

governmental functions and has provided and set in motion plans to provide governmental services to the entire corporate limits of the city like other Texas cities.

On March 1, 2019, the State of Texas (“State”) filed a petition, asking that this Court grant leave to allow the State to file an Information to pursue a *quo warranto* action to have the Court declare that Double Horn’s incorporation as invalid because: (1) Double Horn was not an unincorporated town or village and therefore could not incorporate; and (2) Double Horn’s incorporation includes property that is not to be used strictly for town purposes. *See* Information, pp. 4-5. On those grounds, the State asks the Court to nullify a validly held election and oust Double Horn’s mayor and aldermen from office. *See* Information, p. 8.

Double Horn’s incorporation was lawful. Contrary to the State’s unsupported conclusions, Double Horn constituted an unincorporated town or village prior to incorporation and its incorporation complied with TEX. LOCAL GOV’T CODE § 7.001, *et seq.* Since its incorporation, Double Horn has engaged in governmental regulation and provision¹, or commenced efforts and plans to provide, municipal services within its incorporated boundaries, including:

- Passing an ordinance setting the municipal boundaries and the boundaries of its extraterritorial jurisdiction and establishing an official map²;
- Establishing Rules of Order and Procedure for city council meetings and related procedures, including setting forth duties of city officials, how citizens will be able to participate in governing meetings, when governmental meetings will occur, and the like³;
- Setting forth the roles and duties of the Mayor and President Pro Tempore⁴;

¹ Double Horn asks that the Court take judicial notice of the applicable actions and ordinances of Burnet County and the City of Double Horn attached to this response. *See* TEX. R. EVID. 201, 204; *City of Farmers Branch v. Ramos*, 235 S.W.3d 462, 469 (Tex. App.—Dallas 2007); *also see Matter of Waller Creek, Ltd.*, 867 F.2d 228, n. 14 (5th Cir. 1989) (taking judicial notice of city ordinance and noting that courts should take judicial notice of “legislative facts.”)

² *See* Ordinance 2019-ORD001.

³ *See* Ordinance 2019-ORD002.

⁴ *See* Ordinance 2019-ORD003.

- Setting a fiscal year of October 1 through September 30⁵;
- Designating an official newspaper of the city⁶;
- Established an official city website for posting city news, agendas and minutes, and other governmental information⁷;
- Established a city checking account⁸;
- Establishing an Emergency Plan for the City⁹;
- Taking steps to provide law enforcement services for all areas within the corporate boundaries, including through an Interlocal Cooperation Agreement¹⁰ with Burnet County¹¹;
- Taking steps to obtain or improve emergency services for all areas within the corporate boundaries, including through an Interlocal Cooperation Agreement with Burnet County Emergency Services District No. 9¹²;
- Taking steps to obtain a speed study from the State of Texas in furtherance of lowering the speed limit for drivers entering and exiting Highway 71 adjacent to the City¹³;
- Taking steps to lease space for a City Hall¹⁴;
- Taking steps toward establishing an estimated tax rate¹⁵;
- Identifying funding sources and fundraising activities¹⁶;
- Taking steps toward establishing a municipal budget and estimated ad valorem tax rate¹⁷;
- Adopting a resolution for the collection of ad valorem taxes¹⁸;
- Taking steps to employ a City Secretary on part time basis;
- Obtaining certifications of aldermen and mayor under the Texas Open Meetings Act;
- Obtaining certifications of aldermen and mayor under the Texas Public Information Act;
- Taking steps to adopt a comprehensive plan and zoning ordinance;¹⁹

⁵ See Ordinance 2019-ORD004.

⁶ See Resolution 2019-RES001.

⁷ See www.doublehorntx.org

⁸ See minutes of March 14, 2019 city council meeting.

⁹ See Agenda for March 27, 2019 city council meeting.

¹⁰ Interlocal Cooperation Agreements are provided for local governmental entities to contract together to provide governmental services. See Tex. Gov't Code ch. 791.

¹¹ See Agenda for March 27, 2019 city council meeting; see Agenda for March 30, 2019 city council meeting.

¹² See Agenda for March 30, 2019 city council meeting.

¹³ See Resolution 2019-RES003.

¹⁴ See minutes of March 14, 2019 city council meeting; see Agenda for March 27, 2019 city council meeting.

¹⁵ See Agenda for March 27, 2019 city council meeting.

¹⁶ See Agenda for March 27, 2019 city council meeting.

¹⁷ See Agenda for March 27, 2019 city council meeting.

¹⁸ See Resolution 2019-RES002.

¹⁹ See Resolution 2019-RES0004

- Obtaining liability insurance through the Texas Municipal League Intergovernmental Risk Pool²⁰;
- Taking steps to provide garbage pickup for all areas within the corporate boundaries;
- Taking steps to provide a recycling program and pick up recycling for all areas within the corporate boundaries;
- Taking steps to establish a municipal program to provide maintenance of municipal streets;
- Implementing a program to designate a park plan and hiking and walking trails within the corporate limits;
- Implementing a program to monitor and report air quality within the corporate limits and provide the results to residents and property owners; and
- Implementing a program to monitor and report seismic activity within the corporate limits and provide the results to residents and property owners.

Further, the inclusion of uninhabited property owned by Spicewood Crushed Stone, LLC (“SCS”) in the corporate limits is consistent with the applicable statutory requirement and case law pertaining to the inclusion of vacant and uninhabited property. The State has not and cannot meet its burden to pursue a *quo warranto* claim in this matter. As such, this Court should deny the State’s motion for leave to file the Information and dismiss this case.

There is also an underlying fundamental reason that the City of Double Horn’s incorporation should be affirmed—the ballot box. As the Austin court of appeals aptly stated:

There is, perhaps, nothing which more urgently calls for the exercise of all the power given courts than the maintenance of the purity of the ballot box. A free ballot and a fair count lies at the very basis of our government, by which is meant that every man should be at liberty to cast his vote in accordance with his best judgment; and that it should be counted as cast, and the correct result declared.

Wilbern v. Cone, 148 S.W. 818, 819 (Tex. Civ. App. – Austin 1912, writ ref’d).

²⁰ See minutes of March 14, 2019 city council meeting.

II. LEGAL STANDARD

While the Attorney General can initiate certain *quo warranto* actions, the State cannot do so without first obtaining leave of court. See TEX. CIV. PRAC. & REM. CODE § 66.002(d). Importantly, a district court has discretion as to whether to deny leave to file an information. See *State ex rel. Thornill, v. Hunsaker*, 17 S.W.2d 63 (Tex. Civ. App.—Amarillo 1929), citing *State ex rel. Eckhart v. Hoff*, 31 S.W.290 (Tex. 1895) (“The court may deny leave to file an information or petition in the nature of a *quo warranto* in the exercise of sound judicial discretion.”)

A district court should deny leave to file an information in the nature of *quo warranto* unless the Attorney General establishes that “there is a probable ground” for the proceeding. See TEX. CIV. PRAC. & REM. CODE § 66.002(d). Notably, the primary purpose of a *quo warranto* proceeding is to protect the interests of the public, **not to enforce private rights**. See *Staples v. State*, 245 S.W.639 (Tex. 1922).

III. OBJECTIONS TO VERIFICATION

An information supporting a *quo warranto* proceeding should be sworn to or otherwise established by evidence. See *State ex rel. Yelkin v. Hand*, 331 S.W.2d 789, 797 (Tex. Civ. App.—Houston, 1960), *writ ref’d n.r.e. per curiam*, 333 S.W.2d 109 (Tex.1960). Here, the State’s Information is generically and globally supported by the verification of David J. Hacker, the attorney who filed the Information for the State of Texas. See Information, p. 10.

Mr. Hacker does not state how he has personal knowledge of the purported facts alleged in the Information. Rather, Mr. Hacker simply states that he has “read the foregoing document and that based on knowledge gathered from the identified documents and websites the statements of fact contained therein are true and correct.” *Id.* In other words,

Mr. Hacker admits that he lacks personal knowledge of the facts alleged in the Information and that he bases his assumptions on unauthenticated “documents and websites” offered to prove the truth of the matter asserted. Such “documents and websites” constitute hearsay and hearsay within hearsay. Tex. R. Evid. 801, 803, 805.

Objection No. 1—Lack of Personal Knowledge

Double Horn objects that Mr. Hacker’s verification—by his own admission—is not based on personal knowledge and violates TEX. R. EVID. 602. Rather, Mr. Hacker suggests the accuracy of information not because he has any personal knowledge, but apparently because he read about it from some other source as an attorney prosecuting the case.

Double Horn objects that Mr. Hacker’s verification is not based on personal knowledge. *See In re Valliance Bank*, 422 S.W.3d 722, 726 n.1 (Tex. App.—Fort Worth 2012, orig. proceeding) (“Verification must be based on personal knowledge. A party’s attorney may verify the pleading *when he has personal knowledge of the facts*, but he does not have authority to verify based merely on his status as counsel.”) (emphasis added). Double Horn asks that the Court enter a ruling sustaining its objection and strike Mr. Hacker’s verification, which constitutes the only factual support for the Information.

Objections No. 2 and 3—Lack of Authentication and Inadmissible Hearsay

Double Horn further objects that Mr. Hacker’s verification is based on “documents and websites” which are unauthenticated and constituted inadmissible hearsay and hearsay within hearsay. *See* TEX. R. EVID. 802 (hearsay), 805 (hearsay within hearsay), and 901 (authentication). Websites are rank hearsay. *United States v. Jackson*, 208 F.3d 633, 637 (7th Cir. 2000)(web postings from the internet constitute inadmissible hearsay). “[A]ny evidence procured off the Internet is adequate for almost nothing, even under the most liberal

interpretations of the hearsay exception rules.” *St. Clair v. Johnny's Oyster & Shrimp, Inc.*, 76 F.Supp.2d 773, 775 (S.D. Texas 1999); *Conroy v. Hewlett-Packard Co.*, 2016 WL 1276552, at *5 (D. Or. Mar. 31, 2016) (excluding web page not authored by the party opponent as hearsay); *Allied Prop. & Cas. Ins. Co. v. Stuart*, 230 F. Supp. 3d 969, 980 n.1 (E.D. Mo. 2017) (“[U]nauthenticated website printouts attached as exhibits to summary judgment motions or responses are not admissible.”).

Double Horn also objects to Exhibits A through F of the Information, which are offered to prove the truth of the matter asserted, as those documents are not authenticated and constitute hearsay and hearsay within hearsay. *Id.* Double Horn asks that the Court enter a ruling sustaining its authentication and hearsay objections to both Mr. Hacker’s verification and Exhibits A through F and strike the verification and the exhibits.

IV. RESPONSE TO PETITION FOR LEAVE

Substantively, the State argues that it should be granted leave to file the Information, because Double Horn’s incorporation is invalid, based on two arguments: (1) that Double Horn was not an unincorporated town or village and therefore could not incorporate under TEX. LOCAL GOV’T CODE § 7.001; and (2) Double Horn’s incorporation includes property that is not to be used strictly for municipal purposes, thus violating TEX. LOCAL GOV’T CODE § 7.002(b). As discussed below, the State fails to show a probable ground for this case, as required by TEX. CIV. PRAC. & REM. CODE § 66.002(d), and therefore the Court should deny the State’s petition for leave.

A. Double Horn Constituted a Town or Village Prior to Incorporation

Section 7.001 of the Texas Local Government Code sets forth three requirements for a community to incorporate as a Type B general-law municipality:

§ 7.001 Authority to Incorporate as Type B General-Law Municipality

A community may incorporate under this chapter as a Type B general-law municipality if it:

- (1) constitutes an unincorporated town or village;
- (2) contains 201 to 9,999 inhabitants²¹; and
- (3) meets the territorial requirements prescribed by Section 5.901.

The State does not contest requirements (2)²² or (3)²³. Rather, the State only argues that Double Horn did not constitute a town or village prior to incorporation. The State's argument fails.

The applicable statutes do not define "town" or "village." However, case law provides:

'A town or a village is an assemblage of habitations. A town is larger than a village and smaller than a city. A village is larger than a hamlet. Both have, to some degree, an urban character as distinguished from a rural character. There should be some degree of unity and proximity between the habitations so assembled to constitute a town or village. To be entitled to incorporate, the area of the town or village should be susceptible of receiving some municipal services.'

²¹ The minimum population required for a community to incorporate as a town or village was reduced from 400 to 200 in 1941 at the start of World War II for the reason declared in the emergency clause of the legislation:

The fact that there is now contemplated the construction of defense projects in many sections of the State employing large numbers of men, and in the territory adjacent to some of said projects there are unincorporated villages and towns of more than two hundred (200) and less than four hundred (400) population, where the residents thereof have substantial investments in homes and in property that might be damaged if such residents are unable to control the development in the area of the unincorporated town or village during any mushroom growth...

Session Laws—Acts 1941, 47th Leg., pp. 68, 69, ch. 55, § 4.

²² By calling the election, it is presumed that the Burnet County Judge found two hundred or more inhabitants and **"the county judge's decision is conclusive."** See *Durham v. Crutchfield*, 578 S.W.2d 438, 441 (Tex. Civ. App. 1979, writ ref'd n.r.e.) ("Whether the town included two hundred or more residents as required by Art. 1133, Tex. Rev. Civ. Stat. Ann., was a matter upon which the county judge's decision is conclusive. In this case, since the county judge called the election, it must be presumed that he found two hundred or more residents within the area to be incorporated and found the area to be a town or village within the meaning of Art. 1133, supra.") (citations omitted).

²³ Section 5.901(1) requires that an incorporated municipality of fewer than 2,000 inhabitants must not have more than two square miles of surface area. Here, Double Horn consists of 1,226.63 acres, which equates to 1.9166 square miles.

Rogers v. Raines, 512 S.W.2d 725, 729 (Tex. Civ. App.—Tyler 1974, writ ref'd n.r.e.), citing *Harang v. State ex rel. City of West Columbia*, 466 S.W.2d 8 (Tex. Civ. App.—Houston [14th Dist.] 1971, no writ).

A “town” has been further defined as “a collection of inhabited houses” and its population is distinguished from a rural population of “people scattered over the country, and engaged in agricultural pursuits, or some similar avocations, requiring a considerable area of territory for its support.” *Rogers*, at 729, citing *State ex rel. Taylor v. Edison*, 13 S.W. 263, 264 (Tex. 1890). Further, a “town” designates an aggregation of houses so near one another that the inhabitants may fairly be said to dwell together.” *Rogers*, at 729, citing 87 C.J.S. Towns, Sec. 2, p. 7.

A “village” is less restrictive than a “town” and is “urban or semi-urban in its character.” *Rogers*, at 729, citing Antieau, *Municipal Corporation Law*, Vol 1, Sec. 104. A “town” is therefore more urban in character than a “village.”

In this case, the concentration of the residences and population of Double Horn qualifies as a town, and certainly satisfies the relaxed standard of a village. To satisfy either a town or village, the only factors the Court should consider are:

- (1) Does Double Horn have an urban character as distinguished from a rural population of “peoples scattered over the country, and engaged in agricultural pursuits, or some similar avocations, requiring a considerable area of territory for its support”;
- (2) some degree of unity and proximity between the habitations; and
- (3) the area should be susceptible to receiving some municipal services.

Rogers, at 729 (citations omitted).

In evaluating factors (1) and (2), the Court should inquire into whether there is a “compact center or a nucleus of population around which the town has developed.” *Rogers*, at 730. Cases which have found the lack of a compact center or nucleus are remarkably

distinguishable from this case. For example, in *Rogers v. Rains*, the court found no unity in a “rather unusual configuration” where 280 individuals lived in approximately 105 homes that were **scattered over 20 miles of property tracking highways, with at times as much as two miles of distance between homes.** 512 S.W.2d at 730. Further, at most, there was only one municipal street within the incorporated area. *Id.*

In *State ex rel. Needham v. Wilbanks*, 595 S.W.2d 849 (Tex. 1980) the Texas Supreme Court evaluated whether the community of Hallsburg’s incorporation was invalid. In doing so, the Court noted that at the time of incorporation Hallsburg had only **three residences** in the corporate city limits and the city’s **configuration was made up of 200 to 500-foot strips along 31 miles of roadway.** *Id.*, at 850. The Court found that it was not possible to drive from the northern part of the city to the southern part without leaving the city limits. *Id.* The Court further noted that the **distances between residences, many over one mile and two over 3 ¼ miles apart,** suggested the lack of a common nucleus. *Id.*, at 851. In reaching its conclusion, the Court noted that “**residences are wildly scattered, with only occasional clusters.**” *Id.*, at 853.

In *Harang v. State ex rel. City of West Columbia*, 466 SW.2d 8, 12 (Tex. Civ. App. Houston [14th Dist.] 1971, no writ) the court of appeals found that the community of Wild Peach’s incorporation was invalid because the community did not constitute a town or village. Wild Peach’s **municipal configuration included only land adjacent to a roadway over a 15 mile stretch with clusters of homes separated by distances as much as one mile.** *Id.*, at 11. Further, **only 7 of 100 habitations were included in an area that did not constitute a roadway strip.** *Id.*

The facts applicable to Double Horn are quite different than the foregoing cases and clearly show a non-rural character and a compact center or a nucleus of population around which the town has developed.

The historical background of the community of Double Horn, which dates back to the mid-1800s is rather remarkable. Double Horn was founded in 1855 at the headspring of Double Horn Creek, south of the Colorado River in Burnet County, fifty to sixty miles northwest of Austin, in 1855 by Jesse Burnam (or Burnham), Levi Fowler, and others. One of its early residents was Noah Smithwick. A particular factor in the founding of Double Horn appears to be the existence of a school run by a graduate of Yale named Professor W. H. Holland. Smithwick wrote of living in the Double Horn settlement in the late 1850s and particularly about the school and Professor Holland, to whom he sent his children for an education. He described the people living in the settlement as “people (who) were all in comfortable circumstances and had an excellent school...” The school, later known as the Double Horn School, had been founded near Grid Iron Creek and was then moved to Double Horn Creek. A post office was established for the community in October 1857, with Holland as the first postmaster. In 1884 Double Horn had a population of fifty along with the school, a cotton gin, and two churches. By 1896 its population had dropped to twenty-five, and a physician named Yett practiced there. The Double Horn post office was discontinued in 1911. The cotton gin and gristmill on Grid Iron Creek was later moved to the junction of Grid Iron and Double Horn creeks. A blacksmith shop and store were also nearby. A 1907 map of Burnet County shows the community of Double Horn near Marble Falls and Smithwick.²⁴ The Double Horn school was still shown on the 1936 county highway map, but most traces of the

²⁴ See 1907 map of Burnett County, attached.

community and school were gone by the second half of the twentieth century.²⁵ However, a large part of the original village became a residential subdivision known as Double Horn Creek.

Double Horn then incorporated in 2018. Double Horn consists of 1,226.63 acres, under two square miles, of property. Double Horn has approximately 105 residences and approximately 238 residents within its city limits. The Double Horn Creek residential area makes up approximately 1226 acres and constitutes a compact center and the nucleus of the town, with average lot sizes in the subdivision being in the range of residential medium density or estate lots—not large tracts used for agricultural purposes. Furthermore, there are many streets within the incorporated area.

The State contends that there are no stores or businesses within the corporate limits and that Double Horn does not own a public building. As an initial matter, the State cites no statute or case that requires stores or business, or a public building, for a municipal incorporation. Further, the contention that there are no businesses within Double Horn is factually inaccurate. Rather, at the entrance to Double Horn’s nucleus of homes exists commercial property used for office space, as a storage facility, and as a thrift store/antique business. Furthermore, while the City may not own a building for its governmental functions, it is not required to do so. Nonetheless, the City Council recently considered utilizing “office space available in building located at the corner of Vista View and Hwy 71 which is within the city limits” for municipal office space.²⁶ And the fact that Double Horn

²⁵ *Towns & Small Communities of Burnet County*, Online at: <http://usgenwebsites.org/TXBurnet/towns.html>; see also, “Double Horn, Tx,” *Handbook of Texas Online*, <https://tshaonline.org/handbook/online/articles/hvd33>.

²⁶ See minutes of February 28, 2019 City Council Meeting.

centers around a residential subdivision is of no consequence.²⁷ Many cities in Texas are comprised primarily of residential subdivisions.²⁸ Furthermore, the incorporated area within Double Horn is susceptible to receiving municipal services. Again, the cases invalidating an incorporation for the inability to receive municipal services are clearly distinguishable from the facts in this case.

In *Rogers v. Raines, supra*, the court found that the town of Tucker did not provide, and was unable to provide, any municipal services, other than possibly providing garbage collection, which was not feasible. In *Needham v. Wilbanks, supra*, the court noted that Hallsburg was “not capable of furnishing municipal services on any reasonable basis” and that the narrow strip configuration of the incorporated area precluded the provision of municipal services. *Id.*, at 852. As noted above, Hallsburg’s configuration consisted of 200 to 500-foot strips along 31 miles of highway. 595 S.W.2d at 850. Further, the court noted that it was not possible to drive from the northern part of the city to the southern part without leaving the city limits, thus further inhibiting the provision of municipal services. *Id.*

In *Harang v. State, supra*, the municipal functions the village of Wild Peach performed after its incorporation consisted of **enacting a single ordinance regulating the disposal of garbage at a landfill site, which affected only those inhabitants that lived near the landfill.** 466 SW.2d at 12-13. Further, because the territory included strips of area tracking 15 miles of county roads, there was no ability to offer public works or public safety functions. *Id.* at 13.

²⁷ Double Horn asks that the Court take judicial notice of the incorporation of the City of Meadowlakes, which incorporated a gated subdivision.

²⁸ Lakewood Village, Lowry Crossing, Oak Point, Hackberry, Aubrey, Valley View, Calisberg, Combine, Union Valley, Tioga, Oak Point, Mobile City, Nevada, and Howe are Texas municipalities composed primarily of residences with no or little commercial businesses. Upon first incorporation, many Texas municipalities have no or little commercial businesses which develop later.

Contrary to the foregoing cases, Double Horn is not irregularly shaped. Double Horn has a concentration of residences. Double Horn has provided or is in the process of providing numerous municipal services, including:

- Passing an ordinance setting the municipal boundaries and the boundaries of its extraterritorial jurisdiction and establishing an official map²⁹;
- Establishing Rules of Order and Procedure for city council meetings and related procedures, including setting forth duties of city officials, how citizens will be able to participate in governing meetings, when governmental meetings will occur, and the like³⁰;
- Setting forth the roles and duties of the Mayor and President Pro Tempore³¹;
- Setting a fiscal year of October 1 through September 30³²;
- Designating an official newspaper of the city³³;
- Established an official city website for posting city news, agendas and minutes, and other governmental information³⁴;
- Established a city checking account³⁵;
- Establishing an Emergency Plan for the City³⁶;
- Taking steps to provide law enforcement services for all areas within the corporate boundaries, including through an Interlocal Agreement with Burnet County³⁷;
- Taking steps to obtain or improve emergency services for all areas within the corporate boundaries, including through an agreement with Burnet County Emergency Services District No. 9³⁸;
- Taking steps to obtain a speed study from the State of Texas in furtherance of lowering the speed limit for drivers entering and exiting Highway 71 adjacent to the City³⁹;
- Taking steps to lease space for a City Hall⁴⁰;
- Taking steps toward establishing an estimated tax rate⁴¹;

²⁹ See Ordinance 2019-ORD001.

³⁰ See Ordinance 2019-ORD002.

³¹ See Ordinance 2019-ORD003.

³² See Ordinance 2019-ORD004.

³³ See Resolution 2019-RES001.

³⁴ See www.doublehorntx.org

³⁵ See minutes of March 14, 2019 city council meeting.

³⁶ See Agenda for March 27, 2019 city council meeting.

³⁷ See Agenda for March 27, 2019 city council meeting; see Agenda for March 30, 2019 city council meeting..

³⁸ See Agenda for March 30, 2019 city council meeting.

³⁹ See Resolution 2019-RES003.

⁴⁰ See minutes of March 14, 2019 city council meeting; see Agenda for March 27, 2019 city council meeting.

⁴¹ See Agenda for March 27, 2019 city council meeting.

- Identifying funding sources and fundraising activities⁴²;
- Taking steps toward establishing a municipal budget and estimated ad valorem tax rate⁴³;
- Adopting a resolution for the collection of ad valorem taxes⁴⁴;
- Taking steps to employ City Secretary on part time basis;
- Obtaining certifications of aldermen and mayor under the Texas Open Meetings Act;
- Obtaining certifications of aldermen and mayor under the Texas Public Information Act;
- Taking steps to adopt a comprehensive plan and zoning ordinance;
- Obtaining liability insurance through the Texas Municipal League Intergovernmental Risk Pool⁴⁵;
- Taking steps to provide garbage pickup for all areas within the corporate boundaries;
- Taking steps to provide a recycling program and pick up recycling for all areas within the corporate boundaries;
- Taking steps to establish a municipal program to provide maintenance of municipal streets;
- Implementing a program to designate and mark hiking and walking trails within the corporate limits;
- Implementing a program to monitor and report air quality within the corporate limits and provide the results to residents and property owners; and
- Implementing a program to monitor and report seismic activity within the corporate limits and provide the results to residents and property owners.

The foregoing municipal actions benefit or are intended to benefit the entire area of Double Horn—including the SCS property that the State focuses on. For example, SCS will benefit from the interlocal government cooperation for provision of law enforcement and emergency services, garbage and recycling pickup, monitoring and reporting of air quality and seismic activity, and controlling traffic through monitoring and potential reduction of speed on roadways directly adjacent to SCS's property.

⁴² See Agenda for March 27, 2019 city council meeting.

⁴³ See Agenda for March 27, 2019 city council meeting.

⁴⁴ See Resolution 2019-RES002.

⁴⁵ See minutes of March 14, 2019 city council meeting.

In addition to having a semi-urban character and unity and proximity between habitations within the incorporated area, the property within the corporate limits of Double Horn is not only susceptible, but is receiving or in the process of receiving, many municipal services. *See, e.g., Rogers v. Raines*, 512 S.W.2d 725, 729 (Tex. Civ. App.—Tyler 1974, writ ref'd n.r.e.). The Court need look no further than Double Horn's website www.doublehorntx.org (including city documents tab showing city documents, agendas and minutes, budget and tax rate, open meeting and open record training certifications, and city map) to see that the city is a fully functioning municipality like any other municipality in Burnet County and across the State of Texas. For the foregoing reasons, Double Horn was a town or village prior to incorporation and the State's allegations fail and should be rejected.

B. The State's Argument that SCS's Property Is Not Strictly for Municipal Purposes Fails

The State's second argument is that Double Horn's incorporation includes property, approximately 281 acres⁴⁶ owned by SCS that is not to be "used strictly for municipal purposes." The State relies on Section 7.002(b) of the Texas Local Government Code for this argument. The State's argument is misplaced.

Section 7.002 does not set forth the requirements to incorporate; requirements to incorporate are expressly set forth in section 7.001. Rather, section 7.002 sets forth the requirements for an application to be presented to a county judge for an election to proceed. Specifically, section 7.002(b) requires that an application presented to a county judge to incorporate must state the proposed boundaries and name of the municipality, "and it must be accompanied by a plat of the proposed municipality that contains only the territory to be

⁴⁶ *See proposed Information in the Nature of Quo Warranto*, ¶8, which constitutes a judicial admission.

used strictly for municipal purposes.” See TEX. LOCAL GOV’T CODE § 7.002(b). The county judge determines whether an application is satisfactory under Section 7.002, and if so, the county judge orders an election. See TEX. LOCAL GOV’T CODE § 7.003.

The electors voted to approve Double Horn’s municipal boundaries, which should be honored by this Court. In *State ex rel. Wilkie v. Stein*, 36 S.W.2d 698 (1931), the Supreme Court found that:

The law gives to the qualified voters of the inhabitants of a town or village the right to fix the boundaries of the territory sought to be embraced in the proposed incorporated town or village. What territory shall, or shall not, be included is a question of fact to be determined by the people immediately interested... If the corporate limits of a town or village are adjusted in the reasonable exercise of the judgment of the voters, and the exclusion or inclusion of lands, belonging to those who might object thereto, was not arbitrarily done, ... then in such a case the courts would be without power to interfere.

Id. at 699. Here, the State does not allege any arbitrary voter involvement, so the election and boundary should stand.

Aside from upholding the election results, courts have repeatedly concluded that the inclusion of vacant and uninhabited land, such as the SCS property in this case, does not invalidate a municipal incorporation. The requirement is that property “included in a municipality must be physically constituted so that it can be made subject to municipal government.” See 52 Tex. Jur. 3d Municipal Corporations § 36, *citing State v. Stein*, 36 S.W.2d 698 (Tex. Comm’n App. 1931). Further, “[a]lthough the territory sought to be incorporated must be capable of being used strictly for municipal purposes and must be likely to be so used within a reasonable time, the prospective expansion of the city or town may be taken into account.” *Id.*, *citing Stein and Merritt v. State*, 94 S.W. 372 (1906) (emphasis added).

Importantly, “*the intention of present or immediate future use of all the included area for municipal purposes is not required.*” *Id.* (emphasis added).

In *State v. Masterson*, 228 S.W. 623 (Tex. Civ. App.—Beaumont 1921, writ ref’d) the State brought a *quo warranto* proceeding to invalidate a municipal incorporation due to the inclusion of unoccupied land. However, the court of appeals noted that the inclusion of vacant and unoccupied lands does not automatically invalidate a municipal incorporation. *Id.* at 628. Rather, *Masterson* set forth that a court must evaluate the circumstances of the property at issue to determine whether it has the potential to be used for municipal purposes. In *Masterson*, the uninhabited property at issue consisted of 76 acres of land used as an oil field. The 76 acres was covered by 93 standing oil derricks, in no particular order or method, as well as “pump stations, power plants, underground tanks, slush pits, salt water drains and ditches, as well as much other paraphernalia used in oil development.” *Id.* On those specific facts, the court found that the municipality could have no reasonable expectation or intention to do anything with the 76 acres to make the property suitable for town purposes. *Id.* Therefore, the inclusion of that property invalidated the incorporation.

Those peculiar facts are not present here. Rather, regarding the SCS property, Double Horn does intend and reasonably expects to govern SCS’s 281 acres for town purposes. Double Horn has declared its intention to pass a comprehensive plan, zone all property within the city, require building to comply with subdivision regulations and building codes, and regulate various issues within its city, including fireworks and sexually oriented businesses.

Furthermore, Double Horn has already taken action in furtherance of its intent to provide municipal services that will extend to SCS’s property, including but not limited to:

provision of law enforcement and emergency services, garbage and recycling pickup, monitoring and reporting of air quality and seismic activity, and controlling traffic through monitoring and potential reduction of speed on roadways directly adjacent to SCS's property.⁴⁷

Double Horn's intentions and expectations for the SCS property constitute proper municipal purposes, even though the SCS property is currently uninhabited.

Appellate courts have held that vacant, uninhabited, or agricultural land may be included in, and not invalidate, corporate limits. *See State v. Hoard*, 62 S.W. 1054 (Tex. 1901) (inclusion of 205 acres of uninhabited, cultivated land did not render incorporation invalid); *State v. Hellman*, 36 S.W.2d 1002 (Tex. Comm. App. 1931) (permissible to include unused land within corporate limits for future growth); *State v. Larkin*, 90 S.W. 912 (Tex. Civ. App. 1905, writ ref'd) (incorporation should not include an *unreasonable amount* of pasture, agricultural, and wood land therein); *State v. Town of Baird*, 15 S.W. 98 (1890) (115 acres of purely agricultural land did not invalidate incorporation, as the potential to expand is proper).

In perhaps the earliest case on the issue, *McClesky v. State*, 23 S.W. 518 (Tex. Civ. App. 1893), the trial court granted the State's request to invalidate a town's incorporation due to the inclusion of vacant land. However, the court of appeals reversed, noting that a municipality's inclusion of a "reasonable amount" of unoccupied land in the incorporation is permissible.

⁴⁷ If SCS does, in fact, use the property as a quarry, Double Horn could convert from a Type B municipality to a Type A municipality. TEX. LOC. GOV'T CODE § 6.011(2).

The question is whether a reasonable amount of uninhabited land is included and whether there can be an intent or the reasonable expectation to use the property for municipal purposes in the future. See 52 Tex. Jur. 3d Municipal Corporations § 36, citing *Merritt v. State*, 94 S.W. 372 (1906). For example, an incorporation was invalid where **seventy-five percent (75%)** of property was uninhabited, agricultural land. See *Judd v. State*, 62 S.W. 543 (Tex. Civ. App. 1901). In *State ex rel. Brauer v. City of Del Rio*, 92 S.W.2d 287, 290 (Tex. Civ. App.—Eastland, 1936), the court found improper the inclusion of **2,500 acres** of “non-urban agriculture land, never part of the city, and never intended to be such.” In *Merritt v. State*, 94 S.W. 372 (Tex. Civ. App. 1906), the court found improper the inclusion of **eighty percent (4/5^{ths})** of the incorporated area, amounting to **4,700 acres**, which “not at the time of the election, nor is it now, embraced within the actual limits of said town, nor occupied by residences or other buildings, or in any other manner occupied or used for town purposes, nor is or was the same suitable for use, or ever intended or likely to be used for town purposes.” *Merritt*, at 373.

Here, the SCS property (281 acres) makes up only **22.9 %** of the square mileage of Double Horn—much less than the **75%** in *Judd*, the **2,500 acres** in *Brauer*, or the **4,700 acres** making up **80%** of the incorporated area in *Merritt*. The incorporation of the city of Jacksonville was upheld where the town was composed of 1100 acres, about 400 acres (**36%**) were agriculture. *Thompson v. State ex. Rel Donley*, 56 S.W. 603, 604 (Tex. Civ. App. – 1900, no writ). And the incorporation of the town of Celeste was upheld by the Texas Supreme Court where the town included **205 acres** of agricultural land with the total town area of 575 acres (**35%**). *State ex rel Perrin v. Hoard*, 62 S.W. 1054, 1055-56 (1901); see also *State ex rel Rushing v. Town of Baird*, 15 S.W. 98 (Tex. 1890) (affirming city incorporation

that included **115 acres** of agricultural land); *City of Waco v. Higginson*, 243 S.W. 1078, 1079 (Tex. Comm. App. 1922) (affirming city boundary extension containing **150 acres** of agricultural land) (citing *Cohen v. City of Houston*, 176 S.W. 809 (Tex. Civ. App.—Galveston 1915, writ ref'd) and *Cohen v. City of Houston*, 205 S.W. 757 (Tex. Civ. App.—Beaumont 1918, writ ref'd) (where courts approved Houston extending its boundary to include agricultural land “**a mile or more in each direction.**”). The court in *Higginson, supra*, stated “It is but natural that farms must give way to the necessities of large adjoining cities. The cotton field frequently becomes the foundation of a skyscraper.” 243 S.W. at 1079. Double Horn’s incorporation including only **22%** of vacant land should be upheld.

Moreover, Double Horn intends to and has a reasonable expectation to govern the SCS property for municipal purposes. It will be subject to a comprehensive plan and zoning, which involve the police power of the City of Double Horn.

Zoning is a quintessential governmental function.⁴⁸ Zoning is a proper exercise of a city’s police power, and zoning uses for property are contained in almost all zoning regulations. *See* Tex. Loc. Gov’t Code ch. 211.

The United States Supreme Court finds:

The zoning function is traditionally a governmental task requiring the ‘balancing [of] numerous competing considerations,’ and courts should properly ‘refrain from reviewing the merits of [such] decisions, absent a showing of arbitrariness or irrationality.’ *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 265, 97 S. Ct. 555, 563, 50 L.Ed.2d 450 (1977). Given the broad powers of states under the Twenty-First Amendment, judicial deference to the legislative exercise of zoning

⁴⁸ Zoning regulations are designed to (1) lessen congestion in the streets; (2) secure safety from fire, panic, and other dangers; (3) promote health and the general welfare; (4) provide adequate light and air; (5) prevent the overcrowding of land; (6) avoid undue concentration of population; (7) or facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Loc. Gov’t Code § 211.004.

powers by a city council or other legislative zoning body is especially appropriate *Larken v. Grendel's Den*, 103 S. Ct. 505, 509 (1982).

The Texas Supreme Court finds:

Zoning is a governmental function that allows 'a municipality, in the exercise of its legislative discretion, to restrict the use of private property.' *City of Brookside Village v. Comeau*, 633 S.W.2d 790, 792 (Tex. 1982); see *Mayhew v. Town of Sunnyvale*, 964 S.W.2d 922, 933 (Tex.1998) ("Zoning decisions are vested in the discretion of municipal authorities; courts should not assume the role of a super zoning board.")

A Texas court of appeals finds:

When the city is enforcing zoning ordinances, it is serving in its governmental function. A governmental unit's zoning authority is derived from the police power of the state, and all property is held subject to the valid exercise of the power. Both zoning ordinances and land-use ordinances are valid exercises of a city's police power to safeguard the health, comfort, and general welfare of its citizens. Land-use ordinances protect local residents from the ill effects of urbanization and enhance the quality of life, and, as such, are proper exercises of a city's police power. *Truong v. City of Houston*, 99 S.W.2d 204, 210 (Tex. App. – Houston [1st Dist.] 2003, no pet.) (internal citations omitted).

All property, including the SCS property, is subject to the valid exercise of police power. *City of College Station v. Turtle Rock Corp.*, 680 S.W.2d 802, 804 (Tex. 1984). Zoning comes under the police power of a municipality, is made to preserve the health and safety of its inhabitants, and it is within the power of a city to make regulations governing land use. *City of Breckenridge v. McMullen*, 258 S.W. 1099, (Tex. Civ. App. – Fort Worth 1923, no writ). Given the amount of property constituting the SCS property (22% of the total city), the municipal services provided and to be provided to the property, and Double Horn's intent to zone the SCS property which is a clear governmental function, the inclusion of SCS's property within Double Horn does not violate Section 7.002(b) and the State's attack should be rejected.

C. The State's *Quo Warranto* purpose is questionable

Finally, the State contends that Double Horn's incorporation was for the purpose of preventing SCS's planned property uses, namely certain quarry operations that the State contends SCS has a current permit for. As an initial matter, the State's accusation impermissibly lumps and presumes the intent of several voters, members of the public, who voted for the incorporation of Double Horn. Furthermore, the purpose of a *quo warranto* is for the public protection, **not to enforce private rights**. See *Staples v. State*, 245 S.W.639 (Tex. 1922). The State's pleadings certainly raise a question as to whether the State's proposed *quo warranto* proceeding is, itself, for a proper purpose, as its stated focus is to address property owned by and to benefit SCS, a private New York corporation.

Regardless, the Texas legislature has set forth statutes to address when a property owner has vested rights for prior lawful uses. See, e.g., TEX. LOCAL GOV'T CODE Chapter 245. Thus, to the extent that SCS qualifies for vested rights under the applicable laws, Double Horn could not, even if it desired, take action prohibited by the statute. Rather, the SCS property was included in the Double Horn incorporation for proper municipal plans and purposes, and the Court should disregard the State's contentions that Double Horn's incorporation was intended to, or would, prevent SCS from using its property for lawful purposes for which it holds proper vested rights under the applicable law.

V. CONCLUSION AND PRAYER

Double Horn's incorporation was lawful. Contrary to the State's unsupported assertions, Double Horn constituted an unincorporated town or village prior to incorporation and its incorporation complied with TEX. LOCAL GOV'T CODE § 7.001, *et seq.* Further, since its incorporation, Double Horn has engaged in governmental regulation and

provision, or commenced efforts and plans to provide, municipal services within its incorporated boundaries. Further, the inclusion of SCS's property is consistent with the applicable statutory requirement and case law pertaining to the inclusion of vacant and uninhabited property, as Double Horn intends to utilize SCS's property for town purposes.

The State has not and cannot meet its burden to pursue a *quo warranto* claim in this matter and therefore the court should deny the State's motion for leave to file the Information and dismiss this case.

WHEREFORE, the City of Double Horn, its mayor and alderman pray that the Court enter a ruling sustaining its objections set forth above, that the State of Texas' petition for leave to file its Information be denied, that this matter be dismissed and the State take nothing by its claims, and for such other and further relief, both general and special, at law and in equity, to which the City of Double Horn may show itself justly entitled.

Respectfully submitted,

/s/ Wm. Andrew Messer

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972.668.6400 - TELEPHONE

972.668.6414 - FACSIMILE

COUNSEL FOR

DOUBLE HORN DEFENDANTS

CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing document has been sent via electronic service to all counsel of record on the 2nd day of April, 2019.

/s/Wm. Andrew Messer

Wm. Andrew Messer



THE COUNTY OF BURNET
Burnet, Texas 78611

CERTIFIED EXTRACT COPY

The State of Texas
County of Burnet

I, Janet Parker, Clerk of the Burnet County Commissioner's Court of Burnet County, Texas, do hereby certify that the foregoing contains a full, true and correct copy of the following:

Item #21:
Election Results for the Incorporation Election of Double Horn

The court discussed the canvassing of the election results for the Incorporation Election of Double Horn

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther Jr. to approve the canvass of the incorporation of the city of Double Horn.

Vote: 5 – 0 Passed Unanimously

Attachments:
Summary of Precinct Returns
Canvass
Official Map

Witness my hand and seal of office on this day the 11th day of December 2018.



Janet Parker

Janet Parker
County Clerk & EX Officio Clerk of the
Burnet County Commissioner's Court



I, Janet Parker, COUNTY CLERK OF BURNET COUNTY, CERTIFY THIS TO BE A TRUE AND CORRECT COPY AS THE SAME APPEARS OF RECORD IN MY OFFICE. WITNESS MY HAND AND SEAL OF OFFICE ON THIS DATE.

DATE: 03/29/2019

Janet Parker, BURNET COUNTY CLERK

BY: _____ DEPUTY CLERK



**Office of Elections Administration
Burnet County, Texas**

Doug Ferguson
Elections Administrator

(512) 715-5288
Fax (512) 715-5287

CANVASS

I, Doug Ferguson, Elections Administrator for Burnet County Texas, do certify that the following are a true and accurate statement of the votes cast for the City of Double Horn Election held on December 06, 2018.

Dated: December 11, 2018

Doug Ferguson
Elections Administrator
Burnet County, Texas

Burnet County Elections, County Clerk Records Building
Physical: 106 W. Washington St. Burnet, Texas 78611
Mailing: 220 S. Pierce St. Burnet, Texas 78611
e-mail address: elections@burnetcountytexas.org



I, Janet Parker, COUNTY CLERK OF BURNET COUNTY, CERTIFY THIS TO BE A TRUE AND CORRECT COPY AS THE SAME APPEARS OF RECORD IN MY OFFICE. WITNESS MY HAND AND SEAL OF OFFICE ON THIS DATE.

DATE: 03/29/2019

Janet Parker, BURNET COUNTY CLERK

BY: _____ DEPUTY CLERK

SUMMARY OF PRECINCT RETURNS



We, the undersigned, the presiding officers of the canvassing authority for the special election held by Burnet County, Texas on the 6th day of December, 2018, do hereby certify that the following is a total of all votes received for the measure as shown by the precinct report.

We further certify that the following vote totals include early voting votes by precinct received under section 87.1231 of the Texas Election Code.

Name of Election
Special Election for Incorporation

Name of Proposition
"Shall the City of Double Horn incorporate as a Type B municipality?"

Total Votes Received

FOR	<u>75</u>
AGAINST	<u>65</u>

Dated this 11th day of December, 2018.

James Oakley, County Judge

Jim Lütler, County Commissioner, Pct. 1

Russell Graeter, County Commissioner, Pct. 2

Billy Wall, County Commissioner, Pct. 3

Joe Don Dockery, County Commissioner, Pct. 4



I, Janet Parker, COUNTY CLERK OF BURNET COUNTY, CERTIFY THIS TO BE A TRUE AND CORRECT COPY AS THE SAME APPEARS OF RECORD IN MY OFFICE. WITNESS MY HAND AND SEAL OF OFFICE ON THIS DATE.

DATE: 03/29/2019

Janet Parker, BURNET COUNTY CLERK

BY: DEPUTY CLERK

PROJECT NO. 14147
 CLIENT: J. D. BOE, JR., SHERIFF
 DRAWING DATE: _____

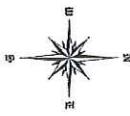
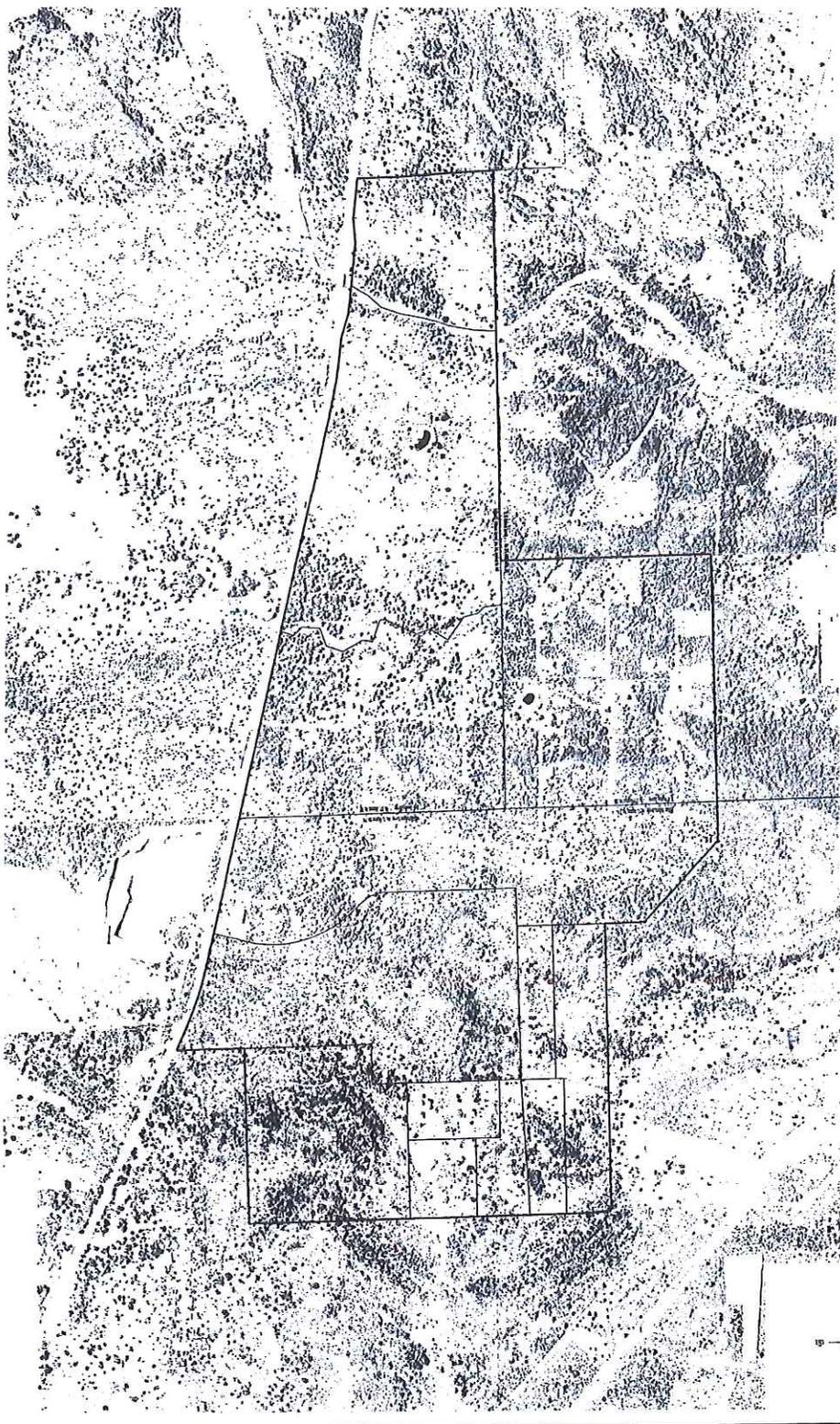
1500 OLLIE LANE
 SUITE 100
 HUNTSVILLE, AL 35894
 WWW.CAMPASSOCIATES.COM



SCALE: 1" = 500'

DATE	BY	DESCRIPTION

SHEET 1 OF 1



I, Janet Parker, COUNTY CLERK OF BURNET COUNTY, CERTIFY THIS TO BE A TRUE AND CORRECT COPY AS THE SAME APPEARS OF RECORD IN MY OFFICE. WITNESS MY HAND AND SEAL OF OFFICE ON THIS DATE.
 DATE: 03/29/2019
 BY: _____ DEPUTY CLERK



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Janet Parker

Janet Parker, County Clerk

Burnet County Texas

12/12/2018 11:42:41 AM

FEE: \$0.00

201812811

INC



I, Janet Parker, COUNTY CLERK OF BURNET COUNTY, CERTIFY THIS TO BE A TRUE AND CORRECT COPY AS THE SAME APPEARS OF RECORD IN MY OFFICE. WITNESS MY HAND AND SEAL OF OFFICE ON THIS DATE.

DATE: 03/29/2019

Janet Parker, BURNET COUNTY CLERK

BY: _____ DEPUTY CLERK





THE COUNTY OF BURNET
Burnet, Texas 78611

The State of Texas
County of Burnet

I, Janet Parker, County Clerk of Burnet County, Texas, do hereby certify that the following Commissioners Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on September 25, 2018.

Dated this 29th day of March, 2019.

ATTEST:

A handwritten signature in blue ink that reads "Janet Parker".

Janet Parker, County Clerk
And Ex-Officio Clerk of the
Commissioners Court of
Burnet County, Texas



The State of Texas {}
County of Burnet {} On this the 25th day of September 2018, the Burnet County
Commissioners Court met in regular session. The following members of the court were present:

Present: County Judge James Oakley; Commissioner Precinct 1 Jim Luther, Jr.; Commissioner
Precinct 2 Russell Graeter; Commissioner Precinct 3 Billy Wall; Commissioner
Precinct 4 Joe Don Dockery

Attendees: Stephanie McCormick, Comm. Court Coordinator; Karen Hardin, County Auditor;
Janet Parker, County Clerk

AGENDA

1. Call to Order
2. Invocation and Pledge of Allegiance to the flags.
3. Public Comments. Any person with business before the Commissioner's Court not scheduled on the agenda may speak to the Court. No formal action can be taken on these items at this meeting. Comments regarding specific agenda items should occur when the item is called. There is a 2 minute speaking limit.
4. Discussion and/or action concerning moving the regularly scheduled Commissioner's Court dates from November 13, 2018 to November 14, 2018, and December 25, 2018 to December 20, 2018
5. Discussion and/or action regarding the approval to accept grant for FY 19 for the 33rd and 424th Judicial Districts Drug Court Program with Specialty Courts Program with the Criminal Justice Division (CJD) of the Office of the Governor in the amount of \$87, 109.00
6. Discussion and/or action regarding a presentation on groundwater availability by Mitchell Sodek, General Manager, Central Texas Groundwater Conservation District
7. Discussion and/or action concerning the resignation of Judge Roxanne Nelson from the Opportunities for Williamson and Burnet Counties, and the appointment of Damon Beierle to same
8. Discussion and/or action regarding the appointment of Judge Roxanne Nelson to the Bluebonnet Trails Board
9. Discussion and/or action regarding the burn ban for the unincorporated areas of Burnet County
10. Discussion and/or action regarding the reconsideration of the third early voting location in Marble Falls, for the general election, as requested by Marble Falls, ISD
11. Discussion and/or action regarding the Approval of amendment to the Personnel Policies for The County of Burnet
12. Public Hearing per Sec. 751.006 Texas Health & Safety Code:
 - a. 9:00 a.m. concerning the mass gathering permit relating to the Utopia Fest scheduled for November 1-4, 2018

13. Discussion and/or action regarding the Final Plat of "Clearwater Landing at LBJ, Plat No. 1.47, A Private Subdivision, Burnet County, Texas", being a replat of Lots 46 and 47, Clearwater Landing at LBJ, Plat No. 1.1, located at Blue Herron Drive, A Private Subdivision, Burnet County, Texas into one lot
14. Discussion and/or action regarding the Final Plat of "Clearwater Landing at LBJ II, Phase 2, Plat No. 2.11, 0.45 acre out of the William Simmons Svy. No. 121, Abst. No. 777, off The Legends, Burnet County, Texas
15. Discussion and/or action regarding the Final Plat of the "The Ranch on Lake LBJ, Phase One, Plat No. 1.9, 0.66 acres out of the W.B. Wainscott Svy. No. 29, Abst. No. 949, 200 block of Hannahs Way, A Private Subdivision, Burnet County, Texas.
16. Discussion and/or action regarding the Final Plat of the "The Legends, Plat No. 6.06, a Private Subdivision, Burnet County, Texas. Being a Replat of Lots 6006 and 6013, The Legends, Plat No. 6.1, located on Ranchway Circle.
17. Discussion and/or action regarding the Preliminary Plat of Rustic Ranch Subdivision, 10.00 Acres consisting of 5.50 acres out of the Fedele Secholzer Svy. No. 18, Abst. No. 791 and 4.50 acres out of the Maria Catalina Salinas Svy. No. 776, Burnet County, Texas "at the intersection of Rustic Lane and Hummingbird Way adjacent to "The Place"
18. Discussion and/or action regarding the Replat of Lots 318 and a portion of 322, Windermere Oaks, to be known as "Lot 318-A, Windermere Oaks, Chestershire Section, Burnet County, Texas"
19. Discussion and/or action regarding the Replat of Lots 289 -291 and half of 292, Windermere Oaks, to be known as "Lot 290-A, Windermere Oaks, Yorkshire Section, Burnet County, Texas"
20. Discussion and/or action regarding the Replat of half of Lot 292 and all of Lots 293 and 294, Windermere Oaks, Yorkshire Section, Burnet County, Texas.
21. Executive Session. Discussion with Burnet County Commissioner's Court and the County Civil Attorney(s) and/or the County Attorney in accordance with Texas Government Codes 551.071. The Commissioners Court reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters as authorized by the Texas Government Code including, but not limited to, Sections: 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), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), 551.0725 (Contracts being negotiated).
22. Reconvene in Open Session.
23. Discussion and/or action regarding items discussed in Executive Session and take up for consideration and possible action, pursuant to Chapter 262, Texas Local Government Code.
24. Discussion and/or action regarding Department Updates:
 - a. Treasurer Report for August
25. Acknowledgement of Receipt:
 - a. TCEQ Notice of Application for an Air quality Standard Permit For Permanent

Rock and Concrete Crushers

b. 33rd and 424th Judicial District Courts Administrative Order Setting Compensation and Expenses of Court Reporters

c. 33rd and 424th Judicial District Courts Administrative Order Setting Compensation and Expenses of Auditor Assistants of Burnet County

26. Discussion and/or action regarding contracts, agreements or grants to be approved and/or ratified:

27. Call for Bids/Requests for Proposals/Qualifications. Discussion and/or action on bid/RFP openings or submitted bids.

28. The following items are part of the Consent Agenda and require no deliberation by the Commissioner's Court. Any item from this agenda may be considered separately:

a. Consideration and approval of any pending personnel issues within the policy.

b. Payroll approval.

c. Consideration and approval concerning budget amendments.

d. Consideration and approval concerning budget line item transfers.

e. Consideration and authorization of payment of claims previously approved by the County Auditor.

f. Acceptance of reports of County Officials as required by LGC 115.02 previously examined by the County Auditor

g. Consideration and approval regarding Departmental equipment requests and/or property transfers.

h. Correspondence.

29. Discussion regarding any previous agenda items.

30. Calendar Review.

31. Adjournment.

ADDENDUM

Discussion and/or action concerning approving a Special Election regarding an Incorporation Election in the Spicewood Area.

Item #1:

Call to Order

Judge Oakley called the meeting to order at 9:08 a.m.

Item #2:

Invocation and Pledge of Allegiance to the Flags

Commissioner Precinct 4 Joe Don Dockery gave the invocation.

The court led the Pledge of Allegiance to the United States and Texas Flags.

Item #12:

Public Hearing Concerning Utopia Fest

The court held a Public Hearing per Sec. 751.006 Texas Health & Safety Code:
a. 9:00 a.m. concerning the mass gathering permit relating to the Utopia Fest
scheduled for November 1-4, 2018

Sherriff Calvin Boyd voiced his concerns with the road leading into the event and the dates
of the event.

Judge Oakley stated this item will be on the October 9, 2018 agenda.

Item #3:
Comments

The court heard Public Comments. Any person with business before the Commissioner's
Court not scheduled on the agenda may speak to the Court. No formal action can be taken
on these items at this meeting. Comments regarding specific agenda items should occur
when the item is called. There is a 2 minute speaking limit.

Lee Winkler, Resident, presented more signed petitions against Utopia Fest and voiced her
concerns with this festival.

Carolyn Chambers, Resident, stated she hopes all County Officials' have done their due
diligence and deny this permit.

Stan Roundtree, Resident, stated his concerns with the location, fire safety, and response
times should this festival be held.

Eddie Shell, Attorney, thanked the residents for everything they have done to create the
United Shady Grove Corridor. Mr. Shell stated his concerns with the promoters following the
nondiscretionary and discretionary statutes.

Darrin Zinser, Resident, stated his concerns with the application, road leading into the
event and the lack of a second entrance/exit.

Bonnie Brown, Resident, stated her concern for her neighbors, festival attendees, and deer
hunters.

Debbie Balsam, Former Nurse at Shady Grove Elementary, stated her concerns with the road
and congestion on the narrow road.

Sandra Estes, Resident, stated her concerns with the security, the effect on hunting season
and fellow residents.

Jeff Pruitt, Resident, stated his concerns with fire hazards.

Juanita Coffman, Resident, stated if this permit is approved the County is inviting disaster.

Shawn Lovelace, Resident, stated his concerns for future events should this one be approved.

Commissioner Precinct 2 Russell Graeter stated he won't be in attendance October 9, 2018. Mr. Graeter voiced his concerns as a resident of this area.

Judge Oakley closed the public hearing.

Attachments:

Flood Plain
Petitions

Recess

The court recessed at 10:15 a.m.

Reconvene

The court reconvened at 10:20 a.m.

Addendum

The court discussed an action concerning approving a Special Election regarding an Incorporation Election in the Spicewood Area.

Doug Ferguson, Elections Administrator, addressed the timeline for a Special Election. Mr. Ferguson stated they have missed the timeline for the November 6 Election, and a Special Election would require 17 days for early voting.

R.G. Carver, Spokesperson for Spicewood Equity Protection Alliance of Texas, stated they are seeking to incorporate by Special Election Ballot. Should this be approved, the city would like to be a Type B General Law City known as Double Horn. Mr. Carver presented a plat to the court and stated how they have met the applicable statutes.

Judge Oakley suggested meeting with Eddie Arredondo, County Attorney, and Doug Ferguson, Elections Administrator.

Chris Bradford, Spicewood Crushed Stone LLC. Representative, would like to see the plat and petition.

The court took no action.

Attachments:

Map

Item #6:

Central Texas Groundwater Conservation District

The court heard a presentation on groundwater availability by Mitchell Sodeck, General Manager, Central Texas Groundwater Conservation District.

Mitchell Sodeck, General Manager Central Texas Groundwater Conservation District, requested the court adopt an existing statute requiring an Engineer or Professional Geoscientist's seal the plat stating the subdivisions have adequate water. Mr. Sodeck would like the Groundwater District to have the opportunity to review these studies before the final plat approval.

Wayne Brown, Director Groundwater Conservation District, is recommending forming a joint committee to work with developers and Central Texas Water Conservation District. Mr. Brown would also like to amend Burnet County Subdivision Regulations to require this.

The court will meet on workshop settings with the District to address well issues.

The court took no action.

Kathy Griffis Bailey introduced herself as the District #1 Representative.

Attachments:

Water Availability Requirements for Subdivisions

Item #13:

Clearwater Landing at LBJ

The court discussed the Final Plat of "Clearwater Landing at LBJ, Plat No. 1.47, A Private Subdivision, Burnet County, Texas", being a replat of Lots 46 and 47, Clearwater Landing at LBJ, Plat No. 1.1, located at Blue Herron Drive, A Private Subdivision, Burnet County, Texas into one lot.

Don Sherman, Willis Sherman & Associates and Herb Darling, Environmental Services Director, presented the final plat to the court.

Motion is made by: Commissioner Precinct 1 Jim Luther, Jr., Seconded by: Commissioner Precinct 3 Billy Wall to approve the final plat of "Clearwater Landing at LBJ, Plat No. 1.47, A Private Subdivision, Burnet County, Texas", being a replat of Lots 46 and 47, Clearwater Landing at LBJ, Plat No. 1.1, located at Blue Herron Drive, A Private Subdivision, Burnet County, Texas into one lot.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Plat

Publisher's Affidavit

Item #14:

Clearwater Landing at LBJ II, Phase 2

The court discussed the Final Plat of "Clearwater Landing at LBJ II, Phase 2, Plat No. 2.11, 0.45 acre out of the William Simmons Svy. No. 121, Abst. No. 777, off The Legends, Burnet County, Texas.

Don Sherman, Willis Sherman & Associates and Herb Darling, Environmental Services Director, presented the final plat to the court.

Motion is made by: Commissioner Precinct 1 Jim Luther, Jr., Seconded by: Commissioner Precinct 2 Russell Graeter to approve the final plat of "Clearwater Landing at LBJ II, Phase 2, Plat No. 2.11, 0.45 acre out of the William Simmons Svy. No. 121, Abst. No. 777, off The Legends, Burnet County, Texas.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Plat

Item #15:

The Ranch on Lake LBJ, Phase One

The court discussed the Final Plat of the "The Ranch on Lake LBJ, Phase One, Plat No. 1.9, 0.66 acres out of the W.B. Wainscott Svy. No. 29, Abst. No. 949, 200 block of Hannahs Way, A Private Subdivision, Burnet County, Texas.

Don Sherman, Willis Sherman & Associates, and Herb Darling, Environmental Services Director, presented the final plat to the court.

Motion is made by: Commissioner Precinct 2 Russell Graeter, Seconded by: Commissioner Precinct 4 Joe Don Dockery to approve the final plat of the "The Ranch on Lake LBJ, Phase One, Plat No. 1.9, 0.66 acres out of the W.B. Wainscott Svy. No. 29, Abst. No. 949, 200 block of Hannahs Way, A Private Subdivision, Burnet County, Texas.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Plat

Item #16:
The Legends

The court discussed the Final Plat of the "The Legends, Plat No. 6.06, a Private Subdivision, Burnet County, Texas. Being a Replat of Lots 6006 and 6013, The Legends, Plat No. 6.1, located on Ranchway Circle.

Don Sherman, Willis Sherman & Associates and Herb Darling, Environmental Services Director, presented the final plat to the court.

Motion is made by: Commissioner Precinct 1 Jim Luther, Jr., Seconded by: Commissioner Precinct 3 Billy Wall to approve the final plat of the "The Legends, Plat No. 6.06, a Private Subdivision, Burnet County, Texas," once the final document has been received by Mr. Sherman.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Plat
Publisher's Affidavit

Item #17:
Rustic Ranch Subdivision

The court discussed the Preliminary Plat of Rustic Ranch Subdivision, 10.00 Acres consisting of 5.50 acres out of the Fedele Secholzer Svy. No. 18, Abst. No. 791 and 4.50 acres out of the Maria Catalina Salinas Svy. No. 776, Burnet County, Texas "at the intersection of Rustic Lane and Hummingbird Way adjacent to "The Place".

Don Sherman, Willis Sherman & Associates and Herb Darling, Environmental Services Director, presented the preliminary plat to the court.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 3 Billy Wall to approve the preliminary plat of Rustic Ranch Subdivision, 10.00 Acres consisting of 5.50 acres out of the Fedele Secholzer Svy. No. 18, Abst. No. 791 and 4.50 acres out of the Maria Catalina Salinas Svy. No. 776, Burnet County, Texas "at the intersection of Rustic Lane and Hummingbird Way adjacent to "The Place".

Vote: 5 - 0 Passed - Unanimously

Attachments:

Plat

Item #18:

Replat of Lots 318 and a Portion of 322, Windermere Oaks

The court discussed the replat of Lots 318 and a portion of 322, Windermere Oaks, to be known as "Lot 318-A, Windermere Oaks, Chestershire Section, Burnet County, Texas".

Don Sherman, Willis Sherman & Associates and Herb Darling, Environmental Services Director, presented the replat to the court.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve the replat of Lots 318 and a portion of 322, Windermere Oaks, to be known as "Lot 318-A, Windermere Oaks, Chestershire Section, Burnet County, Texas" subject to P.O.A. signatures.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Plat

Publisher's Affidavit

Item #19:

Replat of Lots 289 -291 and Half of 292, Windermere Oaks

The court discussed the replat of Lots 289 -291 and half of 292, Windermere Oaks, to be known as "Lot 290-A, Windermere Oaks, Yorkshire Section, Burnet County, Texas" subsequent to receiving the original.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve the replat of Lots 289 -291 and half of 292, Windermere Oaks, to be known as "Lot 290-A, Windermere Oaks, Yorkshire Section, Burnet County, Texas subsequent to receiving the original.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Plat

Publisher's Affidavit

Item #20:

Replat of Half of Lot 292 and All of Lots 293 and 294, Windermere Oaks, Yorkshire Section

The court discussed the replat of half of Lot 292 and all of Lots 293 and 294, Windermere Oaks, Yorkshire Section, Burnet County, Texas.

Don Sherman, Willis Sherman & Associates and Herb Darling, Environmental Services Director, presented the replat to the court.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 3 Billy Wall to approve the replat of half of Lot 292 and all of Lots 293 and 294, Windermere Oaks, Yorkshire Section, Burnet County, Texas subsequent to receiving original signatures.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Plat

Publisher's Affidavit

Item #26:

Contracts, Agreements or Grants

The court discussed contracts, agreements or grants to be approved and/or ratified.

Constable Precinct 4 Missy Bindseil introduced Chris Cowan as the new Environmental Deputy.

Item #11:

Personnel Policies

The court discussed the approval of an amendment to the Personnel Policies for The County of Burnet.

Sara Ann Luther, Human Resources Director, presented the proposed changes to the court.

Motion is made by: Commissioner Precinct 2 Russell Graeter, Seconded by: Commissioner Precinct 3 Billy Wall to approve an amendment to the Personnel Policies for The County of Burnet concerning Policy 3.07 Overtime Compensation.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Proposed Policies

Item #24:

Department Updates

The court discussed Department Updates:

a. Treasurer Report for August

Sara Ann Luther, Human Resources Director, stated open enrollment is completed.

Karrie Crownover, Treasurer, presented the Treasurer's Report for August.

Motion is made by: Commissioner Precinct 4 Joc Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther Jr., to approve the Treasurer's Report for August.

Vote: 5 - 0 Passed - Unanimously

Herb Darling, Environmental Services Director, stated his office is busy.

Attachments:

Treasurer's Monthly Report

Item #4:

November and December Commissioner Court Dates

The court discussed moving the regularly scheduled Commissioner's Court dates from November 13, 2018 to November 14, 2018, and December 25, 2018 to December 20, 2018.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve moving the regularly scheduled Commissioner's Court dates from November 13, 2018 to November 14, 2018, and December 25, 2018 to December 20, 2018.

Vote: 5 - 0 Passed - Unanimously

Item #5:

FY 19 Grants for the 33rd and 424th Judicial Districts

The court discussed approval to accept grant for FY 19 for the 33rd and 424th Judicial Districts Drug Court Program with Specialty Courts Program with the Criminal Justice Division (CJD) of the Office of the Governor in the amount of \$87, 109.00.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 4 Joe Don Dockery to accept a grant for FY 19 for the 33rd and 424th Judicial Districts Drug Court Program with Specialty Courts Program with the Criminal Justice Division (CJD) of the Office of the Governor in the amount of \$87,109.00.

Vote: 5 - 0 Passed - Unanimously

Attachments:

33rd and 424th Judicial Districts Drug Court Program

Item #7:

Opportunities for Williamson and Burnet Counties

The court discussed the resignation of Judge Roxanne Nelson from the Opportunities for Williamson and Burnet Counties, and the appointment of Damon Beierle to same.

Incoming Commissioner Damon Beierle has stated he is unable to accept this appointment.

Judge Oakley asked the court for any recommendations.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to accept the resignation of Judge Roxanne Nelson from the Opportunities for Williamson and Burnet Counties.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Judge Roxanne Nelson Resignation

Item #8:
Bluebonnet Trails Board Appointment

The court discussed the appointment of Judge Roxanne Nelson to the Bluebonnet Trails Board.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 4 Joe Don Dockery to accept the appointment of Judge Roxanne Nelson to the Bluebonnet Trails Board.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Judge Roxanne Nelson Appointment

Item #9:
Burn Ban

No action was taken.

Item #10:
General Election Voting Locations

The court made a reconsideration of the third early voting location in Marble Falls, for the general election, as requested by Marble Falls, ISD.

Judge Oakley stated the proposed third voting location is Marble Falls Middle School.

Motion is made by: County Judge James Oakley, Seconded by: Commissioner Precinct 4 Joe Don Dockery to designate the third early voting location be at the Marble Falls Middle School.

Vote: 5 - 0 Passed - Unanimously

Addendum

The court discussed approving a Special Election regarding an Incorporation Election in the Spicewood Area.

Doug Ferguson, Elections Administer, stated he has received all the petitions and will be checking signatures. Mr. Ferguson stated voting will be held at 103 Double Horn Trail on December 6, 2018, early voting will be held at the South Annex.

No further action was taken.

Attachments:

Official Map

Item #25:

Acknowledgement of Receipt

The court made an Acknowledgement of Receipt:

- a. TCEQ Notice of Application for an Air quality Standard Permit For Permanent Rock and Concrete Crushers
- b. 33rd and 424th Judicial District Courts Administrative Order Setting Compensation and Expenses of Court Reporters
- c. 33rd and 424th Judicial District Courts Administrative Order Setting Compensation and Expenses of Auditor Assistants of Burnet County

Item #26:

Contracts, Agreements or Grants

The court discussed contracts, agreements or grants to be approved and/or ratified:

Karen Hardin, County Auditor, added an additional grant from the Office of the Governor, Criminal Justice Division, Violence Against Women Formula Grant for DPS Sex Offender Registry Investigator.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 1 Jim Luther, Jr., to approve the acceptance of a grant from the Office of the Governor, Criminal Justice Division, Violence Against Women Formula Grant for DPS Sex Offender Registry Investigator.

Vote: 5 - 0 Passed - Unanimously

Karen Hardin, County Auditor, added a contract with Eide Bailly for Auditing Services in the amount of \$32,000.00.

Motion is made by: Commissioner Precinct 1 Jim Luther, Jr., Seconded by: Commissioner Precinct 3 Billy Wall to approve a contract with Eide Bailly in the amount of \$32,000.00.

Vote: 5 - 0 Passed - Unanimously

Karen Hardin, County Auditor, additional contract with Johnson Controls Inc. and a Professional Services Agreement with Phillip Pall, Veterans Service Officer.

Motion is made by: Commissioner Precinct 2 Russell Graeter, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve contracts with Johnson Controls Inc. and Phillip Pall.

Vote: 5 - 0 Passed - Unanimously

Attachments:

- Eide Bailly Contract
- Johnson Controls Inc. Contract
- Phillip Pall Professional Services Agreement

Item #27:

Call for Bids/Requests for Proposals/Qualifications

The court discussed a Call for Bids/Requests for Proposals/Qualifications. Discussion and/or action on bid/RFP openings or submitted bids.

Karen Hardin, County Auditor, presented the bid received from Trucksite in the amount of \$49,080.00.

Motion is made by: Commissioner Precinct 1 Jim Luther, Jr., Seconded by: Commissioner Precinct 2 Russell Graeter to accept the bid for a 2003 Thomas Built Safe-T Liner Prison Transport Bus in the amount of \$49,080.00

Vote: 5 - 0 Passed - Unanimously

Item #28:

Consent Agenda

The court discussed the Consent Agenda and require no deliberation by the Commissioner's Court. Any item from this agenda may be considered separately:

- a. Consideration and approval of any pending personnel issues within the policy.
- b. Payroll approval.
- c. Consideration and approval concerning budget amendments.
- d. Consideration and approval concerning budget line item transfers.
- e. Consideration and authorization of payment of claims previously approved by the County Auditor.
- f. Acceptance of reports of County Officials as required by LGC 115.02 previously examined by the County Auditor
- g. Consideration and approval regarding Departmental equipment requests and/or property transfers.
- h. Correspondence.

Motion is made by: Commissioner Precinct 1 Jim Luther, Jr., Seconded by: Commissioner Precinct 2 Russell Graeter to approve the consent agenda in its entirety.

Vote: 5 - 0 Passed - Unanimously

Attachments:

- Amendments
- Assignment of County Property
- Line Item Transfers

Item #29:

Previous Agenda Items

No action was taken.

Item #30:

Calendar Review

The court discussed calendar review.

Item #21:

Executive Session

The court went into Executive Session. Discussion with Burnet County Commissioner's Court and the County Civil Attorney(s) and/or the County Attorney in accordance with Texas Government Codes 551.071. The Commissioners Court reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters as authorized by the Texas Government Code including, but not limited to, Sections: 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), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), 551.0725 (Contracts being negotiated).

The court will discuss security measures at the Jail and pending litigation Caroom vs. Inks Isle LLC. involving Herb Darling and Burnet County Commissioner's Court.

Attendees:

Eddie Arredondo
Karen Hardin
Capt. Matt Kimbler
Lt. Grayson Floyd
Janet Parker

Item #22:

Reconvene in Open Session

The court reconvened in Open Session at 12:20 a.m.

Commissioner Precinct 2 Russell Graeter was not present.

Item #23:

Items Discussed in Executive Session

The court discussed actions regarding items discussed in Executive Session and take up for consideration and possible action, pursuant to Chapter 262, Texas Local Government Code.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther, Jr., to call for bids for a Security System at the Jail.

Vote: 4 - 0 Passed - Unanimously

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to authorize the County Attorney to contact TAC concerning the lawsuit.

Vote: 4 - 0 Passed - Unanimously

Item #31:
Adjournment

Judge Oakley adjourned the meeting at 12:21 p.m.

Attested:


Janet Parker, County Clerk



THE COUNTY OF BURNET
Burnet, Texas 78611

The State of Texas
County of Burnet

I, Janet Parker, County Clerk of Burnet County, Texas, do hereby certify that the following Commissioners Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on December 11, 2018.

Dated this 29th day of March, 2019.

ATTEST:

A handwritten signature in blue ink that reads "Janet Parker".

Janet Parker, County Clerk
And Ex-Officio Clerk of the
Commissioners Court of
Burnet County, Texas



The State of Texas {}

County of Burnet {} On this the 11th day of December 2018, the Burnet County

Commissioners Court met in regular session. The following members of the court were present:

Present: County Judge James Oakley; Commissioner Precinct 1 Jim Luther, Jr.; Commissioner Precinct 2 Russell Graeter; Commissioner Precinct 3 Billy Wall; Commissioner Precinct 4 Joe Don Dockery

Attendees: ; Stephanie McCormick, Comm. Court Coordinator; Janet Parker, County Clerk; Carole Poppema, Assistant County Auditor

AGENDA

1. Call to Order
2. Invocation and Pledge of Allegiance to the flags.
3. Public Comments. Any person with business before the Commissioner's Court not scheduled on the agenda may speak to the Court. No formal action can be taken on these items at this meeting. Comments regarding specific agenda items should occur when the item is called. There is a 2 minute speaking limit.
4. Discussion and/or action concerning the abandonment of 1.1 miles of Co. Rd. 345, which is the ending of that road to which LCRA is seeking to assume responsibility of (Wall, Oakley)
5. Discussion and/or possible action, including authorization of litigation to remove obstructions from County Road 345 pursuant to 251.003, 251.008 and 251.016 of the Texas Penal Code, regarding obstruction to public right-of-way or passageway (Oakley, Arredondo)
6. Discussion and/or action concerning the reappointment of Renee Hollingsworth to ESD 9 (Dockery)
7. Discussion and/or action concerning the appointment of Bruce Mills to ESD 9 (Dockery)
8. Recognition and Presentation of Youth Art Exhibit Certificates (Oakley)
9. Discussion and/or action regarding any items deemed necessary and relevant to the recent flooding (Oakley)
 - a. Applying for an emergency \$350,000 CDBG grant from the TDA
10. Discussion and/or action regarding the adoption of the revised purchasing policy (Hardin)
11. Discussion and/or action regarding possible items to be identified for the issuance of Tax Anticipation Notes for 2019 (Hardin, Oakley)
12. Discussion and/or action regarding the approval to accept \$5000 grant and sign contract for Texas Local Emergency Planning Committee (LEPC) Grant program to assist LEPC's in establishing, maintaining, and/or improving their implementation of Emergency Planning and Community Right-to-know Act (EPCRA). (Oakley, Barho, Hardin)
13. Discussion and/or action regarding the Replat of Lot 9A, Log Country Cove, Unit two,

as shown on Plat recorded in Document no. 2015 06557 of the Official Public Records of Burnet County, Texas. To be known as Lots 9B and 9C, Log Country Cove, Unit 2 (Luther)

14. Discussion and/or action regarding the cancellation of the Final Plat of "The Ranch on Lake LBJ", Phase One, Plat No. 1.9, 0.66 Acres out of the W.B. Wainscott Svy. No. 29, Abst. No. 949, A Private Subdivision, Burnet County, Texas (Luther)
15. Discussion and/or action regarding the Preliminary Plat approval of Arrowhead Trail Ranch, a private subdivision consisting of 49 Lots on 259.95 acres located at 714 CR 221, Burnet County, Texas portions of the proposed development is in Burnet, Bell and Lampasas Counties. The portion approved would be for Burnet County only (Graeter)
16. Discussion and/or action regarding the Replat of Lots 41, 43, 44 and a portion of Lot 42 to be known as 7 Creeks Ranch, Phase 5, a private subdivision, consisting of 22 lots averaging 10.94 acres (Graeter)
17. Discussion and/or action regarding the acceptance of CB 18-12-11 in the amount of \$288,300.00 for construction of improvements in 7 Creeks Ranch to include 5,766 of roads and drainage (Graeter)
18. Discussion and/or action regarding the release of 60%, \$119,100, of Cash Bond #CB 18-6-12 relating to 7 Creeks Ranch, Phase IV (Graeter)
19. Discussion and/or action regarding Adopting a Resolution designating an administration service provider to complete application and project-related management services for the Texas Department of Agriculture's 2019 TxCDBG Disaster Relief fund (Hardin)
20. Discussion and/or action concerning approval of the required Advanced Funding Agreement (AFA) with TxDOT for the engineering component of the Wirtz Dam project (Oakley)
21. Discussion and/or action concerning the canvassing of the election results for the Incorporation Election of Double Horn (Oakley)
22. Executive Session. Discussion with Burnet County Commissioner's Court and the County Civil Attorney(s) and/or the County Attorney in accordance with Texas Government Codes 551.071. The Commissioners Court reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters as authorized by the Texas Government Code including, but not limited to, Sections: 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), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), 551.0725 (Contracts being negotiated).
23. Reconvene in Open Session. (Oakley)
24. Discussion and/or action regarding items discussed in Executive Session and take up for Consideration and possible action, pursuant to Chapter 262, Texas Local Government Code. (Oakley)
25. Discussion and/or action regarding Department Updates: (Oakley)
26. Acknowledgement of Receipt: (Oakley)
 - a. MIS Summary

27. Discussion and/or action regarding contracts, agreements or grants to be approved and/or ratified:

(Oakley)

- a. Quote from Gonzales & Lindsey for Co. Rd. 404 repair
- b. Highlander Restaurant for the Media Tour
- c. Worley Tree Service

28. Call for Bids/Requests for Proposals/Qualifications. Discussion and/or action on bid/RFP openings or submitted bids. (Oakley)

29. The following items are part of the Consent Agenda and require no deliberation by the Commissioner's Court. Any item from this agenda may be considered separately:

- a. Consideration and approval of any pending personnel issues within the policy.
- b. Payroll approval.
- c. Consideration and approval concerning budget amendments.
- d. Consideration and approval concerning budget line item transfers.
- e. Consideration and authorization of payment of claims previously approved by the County Auditor.
- f. Acceptance of reports of County Officials as required by LGC 115.02 previously examined by the County Auditor
- g. Consideration and approval regarding Departmental equipment requests and/or property transfers.
- h. Correspondence.

30. Discussion regarding any previous agenda items.

31. Calendar Review.

32. Adjournment.

James Oakley, Burnet County Judge

Reviewed by: Eddie Arredondo, County Attorney

The Commissioners' Court reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters as authorized by the Texas Government Code including, but not limited to, Sections: 551.071 (Consultation with Attorney) 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations) Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues). Compliance with the Americans with Disabilities Act, Burnet County will provide for reasonable accommodations for persons attending Commissioners' Court. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Ms. Stephanie McCormick, Commissioners' Court Coordinator, at (512) 715-5276. Please note, the location of the meeting is subject to change based upon availability of the Courtroom. If meeting location is changed, notice at the above meeting location shall be posted to ensure public access to meeting is granted.

Item #1:
Call to Order

Judge Oakley called the meeting to order at 9:00 A.M.

Item # 2:
Invocation, Pledges, and Moment of Silence for George H.W. Bush

Judge Oakley led the court in invocation and the pledges of allegiance to the United States and Texas flags. Judge Oakley requested that the court observe a moment of silence in honor of the passing of George H. W. Bush.

Item #3:
Comments

The court heard comments from the public. A citizen of Precinct 1 thanked the court for their handling of the flood event.

Item # 8:
Youth Art Certificates

The court recognized and presented certificates for the Youth Art Exhibit and thanked Samantha Melvin for involvement in the program.

Item # 4:
Abandonment of Co. Rd. 345

The court discussed the abandonment of 1.1 miles of Co. Rd. 345. This is the portion of which LCRA is seeking to assume responsibility.

Burnet County Attorney, Eddie Arredondo advised the court as to the safest way to proceed.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 2 Russell Graeter to acknowledge that the Burnet County Commissioners Court will start the process of vacating the last 1.1 miles of County Road 345.

Vote: 5 - 0 Passed - Unanimously

Attachments:
LCRA Letter Re. CR 345

Item # 21:

Canvassing for Incorporation Election Double Horn

The court discussed the canvassing of the election results for the Incorporation Election of Double Horn.

Doug Ferguson, Election Administrator, presented his certification of the canvas, and the canvas for the commissioners to sign.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. for approval of the canvassing of the election results for the Incorporation Election of Double Horn.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Doublehorn Election Map

Doublehorn Election Returns

Item # 14:

Plat Cancellation of The Ranch on Lake LBJ

The court discussed the cancellation of the Final Plat of "The Ranch on Lake LBJ", Phase One, Plat No. 1.9, 0.66 Acres out of the W.B. Wainscott Svy. No. 29, Abst. No. 949, A Private Subdivision, Burnet County, Texas.

Don Sherman, Willis-Sherman Associates Inc., presented the petition for cancellation of the Final Plat of "The Ranch on Lake LBJ", Phase One, Plat No. 1.9, 0.66 Acres out of the W.B. Wainscott Svy. No. 29, Abst. No. 949, A Private Subdivision, Burnet County, Texas .

Motion is made by: Commissioner Precinct 1 Jim Luther, Jr., Seconded by: Commissioner Precinct 3 Billy Wall to approve the cancellation of the Final Plat of "The Ranch on Lake LBJ", Phase One, Plat No. 1.9, 0.66 Acres out of the W.B. Wainscott Svy. No. 29, Abst. No. 949, A Private Subdivision, Burnet County, Texas.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Publishers Affidavit The Ranch on Lake LBJ

Item # 15:

Preliminary Plat of Arrowhead Trail Ranch

The court discussed the Preliminary Plat approval of Arrowhead Trail Ranch, a private subdivision consisting of 49 Lots on 259.95 acres located at 714 CR 221, Burnet County, Texas portions of the proposed development is in Burnet, Bell and Lampasas Counties. The portion approved would be for Burnet County only.

Herb Darling, Environmental Services Director, presented the Preliminary Plat approval of Arrowhead Trail Ranch.

Motion is made by: Commissioner Precinct 2 Russell Graeter, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve the Preliminary Plat of Arrowhead Trail Ranch, a private subdivision consisting of 49 Lots on 259.95 acres located at 714 CR 221, Burnet County, Texas portions of the proposed development is in Burnet, Bell and Lampasas Counties. The portion approved would be for Burnet County only.

Vote: 5 - 0 Passed - Unanimously

Item # 16:
Replat of 7 Creeks Ranch

No action was taken.

Item # 17:
CB 18-12-11 for 7 Creeks Ranch

No action was taken.

Item # 18:
Release of CB 18-6-12 7 Creeks Ranch

No action was taken.

Item # 5:
Obstruction of County Road 345

The court discussed possible action, including authorization of litigation to remove obstructions from County Road 345 pursuant to 251.003, 251.008 and 251.016 of the Texas Penal Code, regarding obstruction to public right-of-way or passageway.

Eddie Arredondo, Burnet County Attorney, stated that the court would sign an order.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 4 Joe Don Dockery to approve possible action, including authorization of litigation to remove obstructions from County Road 345 pursuant to 251.003, 251.008 and 251.016 of the Texas Penal Code, regarding obstruction to public right-of-way or passageway.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Order to Remove Obstruction CR 345

Item # 6:
Reappointment of Renee Hollingsworth to ESD 9

The court discussed the reappointment of Renee Hollingsworth to ESD 9.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 3 Billy Wall to reappoint Renee Hollingsworth to ESD 9.

Vote: 5 - 0 Passed - Unanimously

Item # 7:
Appointment of Bruce Mills to ESD 9

The court discussed the appointment of Bruce Mills to ESD 9.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 3 Billy Wall to appoint Bruce Mills to ESD 9.

Vote: 5 - 0 Passed - Unanimously

Item # 9:
Recent Flooding

The court discussed applying for an emergency \$350,000 CDBG grant from the Texas Department of Agriculture.

Motion is made by: Commissioner Precinct 4, Joe Don Dockery, Seconded by: Commissioner Precinct 1, Jim Luther Jr., to approve applying for an emergency \$350,000 CDBG grant from the Texas Department of Agriculture as a contingency to receiving a Federal Disaster Declaration.

Vote: 5 - 0 Passed - Unanimously

The court discussed the disbursement of funds received from the LCRA.

Motion is made by: Commissioner Precinct 1, Jim Luther Jr., Seconded By: Commissioner Precinct 2, Russell Graeter to approve the application for LCRA funds. The application process will begin on January 7, 2019 for POA's.

Vote: 5 - 0 Passed - Unanimously

The court discussed the funding of municipalities. Funding will begin immediately; per the previously adopted schedule, with no further action from the court.

Motion is made by: Commissioner Precinct 4, Joe Don Dockery, Seconded by: Commissioner Precinct 1, Jim Luther Jr., to approve the the authorization of hand checks to fund municipalities, per the previously adopted schedule, without further action from the court.

Vote: 5 - 0 Passed - Unanimously

Herb Darling, Environmental Services Director, addressed the Federal Declaration status, and reported from the Environmental Services department.

Attachments:

LCRA Fund Allocation

Item # 10:
Purchasing Policy

Commissioner Precinct 4, Joe Don Dockery, questioned the purchasing policy.

Karen Hardin, County Services Director, clarified that amounts between \$1,000-\$5,000 may be requested verbally, but that amounts over \$5,000 must be submitted using a written quote.

No action was taken.

Item # 19:
TxCDBG Disaster Relief Fund

The court discussed regarding Adopting a Resolution designating an administration service provider to complete application and project-related management services for the Texas Department of Agriculture's 2019 TxCDBG Disaster Relief fund.

Karen Hardin, County Services Director, advised that a committee to review the pre-qualified grant administrators be created at this time. That committee will consist of Commissioner Precinct 1, Jim Luther Jr., Commissioner Precinct 4, Joe Don Dockery, and the County Services Director, Karen Hardin.

Motion is made by: Commissioner Precinct 4 Joe Don Dockery, Seconded by: Commissioner Precinct 1 Jim Luther, Jr. to approve action regarding Adopting a Resolution designating an administration service provider to complete application and project-related management services for the Texas Department of Agriculture's 2019 TxCDBG Disaster Relief fund and to establish the committee to evaluate pre-approved vendors.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Adopted Resolution

Item # 20:
AFA with TxDOT

The court discussed action concerning approval of the required Advanced Funding Agreement (AFA) with TxDOT for the engineering component of the Wirtz Dam project.

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 4 Joe Don Dockery to approve action concerning approval of the required Advanced Funding Agreement (AFA) with TxDOT for the engineering component of the Wirtz Dam project.

Vote: 5 - 0 Passed - Unanimously

Attachments:

Advanced Funding Agreement TxDOT

Item # 22:
Executive Session

Executive Session. Discussion with Burnet County Commissioner's Court and the County Civil Attorney(s) and/or the County Attorney in accordance with Texas Government Codes 551.071. The Commissioners Court reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters as authorized by the Texas Government Code including, but not limited to, Sections: 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), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues), 551.0725 (Contracts being negotiated).

No Action was taken.

Item # 23:
Reconvene

No action was taken.

Item # 24:
Items Discussed in Executive Session

No action was taken.

Item # 25:
Department Updates

No action was taken.

Item # 26:
Acknowledgement of Receipt

The court acknowledged receipt of the MIS Summary for the month of October, and the Notice of Annexation of the property known as Widerness Cove Common Area 2, 48.85 ACRES from the City of Granite Shoals.

Attachments:

Annexation A of R
MIS Summary

Item # 27:

Contracts, Agreements, or Grants

The court discussed contracts, agreements or grants to be approved and/or ratified:
County Judge, James Oakley, presented the following agenda items:

- a. Quote from Gonzales & Lindsey for Co. Rd. 404 repair
- b. Highlander Restaurant for the Media Tour
- c. Worley Tree Service

Karen Hardin, County Services Director, added the following additional contracts to be approved:

- d. Enterprise Fleet Management - Crew Cab Pickup
- e. KC Engineering work order - CR 340
- f. Tax Notes - CR 212 and CR 274 Change Work Order
- g. EIGA US Department of Justice
- h. Xerox Work Order

Motion is made by: Commissioner Precinct 3 Billy Wall, Seconded by: Commissioner Precinct 2 Russell Graeter to approve action regarding contracts, agreements or grants to be approved and/or ratified:

- a. Quote from Gonzales & Lindsey for Co. Rd. 404 repair
- b. Highlander Restaurant for the Media Tour
- c. Worley Tree Service
- d. Enterprise Fleet Management - Crew Cab Pickup
- e. KC Engineering Work Order - CR 340
- f. Tax Notes CR 212 & CR 274 Change Work Order
- g. EIGA US Department of Justice
- h. Xerox Benchmark - District Attorney's Office

Vote: 5 - 0 Passed - Unanimously

Attachments:

Change Work Order CR 212 & 274
EIGA US Dept of Justice
Enterprise Fleet
Gonzalez & Lindsey Quote
Highlander Invoice
Worley Tree Service Invoice
Xerox Work Order

Item # 28:

Bids/Requests

No action was taken.

Item # 27:
Contracts, Agreements, or Grants

The court discussed contracts, agreements or grants to be approved and/or ratified:

Karen Hardin, County Services Director, requested permission to use the Burnet County Grant Administrator to procure grants for the Hill Country Humane Society Animal Shelter. Permission was granted.

Item # 29:
Consent Agenda

The court discussed the Consent Agenda and require no deliberation by the Commissioner's Court. Any item from this agenda may be considered separately:

- a. Consideration and approval of any pending personnel issues within the policy.
- b. Payroll approval.
- c. Consideration and approval concerning budget amendments.
- d. Consideration and approval concerning budget line item transfers.
- e. Consideration and authorization of payment of claims previously approved by the County Auditor.
- f. Acceptance of reports of County Officials as required by LGC 115.02 previously examined by the County Auditor.
- g. Consideration and approval regarding Departmental equipment requests and/or property transfers.
- h. Correspondence.

Motion is made by: Commissioner Precinct 1, Jim Luther Jr., Seconded by: Commissioner Precinct 3, Billy Wall, to approve the Consent Agenda with the exception of Item D.

Vote: 5 - 0 Passed - Unanimously

Motion is made by: County Judge James Oakley, Seconded by: Commissioner Precinct 4 Joe Don Dockery to approve Item D.

Vote: 5 - 0 Passed - Unanimously

Attachments:

County Report-Elections
Line Item Transfers

Item # 30:
Previous Agenda Items

The court discussed previous agenda items.

Commissioner Precinct 4, Joe Don Dockery, is rescheduling meeting with Mitchell Sodek from the Groundwater Conservation District to look at the Recycle/Reuse Site for a possible monitor well.

Item # 31:
Calendar Review

The court discussed calendar review.

Item # 32:
Adjournment

County Judge, James Oakley, adjourned court at 10:40 am.

Attested:


Janet Parker, County Clerk

ORDER OF SPECIAL ELECTION

An initial election is hereby ordered to be held on February 12, 2019 for the purpose of choosing a mayor, five aldermen, and a marshal for the City of Double Horn, Texas.

Early voting by personal appearance will be conducted each weekday except for holidays, beginning on January 28, 2019 and ending on February 8, 2019 at the Marble Falls South County Annex, 810 Steve Hawkins Parkway, Marble Falls, Burnet County, Texas 78654, between the hours of 8:00 a .m. and 12:00 p.m. on each day of the first week and 1 p.m. thru 5 p.m. each day of the second week.

Election Day voting will be held at the Spicewood Community Center at 7901 CR 404, Spicewood, TX 78669, between the hours of 7 AM and 7 PM.

Applications for ballot by mail shall be mailed to: Doug Ferguson, Burnet County Elections Administrator, 220 South Pierce St. Burnet, Texas 78611. Applications for ballots by mail must be received no later than the close of business on Friday, February 1, 2019. Doug Ferguson is hereby appointed Early Voting Clerk.

SIGNED AND ENTERED THIS the 11th day of December, 2019.



Judge James Oakley
Burnet County, Texas

AMENDED ORDER OF SPECIAL ELECITON

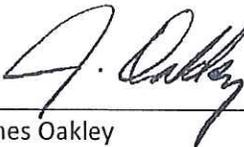
An initial election is hereby ordered to be held on February 12, 2019 for the purpose of choosing a mayor, five aldermen, and a marshal for the City of Double Horn, Texas.

Early voting be personal appearance will be conducted each weekday except for holidays, beginning on January 28, 2019 and ending on February 8, 2019 at the Marble Falls South County Annex, 810 Steve Hawkins Parkway, Marble Falls, Burnet County, Texas 78654, between the hours of 8:00 a.m. and 12:00 p.m. on each day of the first week and 1:00 p.m. thru 5:00 p.m. each day of the second week. Election Day voting will be held at the Spicewood Community Center at 7901 CR 404, Spicewood, Texas 78669, between the hours of 7AM and 7 PM.

Application for a ballot by mail shall be mailed to: Doug Ferguson, Burnet County Elections Administrator, 220 South Pierce St., Burnet, Texas 78611. Applications for ballots by mail must be received no later than the close of business on Friday, February 1, 2019. Doug Ferguson is hereby appointed Early Voting Clerk.

Deadline for application for a place on the ballot is December 19, 2018.

SIGNED AND ENTERED THIS the ^{18th} day of December, 2018.



Judge James Oakley
Burnet County, Texas

2ND AMENDED ORDER OF SPECIAL ELECTION

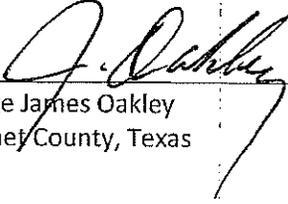
An initial election is hereby ordered to be held on February 12, 2019 for the purpose of choosing a mayor, five aldermen, and a marshal for the City of Double Horn, Texas.

Early voting by personal appearance will be conducted each weekday except for holidays, beginning on January 29, 2019 and ending on February 8, 2019 at the Marble Falls South County Annex, 810 Steve Hawkins Parkway, Marble Falls, Burnet County, Texas 78654, between the hours of 8:00 a.m. and 12:00 p.m. on each day of the first week and 1:00 p.m. thru 5:00 p.m. each day of the second week. Election Day voting will be held at the Spicewood Community Center at 7901 CR 404, Spicewood, Texas 78699, between the hours of 7AM and 7PM.

Application for a ballot by mail shall be mailed to: Doug Ferguson, Burnet County Elections Administrator, 220 South Pierce St., Burnet, Texas 78611. Applications for ballots by mail must be received no later than the close of business on Friday February 1, 2019. Doug Ferguson is hereby appointed Early Voting Clerk.

Deadline for application for a place on the ballot is January 3, 2019.

SIGNED AND ENTERED THIS the 18th day of December, 2018.



Judge James Oakley
Burnet County, Texas

NOTICE OF SPECIAL ELECTIONS
(AVISO DE ELECCIONES ESPECIALES)

To the registered voters of the City of Double Horn, County of Burnet, Texas:

(A los votantes registrados del ciudad de Double Horn, Condado de Burnet, Texas:)

Notice is hereby given that the **Spicewood Community Center**, 7901 CR 404, Spicewood, TX 78669 will be open from 7:00 a.m. to 7:00 p.m., February 12, 2019, for voting in the special election to elect Mayor, Aldermen and Marshal.

(Por la presente se da aviso de que el Centro Comunitario de Spicewood, 7901 CR 404, Spicewood, TX 78669 estará abierto de 7:00 a.m. a 7:00 p.m., 12 de febrero de 2019, para votar en la elección especial para elegir alcalde, concejales y mariscal.)

Early voting by personal appearance will be conducted Monday through Friday, January 28 through February 1 2019 from 8 AM to 12 PM and Monday through Friday, February 4 through February 8, 2019 from 1 PM to 5 PM at the Marble Falls County Courthouse Annex, 810 810 Steve Hawkins Pkwy., Marble Falls :

(La votación anticipada por comparecencia personal se llevará a cabo de lunes a viernes, del 28 de enero al 1 de febrero de 2019, de 8:00 am a 12:00 pm y de lunes a viernes, del 4 de febrero al 8 de febrero de 2019, de 1:00 pm a 5:00 pm en el Anexo del Tribunal del Condado de Marble Falls 810 810 Steve Hawkins Pkwy., Marble Falls:)

Applications for ballot by mail shall be mailed to:

(Las solicitudes para boletas de votación adelantada por correo deberán enviarse a:)

Doug Ferguson

Elections Administrator, Burnet County

220 S. Pierce St.

Burnet, TX 78611

Applications for ballots by mail must be received no later than the close of business on February 1, 2019.

(Las solicitudes de boletas por correo deben recibirse a más tardar al cierre de las operaciones el 1 de febrero de 2019)

Issued this the 11th day of January, 2019.

(Emitido este día 11 de enero de 2019.)

/s/ James Oakley

County Judge of Burnet County, Texas

(Juez del Condado, Condado de Burnet, Texas)

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of the official map of the City of Double Horn on file in the City Secretary's office, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell

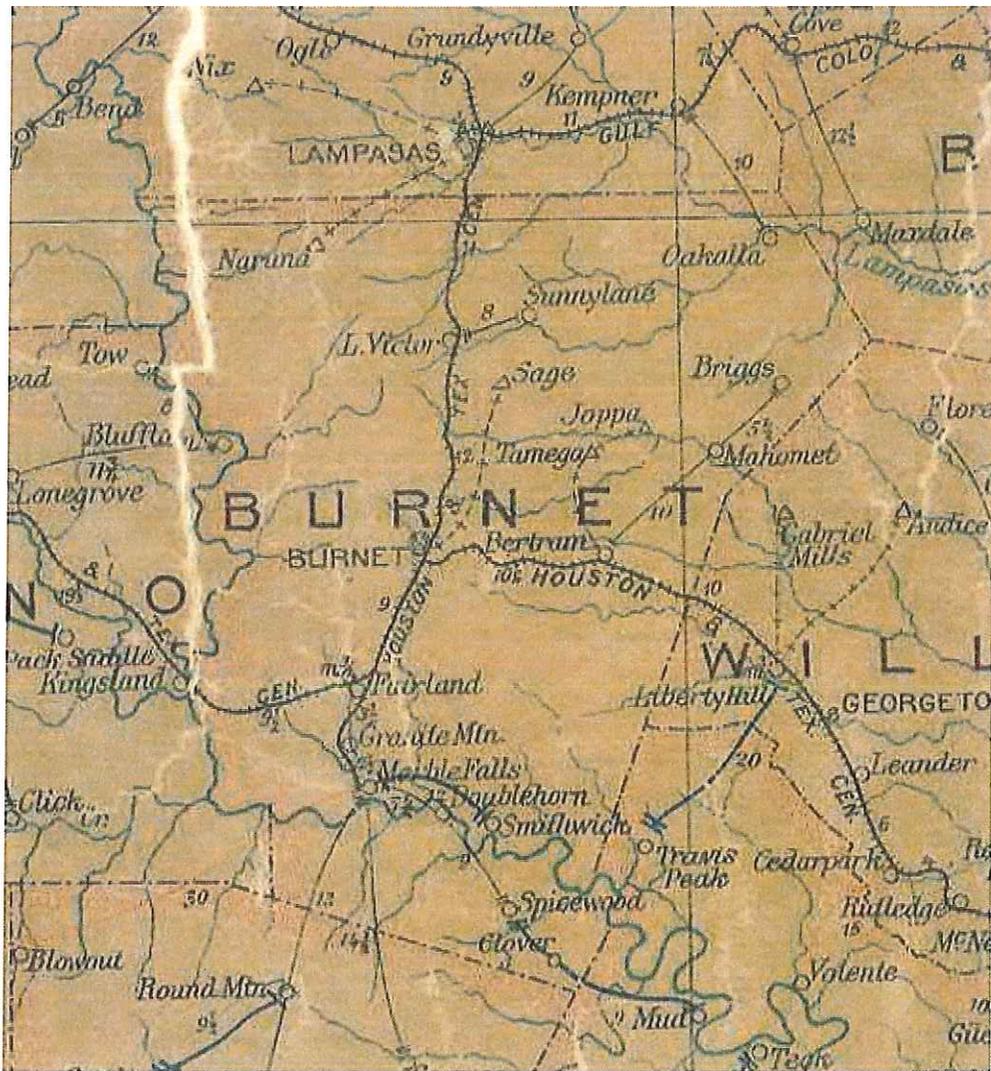
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
 to certify which witness my hand and seal of office.

Jennifer R Bays

 Notary Public in and for the State of Texas





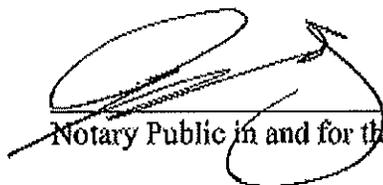
STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of Ordinance No. 2019-ORD001 on file in the City Secretary's office, which was passed and approved on the 14th day of March 2019, by the City Council of the City of Double Horn, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
 to certify which witness my hand and seal of office.



 Notary Public in and for the State of Texas



CITY OF DOUBLE HORN

ORDINANCE 2019-ORD001

AN ORDINANCE OF THE CITY OF DOUBLE HORN, BURNET COUNTY, TEXAS DOCUMENTING THE BORDERS OF THE CITY OF DOUBLE HORN AND THE BOUNDARIES OF ITS EXTRATERRITORIAL JURISDICTION (ETJ).

WHEREAS, Chapter 41, Section §41.001(a) of the Texas Local Government Code requires that each municipality shall prepare a map that shows the boundaries of the municipality and of its extraterritorial jurisdiction. A copy of the map shall be kept in the office of the secretary or clerk of the municipality; and

WHEREAS, the City of Double Horn, Texas (the "City") has commissioned a survey to properly document the boundaries of the city and of its extraterritorial jurisdiction as described and depicted in Exhibit "A", attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DOUBLE HORN THAT:

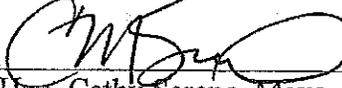
SECTION 1. The map and associated documentation, attached as Exhibit "A", formally defines the boundaries of the City of Double Horn and its extraterritorial jurisdiction.

SECTION 2. The City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Burnet County, Texas, and in the official records of the City.

SECTION 3. This ordinance shall become effective immediately upon its passage.

ADOPTED AND APPROVED on this 14th day of March 2019 by a vote of the City Council of the City of Double Horn, Texas.

CITY OF DOUBLE HORN, TEXAS



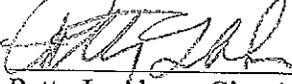
Hon. Cathy Sereno, Mayor

ATTEST:



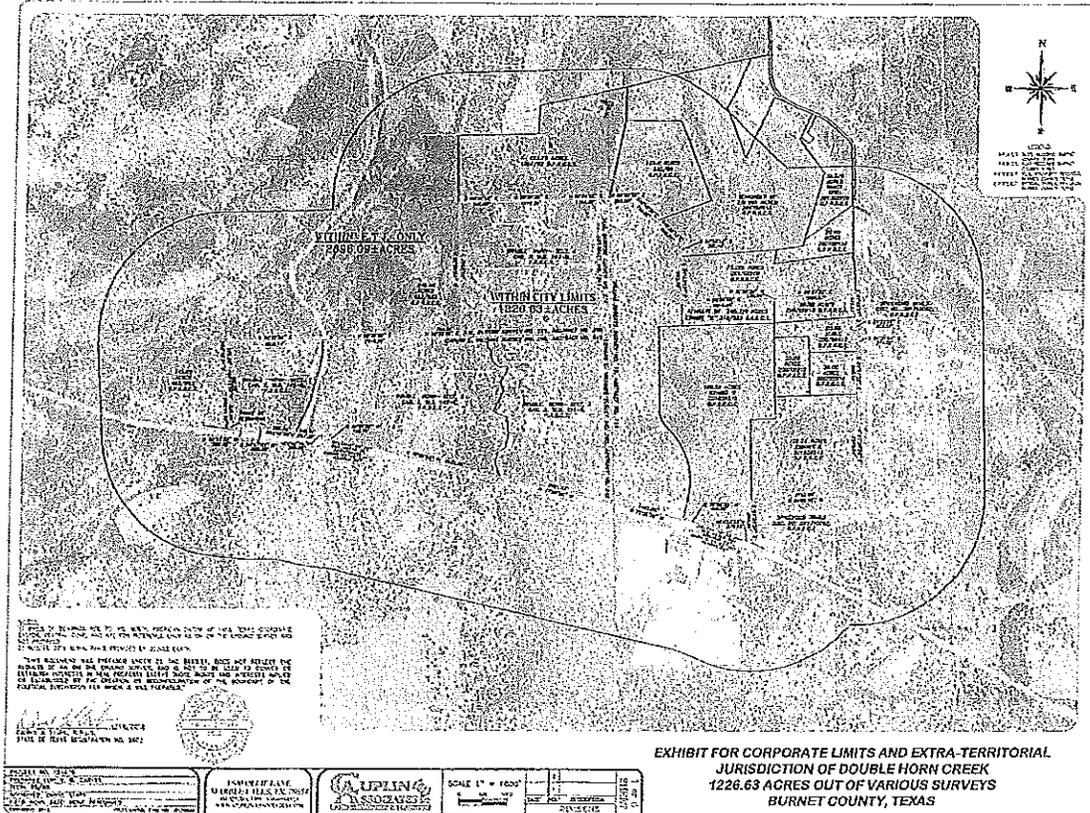
Karen Maxwell, City Secretary

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

Exhibit "A"



"THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED"

BEING 1226.63 ACRES OUT OF THE WILLIAM ROBERTS SURVEY NO. 13, ABSTRACT NO. 714, THE EDWARD E. WILLIAMS SURVEY NO. 260, ABSTRACT NO. 945, AND THE N.M. DAWSON SURVEY NO. 271, ABSTRACT NO. 265, IN BURNET COUNTY, TEXAS, AND CONSISTING OF THE FOLLOWING:

- 1) DOUBLE HORN SUBDIVISION, SECTION 1, RECORDED IN CABINET 2, SLIDE 145C, PLAT RECORDS OF BURNET COUNTY, TEXAS.
- 2) DOUBLE HORN SUBDIVISION, SECTION 2, RECORDED IN CABINET 2, SLIDE 160C, PLAT RECORDS OF BURNET COUNTY, TEXAS.
- 3) DOUBLE HORN SUBDIVISION, SECTION 3, RECORDED IN CABINET 2, SLIDE 191A, PLAT RECORDS OF BURNET COUNTY, TEXAS.

- 4) **DOUBLE HORN SUBDIVISION, SECTION 4, RECORDED IN CABINET 3, SLIDE 163D, PLAT RECORDS OF BURNET COUNTY, TEXAS.**
- 5) **A REMNANT OF 565.379 ACRES TO KATHLYN N. TANNER, DESCRIBED IN EXHIBIT B OF VOLUME 316, PAGE 883, DEED RECORDS OF BURNET COUNTY, TEXAS,**
- 6) **A 20.00 ACRE TRACT TO THE CARRINGTON FAMILY PARTNERSHIP, LTD., DESCRIBED IN DOCUMENT NO. 200709919, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS,**
- 7) **A 20.00 ACRE TRACT TO THE CARRINGTON FAMILY PARTNERSHIP, LTD., DESCRIBED IN DOCUMENT NO. 200709917, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS,**
- 8) **A 20.00 ACRE TRACT TO THE CARRINGTON FAMILY PARTNERSHIP, LTD., DESCRIBED IN DOCUMENT NO. 200709918, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS,**
- 9) **A 20.00 ACRE TRACT TO THE CARRINGTON FAMILY PARTNERSHIP, LTD., DESCRIBED IN DOCUMENT NO. 200709916, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS,**
- 10) **A 100.74 ACRE TRACT TO SPICEWOOD CRUSHED STONE, LLC, DESCRIBED IN EXHIBIT A OF DOCUMENT NO. 201808310, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND**
- 11) **A 180.52 ACRE TRACT TO SPICEWOOD CRUSHED STONE, LLC, DESCRIBED IN EXHIBIT B OF DOCUMENT NO. 201808310, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS**

SAID 1226.63 ACRES FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

(The following 4 courses and distances are based on those of record in Cabinet 2, Slide 145-C, Plat Records of Burnet County, Texas)

BEGINNING in the Northern Right of Way Line of Texas Highway 71, at the Southwest corner of said Double Horn, Section 1, the Southeast corner of a tract of land called 345.89 acres of record in Volume 662, Page 803, Real Property Records of Burnet County, Texas, and the Southwest corner hereof;

THENCE with the Eastern and Southern boundary lines of said 345.89 acre tract, the Western and Northern boundary lines of said Double Horn, Section 1, and the Western and Northern boundary lines hereof, the following four (4) courses and distances:

- 1) N 02°06'02" W, a distance of 630.86 feet to a calculated point for angle point hereof;
- 2) N 04°15'03" W, a distance of 582.38 feet to a calculated point for angle point hereof;
- 3) N 03°15'24" W, a distance of 579.23 feet to a calculated point for the Westernmost Northwest corner hereof; and

- 4) N 88°32'59" E, a distance of 2015.14 feet to a calculated point in a stream bed for the Northwest corner of Double Horn Section 2, a subdivision of record in Cabinet 2, Slide 160-C, plat Records of Burnet County, Texas, and an angle point hereof;

(The following 2 courses and distances are based on those of record in Cabinet 2, Slide 160-C, Plat Records of Burnet County, Texas)

THENCE with the Northern boundary line of said Double Horn, Section 2, and the Northern boundary hereof, the following two (2) courses and distances:

- 1) N 88°32'59" E, a distance of 2118.90 feet to a calculated point for angle point hereof; and
- 2) N 88°32'59" E, a distance of 744.29 feet to a calculated point at the Westernmost Southwest corner of Double Horn Creek Section 4, a subdivision of record in Cabinet 3, Slide 163-D, Plat Records of Burnet County, Texas, for a reentrant corner hereof;

(The following 9 courses and distances are based on those of record in Cabinet 3, Slide 163-D, Plat Records of Burnet County, Texas)

THENCE with the Western, Northern and Eastern boundary lines of said Double Horn, Section 4, and the Western, Northern and Eastern boundary lines hereof, the following (9) courses and distances:

- 1) N 01°36'03" W, a distance of 2762.72 feet to a calculated point for the Southwest corner of a tract of land called 193.73 acres of record in Volume 1009, Page 03, Official Public Records of Burnet County, Texas, and the Northernmost Northwest corner hereof;
- 2) N 88°26'12" E, a distance of 942.65 feet to a calculated point for angle point hereof;
- 3) N 88°27'25" E, a distance of 1119.39 feet to a calculated point for angle point hereof;
- 4) N 88°24'42" E, a distance of 1152.45 feet to a calculated point for the Southeast corner of said 193.73 acre tract, the Southwest corner of a tract of land called 125.0 acres of record in Volume 532, Page 06, Real Property Records of Burnet County, Texas, and an angle point hereof;
- 5) N 88°32'52" E, with the Southern and Southwest boundary lines of said 125.0 acre tract, a distance of 392.00 feet to a calculated point for angle point hereof;
- 6) S 46°42'39" E, a distance of 715.38 feet to a calculated point for the Southernmost Southwest corner of said 125.0 acre tract, and a northwesterly corner of the remnant of a tract of land called 138.961 acres of record in Document No. 200709913, Official Public Records of Burnet County, Texas, and an angle point hereof;
- 7) S 46°38'15" E, with the Southwest and Westerly boundary lines of said Remnant of 138.961 acres, a distance of 680.59 feet to a calculated point for an angle point hereof;
- 8) S 01°33'12" E, a distance of 252.49 feet to a calculated point for the Southwest corner of said remnant of 138.961 acres, the Northwest corner of a tract of land called 73.296 acres of record in Document No. 201702910, Official Public Records of Burnet County, Texas, and a point on line hereof; and
- 9) S 01°33'12" E, with the Western boundary line of said 73.296 acre tract, a distance of 962.36 feet to a calculated point for the Southwest corner of said 73.296 acre tract, the Northwest corner of a remnant of a 565.379 acre tract described in exhibit B of Volume 316, Page 883, Deed Records of Burnet County, Texas, and a reentrant corner hereof;

(The following 3 courses and distances are based on those of record in Document No. 201702910, Official Public Records of Burnet County, Texas)

THENCE with the Southern boundary lines of said 73.296 acre tract, the following three (3) courses and distances:

- 1) N 88°28'30" E, a distance of 1914.86 feet to a calculated point for a point in the Western boundary line of a 20.00 acre tract of record in Document No. 200709919, Official Public Records of Burnet County, Texas, the Northwest corner of said Remnant of 565.379 acre tract and a reentrant corner hereof;
- 2) N 01°26'20" W, a distance of 104.94 feet to a calculated point for the Northwest corner of said 20.00 acre tract in Doc. No. 200709919, Official Public Records of Burnet County, Texas, and a Northwesterly corner hereof; and
- 3) N 88°37'32" E, a distance of 1695.57 feet to a calculated point in the Western boundary line of Spicewood Trails, a subdivision of record in Document No. 201710002, Official Public Records of Burnet County, Texas, for the Northeast corner of said 20.00 acre tract in Doc. No. 200709919 and an angle point hereof;

THENCE with the Western and Northern boundary lines of said Spicewood Trails Subdivision, the following seven (7) courses and distances:

(The following course and distance are based on those of record in Document No. 200709919, Official Public Records of Burnet County, Texas)

- 1) S 01°22'27" E, a distance of 471.51 feet to a calculated point for the Northeast corner of a 20.00 acres tract of land of record in Document No. 200709917, Official Public Records of Burnet County, Texas, the Southeast corner of said 20.00 acres in Doc. No. 200709919, Official Public Records of Burnet County, Texas, and a point on line hereof;

(The following 2 courses and distances are based on those of record in Document No. 200709917, Official Public Records of Burnet County, Texas)

- 2) S 01°22'27" E, a distance of 378.27 feet to a calculated point for angle point hereof;
- 3) S 01°21'58" E, a distance of 314.02 feet to a calculated point for the Northeast corner of a 20.00 acre tract of land of record in Document No. 200709916, Official Public Records of Burnet County, Texas, the Southeast corner of said 20.00 acre tract in Doc. No. 200709917, Official Public Records of Burnet County, Texas, and an angle point hereof;

(The following course and distance is based on those of record in Document No. 200709916, Official Public Records of Burnet County, Texas)

- 4) S 01°21'58" E, a distance of 886.52 feet to a calculated point for the Northeast corner of a 100.74 acre tract of land described in Exhibit A of Document No. 201808310, Official Public Records of Burnet County, Texas, the Southeast corner of said 20.00 acre tract in

Doc. No. 200709916, Official Public Records of Burnet County, Texas, and an angle point hereof;

(The following 3 courses and distances are based on those of record in Document No. 201808310, Official Public Records of Burnet County, Texas)

- 5) S 01°30'20" E, with the Eastern boundary line of said 100.74 acre tract, a distance of 2105.58 feet to a calculated point for the Southeast corner of said 100.74 acre tract, a reentrant corner of said Spicewood Trails Subdivision and an angle point hereof;
- 6) S 88°09'56" W, a distance of 2192.66 feet to a calculated point in the Eastern boundary line of a 180.52 acre tract described in Exhibit B of said Doc. No. 201808310, Official Public Records of Burnet County, Texas, for the Westernmost corner of said Spicewood Trails Subdivision and a reentrant corner hereof; and
- 7) S 01°26'27" E, a distance of 896.69 feet to a calculated point in the Northern Right of Way line of said Texas Highway 71, for the Southwest corner of said Spicewood Trails Subdivision, the Southernmost corner of said 180.52 acre tract and the Southernmost corner hereof;

THENCE along the Northern Right of Way line of said Highway 71, the following thirteen (13) courses and distances:

(The following 3 courses and distances are based on those of record in Document No. 201808310, Official Public Records of Burnet County, Texas)

- 1) N 64°33'33" W, a distance of 275.09 feet to a calculated point for Point of Curvature of a curve to the left;
- 2) along said curve, with a radius of 3909.72 feet, a delta angle of 12°33'07" and a chord length of 854.81 feet bearing N 70°53'10" W, an arc distance of 856.52 feet to a calculated point for the Point of Tangency of same
- 3) N 77°06'20" W, a distance of 406.93 feet to a calculated point for the Southwest corner of said 180.52 acre tract and the Southeast corner of said Double Horn Creek, Section 4, and an angle point hereof;

(The following course and distance are based on those of record in Cabinet 3, Slide 163-D, Plat Records of Burnet County, Texas)

- 4) N 77°05'58" W, a distance of 1481.86 feet to a calculated point for the Southeast corner of said Double Horn Creek, Section 4, the Southeast corner of Double Horn, Section 3, a subdivision of record in Cabinet 2, Slide 191-A, Plat Records of Burnet County, Texas, and an angle point hereof;

(The following course and distance are based on those of record in Cabinet 2, Slide 191-A, Plat Records of Burnet County, Texas)

- 5) N 77°09'00" W, a distance of 2401.43 feet to a calculated point in a creek bed for the Southwest corner of said Double Horn, Section 3, the Southeast corner of said Double Horn, Section 2 and an angle point hereof;

(The following 5 courses and distances are based on those of record in Cabinet 2, Slide 160-C, Plat Records of Burnet County, Texas)

- 6) N 77°09'03" W, a distance of 2839.88 feet to a calculated point for the Point of Curvature of a curve to the left;
- 7) along said curve with a radius of 5819.39 feet, a delta angle of 6°59'25", and a chord of 709.54 feet bearing of N 80°40'37" W, an arc distance of 709.98 feet, to the point of tangency of same;
- 8) N 84°07'57" W, a distance of 192.76 feet to a calculated point for angle point in said Highway and an angle point hereof;
- 9) N 72°42'10" W, a distance of 306.37 feet to a calculated point for angle point in said Highway and an angle point hereof;
- 10) N 84°12'20" W, a distance of 345.01 feet a calculated point in a stream bed for the Southwest corner of said Double Horn, Section 2, and the Southeast corner of said Double Horn, Section 1, a point on line hereof;

(The following 3 courses and distances are based on those of record in Cabinet 2, Slide 145-C, Plat Records of Burnet County, Texas)

- 11) N 84°12'20" W, a distance of 552.34 feet to a calculated point for angle point in said Highway and an angle point hereof;
- 12) S 84°37'03" W, a distance of 306.08 feet to a calculated point for angle point in said Highway and an angle point hereof;
- 13) N 84°11'35" W, a distance of 509.40 feet to the POINT OF BEGINNING and calculated to contain 1226.63 acres within the City Limits.



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Janet Parker

Janet Parker, County Clerk

Burnet County Texas

3/15/2019 10:18:41 AM

FEE: \$50.00

201902535

ORD

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of Ordinance No. 2019-ORD002 on file in the City Secretary's office, which was passed and approved on the 14th day of March 2019, by the City Council of the City of Double Horn, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

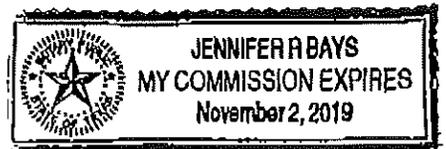
Karen Maxwell

 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019, to certify which witness my hand and seal of office.

[Signature]

 Notary Public in and for the State of Texas



ORDINANCE 2019-ORD002

AN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS ESTABLISHING RULES OF ORDER AND PROCEDURES FOR THE CONDUCT OF COUNCIL MEETINGS AND RELATED PROCEDURES.

WHEREAS, establishing the operation of the city government requires many hours of work and many diverse ideas; and

WHEREAS, the city desires that the city government operate in a transparent and fair manner and that citizens should have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration; and

WHEREAS, the city also believes that matters needing the attention of council should be clear and concise and that meetings should be run efficiently; and

WHEREAS, the city desires clear procedures to guide council meetings, the manner in which matters will be placed on council agendas and the manner in which matters will be considered for action;

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

SECTION 1. GENERAL RULES

- 1.1 **Reserved**
- 1.2 **Quorum.** A quorum of the City Council, as defined by State Law, is necessary before the commencement of any meeting of the City Council.
- 1.3 **Minutes.** An account of all proceedings of the Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the Council.
- 1.4 **Right of Floor.** Any member of the Council desiring to speak shall be recognized by the Mayor and shall confine his or her remarks to one subject under consideration or to be considered.
- 1.5 **City Attorney.** The City Attorney or his/her official designee shall attend meetings as directed by the Mayor. Upon request of the Mayor the City Attorney shall provide an opinion, either written or oral, on questions of the law. The City Attorney shall act as the Council's parliamentarian.
- 1.6 **City Secretary.** The City Secretary or his/her designee shall attend all meetings of the Council unless excused and shall keep the official minutes and records of the City and perform such other duties as may be requested by Council.
- 1.7 **Rules of Order.** "*Roberts Rules of Order Newly Revised*" shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

SECTION 2. TYPES OF MEETINGS

- 2.1 Regular Meetings.** The City Council shall meet in regular session on the second Thursday in each calendar month beginning at 7:00 pm. The City Council, by motion, may forego a regular meeting in a month if it determines that there are no matters requiring Council consideration. If a meeting falls on a holiday, it is automatically rescheduled for the following day, unless rescheduled by the City Council.
- 2.2 Special Meetings.** Special meetings may be called by the City Secretary at the request of the Mayor or two (2) members of the Council. The request for a special meeting shall be filed with the City Secretary or by announcement at any regular meeting at which a majority of the Councilmembers are present. The request for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least seventy-two (72) hours after the request. No item will be placed on the agenda unless submitted to the Mayor at least twenty-four (24) hours prior to the posting of the meeting agenda.
- 2.3 Recessed Meetings.** Any meeting of the Council may be recessed by the presiding officer for brief periods up to 30 minutes or as otherwise allowed by State Law.
- 2.4 Emergency Meetings.** The City Council may hold meetings dealing with emergency conditions as provided by State Law.
- 2.5 Work Sessions.** The Council may meet informally in Work Session (open to the public), at the call of the Mayor or of a majority of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the chair of an appointed committee; provided that all discussions and conclusions thereon shall be informal. On-site inspections of project sites and facilities by individual Councilmembers are strongly encouraged. In most cases, public comment will not be considered nor will Council take action on matters discussed at a workshop.
- 2.6 Executive Sessions.** Executive Sessions or closed meetings may be held in accordance with the provisions of State Law. The Presiding Officer is authorized to recess an item being considered on the agenda for executive session discussion in accordance with State Law.
- 2.7 Attendance of Media at Council Meetings.** All meetings of the City Council shall be open to the media, subject to recording by radio, televisions and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings. Exceptions to this rule will apply to executive sessions which are held in accordance with State Law.

SECTION 3. CONDUCT OF MEETINGS

- 3.1 Presiding Officer.** The Mayor, if present, shall preside at all meetings of the City Council and enforce these rules and procedures during a meeting. In the absence of the Mayor, the Mayor Pro-Tem shall preside. In the absence of both the Mayor and the Mayor Pro-Tem, the Council shall elect a presiding officer. The presiding officer shall make decisions on questions of procedure subject to review respectively by the City Council as a whole. Following a decision of the presiding officer on a question of procedure, any two (2) Councilmembers may be entitled to appeal the decision to the City Council as a whole by the making and the seconding of a motion of appeal. Once made, the appeal must be approved by an affirmative vote of a majority of the Councilmembers.
- 3.2 Call to Order.** The meetings of the Council shall be called to order by the presiding officer. In the absence of both the Mayor and Mayor Pro-Tem, the meeting shall be called to order by the City Secretary for the election of a temporary presiding officer.
- 3.3 Preservation of Order.** The presiding officer shall preserve order and decorum, prevent attacks on personalities or the impugning of Councilmembers' to occur and confine Councilmembers in debate to the question under discussion. The presiding officer shall request all speakers to keep comments brief and relevant to the question before Council.
- 3.4 Points of Order.** The presiding officer shall determine all points of order, subject to the right of any Councilmember to appeal to the City Council as set out in 3.1 above.
- 3.5 Motions to be Stated.** The presiding officer shall re-state a motion being considered prior to the vote, and announce the results.
- 3.6 Voting Required.** Each member of the Council present shall vote on every action taken by Council unless the action involves the member's own conduct or presents a possible conflict of interest.
- 3.7 Conflict of Interest.** A City Councilmember prevented from voting by a conflict of interest, shall step down from the dais, shall not vote on the matter, shall not participate in discussions regarding the matter or attempt to influence Council's deliberation of the matter in any way, shall not attend executive sessions regarding the matter, and shall otherwise comply with the state law and City ordinances concerning conflicts of interest including Chapter 171 and Chapter 176 of the Local Government Code.
- 3.8 Amendments to the Minutes.** Amendments to the minutes are made by a motion during the item to consider approval of the minutes. The minutes provide the action taken by City Council. If a Councilmember desires that certain information be included in the minutes, the Councilmember shall indicate by stating, "For the record", prior to presenting the information. If it is a lengthy statement, a written copy shall be provided to the Secretary.
- 3.9 Presiding Officer's Right to Speak Last.** The presiding officer has the right to speak last on any item.
- 3.10 Closing Debate or Discussion.** Debate or discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council present or by a Motion and Second to "Call the Question". Debate on a Motion to Call the Question will not be allowed and if approved by a majority vote of the Council will end the debate and discussion on the item being discussed. However, a call for the vote from the presiding officer shall not close discussion if any member of the Council still

wishes to be heard or the presiding officer determines the continued participation of others will be helpful to the Council.

SECTION 4. COUNCIL ACTION

- 4.1 **Motion Required.** All action requiring a vote shall be moved and seconded by a member of the Council but not the Mayor.
- 4.2 **Separate Consideration.** Except as otherwise required by these rules each agenda item shall be voted upon separately and each separate vote shall be recorded by the City Secretary.
- 4.3 **Action on Consent Agenda.** Except as herein provided, the "Consent Agenda" shall be considered as a group (without separate discussion on each item). When the Consent Agenda is introduced, each Councilmember has the right to remove any item, in which case the item is handled first under the regular agenda. After items are removed, the presiding officer shall ask the members to indicate their votes on the remaining Consent Agenda items.
- 4.4 **Consideration Out of Order.** The presiding officer may call for an item on the agenda to be considered out of order.
- 4.5 **Recording Names of Moving Members.** The City Secretary shall record the name of the Councilmember making each motion and seconding each motion.
- 4.6 **Reconsideration of an Item.** The presiding officer or a councilmember may call for an item that has already been voted on to be reconsidered in the event that an error occurred in the consideration of the item or in the event reconsideration is necessary to allow public participation that was not previously considered. A motion to reconsider shall be made and seconded and if approved by a majority of the Council, the agenda item may be reopened for discussion and a subsequent vote. If the subsequent vote differs from the previous vote on the item, the subsequent vote shall represent final disposition of the item. Reconsideration is only available at the same meeting in which the matter was considered.

SECTION 5. CITIZEN PARTICIPATION

- 5.1 **Public Participation.** Comments and suggestions by the public are highly valued and encouraged during those parts of a meeting designated for public participation or public hearings. Persons addressing the Council shall complete a Signup Sheet prior to the Call to Order. Speakers should direct all remarks and questions to the Council. The presiding officer may refer a matter for investigation, response or other action. Public comments by a speaker relating to a non-agenda item shall be heard in conjunction with Citizen Comments. For comments relating to an agenda item, the speaker shall provide comments at the time that the subject agenda item is considered. The Mayor may request a staff or committee report or comments on an agenda item before calling for public comments. The "Texas Open Meetings Act" requires the City to post a notice, in advance, listing every topic or subject to be considered by the Council. This law may prevent the Council from considering a subject raised by a member of the public during Citizen Comment or related to matters not posted as part of the agenda.

In this case, the presiding officer may refer the matter, and the Council may direct that the matter be placed on the agenda for an upcoming meeting.

- 5.2 **Manner of Addressing Council – Time Limit.** Each person addressing the Council shall step up to the microphone, shall give his/her name and address for the record. Individual citizen presentations shall be limited to three (3) minutes. The presiding officer, at his/her discretion, may reasonably extend these limits. All remarks shall be addressed to the Council as a body, and not to any member thereof or to any member of the public. No person, other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked of the Councilmembers, except through the presiding officer.
- 5.3 **Remarks to be Germane.** Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting.

SECTION 6. ORDER OF BUSINESS AND AGENDA

- 6.1 **Order of Business.** The general rule as to the order of business in regular meetings shall be as follows:

AGENDA OF THE CITY COUNCIL

1. Call to Order and Announce Quorum is Present
2. Invocation
3. Pledges
4. Updates, Presentations and Recognitions
5. Citizen Comments
6. Consent Agenda
7. Regular Agenda
 - a. Staff or Committee Reports
 - b. Old/New business
8. Executive Session
9. Reconvene into Open Session for Possible Action
10. Announcements and Future Agenda Items
11. Adjournment

- 6.2 **Preparation of Agenda; Requests.** As a general rule the Mayor creates each City Council agenda. The City Secretary prepares, posts and distributes notices of meetings and assembles the agenda packet. The Mayor must place a subject on the agenda if the subject is requested by one or more Councilmembers.
- 6.3 **Consent Agenda.** In preparing an agenda the Mayor shall give consideration to the number and degree of complexity of items to be considered by the City Council for the purpose of conserving the City Council's time in meetings. Items which are anticipated to be routine and require no discussion by the City Council shall be listed under the agenda category "Consent Agenda". Prior to taking up the Consent Agenda, the presiding officer shall determine if there are any items thereon which should be

removed from the Consent Agenda for discussion. Any Councilmember may, upon request, remove any item from the Consent Agenda for discussion and separate action. Thereafter, all remaining Consent Agenda items may be acted upon by a single motion approving the Consent Agenda. Items removed from the Consent Agenda shall be considered on Regular Agenda.

- 6.4 **Agenda Deadlines.** All requests to place a subject on the agenda must be in writing, which shall include e-mail and be provided to the Mayor by noon on the Thursday prior to next Council meeting.
- 6.5 **Agenda Posting.** The Mayor, or if directed by the Mayor, the City Secretary shall post notices of all City Council meetings in compliance with the Texas Open Meetings Act. In addition to the physical location requirements of the Open Meetings Act, if the City has a web site managed by the City, agendas shall be posted on the City's website.
- 6.6 **Requests to Include or Exclude Items.** Each Councilmember request to include or exclude an agenda item shall be forwarded to all members of the Council at the time the request is submitted to the Mayor. When a Councilmember will be absent from a meeting, the Councilmember may request that an item not be included.
- 6.7 **Withdrawal of Items.** The Mayor may withdraw an item on the agenda prior to the agenda posting deadline if the matter was placed on the agenda by the Mayor and not otherwise requested by another Councilmember.
- 6.8 **Council Action to Withdraw, Defer, Table, Continue or Not Act.** A Councilmember wishing to withdraw, defer, table, continue, or not act on an item may make a motion to that effect. Such a motion shall be considered before any other action on that item.

SECTION 7. CONFIDENTIALITY

- 7.1 **Executive Session or Confidential Matters.** All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, or which may otherwise be confidential shall not be discussed or disclosed to third parties not authorized to receive such information. It shall be the policy of the City Council that the Mayor, individual Councilmembers, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters where the information has not been released to the general public. The presiding officer may be authorized, or may authorize the City Attorney, to issue a statement regarding confidential matters upon approval of same by the City Council in open session. Matters discussed in Executive Session shall be embodied in a certified agenda and the City Secretary shall retain and protect all certified agendas as required by the Texas Open Meetings Act.

SECTION 8. ORDINANCES AND RESOLUTIONS

- 8.1 **Ordinances.** Actions of City Council required by state law to be in the form of an order or ordinance will require adoption of an ordinance. Actions which Council desire to carry the force of law or which are subject to fines or penalties shall be enacted as ordinances. Ordinances which carry fines or penalties must be published in the City's

official newspaper as required by state law. All other actions of the City Council shall be considered as resolutions.

- 8.2 Ordinance Process and Effective Date.** Ordinances that require publication shall take effect upon the date of publication as required by state law. All other ordinances take effect on the date of approval by Council. Provided however, that Council in its discretion may provide in an ordinance that the effective date of enforcement regarding matters contained in the ordinance shall take effect at a date certain in the future to allow time for the implementation of the requirements of the ordinance, or to educate the citizens regarding the requirements of the ordinance before enforcement of same. If an ordinance request for placement on an agenda is made by an individual councilmember, the councilmember making the request is responsible for providing a draft of the proposed ordinance for inclusion in the agenda packet. Except as otherwise required by state law, the council may consider an ordinance for approval or defeat at the first meeting in which the ordinance appears on the agenda. However, the Council can continue, defer, or table the ordinance to a future meeting at its discretion.
- 8.2 Resolutions.** A vote by the Council to take action on a matter listed on the agenda is considered a resolution unless the vote is to enact an ordinance. Resolutions may be formalized with corresponding written findings of fact and specific directives where the action to be taken is complex or contains various matters or conditions or may simply be any vote to take action. If the resolution is to be formalized with written findings and other directives the process for consideration of the resolution shall be the same as that for ordinances.
- 8.3 Equal Dignity.** An ordinance may only be amended or repealed by another ordinance. A resolution can only be amended by another resolution but may be repealed by a resolution and then replaced with an ordinance.

SECTION 9. AMENDMENT OF THESE RULES

- 9.1 Amendment of these Rules.** These rules may be amended, or new rules adopted, by an amendment to this Ordinance.
- 9.2 Conflicts with Ordinances/Laws.** To the extent there exists a conflict between these procedures and state law, state law shall govern.

SECTION 10. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsection, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

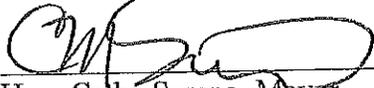
SECTION 11. EFFECTIVE DATE. This Ordinance shall be and become effective immediately upon and after its passage and publication as provided by law.

SECTION 12. REPEALER. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective that are inconsistent or in conflict with the terms and provisions contained herein are hereby repealed to the extent of conflict or inconsistency.

SECTION 13. PROPER NOTICE AND MEETING. The City Council hereby finds and determines that the meeting at which this Ordinance 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 the Open Meetings Act, Chapter 551 of the Texas Government Code.

ADOPTED AND APPROVED by the City Council of the City of Double Horn, Texas, on the 14th day of March, 2019.

CITY of DOUBLE HORN, TEXAS



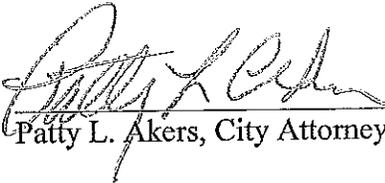
Hon. Cathy Sereno, Mayor

ATTEST:



Karen Maxwell, City Secretary

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of Ordinance No. 2019-ORD003 on file in the City Secretary's office, which was passed and approved on the 14th day of March 2019, by the City Council of the City of Double Horn, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
 to certify which witness my hand and seal of office.

[Signature]
 Notary Public in and for the State of Texas



ORDINANCE 2019-ORD003

AN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS, DESCRIBING THE ROLES AND DUTIES OF THE MAYOR AND PRESIDENT PRO TEMPORE.

WHEREAS, Texas Local Government Code §23.027(a) defines the mayor as the president of the governing body of the city; and

WHEREAS, Texas Local Government Code §23.027(b) directs the governing body to elect a president pro tempore; and

WHEREAS, Texas Local Government Code §102.001(a) defines the mayor as the budget officer and Texas Local Government Code §102.002 directs the budget officer to each year prepare a budget for the succeeding year; and

WHEREAS, Texas Election Code §4.002 declares that the presiding officer of the governing body of a political subdivision (the mayor) shall give notice of an ordered election; and

WHEREAS, the city council desires to have clear procedures and policies describing approval or rejection of ordinances and resolutions before the council;

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

SECTION 1. ROLE AND DUTIES OF MAYOR.

The mayor shall:

- a) be president of the city council; and
- b) shall preside over meetings of the council; and
- c) shall specify the agenda items for consideration by the council; and
- d) shall ensure that the meeting agenda is prepared including the time and place for each meeting of the council; and
- e) shall ensure that meeting notices are properly disseminated consistent with city ordinances and Texas Government Code §551.043 and meeting minutes are properly prepared meeting the requirements set forth in Texas Government Code §551.021; and
- f) shall ensure that notification of elections is provided consistent with Texas Election Code Chapters 4; and
- g) shall be the city's budget officer; and
- h) shall prepare the annual budget.

SECTION 2. VOTE BY MAYOR.

The mayor may not vote on ordinances or resolutions considered by the council, except in the event of a tie.

SECTION 3. PRESIDENT PRO TEMPORE.

Each newly seated city council shall elect one alderman to serve as president pro tempore for a term of one year. The president pro tempore acts in place of the mayor if the mayor is absent at a council meeting, is unable, or fails or refuses to act [Texas Local Government Code §23.027(b)].

SECTION 4. APPROVAL OF ORDINANCES AND RESOLUTIONS.

The mayor shall execute all written ordinances or resolution approved by a majority of the council by signing a copy of that document.

SECTION 5. VALIDITY.

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsection, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be and become effective immediately upon and after its passage and publication as provided by law.

SECTION 7. REPEALER.

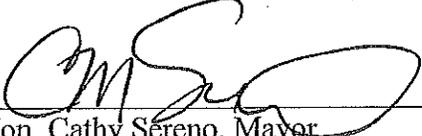
All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective that are inconsistent or in conflict with the terms and provisions contained herein are hereby repealed to the extent of such conflict.

SECTION 8. PROPER NOTICE AND MEETING.

The City Council hereby finds and determines that the meeting at which this Ordinance 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 the Open Meetings Act, Chapter 551 of the Texas Government Code.

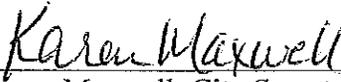
ADOPTED AND APPROVED ON this 14th day of March 2019 by a vote of the City Council of Double Horn Texas.

CITY OF DOUBLE HORN, TEXAS



Hon. Cathy Sereno, Mayor

ATTEST:



Karen Maxwell, City Secretary

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

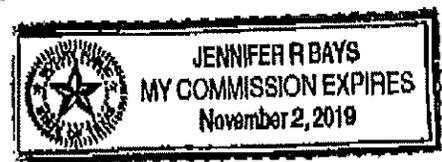
I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of Ordinance No. 2019-ORD004 on file in the City Secretary's office, which was passed and approved on the 14th day of March 2019, by the City Council of the City of Double Horn, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
 to certify which witness my hand and seal of office.

[Signature]
 Notary Public in and for the State of Texas



ORDINANCE 2019-ORD004

**AN ORDINANCE OF THE CITY OF DOUBLE HORN,
TEXAS, ESTABLISHING THE FISCAL YEAR.**

WHEREAS, Texas Local Government Code §101.042 authorizes the city council to prescribe the fiscal year of the municipality; and

WHEREAS, tax bills are distributed around October 1 of each calendar year; and

WHEREAS, tax revenue will begin arriving after the tax bills are distributed;

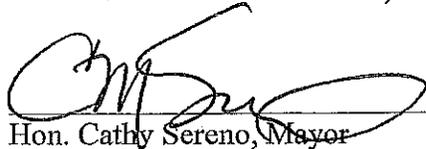
**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF DOUBLE HORN, TEXAS:**

SECTION 1. IMPLEMENTATION.

The city council hereby declares the fiscal year shall be from October 1 of each calendar year through the following September 30 of the next calendar year.

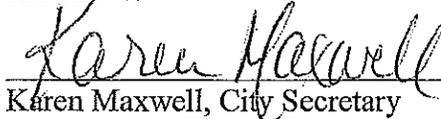
ADOPTED AND APPROVED on this 14th day of March 2019 by a vote of the City Council of the City of Double Horn, Texas.

CITY OF DOUBLE HORN, TEXAS



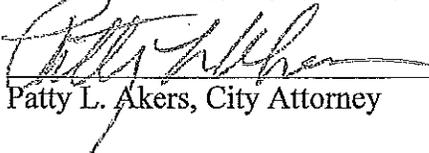
Hon. Cathy Sereno, Mayor

ATTEST:



Karen Maxwell, City Secretary

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

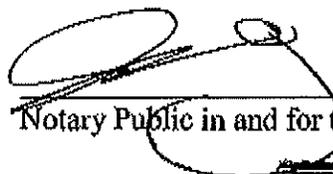
STATE OF TEXAS §
COUNTY OF BURNET § CERTIFICATE TO COPY OF PUBLIC RECORD
CITY OF DOUBLE HORN §

I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of Resolution No. 2019-RES001 on file in the City Secretary's office, which was passed and approved on the 14th day of March 2019, by the City Council of the City of Double Horn, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen S. Maxwell
Karen Maxwell, City Secretary
City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
to certify which witness my hand and seal of office.



Notary Public in and for the State of Texas



RESOLUTION 2019-RES001

A RESOLUTION OF THE CITY OF DOUBLE HORN, BURNET COUNTY, TEXAS, DESIGNATING AN OFFICIAL NEWSPAPER OF THE CITY OF DOUBLE HORN, TEXAS, GIVING THE CITY MAYOR AND DESIGNEE AUTHORITY TO PUBLISH IN THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section §52.012, Texas Local Government Code provides that before an ordinance or a bylaw of a Type B general-law municipality may be enforced, the ordinance or bylaw, or a caption that summarizes the purpose of the ordinance or bylaw and the penalty for violating the ordinance or bylaw must be posted in three public places in the municipality or published in a newspaper that is published in the municipality. If no newspaper is published in the municipality, the ordinance, bylaw, or summary may be published in a newspaper with general circulation in the municipality;

WHEREAS, there are no newspapers that publish within the corporate limits of the City of Double Horn but there is a newspaper, the Highlander, which is in general circulation within the city;

WHEREAS, the City Council of the City of Double Horn desires to designate the official public newspaper of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF DOUBLE HORN CITY COUNCIL THAT:

SECTION 1. The City Council of the City of Double Horn designates the Highlander, as the official newspaper of said city, the same to continue as such and until another is selected, and shall cause to be published therein all ordinances, notices and other matters required by law or by ordinance to be published.

SECTION 2. The Mayor and/or designee are hereby authorized to publish required matters with the official newspaper of the City of Double Horn.

SECTION 3. Any and all ordinances, resolutions, and/or policies of the City of Double Horn, Texas, whether written or otherwise, which are in any manner in conflict with or inconsistent with this resolution shall be and are hereby repealed to the extent of such conflict/or inconsistency.

SECTION 4. This resolution shall become effective immediately upon its passage.

ADOPTED AND APPROVED on this 14th day of March 2019 by a vote of the City Council of the City of Double Horn, Texas.

CITY OF DOUBLE HORN, TEXAS



Hon. Cathy Sereno, Mayor

ATTEST:



Karen Maxwell, City Secretary

APPROVED AS TO FORM:



Patty L. Akers, City Attorney

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

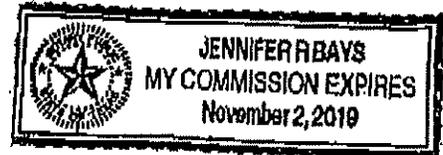
I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of Resolution No. 2019-RES002 on file in the City Secretary's office, which was passed and approved on the 30 day of March 2019, by the City Council of the City of Double Horn, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019, to certify which witness my hand and seal of office.

[Signature]
 Notary Public in and for the State of Texas



CITY OF DOUBLE HORN

RESOLUTION 2019-RES002

**A RESOLUTION OF THE CITY OF DOUBLE HORN,
BURNET COUNTY, TEXAS AUTHORIZING AN
AGREEMENT WITH THE BURNET COUNTY
APPRAISAL DISTRICT FOR THE COLLECTION OF
TAXES.**

WHEREAS, the City of Double Horn desires to levy an ad valorem tax beginning in fiscal year 2020; and

WHEREAS, the Burnet County Appraisal District provides ad valorem tax collection service as well as its statutory services of appraisal; and

WHEREAS, the City Council of Double Horn finds it to be in the public interest to authorize a contract with the Burnet County Appraisal District in the form and according to the terms in the attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Double Horn authorize and direct the Mayor of the City of Double Horn to enter into a contract on the behalf of the City of Double Horn with the Burnet County Appraisal District in the form and according to the terms in the Attached Exhibit A.

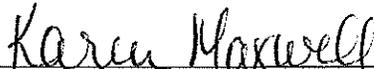
ADOPTED AND APPROVED THIS THE 30th DAY OF MARCH, 2019

CITY OF DOUBLE HORN, TEXAS



Hon. Cathy Sereno, Mayor

ATTEST:



Karen Maxwell, City Secretary

EXHIBIT A

THE STATE OF TEXAS	§	TAX COLLECTION AGREEMENT
	§	
COUNTY OF BURNET	§	

WHEREAS, the City of Double Horn and the Burnet Central Appraisal District, Texas, have the power and authority with reference to the terms of TEX. GOV'T. CODE ANN. §§ 791.001 et seq., and TEX. PROP. TAX CODE ANN. §§ 6.21 et seq., as amended, to authorize the Burnet Central Appraisal District, through its Chief Appraiser to act as the Tax Collector for the above-named Jurisdiction.

NOW, THEREFORE, for the consideration hereinafter expressed and the mutual condition hereof, it is mutually agreed by and between the City of Double Horn, a political subdivision duly organized and existing under the laws of the State of Texas, hereinafter referred to as the Jurisdiction, and the Burnet Central Appraisal District, hereinafter referred to as the "BCAD", as follows:

1. Under the provisions of TEX. GOV'T. CODE ANN. §§ 791.001 et seq., and TEX. PROP. TAX CODE ANN. §§ 6.21 et seq., as amended, the BCAD, through its Chief Appraiser, shall serve as Tax Collector for the Jurisdiction for ad valorem tax purposes, for those properties in the Jurisdiction located in Burnet County, in the year this document is executed and subsequent years pursuant to the terms herein provided. The BCAD agrees to perform for the Jurisdiction all necessary duties authorized, and the Jurisdiction does hereby expressly authorize the BCAD, through its Chief Appraiser, to do and perform all acts necessary and proper to collect ad valorem taxes for the Jurisdiction.

2. A. The BCAD agrees to prepare and mail all tax statements, provide monthly collection reports to the Jurisdiction, prepare tax certificates, develop and maintain both current and delinquent tax rolls for the Jurisdiction, meet with the requirements of the Property Tax Code, as amended, and to develop and maintain such other records and forms as are necessary or required by law or state rules and regulations.

The BCAD undertakes and agrees to make available to the Jurisdiction full information about the tax collection operation of the BCAD, and to promptly furnish written

reports reasonably necessary to keep the Jurisdiction advised of all financial information affecting the Jurisdiction.

B. The Jurisdiction authorizes the BCAD to approve on behalf of the Jurisdiction all refunds pursuant to TEX. PROP. TAX CODE ANN. § 31.11. Refunds for any purpose may be made from tax collections otherwise due to the Jurisdiction, or, if there are not sufficient current collections to make the refund, the Jurisdiction shall, at the request of the Chief Appraiser, promptly return to the BCAD sufficient money to pay the refund. If refunds on more than 100 parcels are necessitated due to an election regarding tax rates, or for any other reason not attributable to the negligence of the BCAD, the Jurisdiction shall pay the costs of such refund. The BCAD shall report to the Jurisdiction all refunds made on behalf of the Jurisdiction.

Likewise, in the event that a tax payment is made by check or other medium that is later dishonored, the BCAD shall withhold the dishonored amount previously distributed to the Jurisdiction from tax collections otherwise due to be distributed to the Jurisdiction. If there are not sufficient current collections to amount to the revenue lost due to the dishonored instrument, the Jurisdiction shall promptly refund to the BCAD sufficient sums upon request by the Chief Appraiser.

C. To enable the BCAD to effectively serve all parties who contract with it for the collection of taxes, all such parties must set their tax rates and report such tax rates to the BCAD not later than the 30th day of September or the 60th day after the Jurisdiction receives its certified roll, whichever is later, of each year. In the absence of this requirement being met, such parties as do not meet this requirement shall bear all expenses of the BCAD and its agents of expenditures made by such for the purpose of sending the tax statements in a separate notice or billing. By executing this Agreement, the Jurisdiction does accept such provisions and expressly agrees to solely bear any and all expenses that might be incurred by the BCAD as a direct result of not timely communicating to the BCAD its tax rate and any and all collateral or related information or documentation to allow the BCAD to meet its required obligations and duties to all other parties on whose behalf it also collects tax funds. Similarly, if separate tax bills for the Jurisdiction are necessitated, such as due to a latent adjustment to the tax rate resulting from an election regarding the same or due to any other reason not resulting from the negligence of the BCAD, the Jurisdiction shall pay for the total costs of the same.

3. The Jurisdiction hereby agrees and expressly authorizes the BCAD to contract on the Jurisdiction's behalf with private legal counsel for the collection of delinquent ad valorem taxes. The Jurisdiction further agrees that a reasonable fee for collection of the delinquent taxes, as is allowed by law and provided in the contract with private legal counsel, will be paid from the delinquent taxes, and related penalties and interest collected for the Jurisdiction by such private legal counsel.

4. The cost of collection services for any subsequent years will be set forth in the BCAD budget for that year and will be approved by the taxing Jurisdictions at such time. As with the appraisal services, the collection services will be allocated on the percentage of total levy method. Payments shall be quarterly on or before January 1, April 1, July 1, and October 1 of such year.

5. The BCAD shall cooperate with, and respond to the inquiries of, any independent certified public accountants employed by the Jurisdiction to conduct an annual financial audit of the Jurisdiction to the extent such inquiries are related to the collection of taxes as provided for by this contract.

6. The BCAD agrees to obtain a surety bond for the BCAD's Chief Appraiser to assure proper performance of the tax collecting function provided in this contract. Such bond shall be payable to the BCAD in the sum of \$75,000.00, unless state statutes require a larger sum, and shall be executed by a solvent surety company.

7. The BCAD agrees to make payments of collected taxes directly to the Jurisdiction or into such depositories as are selected by the Jurisdiction. Such payments shall be made on a weekly basis or more often if deemed prudent or necessary by the BCAD and the Jurisdiction during the peak collection period. During the non-peak periods, payments will be sent semi-monthly.

8. This contract shall continue until terminated by the parties. Either party may terminate this contract by giving written notice of its intent to the other party on or before April 1, to be effective the following July of the same calendar year. Upon termination, the Jurisdiction shall assume tax collection responsibilities for all tax years for which the BCAD has not been compensated by the Jurisdiction, and remaining delinquent taxes.

9. If this contract should terminate for any reason, including but not limited to termination because of agreement of both parties or termination by judicial decree, the tax records shall be returned to the Jurisdiction.

10. This agreement supercedes any and all agreements and contracts by and between the Jurisdiction relative to collection of taxes.

11. This contract is to be interpreted under the laws of the State of Texas. Venue for any litigation arising in connection with this contract shall lie in Burnet County, Texas.

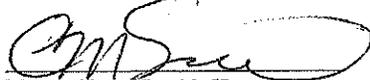
IN WITNESS WHEREFORE, these presents are executed by authority of the governing bodies of the respective parties hereto.

Executed _____, 2019.

Burnet Central Appraisal District

Chairman, Board of Directors

City of Double Horn



Mayor, City of Double Horn

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

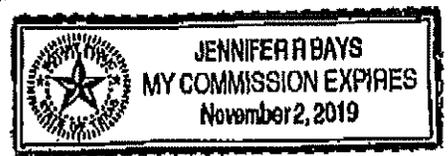
I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of Resolution No. 2019-RES003 on file in the City Secretary's office, which was passed and approved on the 27th day of March 2019, by the City Council of the City of Double Horn, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
 to certify which witness my hand and seal of office.

[Signature]
 Notary Public in and for the State of Texas



RESOLUTION NO. 2019-RES003

**A RESOLUTION OF THE CITY OF DOUBLE HORN
REQUESTING THAT SPEED LIMITS ON HIGHWAY 71
ADJACENT TO THE CITY BE LOWERED TO 60 MILES PER
HOUR AND REQUESTING A TRAFFIC CONTROL DEVICE**

WHEREAS, the City of Double Horn is a Type B general law municipal corporation located in southern Burnet County and immediately adjacent to State Highway 71 West and 3.5 miles East of Highway 281; and

WHEREAS, traffic safety within the City of Double Horn is of primary public concern; and

WHEREAS, the City of Double Horn has four points of entry but all entry locations are onto Highway 71 and site lines are not long enough to exit or enter safely given the current speed limits and the lack of traffic control devices;

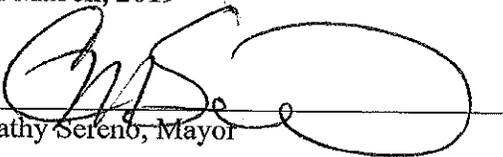
WHEREAS, a new aggregate production facility has been permitted on property within the city limits which property is expected to substantially increase truck traffic entering and exiting from Highway 71 which will exasperate the line of site issue and will further impact traffic safety; and

WHEREAS, it is the desire and responsibility of the Double Horn City Council to protect the health, safety, and welfare of its citizens;

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

1. The Double Horn City Council hereby officially requests that the Texas Department of Transportation proceed with and conduct a traffic survey and speed limit study within the portion of Highway 71 adjacent to the City limits; and
2. The City of Double Horn hereby officially requests that the speed limit within the corporate limits be reduced to 60 mph and/or traffic control devices be installed to offset the line of sight limitations.

PASSED AND APPROVED this 27th day of March, 2019


Cathy Sereno, Mayor

ATTEST:


Karen Maxwell, City Secretary

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of Resolution No. 2019-RES004 on file in the City Secretary's office, which was passed and approved on the 30th day of March 2019, by the City Council of the City of Double Horn, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019, to certify which witness my hand and seal of office.

[Signature]
 Notary Public in and for the State of Texas



RESOLUTION 2019-RES004

A RESOLUTION OF THE CITY OF DOUBLE HORN, TEXAS ESTABLISHING ITS INTENT TO PROVIDE MUNICIPAL SERVICES TO THE CITIZENS OF THE CITY AS PROVIDED BY LAW; AND PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING RESOLUTIONS; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the Double Horn was incorporated as a Type B, General Law municipal corporation on December 11th; and

WHEREAS, a mayor and five city aldermen were elected on February 12th to serve as the City of Double Horn's first city council; and

WHEREAS, the City Council of the City of Double Horn recognizes its responsibility under the law to provide municipal services to the citizens of Double Horn; and

WHEREAS, the City finds that the establishment of a plan to secure and implement necessary municipal services is in the best interest of the citizens and essential for public health, safety and welfare and to ensure control and quality of growth and future development.

NOW THEREFORE BE IT RESOLVED THAT:

The City Council of the City of Double Horn, Texas, hereby states its intention to provide and secure the following municipal services some of which will be considered within the next 90 to 180 days, whereas some items will be considered as needed to provide municipal services on behalf of the citizens of the City of Double Horn to wit:

1. The City Council may consider adoption of ordinances for the following purposes:

(a) Adoption of a comprehensive plan, zoning ordinance, subdivision regulations, park and trail plan for all property located within the boundaries of the City. The zoning districts shall correspond to the current uses of the property consisting primarily of single-family estate property, commercial uses fronting Highway 71, agricultural uses and industrial uses or single family estate residential on the aggregate production site.

(b) For the preservation of public safety, relating to the materials or methods used to construct a building or other structures or improvements, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;

(c) For the protection of designated places and areas of historical, cultural or architectural importance and significance; and

(d) for the preservation of public health or for the fire safety of a building or other structure or improvement, including provisions relating to materials, types of construction or design, interior configuration, illumination, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(e) for the establishment of criteria for land subdivision or construction of buildings, including provisions relating to street width and design, lot size, building width or elevation, setback requirements, or utility service specifications or requirements;

(f) for the establishment of regulations relating to dangerously damaged or deteriorated structures or improvements;

(g) for the establishment of regulations relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents;

(h) for the establishment of regulations relating to the interior configuration, design, illumination, or visibility of business premises exhibiting for viewing by customers while on the premises live or mechanically or electronically displayed entertainment intended to provide sexual stimulation or sexual gratification;

(i) for the establishment of regulations relating to point source effluent limitations or the discharge of a pollutant, into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the municipality;

(j) for the establishment of regulations relating to floodplain control and administration, including an ordinance regulating the placement of a structure, fill, or other materials in a designated floodplain;

(k) for the establishment of regulations relating to animal care and control;

(l) for the establishment of regulations relating to water conservation measures, including watering restrictions;

(m) for the establishment of regulations relating to a water pollution control and abatement programs in accordance with the Texas Water Code;

(n) for the establishment of regulations relating to outdoor burning and to establish fire breaks or other regulations to reduce the threat of wild fires;

(o) for the establishment of any other necessary regulations not inconsistent with state law that the governing body considers proper for the governance of the City;

(p) for the establishment of an ordinance regulating sexually oriented businesses; and

(q) for the establishment of an ordinance regulating fireworks.

2. The City Council may consider acquisition of personal and real property, through purchase, lease, contract, or license for the following purposes:

(a) to establish an appropriate and convenient location to conduct meetings of the City and to conduct City business; and

- (b) to secure and acquire additional sources of potable water and water systems if needed for growth and development of the City; and
- (c) to secure and acquire sources of non-potable water for use in fire suppression and for fire protection storage purposes; and
- (d) to acquire, establish and protect open space, parks and establish trails and walkways within the City; and
- (e) to secure and acquire a sanitary sewer system if needed for growth and development of the City; and
- (f) to preserve and protect archeological or historical sites within the City; and
- (g) to acquire right of way for streets, utilities and other public purposes; and
- (h) to acquire property and easements for drainage and flood protection; and
- (i) to acquire property for use as a City cemetery; and
- (j) to acquire any other personal or real property in furtherance of the City's governmental interest;

3. The City Council may consider undertaking on its own or may enter into contracts or agreements with third parties or other governmental entities, including interlocal cooperation agreements under Texas Government Code ch. 791, for the following purposes:

- (a) To provide for police protection and law enforcement services; and
- (b) To provide for ambulance services; and
- (c) To provide for animal control and management; and
- (d) To provide for garbage and recycling services within the City; and
- (e) To implement a program to monitor and report air quality within the corporate limits and provide the results to residents and property owners; and
- (f) To implement a program to monitor and report seismic activity within the corporate limits and provide the results to residents and property owners; and
- (g) To provide for maintenance of City streets and right of way;
- (h) To conduct traffic studies on Highway 71, or to contract with TxDOT for same to improve traffic safety and for construction of traffic improvements within the City; and
- (i) To provide for emergency and disaster response and to obtain or improve emergency services for all areas within the corporate boundaries, including through an agreement with Burnet County Emergency Services District No. 9; and
- (j) To take such action and perform such services as may be needed from time to time to protect the health, safety and welfare of its citizens and as otherwise allowed by law.

4. The City Council finds that the City of Double Horn is currently, and has for many years, comprised primarily of an assemblage of residential properties

and homes with an urban or semi-urban character, which homes have unity and fairly close proximity; is susceptible of receiving municipal services, which are and will be provided by the City; the City has a park, a meeting place, a common nucleus, many City streets, and seeks to provide municipal services to its current and future residents and contiguous tracts of property in its extra territorial jurisdiction.

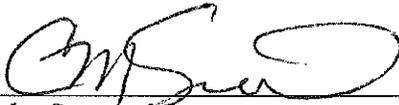
5. Should any part, sentence or phrase of this Resolution be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Resolution shall not be adversely affected. No portion of this Resolution shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Resolution are severable.

6. This Resolution shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

7. The meeting at which this Resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

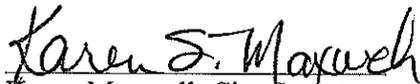
PASSED AND APPROVED on this the 30th day of March 2019.

CITY OF DOUBLE HORN, TEXAS



Cathy Sereno, Mayor

ATTEST:


Karen Maxwell, City Secretary

APPROVED AS TO FORM:


Patty L. Akers, City Attorney

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of the minutes of the special meeting of the City Council on February 28, 2019 on file in the City Secretary's office, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

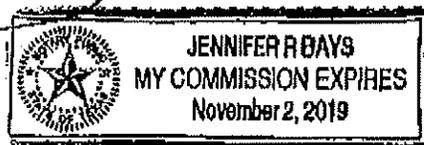
WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
 to certify which witness my hand and seal of office.

Jennifer R Days

 Notary Public in and for the State of Texas



CITY OF DOUBLE HORN

Minutes of Special Meeting City Council
Thursday, February 28, 2019 at 7:00 PM
DOUBLE HORN PAVILION
103 Double Horn Trail
Double Horn, Texas 78669

1. **Meeting called to Order: 7:00pm**

2. **Introduction of City Council & Quorum Confirmed**

All in attendance: Mayor Cathy Sereno, and alderman RG Carver, Glenn Leisey, Jim Millard, Larry Trowbridge, Bob Link.

3. **Invocation** by Glenn Leisey

4. **Pledge of Allegiance**

5. **Regular Agenda: Council will individually consider and possibly take action on any or all of the following items:**

Cathy Sereno shared the city council's purpose to "protect property rights and quality of life" of the citizens.

a) **Discuss and consider action to select a part time city secretary (volunteer role).**

Karen Maxwell is volunteering as City Secretary.

Glenn Leisey made a motion to accept Karen Maxwell as City Secretary volunteer. Jim Millard seconded the motion.

Vote is unanimous.

b) **Discuss and consider action to select a Mayor Pro Tempore.**

Glenn Leisey suggests that the position be filled by person receiving the second most election votes which was RG Carver.

Bob Link made a motion to make RG Carver Mayor Pro Tempore. This was seconded by Larry Trowbridge.

Vote unanimous.

c) **Discuss and consider action to keep or abolish the office of the Marshal.**

Bob Link moved to abolishing the Marshall position. Motion seconded by Glenn Leisey.

Discussion for Marshall: Some of the City uses of the Marshall would be as a server of official items and legal back up, with a clarification that it is a non-salary, civil position, and not for a 911 call. It was also suggested to clarify the position is not a code enforcement officer.

CITY OF DOUBLE HORN

Bob Link voted for and all others against. Motion denied.

Bookmarking job duties for action at next meeting

d) Discuss and consider action to select a Treasurer.

Duties of the treasurer would include taxes, payroll and procure requests for proposal (RFP) from 3 banking services. He would also assist Mayor with budget.

Jim Millard moved to accept Glenn Leisey as Treasurer. RG Carver seconded motion. Vote unanimous; motion carried.

e) Discuss and consider action to select a city attorney.

Glenn Leisey moved to accept the firm of Akers & Akers for city legal services. Jim Millard seconded motion.

Discussion: There will be a contract with the firm. They will work at the will of the Council. TX municipal league available for general questions for free.

Mayor requires all questions for Patty to go through the Mayor to control expenses.

Patty Akers spoke to their experience. They will be working for discounted rate.

Vote unanimous; motion carried.

f) Discuss and consider action regarding a place, date and time for regular meetings of the city council.

Dates: Bob Link moves to have City Council meeting on the 2nd Thursday of every month. Glenn Leisey seconded motion.

Vote unanimous-motion carried.

Time 7pm (No motion-no vote)

Location: Jim Millard discussed his research on office and meeting space.

Office space available in building located at the corner of Vista View and Hwy 71 which is within the city limits. \$500 month/6 months with access to kitchenette, restroom and boardroom. Monthly lease includes phone & internet.

\$125 Spicewood Community Center which could be used for Council meetings

Jim Millard and Bob Link will talk to Double Horn Water Board about sharing address.

Glen Zoerner and Robin Mayfield will assist them in working out details.

CITY OF DOUBLE HORN

Next meeting will be on March 14th. Location to be confirmed later. Mayor will check on availability of the Spicewood Community Center for this meeting.

g) Discuss and consider action regarding locating an office facility to serve as city hall.

Bob Link made a motion to create a committee to research housing options for city hall and council meetings. Patty Akers clarifies that meetings don't have to be in city limits. Larry Trowbridge seconded motion.

Vote passed unanimously.

Cathy Sereno will secure next meeting site.

h) Discuss and consider action to issue a request for proposals to obtain banking services.

Glenn Leisey made a motion to investigate proposals from 3 banking services in Marble Falls. Jim Millard seconded the motion.

The vote was unanimous; the proposal passed.

Glenn Leisey will get together with City Attorney, Patty Akers, as to procedure. The Mayor will forward RFP document previously provided by Patty Akers to Glenn.

i) Discuss and consider action regarding funding for the City's first year.

Larry Trowbridge made a motion to form a small committee to establish for budget and funding that budget. Glenn Leisey seconded motion.

Larry Trowbridge amended motion to "form a budget guidance committee" only. RG Carver seconded the amended motion.

Larry Trowbridge will be chairman & Jim Millard to co-chair budget guidance committee with community volunteers John Gary and Glen Zoerner.

Amended motion voted on and passed unanimously.

Bob Link made a motion to move funding item to the next meeting. Glenn Leisey seconded motion.

Vote passed unanimously.

j) Discuss and consider an ordinance to establish the City's fiscal year.

Bob Link made a motion to establish city's fiscal year to next meeting. Larry Trowbridge seconded motion.

Unanimous vote to postpone decision.

Patty Akers noted the need to record all future meetings.

k) Discuss and consider establishing a city website.

CITY OF DOUBLE HORN

Glenn Leisey made a motion to establish a city website as doublehorntx.org. RG Carver seconded the motion.

Discussion: City must post all notifications in a 24/7 publicly accessible area. Cost will be \$118 per year – includes website and hosting services.

The vote was unanimous and approved.

l) Discuss and consider registering with the Texas Municipal League (TML) & Request liability insurance.

Membership in TML is free for first yea. Following years would be \$591 for our size city. No obligation to register next year. Glenn Leisey made a motion to register with Texas Municipal League (TML) and request liability quote. Larry Trowbridge seconded motion.

Liability will be Risk pool. TML underwrites 98% of all small municipalities. Looking for a quote.

Can 103 Double Horn be used? Could city share location with HOA? Will it suffice with TML?

Larry Trowbridge moved to continue motion till next meeting. Glenn Leisey seconded motion. Vote was unanimous to continue to next meeting.

m) Discuss and consider action to address adoption of a comprehensive plan and zoning ordinance.

Bob Link made a motion to move this item to next meeting's agenda. Move to next meeting. Jim Millard second.

Glenn Leisey made a motion to create a committee to work on this project. Jim Millard seconded motion.

Vote was unanimous and motion was approved.

Committee consists of alderman Bob Link with community members John Gary, Harry Brunner, Glen Zoerner and Ron Link

n) Discuss and consider action regarding other ordinances or regulations to be adopted in the future.

Bob Link made a motion to have the Ordinance committee (Ongoing) members be made up of same members of the zoning committee. Jim Millard seconded motion.

Patty Akers, city attorney, clarified that ordinances have to do with established law and resolutions are for things not covered by law.

Vote Unanimous

o) Discuss and consider other matters for inclusion on the agenda for the next regular meeting of the city council.

Discuss and consider itemized ordinances and resolutions.

CITY OF DOUBLE HORN

Discuss ordinance laying out Marshall's duties.

March 14th next meeting location is TBD – Mayor will check on availability at Spicewood Community Center.

Discussion of quarry entrance placement addressing citizen's concerns.

Discuss single point of contact for quarry.

Request for proposals from bank services.

Discussion on City office and meeting facilities.

Discuss and consider procedure for items to be placed on agenda including citizen's and council member's requests.

Larry Trowbridge, with Glenn Liesey seconding, moved to continue to the next meeting the following motion, garnering a unanimous vote of approval: Glenn Liesey made a motion to register with Texas Municipal League (TML) and request liability quote. Larry Trowbridge seconded motion.

No citizens signed up to speak to Council.

5. Close Regular Meeting

Bob Link moved to adjourn meeting. Larry Trowbridge seconded motion.

Adjournment's vote was unanimous.

6. Open Executive Session

Executive session moved to next meeting at the suggestion of Patty Akers, city attorney.

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

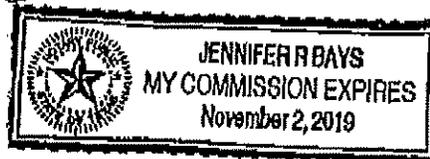
I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of the minutes of the meeting of the City Council on March 14, 2019 on file in the City Secretary's office, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019, to certify which witness my hand and seal of office.

[Signature]
 Notary Public in and for the State of Texas



CITY OF DOUBLE HORN

Regular Meeting Minutes
City Council THURSDAY, MARCH 14, 2019 7:00PM
SPICEWOOD COMMUNITY CENTER
Located at 7901 CR 404 Spicewood, Texas 78669

THE CITY OF DOUBLE HORN COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT CATHY SERENO AT (830)693-1508 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

Citizens will be given an opportunity to provide comments on any item listed on the regular agenda when the agenda item is called. Comments should be limited to (3) three minutes.

1. Call Meeting to Order: Time 7:00pm

2. Roll call to Confirm Quorum:

Jim Millard, RG Carver, Larry Trowbridge, Bob Link, and Cathy Sereno in attendance.
Glenn Leisey is absent. Quorum confirmed.

3. Invocation: Bob Link

4. Pledge of Allegiance

5. Approval of Minutes:

Corrections: *Bob Link* found some grammatical corrections that were corrected.

Mayor Cathy Sereno stated that if there are no other corrections the March 14th minutes are approved as corrected.

6. Citizen Comments -

No citizens signed up to speak.

7. Treasurer's Report:

a. Discuss and consider action on proposals for banking services and award a contract for banking services.

Mayor Cathy Sereno indicated that only one of the 3 banks *Glenn Leisey* requested proposals from has responded complete. Other banks have indicated they need more time. In the interim, First United Bank has offered to provide banking services with a minimum balance of \$100 until a decision has been made. They are requesting, though, if they are not the chosen bank, that the account with them be closed out.

Motion: *Bob Link* moved to accept First United as an interim banking service for the City.

Second: *Jim Millard* seconded proposal.

Discussion: none

Vote: Unanimous vote; motion carried.

Further research will be done to secure a permanent financial home for the city.

8. Regular Agenda: The Council will individually discuss, consider and possibly take action on any or all of the following items:

a. Discuss and consider action on quote for city liability insurance provided by Texas Municipal League (TML).

Larry Trowbridge discusses the coverage of the insurance. The first year of membership to TML is free. The insurance would run from 3/15/19-3/15/20.

Coverage:

General Liability: 500K with a 1 Million aggregate for Year

Law Enforcement Coverage 500K per incident with a 1 Million aggregate for Year
1K deductible.

Errors & Omissions: 500K per incident with a 1 Million aggregate for Year

Subject to 1K deductible; Criminal defense reimbursement, employment matters, etc. Covers Council members and includes website for breach of data or loss of data.

A requirement of the insurance would be to name an administrator and establish an ordinance to give claimants a limited time to file a claim to establish a process.

The Mayor asked *Larry Trowbridge* to be the administrator for the city.

Motion: *Larry Trowbridge* moves to approve to pay \$980 for Texas Municipal League Risk Pool Liability Insurance and that the *Mayor* execute the agreement.

Second: *RG Carver* seconds the motion.

Discussion: none

Vote: Unanimous. The motion carried.

b. Discuss and consider action on role of Marshal - Discussion to include job responsibilities, job requirements, related costs and options.

John Osborne: Due to the requirements of a city Marshall to be a licensed Peace Officer and added liability risks for the City, he suggests that the name is changed to Ordinance Officer.

Patty Akers: She suggests that might not be necessary to have a Marshall. Set up an agreement of an interlocal agreement with the local Sheriff's dept. An ordinance would be required for an Ordinance Officer. Mutual compliance is the best code enforcement. The elimination of the position of Marshall and adding a Code Enforcement Officer would need to be on next meeting's agenda. Code enforcement would need access to a court. She can check on access to a Justice of the Peace if that is needed.

c. Discuss and consider action on the Facility Committee recommendation(s) regarding the location of City Hall (city office and meeting room) including possible lease agreement.

Jim Millard: The information on a facility previously discussed was the *Professional Civil Process* company's offer of 200 sq.ft. once a month for a Council meeting for \$500 month or \$1500 a month for office space for City Secretary with high speed internet. A less expensive third option would be building a small building around the Double Horn subdivision pool house for files and small equipment. He feels that more investigation into a facility is needed.

Jim Millard suggests the meetings be held at the Pavilion as it has zero expense.

Motion: Continue to have City Council meetings at the Double Horn Pavilion and to keep the gates open during the meetings.

Second: *Bob Link* seconds the motion.

Discussion: *David Reddrop* suggested to have an agreement between HOA and City. *Jim Millard* will follow up on an agreement between the HOA and the City.

Vote: Unanimous. The motion carried.

John Osborne points out, in support of an agreement with the HOA, that Pavilion can be booked for other items and there is a need to set up reservations for Council meetings.

d. Discuss and consider action on the Ordinance Committee Report including the following items:

On behalf of the entire City Council, *The Mayor* thanks *Bob Link* and his committee, made up of Council and community members, for all their hard work. She asks *Bob Link* to read the preamble of each ordinance or resolution.

Bob Link thanks his committee made up of *Glen Zoener, John Gary, Harry Brunner, and Ron Link*.

i. 2019-ORD001 AN ORDINANCE OF THE CITY OF DOUBLE HORN, BURNET COUNTY, TEXAS DOCUMENTING THE BORDERS OF THE CITY OF DOUBLE HORN AND THE BOUNDARIES OF ITS EXTRATERRITORIAL JURISDICTION (ETJ).

Harry Brunner explained that all cities are required to define the boundaries of its city. *RG Carver* stated the map will be mounted and brought to each meeting.

Motion: *Larry Trowbridge* moves to approve ordinance ORD001 as written.

Second: *RG Carver* seconds the motion.

Discussion: none

Vote: Unanimous. The motion carried.

ii. 2019-ORD002 AN ORDINANCE OF THE CITY OF DOUBLE HORN, BURNET COUNTY, TEXAS ESTABLISHING RULES OF PROCEDURE AND ORDER OF BUSINESS.

The Mayor clarifies some changes previously made. The section 1.1 was changed to "reserved" because we don't have a permanent location. Ordinance will be amended when we do. The section 5.1 has "registration card" changed to signup sheet.

Motion: *Larry Trowbridge* moves to approve ordinance 2019-ORD002.

Second: *Jim Millard* seconds motion.

Discussion: none

Vote: Unanimous. The motion carried.

iii. 2019-ORD003 AN ORDINANCE OF THE CITY OF DOUBLE HORN, BURNET COUNTY, TEXAS, DESCRIBING THE ROLES AND DUTIES OF THE MAYOR; AND PRESIDENT PRO TEMPORE.

Motion: *Larry Trowbridge* moves to accept ordinance ORD003 as written.

Second: *Jim Millard* seconds the motion.

Discussion: none

Vote: Unanimous. The motion is carried.

**iv. 2019-ORD004 AN ORDINANCE OF THE CITY OF DOUBLE HORN,
BURNET COUNTY, TEXAS, ESTABLISHING THE FISCAL YEAR.**

Motion: *Larry Trowbridge* moves to approve ORD004 as written.

Second: *RG Carver* seconds the motion.

Discussion:

David Reddrop: What is the fiscal year.

Bob Link: The fiscal year is from October 1st to the following September 30th.

Vote: Unanimous. The motion carried.

Ms. Reddrop: How will citizenry access ordinances?

Mayor - It will be on website, doublehorntx.org, where approved ordinances will be posted.

Patty Akers- As we go along a fuller packet could be available to view ahead of the meeting as an agenda packet.

**v. 2019-RES001 A RESOLUTION OF THE CITY OF DOUBLE HORN,,
BURNET COUNTY, TEXAS, DESIGNATING AN OFFICIAL NEWSPAPER OF
THE CITY OF DOUBLE HORN, TEXAS, FOR FISCAL YEAR 2019-2020;
GIVING THE CITY MAYOR AND DESIGNEE AUTHORITY TO PUBLISH IN
THE OFFICIAL NEWSPAPER AND PROVIDING AN EFFECTIVE DATE.**

Bob Link asks City Attorney, *Patty Akers*, to clarify the difference between a resolution and ordinance.

City Attorney, Patty Akers: Ordinances carries the force of law. Resolution is simply an action of the Council.

Motion: *Larry Trowbridge* moves to accept Resolution-001 as written.

Second: *RG Carver* seconds the motion.

Discussion: none

Vote: Unanimous. The motion carried.

e. Discuss and consider action regarding the adoption of a city logo.

Motion: *Jim Millard* makes a motion to continue this item till the next meeting.

Seconded by *Bob Link*.

Discussion: none

Vote: Unanimous. The motion carried.

f. Discuss and consider action regarding a permanent display board to be installed on the outside of the gates so that city postings can be made in compliance with the Open Meetings Act.

Patty Akers: If the City is going have its meetings at the Pavilion, it will need to have a secure board to post agenda at location and website.

Bob Link believes the agreement with HOA needs to include the ability to build a board.

City Attorney Patty Akers: The city has to have an exclusive area to post. The City can always do more posting than required.

Motion: *Bob Link* moves to work with the HOA to get approval for and build an enclosed bulletin board to post the City Council agenda as well as posting on the city website.

Second: *Jim Millard* seconds the motion.

Discussion: *The Mayor* will be putting out an announcement to Double Horn HOA to get the website information out to the residents.

Vote: Unanimous. The motion carried.

g. Discuss and consider approval of an agreement with the City Attorney.

The Mayor clarifies that the firm Aker and Akers will be charging us \$180 an hour, at a discounted rate. She is only billing us 50% of the travel expense.

Motion: *Bob Link* moves to approve the agreement between the City of Double Horn and the Law firm Akers and Akers Law, LLP.

Second: *Jim Millard* seconds the motion.

Discussion: *Bob Link* speaks to the motion that *Patty Akers* was very helpful and a good resource for creating the ordinances and resolutions.

The Mayor agrees that *Patty* will keep us on the right path.

Vote Unanimous. The motion carried.

h. Discuss and consider action on Budget Guidance Committee Report - forecasted expenses and options

Larry Trowbridge: Committee, *John Gary, Bob Link, Jim Millard, and Larry Trowbridge,* created examples of budgets for the board. The state has very specific requirements for posting and passing budgets. It is subject to Public hearings and two separate votes: one to adopt the budget and 2 to adopt the tax levy.

Harry Brunner: The County Assessor, Stan Hemphill, has requested an estimated tax rate prior to the end of March 30th. On April 15th, the appraisals go out to residents.

Larry Trowbridge - We need to continue working on this. This needs to be on next agenda.

Motion: Larry Trowbridge moves to continue working with the committee to develop a 2019 & 2020 budget to provide the tax assessor.

Second: RG Carver seconds motion.

Discussion: none

Harry Brunner: Assessor needs an email from City Secretary for the estimated tax.

Vote: Unanimous. The motion carried.

i. Discuss and consider action to identify funding sources and fundraising activities.

Motion: *Bob Link* makes a motion to form a committee for fundraising?

Second: *Jim Millard* seconds the motion.

Discussion: Bob Link - The leader of this committee doesn't have to be a Council member?

Mayor - The leader just has to work with City.

Motion Amended: *Jim Millard* amended motion to form a committee that will be led by the city treasurer by Glen Leisey subject to his approval, to raise funds for the city.

Second Amended: *Larry Trowbridge* seconds motion

Motion Amended: *Larry Trowbridge* amends the motion to form a Fundraising Committee for the city of Double Horn and search for a leader.

Second Amended: *RG Carver* seconds the motion..

Discussion: *Bob Link*: How would someone make a donation?

Patty Akers: Make a check made out to the City of Double Horn as soon as there is a bank account. Any donation to the city would be tax deductible.

Vote: Unanimous. The motion carried.

j. Discuss and consider other matters for inclusion on the agenda for the next regular meeting of the City Council.

The next Regular Meeting date would be April 11th but March 27th can be the next Special Meeting. Several citizens indicated a preference to meet at the Spicewood Community Center.

Motion: *Jim Millard* moved to have a Special Meeting on Wednesday, March 27th at 7pm.

Second: *Larry Trowbridge* seconded motion.

Discussion: *Mr. Brunner* will cover the cost of the Spicewood Community Center location.

Motion amended: *Jim Millard* amends motion to read Special Meeting at Spicewood Community Center on Wednesday 27th at 7pm pending availability.

Second: *Larry Trowbridge* seconded the amended motion.

Vote: Unanimous. The motion carried.

John Osborne will cover the cost of April's meeting at the Spicewood Community Center.

Additional items from meeting for next meeting's agenda:

- Discuss and consider the permanent location for our meeting place.
- Discuss and consider action to establish an ordinance to establish a process giving claimants a limited time to file a claim against the city.
- Remove the position of the Marshall from the city ranks.
- Discuss and consider action to establish an ordinance to create a Code Enforcement Officer.
- Discuss and further consider action on Budget Guidance Committee Report - forecasted expenses and options including estimated tax.
- Discuss and consider action to identify funding sources and fundraising activities. Check on success of Fundraising Committees formation.

9. Close Regular Meeting 8:55

Mayor closes out the Regular meeting to go into Executive Session according to the rules Texas Government code 551.071. We will be meeting with the City Attorney, Patty Akers.

Executive Session started at 8:56

10. Open Executive Session

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 - Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may require the citizens to vacate the meeting room during the executive session.

(a) Consultation with Attorney regarding roles and legal responsibilities of City Council members concerning the open meetings act, the public information act and ethics issues applicable to the City Council.

11. Close Executive Session at 9:43

12. Open Regular 9:44

13. Consider action, if any, from Executive Session

Mayor calls for any new business: None

Larry Trowbridge moves to adjourn Regular Meeting.

Bob Link seconds motion.

14. Adjournment at 9:49 pm.

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session, a quorum of the Council must be assembled in the meeting room, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held

and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

I certify that the above notice of meeting was posted at 7901 CR 404, Spicewood, Texas, on the 11th day of March 2019 at 7PM.

Cathy Sereno,
Mayor

STATE OF TEXAS §
 COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**
 CITY OF DOUBLE HORN §

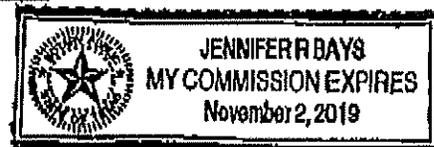
I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of the agenda for the special meeting of the City Council on March 25, 2019 on file in the City Secretary's office, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
 Karen Maxwell, City Secretary
 City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
 to certify which witness my hand and seal of office.

[Signature]
 Notary Public in and for the State of Texas



CITY OF DOUBLE HORN

AGENDA

Special Meeting
City Council
MONDAY, MARCH 25, 2019
7:00PM, SPICEWOOD COMMUNITY CENTER
Located at 7901 CR 404
Spicewood, Texas 78669

THE CITY OF DOUBLE HORN COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT CATHY SERENO AT 830-693-1508 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

Citizens will be given an opportunity to provide comments on any item listed on the regular agenda when the agenda item is called. Comments should be limited to (3) three minutes.

1. Call Meeting to Order
2. Rollcall to Confirm Quorum
3. Invocation
4. Pledge of Allegiance
5. Approval of Minutes
6. Close Regular Meeting
7. Open Executive Session
Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may require the citizens to vacate the meeting room during the executive session.
 - (i) Consultation with Attorney(s) regarding lawsuit: State of Texas vs. City of Double Horn

8. Close Executive Session
9. Open Regular Meeting
10. Consider action, if any, from Executive Session
11. Citizen Comments – This is an opportunity for the citizens to address the City Council concerning an issue of community interest not on the agenda. Any deliberation of an issue raised during the Citizens Comments is limited to a proposal to place it on the agenda for a later meeting. Each citizen will be allowed 3 minutes to speak and must sign up before the meeting begins and indicate the subject the speaker wishes to address.
12. Regular Agenda – the Council will individually discuss, consider and possibly take action on any or all of the following items:
 - a. Discuss and consider action to identify funding sources and fundraising activities
 - b. Discuss and consider other matters for inclusion on the agenda for the next special meeting of the City Council.
13. Adjournment

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be assembled in the meeting room, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

I certify that the above notice of meeting was posted at 7901 CR 404, Spicewood, Texas, on the 22th day of March 2019 at 7PM.



Cathy Sereno, Mayor

STATE OF TEXAS §

COUNTY OF BURNET § **CERTIFICATE TO COPY OF PUBLIC RECORD**

CITY OF DOUBLE HORN §

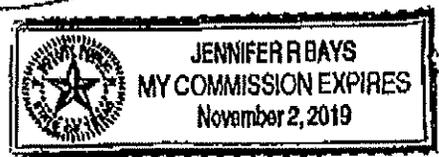
I, Karen Maxwell, City Secretary of the City of Double Horn, Texas do hereby certify in the performance the functions of my office that the attached is a true and correct copy of the agenda for the special meeting of the City Council on March 30, 2019 on file in the City Secretary's office, and said documents are the official records from the public office of City Secretary of the City of Double Horn, Texas.

WITNESS MY HAND AS CITY SECRETARY FOR THE CITY OF DOUBLE HORN, TEXAS THIS THE 2 DAY OF April, 2019.

Karen Maxwell
Karen Maxwell, City Secretary
City of Double Horn, Texas

SUBSCRIBED AND SWORN TO BEFORE ME on this 2 day of April 2019,
to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas



CITY OF DOUBLE HORN

AGENDA

Special Meeting

City Council

SATURDAY, MARCH 30, 2019

10:00AM, DOUBLE HORN PAVILION

Located at 103 Double Horn Trail

Double Horn, Texas 78669

THE CITY OF DOUBLE HORN COUNCIL MEETINGS ARE AVAILABLE TO ALL PERSONS REGARDLESS OF DISABILITY. IF YOU REQUIRE SPECIAL ASSISTANCE, PLEASE CONTACT CATHY SERENO AT 830-693-1508 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING. THANK YOU.

Citizens will be given an opportunity to provide comments on any item listed on the regular agenda when the agenda item is called. Comments should be limited to (3) three minutes.

1. Call Meeting to Order
2. Rollcall to Confirm Quorum
3. Invocation
4. Pledge of Allegiance
5. Approve Minutes
6. Citizen Comments – This is an opportunity for the citizens to address the City Council concerning an issue of community interest not on the agenda. Any deliberation of an issue raised during the Citizens Comments is limited to a proposal to place it on the agenda for a later meeting. Each citizen will be allowed 3 minutes to speak and must sign up before the meeting begins and indicate the subject the speaker wishes to address.
7. Regular Agenda – the Council will individually discuss, consider and possibly take action on any or all of the following items:
 - a. Discuss and Consider approving a resolution to provide municipal services.
 - b. Discuss and consider approval of an interlocal agreement with Burnet County for law enforcement services.
 - c. Discuss and Consider approval of an agreement with ESD9 for Emergency Services.

d. Discuss and Consider approval of resolution for Tax Collection:

- i. **2019-RES002 A RESOLUTION OF THE CITY OF DOUBLE HORN, BURNET COUNTY, TEXAS AUTHORIZING AN AGREEMENT WITH THE BURNET COUNTY APPRAISAL DISTRICT FOR THE COLLECTION OF TAXES.**

8. Close Regular Meeting

9. Open Executive Session

Open Executive Session. Executive session in accordance with the Texas Government Code, Section 551.071 — Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law. The Council may require the citizens to vacate the meeting room during the executive session.

- (i) Consultation with Attorney(s) regarding lawsuit: State of Texas vs. City of Double Horn et al

10. Close Executive Session

11. Open Regular Meeting

12. Take action, if any, from Executive Session.

13. Adjournment

The Council may go into closed session at any time when permitted by Chapters 418 or 551, Texas Government Code, or Section 321.3022 of the Texas Tax Code. Before going into closed session a quorum of the Council must be assembled in the meeting room, the meeting must be convened as an open meeting pursuant to proper notice, and the presiding officer must announce that a closed session will be held and must identify the sections of Chapter 551 or 418, Texas Government Code, or Section 321.3022 of the Texas Tax Code authorizing the closed session.

I certify that the above notice of meeting was posted at 103 Double Horn Trl, Double Horn, Texas, on the 27th day of March 2019 at 10:00AM.



Cathy Sereno, Mayor