district has not been created under this chapter before the fifth anniversary of the date a district is first proposed by the governing body or mayor, as appropriate, under Section [344.051](#):

- (1) the temporary board is dissolved on that date; and
- (2) the proposed district may not be created under this chapter.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.061. FIRE CONTROL, PREVENTION, AND EMERGENCY MEDICAL SERVICES PLAN AND BUDGET PLAN. (a) The temporary board shall develop and adopt a two-year fire control, prevention, and emergency medical services plan and a two-year budget plan. The fire control, prevention, and emergency medical services plan must include:

- (1) a detailed list of the fire control, prevention, and emergency medical services strategies to be supported by the district; and
- (2) the method of evaluating each year the effectiveness and efficiency of individual fire control, prevention, and emergency medical services strategies.

(b) The budget plan must include:

- (1) the amount of money budgeted by the district for each fire control, prevention, and emergency medical services strategy;
- (2) the amount of money budgeted by the district and the

percentage of the total budget of the district for administration, with individual amounts showing the cost of the administration that would be conducted by the district and the cost of administration that would be conducted by private or public entities;

(3) the estimated amount of money available to the district from all sources during the subsequent year;

(4) the account balances expected at the end of the years for which the budget is prepared; and

(5) the estimated tax rate that will be required to support the budget.

(c) Plans under this section must be adopted in the same manner as provided for adoption of a proposed annual budget under Section [344.204](#).

(d) The temporary board shall coordinate its efforts in developing its plans under this section with appropriate local officials and entities.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.062. FINANCING CREATION OF DISTRICT. (a) A municipality creating a district shall pay the entire cost of creating the district.

(b) If a district is created, the district shall reimburse the municipality for the actual expenses the municipality incurred in the creation of the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

#### SUBCHAPTER C. ADMINISTRATION

Sec. 344.101. BOARD OF DIRECTORS. (a) Except as provided by Subsections (e) and (f), a district is governed by a board of seven directors appointed in the same manner as provided by Section [344.052](#)(a) for the appointment of temporary directors.

(b) Initial appointees under this section shall draw lots to determine their terms so that:

(1) three directors serve terms that expire on September 1 of the first year following creation of the district; and

(2) four directors serve terms that expire on September 1 of the second year following creation of the district.

(c) Directors serve staggered two-year terms.

(d) A vacancy in the office of director shall be filled for the unexpired term in the same manner that the vacant position was originally filled.

(e) The governing body of a municipality by resolution may appoint the governing body's membership as the board of directors of the district, if the appointment is approved by the voters in a creation election or continuation referendum under this chapter. A member of a governing body appointed under this section as an ex officio director serves a term concurrent with the member's term as a member of the governing body.

(f) In a district for which the governing body of the municipality does not serve as the district's board of directors, the governing body may create a board of directors for which one director is appointed by each member of the governing body to serve at the pleasure of that member for a term not to exceed two years and that expires when the member of the governing body that appointed the director leaves office.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.102. PERFORMANCE BOND. (a) Before assuming the duties of the office, each director or officer must execute a bond for \$5,000 payable to the district, conditioned on the faithful performance of the person's duties as director or officer.

(b) The bond shall be kept in the permanent records of the district.

(c) The board may pay for the bonds of directors or officers with district funds.

(d) The board and the district may issue and sell bonds conditioned on the faithful performance of a person's duties as a director as provided by this section.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.103. OFFICERS. (a) The board shall elect from among

its members a president and vice president.

(b) The board shall appoint a secretary. The secretary may be a director.

(c) The person who performs the duties of auditor for the municipality shall serve as treasurer of the district.

(d) Each officer of the board serves for a term of one year.

(e) A vacancy in a board office shall be filled by the board for the unexpired term.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.104. COMPENSATION. A director or officer serves without compensation, but a director or officer may be reimbursed for actual expenses incurred in the performance of official duties. Those expenses must be reported in the district's minute book or other district record and must be approved by the board.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.105. VOTING REQUIREMENT. A concurrence of a majority of the members of the board is necessary in matters relating to the business of a district. A two-thirds majority vote of the board is required to reject any application for funding available under this chapter.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.106. CONTRACT FOR ADMINISTRATIVE ASSISTANCE. The board may contract with a public agency or private vendor to assist the board in the administration or management of the district or to assist the board in the review of applications for funding available under this chapter.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

#### SUBCHAPTER D. POWERS AND DUTIES

Sec. 344.151. FINANCING DISTRICT PROGRAMS. (a) The district may finance all costs of a fire control, prevention, and emergency

medical services district program, including costs for personnel, administration, expansion, enhancement, and capital expenditures.

(b) The program may include:

- (1) fire apparatus and equipment;
- (2) a bomb disposal unit and related equipment;
- (3) compensation of fire protection and prevention personnel

for specialized training regarding:

- (A) arson;
- (B) bomb disposal;
- (C) hazardous materials;
- (D) technical rescue;
- (E) paramedic certification; and
- (F) any other specialized training under the program;

(4) funding for turn-out gear, self-contained breathing apparatus, and protective uniforms or other firefighter safety equipment;

(5) additional compensation for municipal fire-fighting personnel, including overtime compensation for unforeseen staffing needs; and

(6) funding for the construction and maintenance of fire stations, training facilities, or the equipment needed for those stations or facilities.

(c) The program may include an enhanced emergency communications center or other emergency communications programs and equipment, including:

- (1) emergency medical dispatch training;
- (2) additional fire and emergency medical service dispatchers;
- (3) uniformed fire deployment and communications officers;
- (4) real-time weather information; and
- (5) computer databases and systems maintenance personnel for hazardous materials responses.

(d) The program may include a public training program, including:

- (1) a juvenile fire starter program;
- (2) an urban survival program, including school programs for fire safety, gun safety, and safety with strangers;
- (3) a fire prevention program;

(4) a fire education program;

(5) a hazardous materials education program;

(6) a psychological intervention program; and

(7) a citizen's ride-along program or home inspection program.

(e) The program may include public preventive health programs, including:

- (1) juvenile inoculations;
- (2) weekend health days;
- (3) first aid and cardiopulmonary resuscitation training;
- (4) injury prevention; and
- (5) drug and alcohol awareness.

(f) The program may include response training programs, equipment, facilities, and instructors, including:

- (1) a regional training center for fire, rescue, hazardous materials, and emergency medical services;
- (2) staff personnel to support the center;
- (3) equipment and apparatus to support the center;
- (4) computer-aided continuing education training conducted in-station; and
- (5) training regarding hazardous material storage and response.

(g) The program may include computers and other systems to support information management systems to:

- (1) maintain occupancy information;
- (2) track incident analyses;
- (3) track incident reports;
- (4) track internal communications and reporting;
- (5) maintain inventory; and
- (6) serve other information management needs.

(h) The program may include capital items needed to improve emergency response and increase service efficiency, including equipment, apparatus, vehicles, and training material or equipment.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.152. COORDINATION; EVALUATION; GRANTS. (a) The district shall coordinate its efforts with local agencies in

developing its fire control, prevention, and emergency medical services program.

(b) The district shall conduct an annual evaluation program to study the impact, efficiency, and effectiveness of new or expanded fire control, prevention, and emergency medical services programs.

(c) The board may seek the assistance of the Office of State-Federal Relations in identifying and applying for federal grants for fire control, prevention, and emergency medical services programs.

(d) The district may apply for and receive grants for fire control, prevention, and emergency medical services programs from a state or federal agency.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.153. GENERAL BOARD POWER OVER FUNDS. The board shall manage, control, and administer the district finances except as provided by Section [344.205](#).

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.154. USE OF REVENUE. The board may spend revenue derived from the sales and use tax distributed under Section [321.106](#), Tax Code, only for a purpose authorized by Section [344.151](#).

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.155. RULES AND PROCEDURES. (a) A board may adopt rules governing programs financed by the district and the functions of district staff.

(b) The board may prescribe accounting and control procedures for the district.

(c) The board is subject to Chapter 2001, Government Code.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.156. PURCHASING. (a) Except as provided by Subsection (b), the board may prescribe the method of making purchases and expenditures by and for the district.

(b) To the extent competitive bidding procedures in Title 8 apply, the board may not enter into a purchasing contract for more than \$15,000 unless the board complies with Chapter 252.

(c) If the municipality that created the district has a purchasing agent authorized by law, that agent shall serve as purchasing agent for the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.157. PROPERTY TO BE USED IN ADMINISTRATION. The board may lease or acquire in another manner facilities, equipment, or other property for the sole purpose of administering the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.158. REIMBURSEMENT FOR SERVICES. (a) A county or municipality located outside the boundaries of a district on the district's request shall reimburse the district for the district's cost of including a resident of that county or municipality who is not a resident of that district in a district program.

(b) On behalf of the district, the board may contract with a municipal or county government or with the state or federal government for the municipal, county, state, or federal government to reimburse the district for including a person in a district program.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.159. SERVICE CONTRACTS. The board may contract with the following entities to furnish the staff, facilities, equipment, programs, or services the board considers necessary for the effective operation of the district:

- (1) a municipality, county, special district, or other political subdivision of the state;
- (2) a state or federal agency;
- (3) an individual; or
- (4) a private person.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.160. DONATIONS, GIFTS, AND ENDOWMENTS. On behalf of the district, the board or the temporary board may accept a donation, gift, or endowment. The district may hold a donation, gift, or endowment in trust for any purpose and under any direction, limitation, or other provision prescribed in writing by the donor that is consistent with this chapter and the proper management of the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.161. AUTHORITY TO SUE AND BE SUED. The board may sue and be sued in the name of the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

#### SUBCHAPTER D-1. ADDITION OF TERRITORY TO DISTRICT

Sec. 344.181. ELECTION REQUIRED. The municipality that created a district may add all or part of the territory in the municipality's extraterritorial jurisdiction to the district and the district may impose a tax in that territory only if the addition of the territory and the imposition of the tax are approved by a majority of the qualified voters of the territory to be added voting at an election held for that purpose.

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 1, eff. June 19, 2015.

Sec. 344.182. CONFIRMATION ELECTION ORDER. (a) The board may not call and hold a confirmation election until the board adopts a budget plan and a fire control, prevention, and emergency medical services plan under Section 344.061 that include the proposed addition of territory.

(b) An order calling an election under Subsection (a) must state:

(1) the nature of the election, including the proposition that is to appear on the ballot;

(2) the date of the election;

- (3) the hours during which the polls will be open;
- (4) the location of the polling places;
- (5) a summary of the district's budget plan and fire control, prevention, and emergency medical services plan that includes the proposed addition of territory; and
- (6) the proposed rate of the sales and use tax to be imposed in the territory to be added.

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 1, eff. June 19, 2015.

Sec. 344.183. NOTICE OF ELECTION. In addition to the notice required by Section 4.003(c), Election Code, the board shall give notice of an election to add territory to the district by publishing a substantial copy of the election order in a newspaper with general circulation in the territory to be added once a week for two consecutive weeks. The first publication must appear before the 35th day before the date set for the election.

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 1, eff. June 19, 2015.

Sec. 344.184. BALLOT PROPOSITION. The ballot for an election to add territory to a district shall be printed to permit voting for or against the proposition: "The addition of \_\_\_\_\_ (description of territory to be added) to the \_\_\_\_\_ (name of the municipality that created the district) Fire Control, Prevention, and Emergency Medical Services District dedicated to fire safety and emergency medical services programs and the adoption of a proposed local sales and use tax in the territory to be added at a rate of \_\_\_\_\_ (rate specified in the election order)."

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 1, eff. June 19, 2015.

Sec. 344.185. ELECTION RESULTS. (a) If a majority of the votes cast in the election favor the addition of the territory to the district, the board shall issue an order declaring the territory added

to the boundaries of the district.

(b) If a majority of the votes cast in the election do not favor the addition of the territory to the district, the board may not order another election on the matter before the first anniversary of the date of the most recent election.

(c) The provisions of Section 321.102, Tax Code, governing the application of a municipal sales and use tax in the event of a change in the boundaries of a municipality apply to the application of a tax imposed under this chapter to territory added under this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 1096 (H.B. 2883), Sec. 1, eff. June 19, 2015.

#### SUBCHAPTER E. DISTRICT FINANCES

Sec. 344.201. FISCAL YEAR. (a) The board shall establish the fiscal year for the district, and the district shall operate on the basis of that year.

(b) The fiscal year may not be changed more than once in a 24-month period.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.202. AUDITS AND DISTRICT RECORDS. (a) The board shall have an annual audit made of the financial condition of the district by an independent auditor.

(b) The annual audit and other district records shall be open to inspection during regular business hours at the principal office of the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.203. ANNUAL BUDGET PROPOSAL. (a) The board shall propose an annual budget. The board shall consider the applications for program funding in preparing the proposed budget.

(b) The proposed budget must contain a complete financial statement, including a statement of:

- (1) the outstanding obligations of the district;

(2) the amount of cash on hand to the credit of each fund of the district;

(3) the amount of money received by the district from all sources during the previous year;

(4) the estimated amount of money available to the district from all sources during the current fiscal year;

(5) the amount of money needed to fund programs approved for funding by the board;

(6) the amount of money requested for programs that were not approved for funding by the board;

(7) the tax rate for the next fiscal year;

(8) the amount of the balances expected at the end of the year in which the budget is being prepared; and

(9) the estimated amount of revenues and balances available to cover the proposed budget.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.204. ADOPTION OF BUDGET. (a) Not later than the 100th day before the date each fiscal year begins, the board shall hold a public hearing to consider the proposed annual budget.

(b) The board shall publish notice of the hearing in a newspaper with general circulation in the district not later than the 10th day before the date of the hearing.

(c) A resident of the district is entitled to participate in the hearing.

(d) Not later than the 80th day before the date each fiscal year begins, the board shall adopt a budget. The board may make any changes in the proposed budget that the interests of the taxpayers demand.

(e) Not later than the 10th day after the date the budget is adopted, the board shall submit the budget to the governing body of the municipality that created the district.

(f) The board by rule may adopt alternative procedures for adopting a budget that differ from the procedures outlined in this subchapter. The board must hold at least one public hearing related to the alternative procedures before their adoption.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.205. APPROVAL OF BUDGET. (a) Not later than the 45th day before the date each fiscal year begins, the governing body of the municipality that created the district shall hold a public hearing to consider the budget adopted by the board and submitted to the governing body.

(b) The governing body must publish notice of the hearing in a newspaper with general circulation in the district not later than the 10th day before the date of the hearing.

(c) A resident of the district is entitled to participate in the hearing.

(d) Not later than the 30th day before the date the fiscal year begins, the governing body shall approve or reject the budget submitted by the board. The governing body may not amend the budget.

(e) If the governing body rejects the budget submitted by the board, the governing body and the board shall meet and together amend and approve the budget before the beginning of the fiscal year.

(f) The budget may be amended after the beginning of the fiscal year on approval by the board and the governing body.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.206. LIMITATIONS ON EXPENDITURES AND INVESTMENTS. (a) The district may spend money only for an expense included in the annual budget or an amendment to the budget.

(b) A district may not incur a debt payable from revenues of the district other than the revenues on hand or to be on hand in the current or immediately following fiscal year of the district.

(c) The board may not invest district money in funds or securities other than those specified by Chapter 2256, Government Code.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.207. ACCOUNT OF DISBURSEMENTS OF DISTRICT. Not later than the 60th day after the last day of each fiscal year, an administrator shall prepare for the board a sworn statement of the

amount of money that belongs to the district and an account of the disbursements of that money.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.208. DEPOSIT OF MONEY. (a) The board shall deposit district money in a special account in the treasury of the municipality that created the district.

(b) District money, other than that invested as provided by Section 344.206(c), shall be deposited as received in the treasury of the municipality and must remain on deposit.

(c) The board shall reimburse the municipality for any costs, other than personnel costs, the municipality incurs for performing the duties under this section.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.209. APPLICATIONS FOR PROGRAM FUNDING. (a) An officer of the municipality that created the district or the head of a department of that municipality may, with the consent of the governing body of the municipality, apply to the board for funding of a program described by Section 344.151.

(b) The officer must apply under this section not later than the 140th day before the date the fiscal year begins, unless the board by rule has adopted an exception.

(c) The board by rule may adopt application procedures.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.210. BONDS PROHIBITED. The board may not issue or sell general obligation bonds, revenue bonds, or refunding bonds.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

#### SUBCHAPTER F. REFERENDUM ON CONTINUATION OR DISSOLUTION OF DISTRICT

Sec. 344.251. REFERENDUM AUTHORIZED. (a) The board may call and hold a referendum election on the question of whether to:

(1) continue the district; or

(2) dissolve the district.

(b) A board may order a referendum election on its own motion.

(c) The board shall order a referendum election:

(1) on receipt of a petition that requests continuation or dissolution of the district and complies with the requirements of Sections 344.252-344.256; or

(2) if the governing body of the municipality that created the district, after notice and a public hearing on the matter, by resolution requests a referendum on continuation or dissolution.

(d) The board may not hold a referendum election under this subchapter before the fourth anniversary of the date the district was created or before the third anniversary of the date of the last continuation or dissolution referendum election.

(e) For a continuation referendum election, the ballot shall be printed to permit voting for or against the proposition: "Whether the \_\_\_\_\_ (name of the municipality that created the district) Fire Control, Prevention, and Emergency Medical Services District should be continued and whether the fire control, prevention, and emergency medical services district sales and use tax should be continued."

(f) For a dissolution referendum, the ballot shall be printed to permit voting for or against the proposition: "Whether the \_\_\_\_\_ (name of the municipality that created the district) Fire Control, Prevention, and Emergency Medical Services District should be dissolved and whether the fire control, prevention, and emergency medical services district sales and use tax should be abolished."

(g) The governing body of a municipality that creates a district under this chapter may specify the number of years for which the district should be continued. The board or the governing body of a municipality may continue a district for 5, 10, 15, or 20 years. For a continuation referendum election under this subsection, the ballot shall be printed to permit voting for or against the proposition: "Whether the \_\_\_\_\_ (name of the municipality that created the district) Fire Control, Prevention, and Emergency Medical Services District should be continued for \_\_\_\_\_ years and whether the fire control, prevention, and emergency medical services district sales and use tax should be continued for \_\_\_\_\_ years."

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 662 (H.B. 2228), Sec. 1, eff.  
June 19, 2009.

Sec. 344.252. APPLICATION FOR PETITION. (a) On written application of 10 or more registered voters of the district, the clerk of the municipality that created the district shall issue to the applicants a petition to be circulated among registered voters for their signatures.

(b) An application for a petition to continue the district must contain:

(1) the heading: "Application for a Petition for a Local Option Referendum to Continue the Fire Control, Prevention, and Emergency Medical Services District and to Continue the Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax";

(2) the statement: "Whether the \_\_\_\_\_ (name of the municipality that created the district) Fire Control, Prevention, and Emergency Medical Services District should be continued and whether the fire control, prevention, and emergency medical services district sales and use tax should be continued";

(3) immediately above the signatures of the applicants, the statement: "It is the purpose and intent of the applicants whose signatures appear below that the fire control, prevention, and emergency medical services district be continued and that the fire control, prevention, and emergency medical services district sales and use tax in \_\_\_\_\_ (name of the municipality that created the district) be continued"; and

(4) the printed name, signature, residence address, and voter registration certificate number of each applicant.

(c) An application for a petition to dissolve the district must contain:

(1) the heading: "Application for a Petition for a Local Option Referendum to Dissolve the Fire Control, Prevention, and Emergency Medical Services District and to Abolish the Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax";

(2) the statement: "Whether the \_\_\_\_\_ (name of the municipality that created the district) Fire Control, Prevention, and Emergency Medical Services District should be dissolved and whether the fire control, prevention, and emergency medical services district sales and use tax should be abolished";

(3) immediately above the signatures of the applicants, the statement: "It is the purpose and intent of the applicants whose signatures appear below that the fire control, prevention, and emergency medical services district be dissolved and that the fire control, prevention, and emergency medical services district sales and use tax in \_\_\_\_\_ (name of the municipality that created the district) be abolished"; and

(4) the printed name, signature, residence address, and voter registration certificate number of each applicant.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.253. PETITION. (a) A petition for a referendum to continue a district must contain:

(1) the heading: "Petition for a Local Option Referendum to Continue the \_\_\_\_\_ (name of the municipality that created the district) Fire Control, Prevention, and Emergency Medical Services District and to Continue the Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax";

(2) a statement of the issue to be voted on in the same words used in the application;

(3) immediately above the signatures of the petitioners, the statement: "It is the purpose and intent of the petitioners whose signatures appear below that the fire control, prevention, and emergency medical services district be continued and that the fire control, prevention, and emergency medical services district sales and use tax in \_\_\_\_\_ (name of the municipality that created the district) be continued";

(4) lines and spaces for the names, signatures, residence addresses, and voter registration certificate numbers of the petitioners; and

(5) the date of issuance, the serial number, and the seal of the clerk of the municipality on each page.

(b) A petition for a referendum to dissolve a district must contain:

(1) the heading: "Petition for a Local Option Referendum to Dissolve the \_\_\_\_\_ (name of the municipality that created the district) Fire Control, Prevention, and Emergency Medical Services District and to Abolish the Fire Control, Prevention, and Emergency Medical Services District Sales and Use Tax";

(2) a statement of the issue to be voted on in the same words used in the application;

(3) immediately above the signatures of the petitioners, the statement: "It is the purpose and intent of the petitioners whose signatures appear below that the fire control, prevention, and emergency medical services district be dissolved and that the fire control, prevention, and emergency medical services district sales and use tax in \_\_\_\_\_ (name of the municipality that created the district) be abolished";

(4) lines and spaces for the names, signatures, residence addresses, and voter registration certificate numbers of the petitioners; and

(5) the date of issuance, the serial number, and the seal of the clerk of the municipality on each page.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.254. COPIES OF APPLICATION AND PETITION. The clerk or secretary of the municipality shall keep an application and a copy of the petition in the files of the clerk's or secretary's office. The clerk shall issue to the applicants as many copies as they request.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.255. FILING OF PETITION. To form the basis for the ordering of a referendum, the petition must:

(1) be filed with the clerk or secretary of the municipality not later than the 60th day after the date of its issuance; and

(2) contain at least a number of signatures of registered voters of the municipality equal to five percent of the number of votes cast in the municipality for all candidates for governor in the

most recent gubernatorial general election.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.256. REVIEW BY CLERK OR SECRETARY. (a) The clerk or secretary of the municipality shall, on the request of any person, check each name on a petition to determine whether the signer is a registered voter of the district. A person requesting verification by the clerk or secretary of the municipality shall pay the clerk or secretary a sum equal to 20 cents for each name on the petition before the verification begins.

(b) The clerk or secretary of the municipality may not count a signature if the clerk or secretary has a reason to believe that:

(1) it is not the actual signature of the purported signer;

(2) the voter registration certificate number is not correct;

(3) it is a duplication either of a name or of handwriting used in any other signature on the petition;

(4) the residence address of the signer is not correct; or

(5) the name of the voter is not signed exactly as it appears on the official copy of the current list of registered voters for the voting year in which the petition is issued.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.257. CERTIFICATION. Not later than the 40th day after the date a petition is filed, excluding Saturdays, Sundays, and legal holidays, the clerk or secretary of the municipality shall certify to the board the number of registered voters signing the petition.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.258. ELECTION ORDER. (a) The board shall record on its minutes the date the petition is filed and the date it is certified by the clerk or secretary of the municipality.

(b) If the petition contains the required number of signatures and is in proper order, the board shall, at its next regular session after the certification by the clerk or secretary of the municipality,

order a referendum election to be held at the regular polling place in each election precinct in the municipality on the next uniform election date authorized by Section 41.001(a), Election Code, that occurs at least 20 days after the date of the order.

(c) The board shall state in the order the proposition to be voted on in the referendum election. The order is prima facie evidence of compliance with all provisions necessary to give it validity.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.259. APPLICABILITY OF ELECTION CODE. A referendum election authorized by this subchapter shall be held and the returns shall be prepared and canvassed in conformity with the Election Code.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.260. RESULTS OF REFERENDUM. (a) If less than a majority of the votes cast in a continuation referendum election are for the continuation of a district or if a majority of the votes cast in a dissolution referendum are for dissolution of the district:

(1) the board shall certify that fact to the secretary of state not later than the 10th day after the date of the canvass of the returns; and

(2) the district is dissolved and ceases to operate.

(b) If a majority of the votes cast in a continuation referendum election are for the continuation of the district or if less than a majority of the votes cast in a dissolution referendum election are for dissolution of the district, another referendum may not be held except as authorized by Section 344.251.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.261. ELECTION CONTEST. Not later than the 30th day after the date the result of a referendum is declared, any qualified voter of the district may contest the election by filing a petition in a district court located in the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

#### SUBCHAPTER G. DISTRICT DISSOLUTION

Sec. 344.301. TIME FOR DISSOLUTION OF DISTRICT. (a) A district is dissolved five years after the date the municipality began to impose taxes for district purposes if the district has not held a continuation or dissolution referendum.

(b) The district is dissolved on the fifth anniversary of the date of the most recent continuation or dissolution referendum.

(c) Subsection (b) does not apply to a district that is continued under Section 344.251(g), and that district is dissolved on the expiration of the period for which it was continued.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.

Sec. 344.302. DISSOLUTION OF DISTRICT. (a) On the date that the district is dissolved, the district shall convey or transfer, as provided by Subsection (h):

(1) title to land, buildings, real and tangible improvements, and equipment owned by the district;

(2) operating money and reserves for operating expenses and money that has been budgeted by the district for the remainder of the fiscal year in which the district is dissolved to support fire control, prevention, and emergency medical services activities and programs for residents of the municipality that created the district;

(3) taxes imposed for the district during the current year for fire control, prevention, and emergency medical services purposes;

(4) each fund established for payment of indebtedness assumed by the district; and

(5) any money accumulated in an employee retirement fund.

(b) After the date the district is dissolved, taxes may not be imposed for district purposes or for providing fire control, prevention, and emergency medical services activities and programs for the residents of the district.

(c) If on the date that the district is dissolved the district has outstanding short-term or long-term liabilities, the board shall, not later than the 30th day after the date of the dissolution, adopt a

resolution certifying each outstanding short-term and long-term liability. The municipality that created the district shall assume the outstanding short-term and long-term liabilities. The municipality shall collect the sales and use tax under Chapter 321, Tax Code, for the remainder of the calendar year and may by resolution of its governing body continue to collect the tax for an additional calendar year if the revenue from the tax is needed to retire liabilities of the district that were assumed by the municipality. The governing body shall notify the comptroller of this continuation not later than the 60th day before the date the tax would otherwise expire. A tax collected after the liabilities have been retired shall be transferred or conveyed as provided by Subsection (a).

(d) The district and the board may continue to operate for a period not to exceed two months after carrying out the responsibilities required by Subsections (a) and (c). The board and the district are continued for the purpose of satisfying these responsibilities.

(e) If the board and the district are continued under Subsection (d), the board and district are dissolved entirely on the first day of the month following the month in which the board issues an order certifying to the secretary of state that the responsibilities of Subsections (a) and (c) are satisfied.

(f) A district or board that continues to operate under Subsection (d) may not incur any new liabilities without the approval of the governing body of the municipality that created the district. Not later than the 60th day after the date of the dissolution referendum, the governing body shall review the outstanding liabilities of the district and set a specific date by which the municipality must retire the district's outstanding liabilities.

(g) On the date that the district is dissolved, programs funded by the district shall immediately terminate and personnel paid from district funds, except personnel required to retire the responsibilities of the district, are terminated.

(h) The board shall convey or transfer the value of the items described by Subsection (a) to the municipality that created the district.

Added by Acts 2001, 77th Leg., ch. 1295, Sec. 1, eff. June 1, 2001.



## MEMORANDUM

**TO:** Donna Barron, City Manager

**FROM:** Cleve Joiner, Director of Neighborhood Services

**DATE:** December 21, 2015

**SUBJECT:** **Public Hearing: Consideration of Amendments to the Community Development Block Grant (CDBG) 2013, 2014 and 2015 Annual Action Plans, Providing Funding for Concrete Street Upgrades Through Cancellation and Reduction of Other Projects.**

### **BACKGROUND**

The 2013-2014 CDBG Annual Action Plan (AAP) included a project to perform asphalt rehabilitation in the Holfords Prairie area (see location map). The project was originally funded for \$334,240 but later reduced to \$301,168. The scope of the project was reduced in 2014 as there were funds from developers' escrow and the County to upgrade the section of Holfords Prairie from Midway Rd. to the Corporate Dr. extension. Oak Tree Lane was also removed from the project due to its location in the flood plain. The project was reduced again by \$48,000 (used for 2015-2016 Sewer Manhole Project) after bids came in low. There is a current project balance of \$253,092.

The 2014-2015 AAP included a similar project for Morningside, Poydras and Decker streets for \$70,000 of which \$69,924 remains. The Morningside portion was removed from the project to be completed separately by the Public Services Department. It will be completed, along with Crescent Lane, in spring of 2016 as part of the Cowan closure project. The remaining project (see location map) was combined with the Holfords Prairie project for purpose of bidding. Bids were received May 28, 2015 with the low apparent bid of \$257,865 for both projects.

The 2014 AAP also included \$120,000 for the purchase of vacant lots for infill housing. After purchase, an RFP would be released to invite non-profit builders to build affordable homes for sale to low-to-moderate income homeowners. The 2015 AAP included \$165,000 for a project to rehab 130 sewer manholes in low-to-moderate income neighborhoods. Housing Rehabilitation has been funded in multiple years with a balance of approximately \$195,000.

Note that the funds described above, originally programmed in the 2013-2014 and 2014-2015 years, still have not been spent, but HUD projects have a total life of up to seven years and the City still met HUD's overall spending test in 2015. Delays in the projects have not yet created any issues, but at least some of the funds will need to be spent prior to the next spending test on August 2, 2016 to maintain compliance.

**ANALYSIS**

Council has recently expressed an interest in upgrading asphalt streets to concrete streets when possible. With that in mind, this amendment has been prepared to provide for funding should Council desire to change the scope of the projects. A rough estimate for a concrete upgrade versus asphalt rehab is found below based on previous bids from the Streets Division. In order to fund the upgrade, other CDBG projects would need to be cancelled or reduced. The estimate for concrete is about 2.7 times the cost for asphalt, for this specific project, with the obvious benefit being a longer project life. At this point, only the street itself is included in the scope and not curb/gutter or drainage. Upgrading the project to concrete will also require engineering design to properly account for drainage. While curb & gutter is not anticipated, the project could end up costing more once design is complete. Passing this amendment now will allow staff to move forward with the project design.

The revised project costs and difference in costs:

Estimate for Concrete Streets	\$697,000
Asphalt Estimate (May 2015 bid)	<u>\$257,865</u>
Added Project Cost for upgrades	\$439,135

Available and needed funds are listed below:

Estimate for Concrete Streets	\$697,000
Funds Currently Available	<u>\$348,016</u>
Holfords Prairie	\$253,092
Poydras-Decker	\$69,924
Un-allocated balances	\$25,000
Funds Needed for Concrete upgrades	\$348,984

If Council decides that the concrete upgrades are worth the additional cost, funds can be re-allocated from the following CDBG projects:

Cancellations:

Land Acquisition	\$120,000
Sewer Manhole Rehab	\$165,000

Reduction:

Housing Rehabilitation	<u>\$64,000</u>
Total made available through Amendments	\$349,000

The Land Acquisition project would be cancelled outright with no production of new affordable housing. The Sewer Manhole project would be cancelled from the CDBG budget but the

Subject: Public Hearing: CDBG Annual Action Plans  
December 21, 2015  
Page 3

locations would be added to the regular utility line maintenance budgets to be completed over the next few years. Housing Rehab is a priority for building Thriving Neighborhoods but reducing the project still leaves close to \$130,000 to be used this year.

A notice for the Action Plan amendments was published on Dec. 4 for a 30-day public comment period. Additionally it was included in the agenda for the regular annual Public Hearings held by the CDBG Advisory Committee. There have been no public comments received to date.

At its meeting on November 17, CDBG Advisory Committee members expressed some concern over cost but felt that infrastructure improvements in neighborhoods are valuable. They also voiced a question whether making concrete streets the norm for CDBG rehab projects might preclude using CDBG funds in the future unless matched with additional local funds.

#### **RECOMMENDATION**

It is City staff's recommendation that the City Council approve the Annual Action Plan amendments as set forth in the caption above.

## LEGAL NOTICE

ATTENTION		SENDER	
Today's Date:	<b>December 1, 2015</b>	# of Pages:	<b>1 of 1</b>
To:	<b>Legal Notices</b>	From:	<b>City Of Lewisville</b>
Dept:	<b>Legal Advertising Dept.</b>	Attn:	<b>Laura Mitchell</b>
Company:	<b>Denton Record Chronicle</b>	Dept:	<b>Neighborhood Services</b>
Tel:	<b>940-387-7755</b>	Tel:	<b>972-219-5026</b>
Fax:	<b>940-566-6818</b>	Fax:	<b>972-219-3698</b>
E-Mail:	<a href="mailto:klassads@dentonrc.com">klassads@dentonrc.com</a>	E-Mail:	<a href="mailto:lmitchell@cityoflewisville.com">lmitchell@cityoflewisville.com</a>

**NOTE:**

The **notice below** is to run in the **Southern Denton County Neighbors** paper on the following date:

**FRIDAY, December 4, 2015 FRIDAY, December 18, 2015 and FRIDAY, January 1, 2016**

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**NOTICE OF PUBLIC HEARING  
Community Development Block Grant Program**

**Prior Year- Annual Action Plan Amendments**

The City of Lewisville is inviting public comments between Dec. 4, 2015 and Jan. 4, 2016 on amendments being considered to previously funded grant projects. The City will consider increasing funding to Asphalt Street Rehab Projects for Holford's Prairie (currently funded for \$253,000) and Poydras-Decker (currently \$70,000). Increased funding will allow the City to upgrade the streets to concrete for a new project total of \$697,000. This would require cancellation of the Land Acquisition for Affordable Housing (\$120,000) and the Sewer Manhole Rehab projects (\$165,000) as well as a reduction in funding for Housing Rehabilitation in the amount of \$64,000. The 2012 Consolidated Plan for Housing and Community Development will also be amended to reduce goals for the three de-funded projects. A public hearing will be held by the Lewisville City Council to consider these amendments on:

Monday, January 4, 2015 at 7:00 pm at Lewisville City Hall, 151 W. Church Street.

For further information or to submit comments, please contact Jamey Kirby by phone at (972) 219-3780, by email at [jkirby@cityoflewisville.com](mailto:jkirby@cityoflewisville.com), or by fax at (972) 219-3698.



PROJECT LOCATION

BUNKER HILL

WESTHILLS

REDHAWK

HOLFORDS PRAIRIE RD

City of Lewisville Limits

City of Carrollton Limits

**NEIGHBORHOOD SERVICES  
GRANTS DIVISION  
(Asphalt Rehab- Holford's Prairie Rd)**





HIGHSCHOOL DR

PROJECT LOCATION

POYDRAS ST

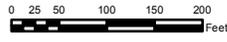
S CHARLES ST

DECKER LN

SMILL ST

YALE AVE

**NEIGHBORHOOD SERVICES  
GRANTS DIVISION  
(Asphalt Rehab- Poydras & Decker Ln)**



**EXCERPTED  
PUBLIC HEARING MINUTES  
COMMUNITY DEVELOPMENT BLOCK GRANT  
ADVISORY COMMITTEE (CDBGAC)**

**Tuesday, November 17, 2015**

The Community Development Block Grant Advisory Committee convened at 6:30 p.m. in the Community Development Conference Room, Eric Page presiding.

**Committee Members**

**Present:**

Eric Page, Chair  
Debbie Fu, Vice Chair  
Tamela Bowie  
Sarah McLain  
Judy Kay Ferguson  
Latashia Sherrod

**Committee Members**

**Absent:**

Robert Paul

**Staff Members**

**Present:**

Jamey Kirby, Grants Coordinator

**Public Hearing Guests:**

Vernell Gregg, Macedonia Ministries  
Mary Worthington, CCA  
Marty Mascari, N.T. Aging & Disability

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**Item 4 Public Hearing:** Mr. Kirby explained that a separate public hearing is on the agenda to request public input on amendments to prior year projects. Asphalt street projects for Holford's Prairie and Poydras-Decker are on hold pending an amendment to increase funding so the streets can be upgraded from asphalt to concrete. Doing so would require cancelling the Sewer Manhole Rehab project, the Land Acquisition for Affordable Housing project and reducing the funding available for Housing Rehabilitation.

Marty Mascari asked how reducing funding for Housing Rehabilitation would affect the program in the long term. Mr. Kirby explained that enough funding would remain to continue the program this year and that funding in future years is not guaranteed but the program meets goals in the CDBG Consolidated Plan and Vision 2025. There were no further public comments and Mr. Page closed the public hearing.

Sarah McLain asked about the Sewer Manhole project. Mr. Kirby said it was possible it would still be funded through other City resources. Debbie Fu added that the presentation from Engineering regarding the need for the sewer manhole rehab was compelling. Ms. McLain said there was a need to fund the streets one way or another. After some discussion Mr. Page expressed concern that if concrete streets are the new standard, then it will be more difficult to fund street projects from CDBG. Sarah McLain agreed. Ms. McLain then made a motion to recommend approval of the amendments to increase funding for the Holfords Prairie and Poydras-Decker Street Rehab Projects by \$349,000 by cancelling the Sewer Manhole Rehab project and the Land Acquisition for Affordable Housing project and also reducing the funding available for Housing Rehabilitation by \$64,000. Judy Kay Ferguson seconded the motion which passed 4-0. (Tamela Bowie and Debbie Fu excused themselves from the meeting prior to this item leaving four members voting.)

## **MEMORANDUM**

**TO:** Donna Barron, City Manager

**VIA:** Carole Bassinger, Director, Public Services

**FROM:** Karen Emadiazar, Utilities Manager, Public Services

**DATE:** December 22, 2015

**SUBJECT:** Approval of a Contract Award for the Water Treatment Plant Painting Project to JNA Painting and Contracting Co., Baltimore, Maryland, in the Amount of \$670,519.50 and Authorization for the City Manager to Execute the Contract.

### **BACKGROUND**

On December 10, 2015, proposals were received for repainting the C. R. Feaster Water Treatment Plant pipe gallery, plant clarifiers, and flocculation basins. In addition to repainting, this project includes provisions for the surface preparation, blasting and coating of the piping, walls, tanks, and ferrous (iron) surfaces; removal, containment, and disposal of the debris and spent media; removal and installation of a new dehumidification unit; welding services to repair the existing structures, and tank disinfection. This project was approved in the FY 15/16 Utility Fund budget.

### **ANALYSIS**

Two proposals were received for this project. The proposals were evaluated based on a weighted metric, which included proposed cost, contractor experience and references, evaluation of submitted work plan and schedule, and the percent of work self-performing. This selection process was used to select the best responsible bid considering the limitations in time; protection of the City's drinking water and infrastructure; and ensuring best management practices and methodology to meet quality standards by the established project deadlines, including final deadline of June 15, 2016. Based on the committee's evaluation, JNA Painting and Contracting Co. was selected for the repainting of the C. R. Feaster Water Plant Project. Funding is available in the Water Plant Painting Capital Project.

### **RECOMMENDATION**

It is City staff's recommendation that City Council approve the contract award as set forth in the caption above.

CITY OF LEWISVILLE  
PURCHASING DIVISION  
BID TABULATION

**JNA PAINTING AND  
CONTRACTING CO. , INC.  
BALTIMORE, MD**

**TMI COATINGS, INC.  
ST. PAUL, MN**

PROPOSAL PRICE		\$638,590.00		\$760,800.00	
5% CONTINGENCY		\$31,929.50		\$38,040.00	
TOTAL WITH CONTINGENCY		<u>\$670,519.50</u>		<u>\$798,840.00</u>	
COST	50%	\$670,519.50	<b>50</b>	\$798,840	<b>42</b>
<u>SUBMITTAL EVALUATION</u>					
WORK PLAN	5%		<b>5</b>		<b>5</b>
PERCENT SELF-PERFORMING	10%	<b>(A)</b>	<b>8</b>	<b>(A)</b>	<b>9.5</b>
SCHEDULE	5%		<b>5</b>		<b>5</b>
<u>EXPERIENCE</u>					
LIKE EXPERIENCE	15%	<b>(B)</b>	<b>11.25</b>		<b>15</b>
REFERENCES	15%		<b>15</b>		<b>15</b>
GRAND TOTAL			<b>94</b>		<b>91</b>

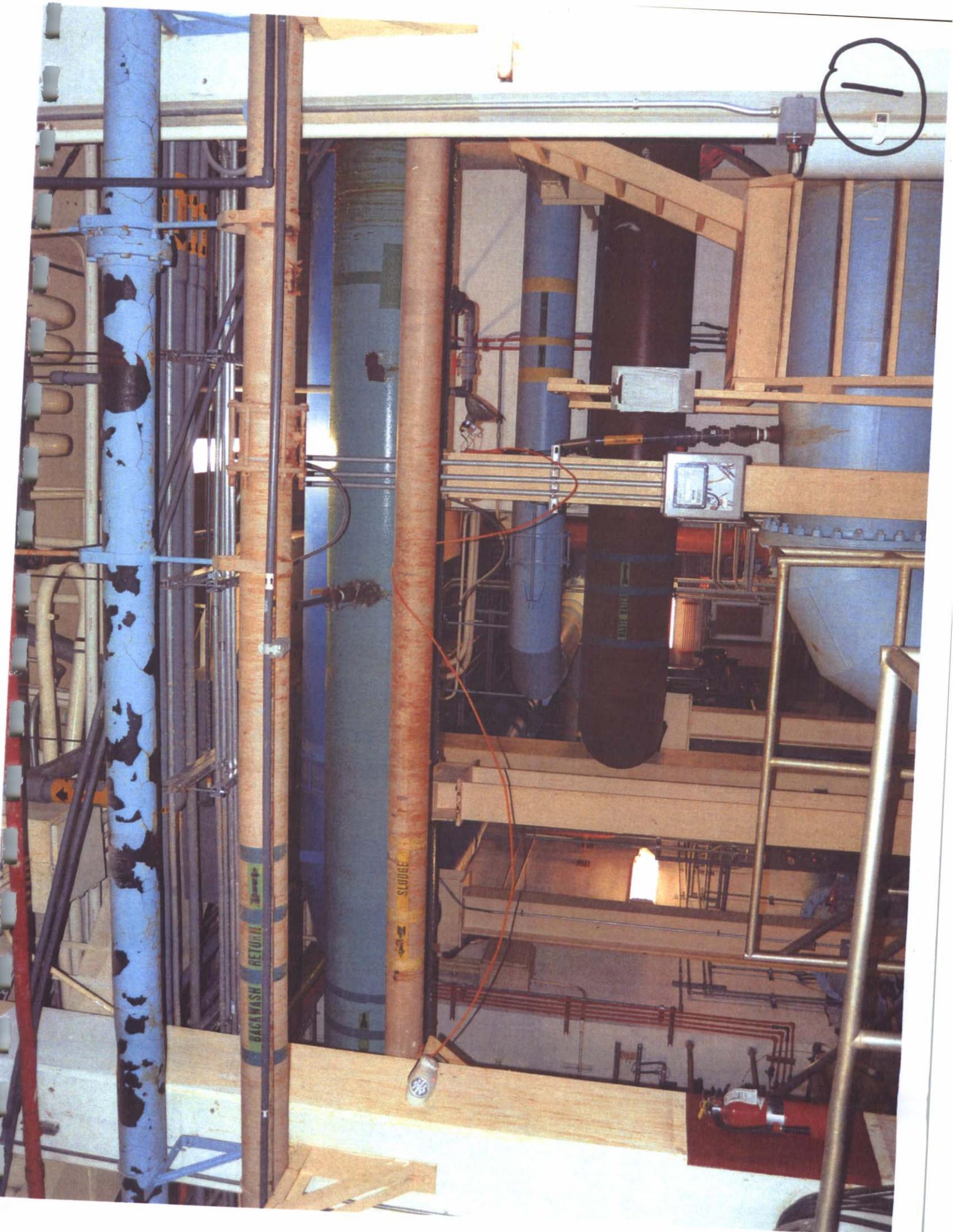
NOTES:

(A) JNA PAINTING IS SELF-PERFORMING 80% OF THE WORK AND TMI COATINGS IS SELF-PERFORMING 95% OF THE WORK

(B) BASED ON SIMILAR PROJECTS OF LIKE SIZE, JNA HAS COMPLETED 3 PROJECTS DURING THE PAST FIVE YEARS, AND TMI HAS COMPLETED 4 PROJECTS DURING THE PAST FIVE YEARS.

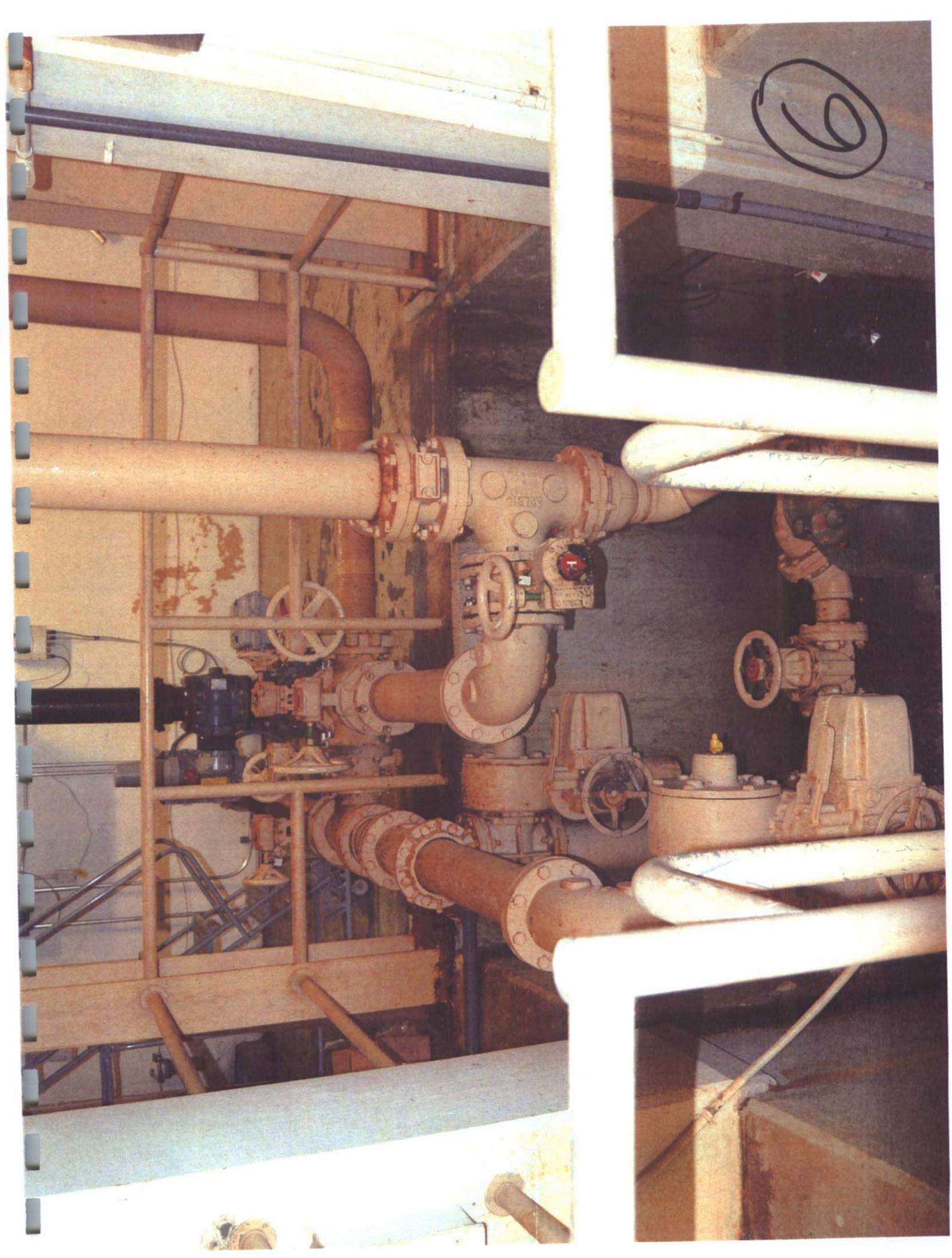
*Pipe Gallery*

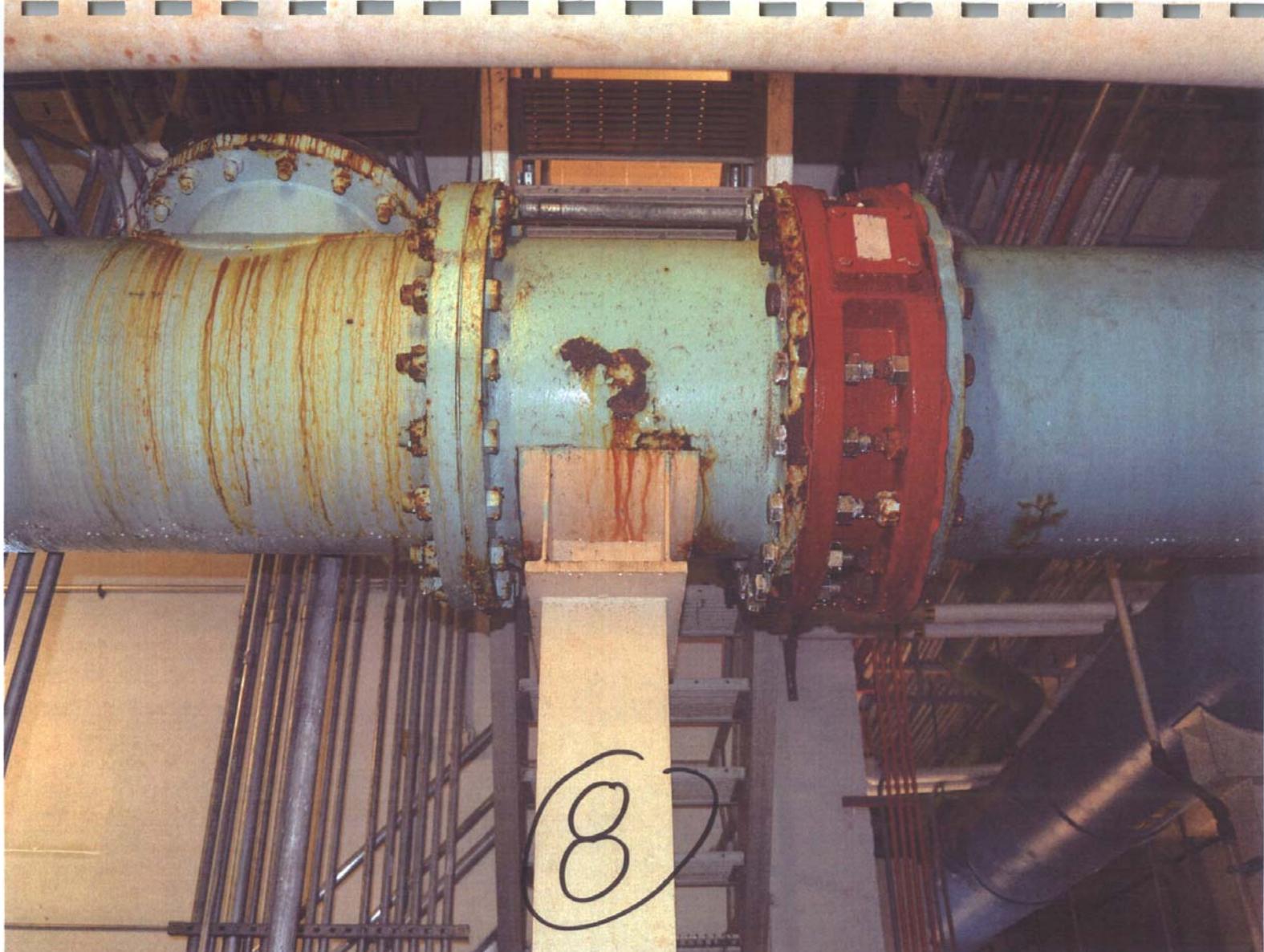
1



5.5







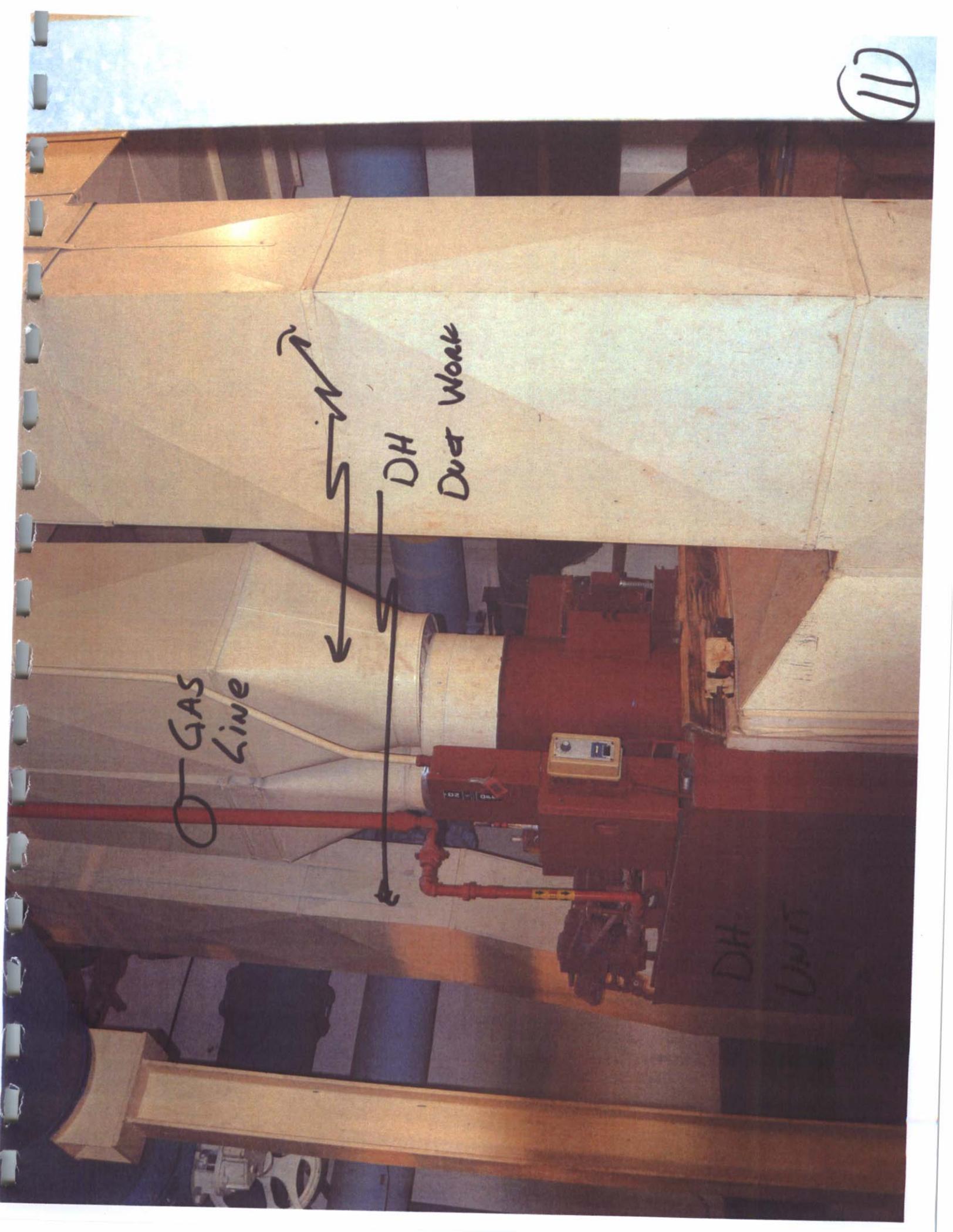
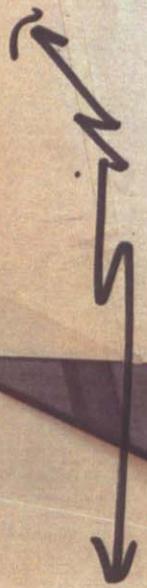
*Existing Dehumidification Unit  
And  
Duct Work Photos*

GAS  
Line

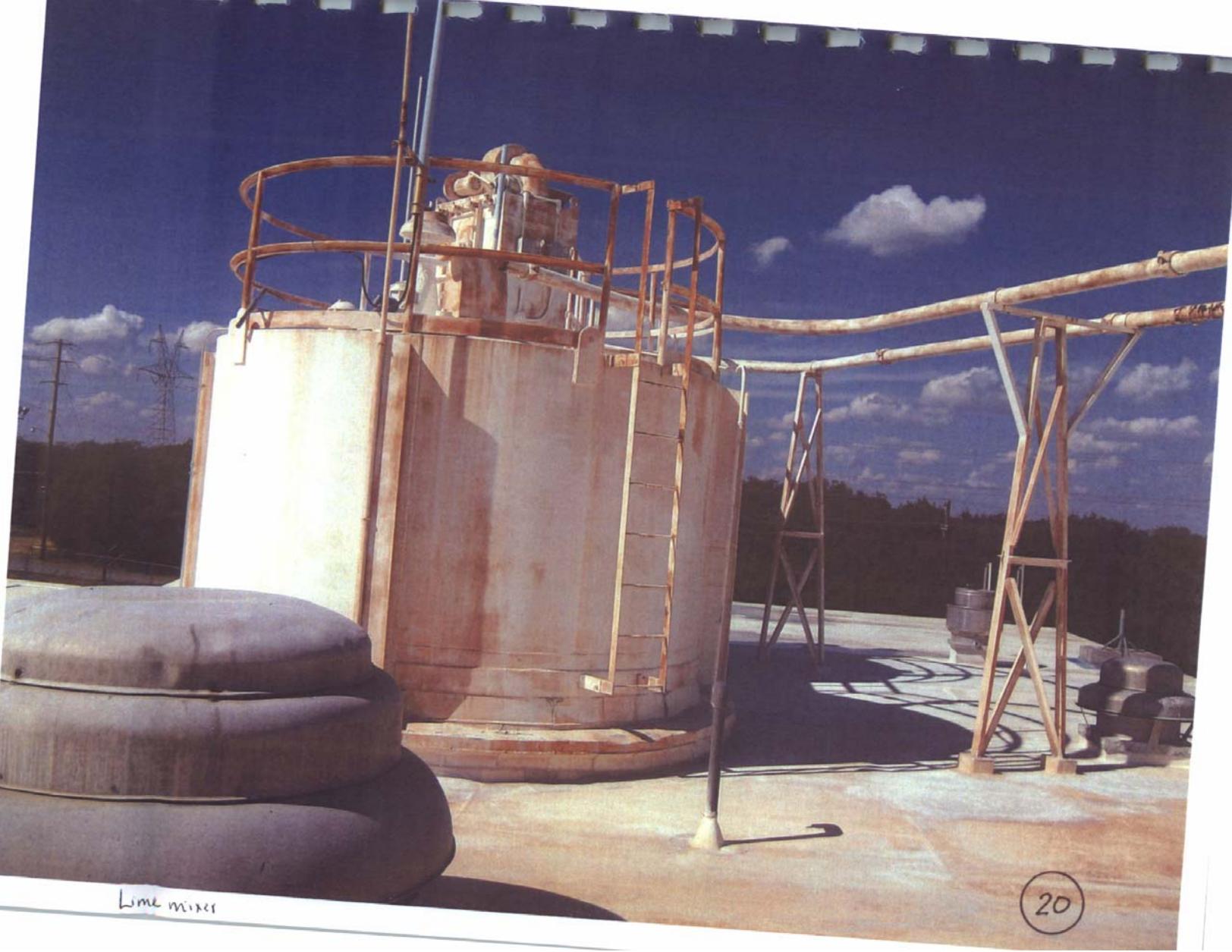
DH

Duct Work

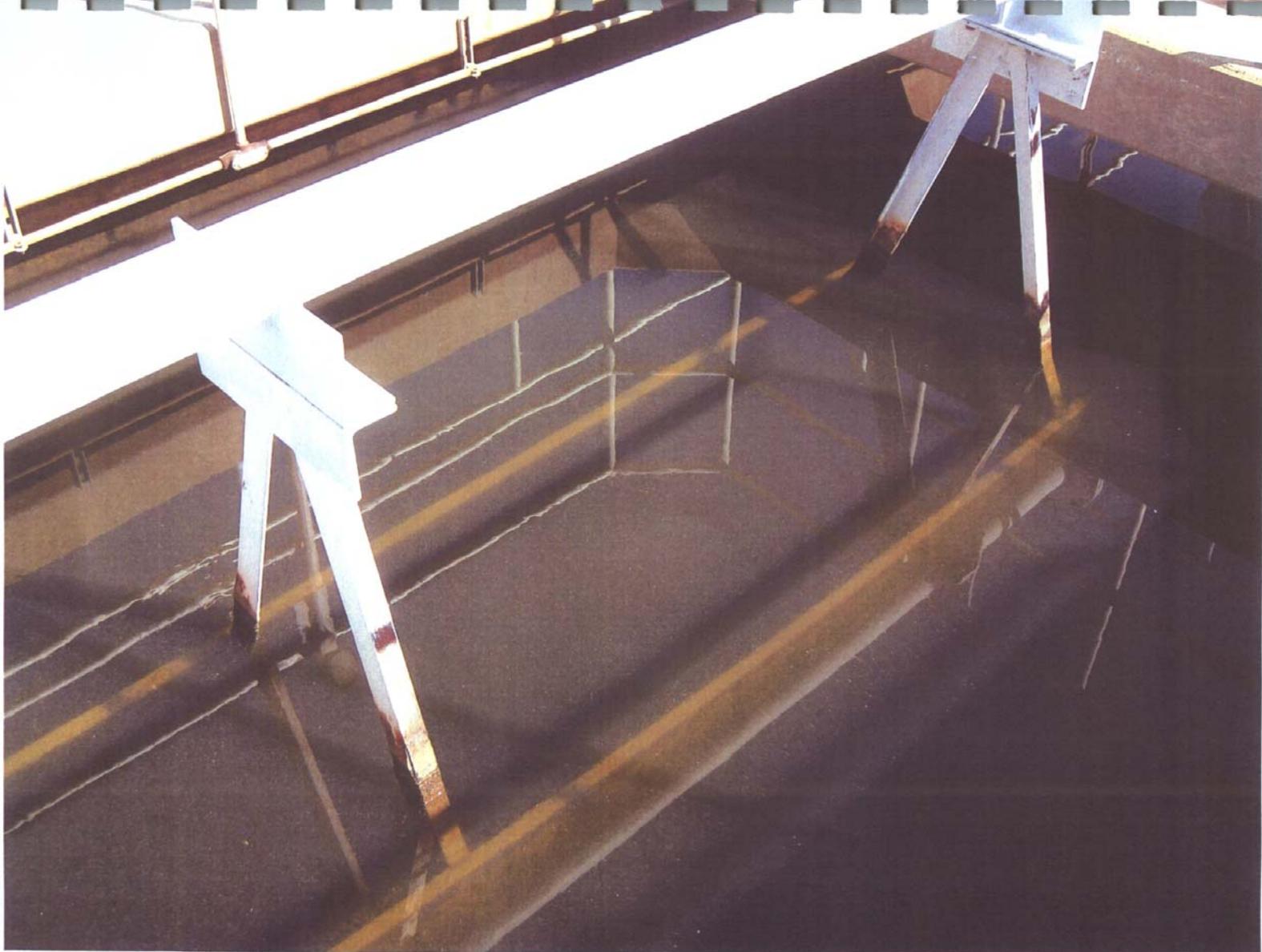
DH  
Unit



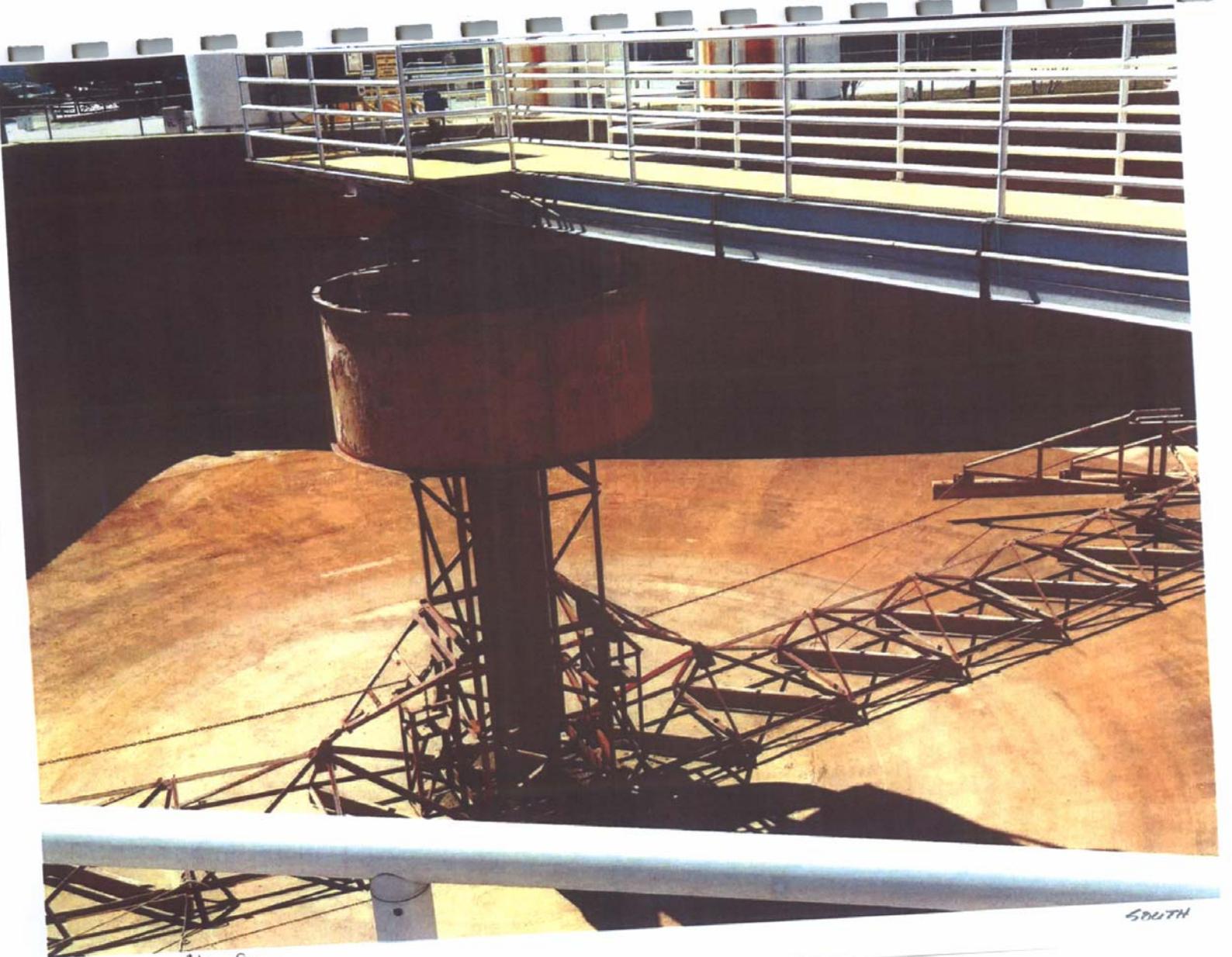
*Exterior of Plant*



Lime mixer



Flocculator



Clarifiers

SOUTH



Fuel tank

## MEMORANDUM

**TO:** Mayor Rudy Durham  
Mayor Pro Tem R Neil Ferguson  
Deputy Mayor Pro Tem Greg Tierney  
Councilman Leroy Vaughn  
Councilman TJ Gilmore  
Councilman Brent Daniels

**FROM:** Julie Heinze, City Secretary

**DATE:** December 29, 2015

**SUBJECT:** **Consideration of a Resolution Calling the May 7, 2016 Lewisville City Council General Election; Authorization of an Election Calendar; and Authorization for the Mayor to Sign the Election Order.**

### BACKGROUND

An election calendar has been prepared for the May 7, 2016 City Council election, which will include Place Nos. 4 and 5 on the ballot. State law requires that canvassing of the election be held between the 3<sup>rd</sup> and 11<sup>th</sup> day following an election. City staff recommends conducting the canvassing at the City Council meeting scheduled for May 16, 2016. City staff will be meeting with both counties in the coming weeks and an item authorizing contracts for election services with both Denton and Dallas Counties will be brought back for City Council consideration. These contracts will address polling locations for both early voting and Election Day.

### RECOMMENDATION

It is City staff's recommendation that the City Council approve the proposed Resolution and election calendar as set forth in the caption above.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AUTHORIZING A GENERAL MUNICIPAL ELECTION TO BE HELD ON MAY 7, 2016 FOR THE PURPOSE OF ELECTING TWO (2) MEMBERS OF THE CITY COUNCIL (PLACE NOS. 4 AND 5) TO HOLD OFFICE FOR A PERIOD OF THREE YEARS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the general election for the City of Lewisville, as set forth by the Texas Election Code, is required to be held on May 7, 2016 for the purpose of electing two (2) City Council Members to fill the following expiring terms on the Lewisville City Council: Place Nos. 4 and 5; each such term being for a period of three (3) years,

**WHEREAS**, in accordance with Section 271.002 of the Texas Election Code, the City election will be conducted jointly with other political subdivisions of Denton County, Texas;

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

**SECTION 1.** The facts and recitations contained in the above preamble of this Resolution are hereby incorporated herein for all purposes.

**SECTION 2.** A general municipal election is hereby ordered to be held on the 7<sup>th</sup> day of May, 2016 for the purpose of electing Council Members to Place Nos. 4 and 5 by the qualified voters of the City of Lewisville.

**SECTION 3.** The election will be conducted jointly with other political subdivisions in Denton and Dallas Counties on May 7, 2016, pursuant to Sections 31 and 271, Texas Election Code.

**SECTION 4.** The manner of conducting the election must be in accordance with this Resolution, the Charter of the City and the laws of the State of Texas applicable to the holding of a general election.

**SECTION 5.** The election will be conducted jointly with other political subdivisions in both Denton and Dallas Counties on May 7, 2016, pursuant to Texas Election Code.

**SECTION 6.** The respective City election precincts (the “Election Precincts”) for the election shall consist of the territory within those Denton County election precincts and Dallas County election precincts which are located within the corporate limits of the City. The polling places and county election precincts whose qualified voters shall cast ballots at such location in the City of Lewisville, 2016 General Election, shall be determined per the Joint Election Agreement and Contract for Election Services with both the Denton County Elections Administrator and the Dallas County Elections Administrator.

**Election polls shall be open from 7 a.m. until 7 p.m.**

**SECTION 7.** Early voting by personal appearance for all Denton County residents will be held jointly with other Denton County public entities at Denton County’s Main Early Voting Site located at the Denton County Administration Building, 701 Kimberly Drive, Denton, Texas beginning on April 25th and continuing through May 3, 2016 at dates and times set forth below:

**Denton County Administration Building  
701 Kimberly Drive, Denton, TX**

<u>Date</u>	<u>Time</u>
Monday through Friday April 25 – April 29, 2016	8:00 a.m. – 5:00 p.m.
Saturday, April 30, 2016	8:00 a.m. – 5:00 p.m.
Monday and Tuesday May 2 – May 3, 2016	7:00 a.m. – 7:00 p.m.

In addition, all qualified and registered voters may vote by early appearance at the Lewisville Municipal Annex, 1197 West Main Street, Lewisville at the dates and times set forth below:

**Lewisville Municipal Annex  
1197 West Main Street**

<u>Date</u>	<u>Time</u>
Monday through Friday April 25 – April 29, 2016	8:00 a.m. – 5:00 p.m.
Saturday, April 30, 2016	8:00 a.m. – 5:00 p.m.
Monday and Tuesday May 2 – May 3, 2016	7:00 a.m. – 7:00 p.m.

**SECTION 8.** Any eligible Denton County Registered Voter may cast their vote at any of the additional early voting locations identified per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

**SECTION 9.** Early voting by personal appearance for all Dallas County residents will be held jointly with other Dallas County public entities at Dallas County’s Main Early Voting Site

located at the Dallas County Records Building, 509 Main Street, Dallas, Texas beginning on April 25th and continuing through May 3, 2016 at dates and times set forth below:

**Dallas County Records Building  
509 Main Street, Dallas, Texas**

<u>Date</u>	<u>Time</u>
Monday through Friday April 25 – April 29, 2016	8:00 a.m. – 5:00 p.m.
Saturday, April 30, 2016	8:00 a.m. – 5:00 p.m.
Monday and Tuesday May 2 – May 3, 2016	7:00 a.m. – 7:00 p.m.

In addition, all qualified and registered voters may vote by early appearance at the Coppell Town Center, 255 Parkway Blvd., Coppell, Texas at the dates and times set forth below:

**Coppell Town Center  
255 Parkway Blvd., Coppell, Texas**

<u>Date</u>	<u>Time</u>
Monday through Friday April 25 – April 29, 2016	8:00 a.m. – 5:00 p.m.
Saturday, April 30, 2016	8:00 a.m. – 5:00 p.m.
Monday and Tuesday May 2 – May 3, 2016	7:00 a.m. – 7:00 p.m.

**SECTION 10.** Any eligible Dallas County Registered Voter may cast their vote at any of the additional early voting locations identified per the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator.

**SECTION 11.** For the portion of the election where Denton County precincts are located within Denton County, Lannie Noble, Denton County Election Administrator shall be appointed to serve as the Early Voting Clerk and his permanent county employees are appointed as deputy early voting clerks. For the portion of the election where Dallas County precincts are located within Dallas County, Toni Pippins-Poole, Dallas County Election Administrator shall be appointed to serve as the Early Voting Clerk and her permanent county employees are appointed as deputy early voting clerks.

**Denton County Registered Voters - Applications for ballot by mail shall be mailed to:**

Lannie Noble, Early Voting Clerk  
Denton County Elections Administrator  
Denton County Elections Administration Building  
701 Kimberly Drive  
Denton, TX 76208

**Dallas County Registered Voters - Applications for ballot by mail shall be mailed to:**

Toni Pippins-Poole, Early Voting Clerk  
Dallas County Elections Administrator  
Elections Department – 8<sup>th</sup> Floor  
Health and Human Services Building  
2377 N. Stemmons Frwy  
Dallas TX 75207

Applications for ballots by mail must be received no later than the close of business on Friday, April 26, 2016.

**SECTION 12.** The election shall be conducted pursuant to the election laws of the State of Texas.

**SECTION 13.** Should a runoff election be required following the canvass of the May 7, 2016 election, the Council hereby orders that a runoff election be held on Saturday, June 18, 2016. The polling places for both Election Day and Early Voting for the runoff election shall be determined at the time a runoff election is called by the City Council.

**SECTION 14.** This resolution shall be construed with any action of the Denton County Commissioners Court and the Dallas County Commissioners Court providing for the conduct of a joint election with other public entities as herein contemplated.

**SECTION 15.** The City Secretary is hereby authorized and directed to file, publish and/or post, in the time and manner prescribed by law, all notices required to be so filed, published and/or posted in connection with the conduct of this election.

**SECTION 16.** That this resolution shall be effective immediately upon adoption.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, ON THIS THE 4<sup>th</sup> DAY OF JANUARY, 2016.**

**APPROVED:**

\_\_\_\_\_  
Rudy Durham, MAYOR

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, CITY ATTORNEY

**GENERAL ELECTION  
CITY COUNCIL (PLACE 4 & PLACE 5)  
MAY 7, 2016**

- January 20** First day for filing application for place on ballot.
- January 20** First day a write-in candidate may file declaration.
- February 19** Last day for filing application for place on ballot. (Must be received by 5:00 p.m.)
- February 23** Last day for write-in candidate to declare candidacy. (Must be received by 5:00 p.m.)
- February 25** Drawing for order of names on the ballot (8:30 a.m. - City Council Conference Room).
- February 26** Last day for a write-in candidate to withdraw.
- February 26** Last day for a candidate to withdraw (Must be received by midnight)
- March 23** First day to mail early ballots by mail, if available.
- April 7** File first report of campaign contributions and expenditures.  
(Must be received by 5:00 p.m.)
- April 7** Last day for submitting voter registration application in time to vote in May 12<sup>th</sup> election.
- April 22** Last day to receive application in person for a ballot to be voted by mail  
(Must be received by 5:00 p.m.).
- April 25** First day for early voting by personal appearance.
- April 26** Last day to receive application by mail for a ballot to be voted by mail  
(Must be received by 5:00 p.m.).
- April 29** File second report of campaign contributions and expenditures.  
(Must be received by 5:00 p.m.)
- May 3** Last day of regular early voting by personal appearance.
- MAY 7** **ELECTION DAY** (7:00 a.m. - 7:00 p.m.)
- May 16** City Council Meeting to Canvass the Returns of Election; Issue Certificates of Election;  
Administer Oaths of Office.
- JUNE 18** **POSSIBLE DATE FOR RUNOFF ELECTION (IF NECESSARY)**
- June 28** Called-Special City Council Meeting to Canvass the Returns of Runoff Election; Issue  
Certificates of Election; Administer Oaths of Office.
- July 15** Filing Semi-Annual Report of Contributions and Expenditures for Candidates and  
Officeholders. (Must be received by 5:00 p.m.)

## ORDER OF ELECTION

An election is hereby ordered to be held on Saturday, May 7, 2016, for the purpose of: Electing the following officers for the City of Lewisville:

Councilman - Place No. 4 (Term 3-Years)  
Councilman - Place No. 5 (Term 3-Years)

### DENTON COUNTY REGISTERED VOTERS ONLY

Early voting by personal appearance shall be conducted jointly with other Denton County public entities in the Denton County Administration Building, 701 Kimberly Drive, Denton, Texas, which is hereby designated as the Main Early Voting location on the following dates and times:

#### **Early Voting Schedule**

Date	Time
Monday through Friday – April 25 – April 29, 2016	8:00 a.m. to 5:00 p.m.
Saturday – April 30, 2016	8:00 a.m. to 5:00 p.m.
Monday and Tuesday - May 2 – 3, 2016	7:00 a.m. to 7:00 p.m.

In addition, all Denton County qualified and registered voters may vote by early appearance at the Lewisville Municipal Annex, 1197 West Main Street, Lewisville on the following dates and times:

#### **Early Voting Schedule**

Date	Time
Monday through Friday – April 25 – April 29, 2016	8:00 a.m. to 5:00 p.m.
Saturday – April 30, 2016	8:00 a.m. to 5:00 p.m.
Monday and Tuesday - May 2 – 3, 2016	7:00 a.m. to 7:00 p.m.

additional early voting locations will be determined per the Joint Election Agreement and Contract for Election Services with the Denton County Elections Administrator.

Any eligible Denton County Registered Voter may cast their vote at any of the additional early voting within Denton County polling locations.

Applications for ballot by mail shall be mailed to:           Lannie Noble, Early Voting Clerk  
Denton County Elections Administrator  
Denton County Elections Administration Building  
701 Kimberly Drive  
Denton, Texas 76208

### DALLAS COUNTY REGISTERED VOTERS ONLY

Early voting by personal appearance shall be conducted jointly with other Dallas County public entities in the Dallas County Records Building, 509 Main Street, Dallas, Texas, which is hereby designated as the Main Early Voting location on the following dates and times:

#### **Early Voting Schedule**

Date	Time
Monday through Friday – April 25 – April 29, 2016	8:00 a.m. to 5:00 p.m.
Saturday – April 30, 2016	8:00 a.m. to 5:00 p.m.
Monday and Tuesday - May 2 – 3, 2016	7:00 a.m. to 7:00 p.m.

In addition, all Dallas County qualified and registered voters may vote by early appearance at the Coppell Town Center, 255 Parkway Blvd, Coppell, Texas on the following dates and times:

**Early Voting Schedule**

<b>Date</b>	<b>Time</b>
Monday through Friday – April 25 – April 29, 2016	8:00 a.m. to 5:00 p.m.
Saturday – April 30, 2016	8:00 a.m. to 5:00 p.m.
Monday and Tuesday - May 2 – 3, 2016	7:00 a.m. to 7:00 p.m.

additional early voting locations will be determined per the Joint Election Agreement and Contract for Election Services with the Dallas County Elections Administrator.

Any eligible Dallas County Registered Voter may cast their vote at any of the additional Dallas County early voting locations.

Applications for ballot by mail shall be mailed to:                    Toni Pippins-Poole, Early Voting Clerk  
Dallas County Elections Administrator  
Elections Department – 8<sup>th</sup> Floor  
Health and Human Services Building  
2377 N. Stemmons Frwy  
Dallas TX 75207

DENTON AND DALLAS COUNTY REGISTERED VOTERS

Applications for ballots by mail must be received no later than the close of business on Friday, April 26, 2016.

The polling places and the county election precincts where qualified voters shall cast their ballots on Election Day from 7 a.m. until 7 p.m. will be determined per the Joint Election Agreement and Contract for Election Services with both the Denton County Elections Administrator and the Dallas County Elections Administrator and will be posted at each City of Lewisville Voting Location.

Issued this the 4<sup>th</sup> day of January, 2016.

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Rudy Durham, Mayor

## ORDEN DE ELECCIÓN

Una elección por la presente es ordenada ser tenida el sábado, el 7 de mayo de 2016, para el propósito de: Elegir a los oficiales siguientes para la Ciudad de Lewisville:

un concejal para el puesto 4 (periodo de 4 años)  
un concejal para el puesto 5 (periodo de 5 años)

### SÓLO LOS VOTANTES REGISTRADOS CONDADO DE DENTON

Votación temprana en persona se llevarán a cabo conjuntamente con otras entidades públicas del Condado de Denton en el edificio de administración del Condado Denton, 701 Kimberly Drive, Denton, Texas, que por la presente se designa como el lugar principal de la votación temprana en las siguientes fechas y horarios:

#### Horario de votación anticipada

Fecha	Hora
Lunes a Viernes - 25 de abril – 29 de abril de 2016	8:00a.m. a 5:00 p.m.
Sábado - 30 de abril de 2016	8:00a.m. a 5:00 p.m.
Lunes y Martes – 2 y 3 de mayo de 2016	7:00a.m. a 7:00 p.m.

Además, todo el Condado de Denton calificados y registrados pueden votar por la temprana aparición en el anexo Municipal de Lewisville, 1197 West Main Street, Lewisville en las siguientes fechas y horarios:

#### Horario de votación anticipada

Fecha	Hora
Lunes a Viernes - 25 de abril – 29 de abril de 2016	8:00a.m. a 5:00 p.m.
Sábado - 30 de abril de 2016	8:00a.m. a 5:00 p.m.
Lunes y Martes – 2 y 3 de mayo de 2016	7:00a.m. a 7:00 p.m.

Otros sitios de votación anticipada será determinado por la Junta Electoral Acuerdo y Contrato de Servicios Electorales con el Condado Denton Elecciones Administrador.

Cualquier Condado Denton votante registrado puede emitir su voto en cualquiera de las otras votación anticipada en Denton County lugares de votación.

Las solicitudes de voto por correo electrónico serán enviados por correo a:

Lannie Noble, Early Voting Clerk  
Denton County Elections Administrator  
Denton County Elections Administration Building  
701 Kimberly Drive  
Denton, Texas 76208

### SÓLO LOS VOTANTES REGISTRADOS CONDADO DE DALLAS

Votación anticipada en persona se llevará a cabo conjuntamente con otras entidades públicas del Condado Dallas en el el edificio de registros del Condado Dallas, 509 Main Street, Dallas, Texas, que por la presente se designa como el lugar principal de la votación temprana en las siguientes fechas y horarios:

#### Horario de votación anticipada

Fecha	Hora
Lunes a Viernes - 25 de abril – 29 de abril de 2016	8:00a.m. a 5:00 p.m.
Sábado - 30 de abril de 2016	8:00a.m. a 5:00 p.m.
Lunes y Martes – 2 y 3 de mayo de 2016	7:00a.m. a 7:00 p.m.

Además, todo el Condado de Dallas calificados y registrados pueden votar por la temprana aparición en Coppell Centro de la ciudad, 255 Parkway Blvd, Coppell, Texas, en los siguientes días y horarios:

**Horario de votación anticipada**

<b>Fecha</b>	<b>Hora</b>
Lunes a Viernes - 25 de abril – 29 de abril de 2016	8:00a.m. a 5:00 p.m.
Sábado - 30 de abril de 2016	8:00a.m. a 5:00 p.m.
Lunes y Martes – 2 y 3 de mayo de 2016	7:00a.m. a 7:00 p.m.

Otros sitios de votación anticipada será determinado por la Junta Electoral Acuerdo y Contrato de Servicios Electorales de Elecciones del Condado de Dallas Administrador.

Cualquier Condado de Dallas votante registrado puede emitir su voto en cualquiera de las otras votación anticipada en el Condado de Dallas lugares de votación.

Las solicitudes de voto por correo electrónico serán enviados por correo a:

Toni Pippins-Poole, Early Voting Clerk  
Dallas County Elections Administrator  
Elections Department – 8th Floor  
Health and Human Services Building  
2377 N. Stemmons Frwy  
Dallas TX 75207

**DENTON Y CONDADO DE DALLAS VOTANTES REGISTRADOS**

Las solicitudes de las papeletas por correo deben ser recibidas no más tarde de la hora de cierre de los negocios el viernes 26 de abril, 2016.

Los lugares de votación y el condado precintos electorales donde los votantes deberán emitir su voto el día de las elecciones desde las 7 a.m. hasta las 7 p.m. se determinará por la Junta Electoral Acuerdo y Contrato de Servicios Electorales con el Condado Denton Administrador Elecciones y Elecciones del Condado de Dallas Administrador y será colocado en cada ciudad de Lewisville Ubicación de los sitios de votación.

Publicado el día 7 de enero, 2016.

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Rudy Durham, Alcalde