

AGENDA

Village of Bailey's Prairie
Regular Meeting of the Board of Aldermen
April 19, 2018
6:30 pm

Notice is hereby given that the Village of Bailey's Prairie Board of Aldermen will meet on Thursday, April 19, 2018, at 6:30 pm, at Village Hall, 1680 Jimmy Phillips Blvd., Angleton, Texas, within the limits of the Village of Bailey's Prairie.

At said meeting the Council will discuss, consider and / or take action on any and all of the following matters.

1. Call to order.
2. Public Comments
Citizens who desire to address the Board of Aldermen on any matter may register to do so prior to this meeting and speak during this item. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Board appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing the matter be placed on a future agenda.
3. Approval of the minutes of the regular meeting of March 15, 2018 and the training meetings of March 8, 2018 and March 14, 2018.
4. Discussion and approval of Accounts Payable April 2018.
5. Discussion and approval of Financial Reports ending March 31, 2018.
6. Presentation, discussion and approval of the 2016-2017 Audit by Curtis Craig, CPA.
7. Discussion and possible action on Bailey's Prairie remaining as a participating jurisdiction in the Brazoria county CDBG and HOME Program for FYS 2019-2021 and agree to renew and extend the Cooperation Agreement between the county and the City of Bailey's Prairie.
8. Discussion and possible action on EcoKid Express Safety Surface replacement under the equipment on the playground to meet the U.S. Consumer Product

Safety Commission's standards on playground safety.
<https://www.cpsc.gov/PageFiles/122149/325.pdf>

9. Discussion of the Homeland Preparedness Safe Wells Project.
10. Report and discussion on the HUD project.
11. Discussion and possible action to review the current Health and Safety Ordinance and the desire of the board to update the Ordinance.
12. Adjourn

The City Council for the Village of Bailey's Prairie reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney). 551.072 (Deliberations regarding Real Property). 551.073 (Deliberations regarding Gifts and Donations). 551.074 (Personal Matters). 551.076 (Deliberations regarding Security Devices) and 551.087 (Deliberations regarding Economic Development Negotiations).

I, DONNA DUES, Village Secretary of Bailey's Prairie, Texas, do certify that the above Notice of Meeting of the above named Board of Aldermen, is a true and correct copy of said notice, and that I posted a true and correct copy of said Notice on the bulletin board at the Village Hall door of Bailey's Prairie, Texas, at a place readily accessible to the general public at all times on the ____ day of _____, 2018, and said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Dated this the ____ day of _____, 2018.

DONNA DUES, Secretary, Village of Bailey's Prairie, Texas.

By _____
DONNA DUES, Village Secretary

Minutes

Village of Bailey's Prairie
A Training Meeting of the Board of Aldermen
March 14, 2018
6:30pm

The Village of Bailey's Prairie Board of Aldermen conducted a training meeting Thursday, March 14, 2018 at 6:30 pm, at Village Hall, 1680 Jimmy Phillips Blvd., Angleton, Texas, within the limits of the Village of Bailey's Prairie.

The following persons were in attendance:
Jo Mapel, Mayor

Laurence Boyd, Village Attorney

No village business was conducted at this meeting. See attached training outline.

Jo Mapel, Mayor

ATTEST:

Donna Dues, Village Secretary

Minutes

Village of Bailey's Prairie
A Training Meeting of the Board of Aldermen
March 8, 2018
6:30pm

The Village of Bailey's Prairie Board of Aldermen conducted a training meeting Thursday, March 8, 2018 at 6:30 pm, at Village Hall, 1680 Jimmy Phillips Blvd., Angleton, Texas, within the limits of the Village of Bailey's Prairie.

The following board members were in attendance:

Jo Mapel, Mayor

Michelle Powless, Mayor Pro Tem

Oscar Greak, Alderman

Cheryl McBeth, Alderman

John Ontiveros, Alderman

Laurence Boyd, Village Attorney

Randy Stroud, Floodplain Administrator / Permit Officer

No village business was conducted at this meeting. See attached training outline.

Jo Mapel, Mayor

ATTEST:

Donna Dues, Village Secretary

Minutes

Village of Bailey's Prairie
Regular Meeting of the Board of Aldermen
March 15, 2018
6:30pm

The Village of Bailey's Prairie Board of Aldermen conducted its regular board meeting Thursday, March 15, 2018 at 6:30 pm, at Village Hall, 1680 Jimmy Phillips Blvd., Angleton, Texas, within the limits of the Village of Bailey's Prairie.

The following persons were in attendance:

Jo Mapel, Mayor
Michelle Powless, Mayor Pro Tem
Oscar Greak, Alderman
Cheryl McBeth, Alderman
John Ontiveros, Alderman

A quorum was present and the meeting was called to order at 6:30 pm by Mayor Mapel.

Public Comments:

Diana Runyan requesting plat approval to the sale of her property in the Runyan subdivision.

Approval of minutes:

A motion to approve the minutes for the regular board meeting, February 15, 2018 was made by John Ontiveros, Alderman, seconded by Michelle Powless, Mayor Pro Tem all in favor - motion passed.

Approval of account payable:

Michelle Powless, Mayor Pro Tem made a motion to approve Accounts Payable for February 2018 and March 2018 was seconded by Oscar Greak, Alderman with a correction for March 2018 to change the amount of check number 1599 \$500.00 based on the invoice from the Brazoria County Clerk Office, all in favor - motion passed.

Approval of financial report:

A motion to approve the financial reports ending January 31, 2018 and February 28, 2018 with verbiage corrections to the Fiscal Year reading 2016 -2017 was made by John Ontiveros, Alderman seconded Michelle Powless, Mayor Pro Tem Oscar Greak, all in favor - motion passed.

Discussion and possible approval of Ordinance 2018 – 1 naming an alternate judge: A motion for the approval of Ordinance 2018-1 was made by John Ontiveros, Alderman, seconded by Oscar Greak, Alderman. Cheryl McBeth, Alderman added a correction to the numbering of the ordinance, Ordinance 2018 – 2 all in favor - motion passed.

Approval of a Resolution proclaiming April 2018 as the month to celebrate and honor all efforts which guarantee the right to live free of discriminatory housing practices and proclaim this month as “FAIR HOUSING MONTH:

A motion to approve to proclaim April 2018 as Fair Housing Month was by John Ontiveros, Alderman seconded by Michelle Powless, Mayor Pro Tem all in favor - motion passed.

Discussion and possible approval of a plat of the Runyan subdivision of a 5.43 acre, 2 lot re-plat of tract 6 of Oakwood Creek Estates, section 2 an unrecorded subdivision situated in the C. Smith Survey, abstract 129 Brazoria County, Texas, Village of Bailey’s Prairie:

Motion to approve the said plat was made by John Ontiveros, Alderman seconded by Michelle Powless, Mayor Pro Tem all in favor - motion passed.

Adjourn:

6:52pm

Reports:

ANNOUNCEMENTS:

May 14, 2018 at 6:30 pm will be the meeting to canvass the votes from the May 5, 2018 election.

Jo Mapel, Mayor

ATTEST:

Donna Dues, Village Secretary

VILLAGE OF BAILEY'S PRAIRIE
ACCOUNTS PAYABLE-APRIL 2018

Check #	Payable to	Amount
1606	Randy Stroud	\$ 500.00
1607	Randy Stroud	\$ 100.00
1608	Donna Dues	\$ 200.00
1609	George Prince	\$ 330.00
1610	Laurence Boyd	\$ 1,250.00
1611	Curtis T. Craig, CPA	\$ 5,000.00
1612	Jo Mapel-Reimbursement	\$ 97.41
ACH	Direct Energy	\$ 416.38
ACH	Verizon	\$ 25.14
	TOTAL	\$ 7,918.93

VILLAGE OF BAILEY'S PRAIRIE

Fiscal Year 2017-2018

October 1, 2017 -September 30, 2018

INCOME				
	BUDGET	March	Y-T-D	% of Budget
Building Permits	\$ 2,350.00	\$ 798.81	\$ 798.81	34%
Franchise Fees / Tower Fees	\$ 19,000.00	\$ 946.52	\$ 12,094.87	64%
Property Tax--Current	\$ 33,660.00	\$ 447.19	\$ 30,685.33	91%
Property Tax--Penalty & Interest		\$ 52.37	\$ 121.93	
Property Tax--Delinquent		\$ 49.13	\$ 245.61	
Sales Tax	\$ 11,000.00	\$ 1,025.50	\$ 6,401.80	58%
Cash Reserve	14,372.00			0%
Misc Income			\$ 36.25	
TOTAL INCOME	\$ 80,382.00	\$ 3,319.52	\$50,384.60	63%
DISBURSEMENTS				
	BUDGET	March	Y-T-D	% of Budget
Audit	\$ 5,000.00			0%
Building Permits (payment to FP Administrator)	\$ 2,350.00	\$ 548.00	\$548.00	23%
Dues and Subscriptions	\$ 800.00	\$ 100.00	\$663.00	83%
Election Expense	\$ 1,500.00	\$ 500.00	\$500.00	33%
Emergency Services-EMS	\$ 10,000.00	\$ 10,000.00	\$10,000.00	100%
Emergency Services-Fire	\$ 10,000.00	\$ 10,000.00	\$10,000.00	100%
Disaster Response	\$ 1,000.00			0%
Floodplain Administrator/Code Officer	\$ 6,000.00		\$ 3,000.00	50%
Insurance	\$ 2,000.00		\$ 2,000.76	100%
Large Trash Pickup-Citywide				0%
Legal and Professional	\$ 8,000.00	\$ 350.00	\$ 2,304.60	29%
Maintenance				0%
Prairie Park	\$ 2,500.00	\$ 100.00	\$ 400.00	16%
Village Hall	\$ 500.00			0%
Road and outfall ditches	\$ 500.00			0%
Office and Operational Expenses	\$ 5,000.00	\$ 168.27	\$ 468.98	9%
Village Administrator	\$ 2,000.00			0%
Village Secretary	\$ 3,600.00	\$ 200.00	\$ 1,200.00	33%
Bookkeeping & Tax reports	\$ 660.00			0%
Emergency Manager				
Public Notices	\$ 700.00		\$ 91.20	13%
Tax-Payroll	\$ 1,600.00		\$ 123.95	8%
Tax-Property: Cost of Collection				
Brazoria County Appraisal District	\$ 400.00		\$ 226.00	57%
Brazoria County Tax Office	\$ 400.00		\$ 158.97	40%
Utilities and Telephone	\$ 6,000.00	\$ 444.02	\$ 2,609.68	43%
Tower lease overpayment refund			\$ 1,500.00	
Sub-Total Disbursements	\$ 70,510.00	\$ 22,410.29	\$35,795.14	51%
Debt Service				
Brazoria County	\$ 9,872.00		\$ 9,871.31	100%
TOTAL EXPENDITURES	\$ 80,382.00	\$ 22,410.29	\$45,666.45	57%

Beginning Bank Balance March 1, 2018	\$ 40,537.40
Ending Bank Balance March 31, 2018	\$ 21,246.63

Village of Bailey's Prairie
Profit & Loss
October 2017 through March 2018

	Oct '17 - Mar 18
Income	
Building Permits Income	798.81
Franchise Fees	
Tower Lease	2,250.00
Franchise Fees - Other	9,844.87
Total Franchise Fees	12,094.87
PROPERTY TAX	
Property Tax--Current	30,685.33
Property Tax-Penalty & Interest	121.93
Property tax-delinquent	245.61
Total PROPERTY TAX	31,052.87
Sales Tax	6,401.80
Miscellaneous Income	36.25
Total Income	50,384.60
Gross Profit	50,384.60
Expense	
Tower lease overpayment.return	1,500.00
Brazoria County -Debt Service	9,871.31
Building Permits Expense	548.00
Dues	663.00
Election Expense	500.00
Emergency Services-EMS	10,000.00
Emergency Services--Fire	10,000.00
Floodplain Admin--Code Officer	3,000.00
Insurance	2,000.76
Legal and Professional Fees	
Accounting Fees	350.00
Legal and Professional Fees - Other	1,954.60
Total Legal and Professional Fees	2,304.60
Maintenance	
Maintenance - Prairie Park	400.00
Total Maintenance	400.00
Office and Operational Expense	468.98
Public Notices	91.20
Tax --Payroll	123.95
Tax-Property- Collection Cost	
Tax Levy--Brazoria CAD	226.00
Brazoria County Tax Office	158.97
Total Tax-Property- Collection Cost	384.97
Utilities and Telephone	2,609.68
Village Secretary	1,200.00
Total Expense	45,666.45
Net Income	4,718.15

Village of Bailey's Prairie
Profit & Loss
March 2018

	Mar 18
Income	
Building Permits Income	798.81
Franchise Fees	946.52
PROPERTY TAX	
Property Tax--Current	447.19
Property Tax-Penalty & Interest	52.37
Property tax-delinquent	49.13
Total PROPERTY TAX	548.69
Sales Tax	1,025.50
Total Income	3,319.52
Gross Profit	3,319.52
Expense	
Building Permits Expense	548.00
Dues	100.00
Election Expense	500.00
Emergency Services-EMS	10,000.00
Emergency Services--Fire	10,000.00
Floodplain Admin--Code Officer	500.00
Legal and Professional Fees	350.00
Maintenance	
Maintenance - Prairie Park	100.00
Total Maintenance	100.00
Office and Operational Expense	168.27
Utilities and Telephone	444.02
Village Secretary	200.00
Total Expense	22,910.29
Net Income	-19,590.77

8:54 AM

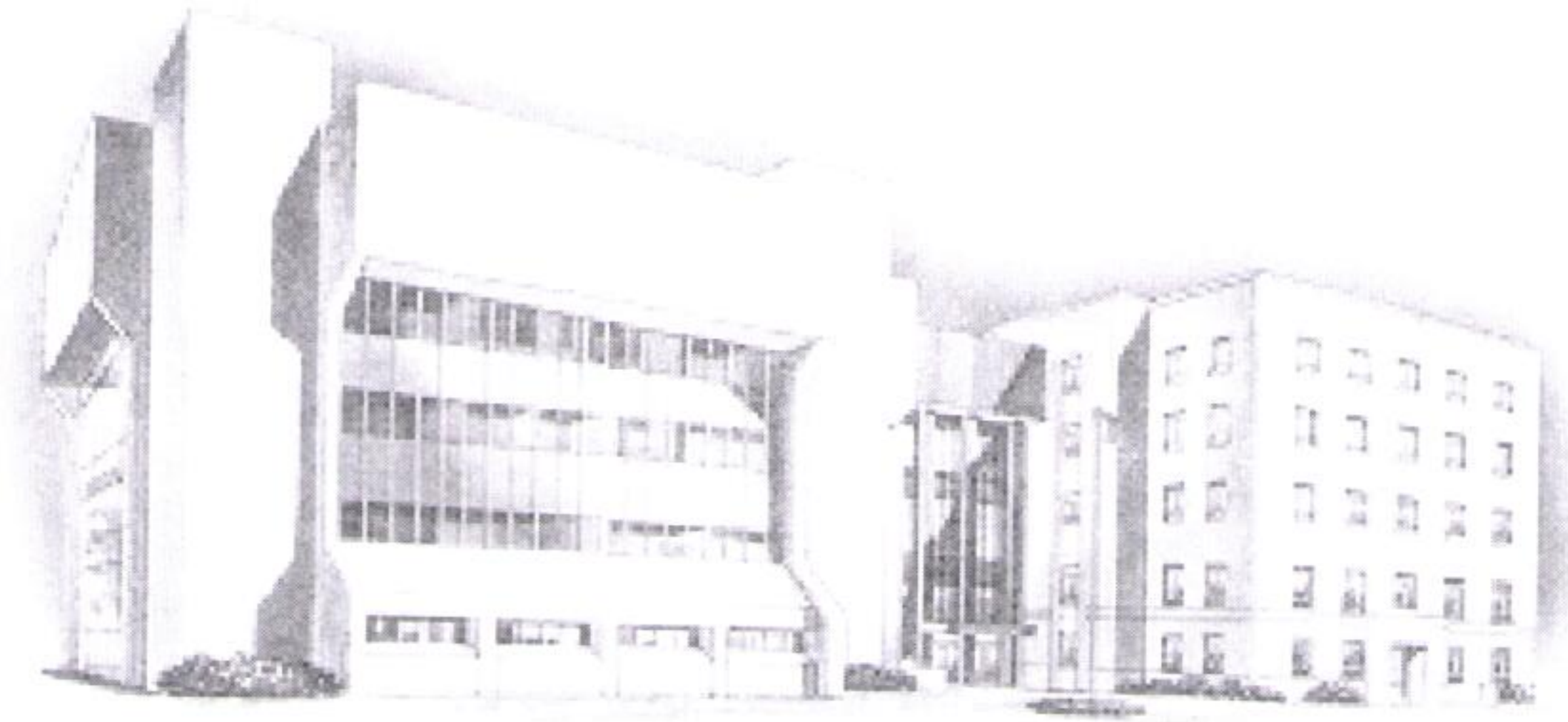
04/08/18

Village of Bailey's Prairie
Reconciliation Summary
Operating Account-First Nationa, Period Ending 03/31/2018

	Mar 31, 18
Beginning Balance	40,562.54
Cleared Transactions	
Checks and Payments - 11 items	-22,635.43
Deposits and Credits - 6 items	3,319.52
Total Cleared Transactions	-19,315.91
Cleared Balance	<u>21,246.63</u>
Uncleared Transactions	
Checks and Payments - 2 items	-300.00
Deposits and Credits - 4 items	0.00
Total Uncleared Transactions	-300.00
Register Balance as of 03/31/2018	<u>20,946.63</u>
New Transactions	
Deposits and Credits - 1 item	277.79
Total New Transactions	277.79
Ending Balance	<u>21,224.42</u>

NANCY FRIUDENBERG
DIRECTOR

JENNIFER CRAINER
ASSISTANT DIRECTOR



MARI REYES
PROJECT COORDINATOR

TAMMY HUGHES
FINANCIAL COORDINATOR

BRAZORIA COUNTY

COMMUNITY DEVELOPMENT DEPARTMENT

March 27, 2018

Dear Mayor:

This year Brazoria County will be re-qualifying for Community Development Block Grant (CDBG), HOME, and Emergency Solutions Grant (ESG) Program funds from the U. S. Department of Housing and Urban Development for FYS 2019-2021. The County has to re-qualify for these funds every three years. Currently, twenty Cities in the County participate in the Brazoria County CDBG, HOME, and ESG Programs. A list of these Cities is attached hereto.

If your City no longer wishes to participate in the Brazoria County CDBG, HOME, and ESG Program, you will need to notify this office that your City elects to be excluded as a participating jurisdiction in the Brazoria County CDBG, HOME, and ESG Program. We must receive this notification in our office no later than 5:00 p.m. on April 30, 2018. However, I must also point out to you that by continuing to be included in the County's program; your City will not be eligible to apply for grants under the Texas Community Development Program (TX-CDBG) or the Texas HOME Investment Partnership Program through the Texas Department of Agriculture (TDA) during this same period. This will not however affect any other grant program you wish to apply for (e.g., Texas Parks and Wildlife Department, Federal Aviation Administration/Texas Aeronautical Commission, Texas State Library, Criminal Justice Council, etc.)

If we do not receive notification from your City indicating that your City no longer wishes to participate in the County program, then according to the previously executed agreement your City will be automatically included in our County program through September 30, 2021. We do hope that your City will continue to be a partner with the County and we look forward to continuing housing and community development efforts within your City.

Please send the signed attached notice, or any notices, to Nancy Friudenberg, Brazoria County Community Development, 1524 E, Mulberry, Suite 162, Angleton, Texas, 77515.

If you have any questions about the program, please feel free to call me at (979) 864-1860.

Sincerely,

Nancy Friudenberg
Director

1524 EAST MULBERRY SUITE 162, ANGLETON, TEXAS 77515

Angleton Area
(979) 864-1710

Brazosport Area
(979) 388-1710

Houston Area
(281) 756-1710

Fax Number
(979) 864-1089

NOTICE TO WITHDRAW OR REMAIN AS A PARTICIPATING JURISDICTION

Nancy Friudenberg
Brazoria County Community Development
1524 E. Mulberry, Suite 162
Angleton, Texas 77515

The City of Bailey's Prairie, Texas elects to:

- ☐ Remain as a participating jurisdiction in the Brazoria County CDBG and HOME Program for FYS 2019-2021. I understand that requesting to remain as a Participating Jurisdiction, I agree to renew and extend the Cooperation Agreement between the County and the City of Bailey's Prairie.
- ☐ Withdraw as a participating jurisdiction in the Brazoria County CDBG and HOME Program for FYS 2019-2021. I understand that by withdrawing as a participating jurisdiction, our city will no longer be entitled to receive CDBG and HOME funding from Brazoria County. I also understand that I must notify Brazoria County Community Development and the local HUD Field Office that the City of Bailey's Prairie, Texas intends to withdraw as a participating jurisdiction. This request must be in writing, sent to both entities, and be received by April 30, 2018.

Signed by:

Signature

Mayor
Title

**Please mail original form to Nancy Friudenberg
by April 30, 2018.**

**Participating Cities in Brazoria County
CDBG, HOME & ESG Programs**

Alvin
Angleton
Bailey's Prairie
Bonney
Brazoria
Brookside Village
Clute
Danbury
Freeport
Holiday Lakes
Iowa Colony
Jones Creek Village
Lake Jackson
Manvel
Oyster Creek Village
Richwood
Sandy Point
Surfside Beach
Sweeny
West Columbia

Non-Participating Cities

Hillcrest Village
Liverpool
Pearland
Quintana

Maintenance of Your EcoKid / EcoKid Express Safety Surface

A. Daily

1. Inspect for areas where the safety surface material has been displaced from original installation location. Areas of particular concern include the ends of slides, under swings, and other high traffic areas. Use a yard rake to replace the displaced material and re-level the safety surfacing.
2. Wear mats may reduce displacement of EWF in high traffic areas. Be sure the transition between the wear mats and the EWF is kept level to avoid creating a tripping hazard.
3. At accessible entrances onto the playground surface, ensure that the EWF and accessible route or the top of the access ramp is within ¼ inch of the top of the play area border.
4. Inspect for foreign material that may have been brought into the play area and remove and dispose of it properly.
5. Inspect for proper drainage from sprinkler system or after a rain event.

ADDITIONAL STEPS REQUIRED FOR COLD WEATHER USE:

1. Visually inspect the safety surfacing for any sign that it is frozen. If a lawn sprinkler sprays the surface the top few inches might freeze even when the ground temperature is still a few degrees above freezing.
2. If frozen, you must rake the surface until the “loose-fill” properties of it are restored. **DO NOT ALLOW ACCESS TO THE PLAYGROUND UNTIL THIS IS DONE!** A frozen safety surface will not meet the fall attenuation standard and serious injury could result.

B. Monthly

1. Inspect for adequate safety surface material coverage to meet current Consumer Product Safety Commission and ASTM guidelines for safety surfacing in all fall zones.
2. In the highest use areas and around equipment footers, dig down to the subsurface or drain system and measure the depth of EWF. Loss of safety surface material from the play area occurs due to incidental removal and compaction. Order replacement Soil Express Engineered Wood Fiber (EWF) safety surfacing if needed for compliance.
3. If rubber playground mats are in use, inspect for damage. Replace if necessary. Add EWF underneath mats as needed to maintain the original grade.

C. Yearly (Bi-Yearly if high traffic Playground)

1. Conduct a thorough and critical site inspection for proper drainage, good borders, and weed or grass infestation to ensure the safety of your play area and the longevity of your safety surfacing. Correct any deficiencies before assessing the depth of your playground safety surface.
2. Conduct a thorough and critical assessment of play area to determine compliance with current applicable Consumer Product Safety Commission and ASTM guidelines. If needed, top off with a Soil Express Engineered Wood Fiber (EWF) product to maintain an adequate level of safety surfacing in the play area to meet current Consumer Product Safety Commission and ASTM guidelines. High usage playgrounds may require bi-yearly additions.
3. If rubber playground mats are in use, inspect for damage. Replace if necessary. Add EWF underneath mats as needed to maintain the original grade.

(Revised November 13, 2017)

Soil Express, Ltd
733 Marilee Rd.
Gunter, TX 75058
Phone (972) 347-2994
Fax (972) 347-2997

Quote

Date	Quote #
4/9/2018	7852

Name / Address
Village of Bailey's Prairie Jo Maples P.O. Box 71 ANGLETON, TX 77516

Ship To
City Playground 1680 Jimmy Phillips Blvd. Baileys Prairie, TX 77515 Buyboard No. 512-16

P.O. No.	Contact Number	Contact Name
	979-849-8663	Jo Mapel

Purchasing Coop
BuyBoard

Description	Qty	Rate	Total
EcoKid Express - Material (cy)	90	15.00	1,350.00
EcoKid Express - Pneumatic Installation of EWF Chips (cy)	90	12.80	1,152.00
Freight per cy			1,332.90
Fuel Surcharge		28.76	28.76
Discount pricing is contingent upon Angleton ISD and City of Angleton placing their order at the same time as the Village of Bailey's Prairie			

Fuel Surcharge Policy: This surcharge will be charged in the event that the price of diesel fuel rises above the established base price of \$2.75. The current fuel price will be based upon the D.O.E. Energy Information Administration posting for-highway diesel fuel for the Gulf Coast Region each Tuesday morning. The fuel surcharge rate will be .25% of the total invoice amount for every \$.05 the posted price of fuel rises above the established base price. Fuel surcharges are locked in for delivery within 30 days of the date the quote is issued. Deliveries beyond 30 days will be charged the current fuel surcharge at the time of scheduled delivery.

Subtotal \$3,863.66

Sales Tax (8.25%) \$0.00

Total \$3,863.66

Important Notes: This quote is valid for 30 days only. If installation crew arrives at the job site and is unable to perform the work due to the site not being ready, a \$500.00 trip charge will be due immediately. Pneumatic installation price includes material, labor, installation, clean up, and up to 200' of hose. A surcharge of \$1 per cubic yard will be added to your invoice for each additional 25' section of hose needed to access the site.
Your signature will authorize work at the price shown above and acknowledges receipt of the recommended maintenance and/or installation procedures.

Signature _____



Safe Wells Brazoria County Project



The Brazoria County Medical Reserve Corps, under the direction of the Homeland Preparedness Project and because of a generous grant from Americares, will begin to gather water samples from personal water wells in Brazoria County to be tested (free of charge) for coliform and E. coli bacteria. These are water wells that were affected by the 2017 flooding caused by Hurricane Harvey.

Our teams will begin sampling personal water wells in Brazoria County communities during March, April, May and will conclude the end of June 2018. This is a very aggressive schedule with limited time.

The Brazoria County Medical Reserve Corps will visit communities to gather water samples, which will then be delivered to the Brazoria County Water Lab for testing. After the samples have been tested, the results will be sent to the resident(s). If the sample is negative, nothing further will be required by the resident(s).

If the sample comes back positive for contaminants, the resident(s) will be contacted, and they will be informed of the type of contaminate found. A second sample will be obtained and sent in for testing. The results will then be sent to the resident(s). If the second sample results are positive, the resident(s) will again be informed of the type of contaminate and instructions given on what steps must be taken by the resident(s) to make the water well safe. After the well has been treated per the Brazoria County Water Lab directions, a third sample will be taken.

If residents would like to collect their own samples and turn them in for testing, they will need to contact the Brazoria County Water Lab for sample bottles and instructions.

Brazoria County Water Lab
409 East Orange
Angleton, TX 77515
979-864-1289

For the water lab hours of operation and directions for collecting water samples, please go to:
<http://brazoriacountytx.gov/departments/health-department/water-lab>

Homeland Preparedness Project
Website: <http://www.homelandpreparedness.org>
Email Michelle at: water2@homelandpreparedness.org

ORDINANCE NUMBER 19b4-2(a)

AN ORDINANCE OF THE VILLAGE OF BAILEY'S PRAIRIE, TEXAS ADOPTING THE RULES OF BRAZORIA COUNTY FOR PRIVATE SEWAGE FACILITIES, DESIGNATING MINIMUM STANDARDS OF SANITATION AND HEALTH PROTECTION MEASURES, INCLUDING BUT NOT LIMITED TO MINIMUM STANDARDS FOR WATER, WASTE WATER, HUMAN EXCRETA, AND SEWAGE TREATMENT AND ADDITIONALLY REQUIRING THE POSTING OF A BOND IN REFERENCE TO SEPTIC SYSTEM CONSTRUCTION, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE, SAID PENALTY BEING A FINE OF NOT LESS THAN \$10.00 NOR MORE THAN \$1000.00 UPON CONVICTION OF A VIOLATION OF THIS ORDINANCE; AND SPECIFICALLY REPEALING ORDINANCE NUMBER 1984-2 OF THE VILLAGE OF BAILEY'S PRAIRIE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF BAILEY'S PRAIRIE, TEXAS:

SECTION 1. We hereby adopt as minimum standards of sanitation and health protection measures, those standards known as the Rules of Brazoria County for Private Sewage Facilities, passed by the Brazoria County Commissioners' Court at the January 23, 1984 Special Term of Commissioners' Court and as the same appear in the Commissioners' Court Records of Brazoria County, Texas, and any future amendments thereto.

Additionally, we hereby adopt the amendment to Chapter 8 of the Rules of Brazoria County, Texas for Private Sewage Facilities, as passed by the Commissioners' Court at the February 27, 1984 Special Term of Commissioners' Court as the same appear in the Commissioners' Court Records of Brazoria County, Texas, and any future amendments thereto.

We additionally adopt the Construction Standards for Private Sewage Facilities promulgated by the Texas Board of Health, pursuant to Article 4477-1 (Section 23(b)) of the Texas Revised Civil Statutes Annotated, and any future amendments thereto.

SECTION 2. The Board of Aldermen of the Village of Bailey's Prairie, specifically authorize, pursuant to this ordinance for the Board of Aldermen or its designated representatives by and on behalf of the Village of Bailey's Prairie, Texas to enter into the appropriate Cooperative Agreement with the Commissioners' Court of Brazoria County, Texas for coverage under the Rules of Brazoria County for Private Sewage Facilities, and also to make any and all agreements necessary in order to enable the Brazoria County Health Department to act as licensing authority within the Village of Bailey's Prairie to enforce the Rules of Brazoria County for Private Sewage Facilities.

The Rules of Brazoria County, Texas for Private Sewage Facilities and the Construction Standards for Private Sewage Facilities referred to in this ordinance are attached hereto and made a part of this ordinance as if wholly incorporated herein.

SECTION 3. Provided, that any individual, firm, contractor, corporation, or association who undertakes construction of a septic system, be that residential or non-residential septic system, who is not the owner of the property on which the residential or non-residential septic system is to be installed, and who undertakes said installation for or on behalf of the owner of said property, must post a bond prior to undertaking construction of said septic system, in the amount of Five Thousand and No/One Hundredths Dollars (\$5,000.00) executed by the individual, firm, contractor, corporation or association as principal and a surety company licensed to do business in the State of Texas, or by two financially responsible owners of property situated in the State of Texas subject to execution of the value in double the amount of said bond, the bond conditioned upon the septic system being designed and installed according to good public health and engineering practices. The aforementioned bond is to be filed with the Village Secretary.

The bond shall be for the use and benefit of the owner of the property upon which the septic system is situated, in the event said septic system is not satisfactory in reference to public health standards, in which case the proceeds of said bond must be utilized to repair and/or replace the defective septic system. Said bond shall be effective for one year after the date of completion of installation of the septic system. In any event, the land owner who has a defective septic system situated on his or her property, which is not operating in accordance with good public health and engineering practices, upon notification of the same, shall be required to rectify the problem with the septic system so that it is functioning in accordance with good public health and engineering practices, within sixty days of being notified of said defect.

SECTION 4. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined any sum of not less than \$10.00 and not to exceed \$1,000.00. Each and every day a violation continues to exist shall be considered to be a separate offense.

SECTION 5. In the event any section, subdivision, clause or phrase of this ordinance is for any reason held to be unconstitutional or void by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED this *fillay* of

July

1985.

"j1/L1 1/J , 1985.

0~':9'~

William D. Reed, Mayor

ATTEST:

[Signature]
Village Secretary,