

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
GONZALES MUNICIPAL BUILDING 820 ST. JOSEPH STREET
AGENDA –AUGUST 11, 2022 6:00 P.M.**

CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE

CITY EVENTS AND ANNOUNCEMENTS

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor
- Recognition of actions by City employees
- Recognition of actions by community volunteers

HEARING OF RESIDENTS

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.

Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

CONSENT AGENDA ITEMS

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the consent Agenda upon the request of the Mayor or a Councilmember.

- 1.1 **Minutes** - Approval of the minutes for the July 14, 2022 Regular Meeting
- 1.2 Discuss, Consider & Possible Action on **Resolution #2022-77** Approving a Performance Agreement by and between the Gonzales Economic Development Corporation and Remschel Customs, LLC, A Texas Limited Liability Company, Regarding Improvements to property generally located at 925 Oilpatch Lane
- 1.3 Discuss, Consider & Possible Action on **Resolution #2022-78** Approving a Termination of Original Agreement by and between the Gonzales Economic Development Corporation and Sheilah Kay Restaurants, LLC, d/b/a Baker Boys BBQ, a Texas Limited Liability Company

OTHER BUSINESS

- 2.1 Public Hearing, Discussion & Possible Action on River Access at the City of Gonzales Hydroelectric Dam; discussions include but are not limited to public access to the river back; recreational fishing locations south along the river and north of the Hydroelectric Dam; safety measures at the sites; dangers; warning devices or signage and fencing

RESOLUTIONS

- 3.1 Discuss, Consider and Possible Action on **Resolution #2022-79** Taking a Record Vote on Setting the Preliminary Maximum Ad Valorem Tax Rate for Fiscal Year 2022-2023 and Scheduling a Public Hearing
- 3.2 Discuss, Consider & Possible Action on **Resolution #2022-80** Authorizing the Appointment to the Planning & Zoning Commission
- 3.3 Discuss, Consider & Possible Action on **Resolution #2022-81** Approving the Amended Bylaws of Gonzales Economic Development Corporation, A Type B Economic Development Corporation
- 3.4 Discuss, Consider & Possible Action on **Resolution #2022-82** Authorizing the City Manager to Execute a Publicity and Tourism Agreement with the Chamber of Commerce for the hosting and operations of the Gonzales Chamber of Commerce

STAFF/BOARD REPORTS

- 4.1 Finance Director will provide feedback on any questions regarding:
- Financial Reports for funds as of July 31, 2022
 - Cash & Investment by Fund as of July 31, 2022
- 4.2 City Manager, Tim Patek will update the City Council on the following:
- District 3 Clean-up
 - Drought Contingency Plan
 - Golf Course Closures
 - Timeline on Capital Improvement Projects
 - Recently Completed Projects
 - Projects Currently in Process
 - Upcoming Projects

CLOSED SESSION

- 5.1 (1) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters:

- A) Delinquent Hotel Motel Tax Collection
- Alcalde Hotel; Versatile Lodging, Inc.

- (2) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:

A) Oil and Gas Leases

RETURN TO OPEN SESSION

- 6.1 Discuss, Consider & Possible Action regarding matters discussed in closed session, and/or other actions necessary or recommended related to such discussions in closed session.

CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

ADJOURN

EXECUTIVE SESSION: The City Council reserves the right to discuss any of the above items in Executive Closed Session if they meet the qualifications in Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, of Chapter 551 of the Government Code of the State of Texas.

I certify that a copy of the August 11, 2022, agenda of items to be considered by the Gonzales City Council was posted on the City Municipal Building bulletin board on the 8th day of August, 2022 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting. I further certify that the above agenda was removed on _____ day of _____, 2022 at _____ am/pm. I further certify that the following News Media were properly notified of the above stated meeting: Gonzales Inquirer.

Kristina Vega, City Secretary

The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please Contact the City Secretary's office at (830)672-2815 for further information.

**CITY OF GONZALES, TEXAS
CITY COUNCIL MEETING
MINUTES –JULY 14, 2022**

The regular meeting of the City Council was held on **July 14, 2022** at 6:00 p.m. at the Gonzales Municipal Building, 820 St. Joseph Street. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted, at the Gonzales Municipal Building, giving notice of time, date, place, and agenda thereof. The meeting notice, agenda and agenda packet were posted online at www.gonzales.texas.gov.

CALL TO ORDER, INVOCATION AND PLEDGE

Mayor Sucher called the meeting to order at 6:00 p.m. and a quorum was certified.

Attendee Name	Title	Status
Steve Sucher	Mayor	Present
Joseph Kridler	Council Member, District 1	Present
Sherri Koepp	Council Member, District 2, Mayor Pro Tem	Present
Bobby O’Neal	Council Member, District 3	Absent
Ronda Miller	Council Member, District 4	Present

STAFF PARTICIPATING:

Tim Patek-City Manager, Kristina Vega-City Secretary, Tim Crow-Police Chief, Tiffany Padilla-Main Street Director, Jennifer Kolbe-Economic Development Director, Laura Zella-Finance Director, Todd Remschel-Street Director, Ralph Camarillo-Parks Director, Marland Mercer-Wastewater Director, Ryan Wilkerson-Water Director, Amanda Garza-JB Wells Park Arena Operations Manager

CITY EVENTS AND ANNOUNCEMENTS

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor
- Recognition of actions by City employees
- Recognition of actions by community volunteers

Mayor Sucher spoke in regards to river access on the Guadalupe River due to the recent drownings that have occurred close to the hydro dam and temporary closures of the area.

HEARING OF RESIDENTS

Isaac Anzaldua, Kim Miller and Adriane Hastings spoke in regards to Main Street’s Back to School Bash and Edwards Association Back to school events being held on the same day.

LeRoy Humphrey spoke in favor of bringing the Summer Youth Program back to the City from Thrive Healthplex.

James Lawrence spoke regarding the Lynn Theater and the potential economic impact of having it continue to be a theater.

CONSENT AGENDA ITEMS

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

- 1.1 **Minutes** - Approval of the minutes for the June 9, 2022 Regular Meeting, June 21, 2022 Called Meeting, June 28, 2022 Called Meeting and Workshop and June 30, 2022 Workshop
- 1.2 Discuss, Consider & Possible Action on **Resolution #2022-66** Approving an amendment to an Agreement for Professional Services by and between the Gonzales Economic Development Corporation and B&P Clearing, LLC, A Texas Limited Liability Company
- 1.3 Discuss, Consider & Possible Action on **Resolution #2022-67** Approving a Performance Agreement by and between the Gonzales Economic Development Corporation and Gonzales Main Street, Inc., a Texas Non-Profit Corporation, Concerning the Gonzales Butterfly Garden
- 1.4 Discuss, Consider & Possible Action on **Resolution #2022-68** Authorizing the City Manager to submit and accept if awarded an application and associated document to the Economic Development Association for an EDA Grant for a new water tower in the Industrial Park
- 1.5 Discuss, Consider and Possible Action on **Resolution #2022-69** Authorizing Gonzales Main Street's Use of Independence Square including the parking lot and designated street closures and the consumption of alcoholic beverages for the Back to School Bash event on August 6, 2022

ACTION: Items 1.1 and 1.2

APPROVED

Council Member Koepp moved to approve the consent agenda items 1.1 and 1.2 removing item numbers 1.3, 1.4 and 1.5 for separate discussion. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 1.3 Discuss, Consider & Possible Action on **Resolution #2022-67** Approving a Performance Agreement by and between the Gonzales Economic Development Corporation and Gonzales Main Street, Inc., a Texas Non-Profit Corporation, Concerning the Gonzales Butterfly Garden

ACTION: Items 1.3

POSTPONED

Council Member Kridler moved to postpone **Resolution #2022-67** Approving a Performance Agreement by and between the Gonzales Economic Development Corporation and Gonzales Main Street, Inc., a Texas Non-Profit Corporation, Concerning the Gonzales Butterfly Garden. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 1.4 Discuss, Consider & Possible Action on **Resolution #2022-68** Authorizing the City Manager to submit and accept if awarded an application and associated document to the Economic Development Association for an EDA Grant for a new water tower in the Industrial Park

ACTION: Items 1.4

APPROVED

Council Member Koepp moved to approve **Resolution #2022-68** Authorizing the City Manager to submit and accept if awarded an application and associated document to the Economic Development Association for an EDA Grant for a new water tower in the Industrial Park. Council Member Kridler seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 1.5 Discuss, Consider and Possible Action on **Resolution #2022-69** Authorizing Gonzales Main Street's Use of Independence Square including the parking lot and designated street closures and the consumption of alcoholic beverages for the Back to School Bash event on August 6, 2022

ACTION: Items 1.5

APPROVED

Council Member Kridler moved to approve **Resolution #2022-69** Authorizing Gonzales Main Street's Use of Independence Square including the parking lot and designated street closures and the consumption of alcoholic beverages for the Back to School Bash event on August 6, 2022. Council Member Koepp seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

OTHER BUSINESS

- 2.1 Public Hearing, Discussion & Possible Action on **Resolution #2022-70** Authorizing the City Manager to Affirm and Adopt Via Resolution Civil Rights Requirements for the Texas Department of Agriculture TxCDBG Downtown Revitalization Grant

Mayor Sucher opened the Public Hearing at 7:00 p.m.

No comments were made

Mayor Sucher closed the Public Hearing at 7:01 p.m.

ACTION: Items 2.1

APPROVED

Council Member Koepp moved to approve **Resolution #2022-70** Authorizing the City Manager to Affirm and Adopt Via Resolution Civil Rights Requirements for the Texas Department of Agriculture TxCDBG Downtown Revitalization Grant. Council Member Kridler seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

RESOLUTIONS

- 3.1 Discuss, Consider and Possible Action on **Resolution #2022-71** Approving the Event, Application for funding to the Come & Take It Committee for the originally budgeted amount of \$10,000.00 and \$15,000.00 in additional funding and Authorizing the City Manager to Negotiate and Execute an Agreement with Gonzales Chamber of Commerce

for Funding the In-Kind contributions from the City of Gonzales for the Come and Take It Celebration on September 30, & October 1-2, 2022

ACTION: Items 3.1

APPROVED

Council Member Miller moved to approve **Resolution #2022-71** Approving the Event, Application for funding to the Come & Take It Committee for the originally budgeted amount of \$10,000.00 and \$15,000.00 in additional funding and Authorizing the City Manager to Negotiate and Execute an Agreement with Gonzales Chamber of Commerce for Funding the In-Kind contributions from the City of Gonzales for the Come and Take It Celebration on September 30, & October 1-2, 2022. Council Member Koepp seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 3.2 Discuss, Consider & Possible Action on **Resolution #2022-72** Authorizing the Appointment to the Golf Course Advisory Board

ACTION: Items 3.2

APPROVED

Council Member Kridler moved to approve **Resolution #2022-72** Authorizing the Appointment of John Hahn to the Golf Course Advisory Board for a term ending September 30, 2022. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 3.3 Discuss, Consider & Possible Action on **Resolution #2022-73** Rejecting all proposals for the Gonzales Memorial Museum Restoration Underground Crawlspace Project and authorizing staff to readvertise the project

ACTION: Items 3.3

APPROVED

Council Member Kridler moved to approve **Resolution #2022-73** Rejecting all proposals for the Gonzales Memorial Museum Restoration Underground Crawlspace Project and authorizing staff to readvertise the project. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 3.4 Discuss, Consider & Possible Action on **Resolution #2022-74** Rejecting all proposals for the J.B. Wells Park, Arena and Expo Feasibility Study

ACTION: Items 3.4

APPROVED

Council Member Koepp moved to approve **Resolution #2021-74** Rejecting all proposals for the J.B. Wells Park, Arena and Expo Feasibility Study. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. The motion passed 4 to 0.

- 3.5 Discuss, Consider & Possible Action on **Resolution #2022-75** Rejecting all proposals for the J.B. Wells Park, Arena and Expo Professional Marketing Services

ACTION: Items 3.5

APPROVED

Council Member Koepp moved to approve **Resolution #2021-75** Rejecting all proposals for the J.B. Wells Park, Arena and Expo Professional Marketing Services. Council

Member Miller seconded the motion. Mayor Sucher called for a roll call vote. The motion passed 4 to 0.

- 3.6 Discuss, Consider & Possible Action on **Resolution #2022-76** Authorizing the City Manager to Execute Amendment One to the Agreement with Frontier Access, LLC (Frontier Waste Solutions) for Solid Waste Collection and Disposal Services providing for a Correction of a Mutual Mistake in the Rate Chart in Section 9.B. of the Agreement

ACTION: Items 3.6

APPROVED

Council Member Kridler moved to approve **Resolution #2021-76** Authorizing the City Manager to Execute Amendment One to the Agreement with Frontier Access, LLC (Frontier Waste Solutions) for Solid Waste Collection and Disposal Services providing for a Correction of a Mutual Mistake in the Rate Chart in Section 9.B. of the Agreement. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. The motion passed 4 to 0.

ORDINANCES

- 4.1 Discuss, Consider & Possible Action on **Ordinance #2022-12** Approving a Budget Amendment to the Operating Budget for the Fiscal Year October 1, 2021 and Ending September 30, 2022; \$757,919.98 in expenses and \$591,342 in revenue with an ending general fund balance decrease of \$166,577.98

ACTION: Items 4.1

APPROVED

Council Member Miller moved to approve **Ordinance #2022-12** Approving a Budget Amendment to the Operating Budget for the Fiscal Year October 1, 2021 and Ending September 30, 2022; \$757,919.98 in expenses and \$591,342 in revenue with an ending general fund balance decrease of \$166,577.98. Council Member Koepp seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

- 4.2 Public Hearing, Discussion & Possible Action on **Ordinance #2022-13** Amending the Official Zoning Map by Zoning Property Parcel #11782 located at 624 St. James Street from C-1 Light Commercial District to DMU Downtown Mixed Use District

Mayor Sucher opened the Public Hearing at 7:18 p.m.

Zoning Administrator, Kristina Vega spoke in favor of the request for rezone from C-1 Light Commercial to Downtown Mixed Use District, and that the percentage of the land area that provided signed letters protesting the zoning amendment represent 22.3% of the properties within the notification area, which triggers the protest requirements and will need a ¾ vote of City Council to be approved.

Eddie Escobar spoke on behalf of the property owner's request for rezone and requested the City Council approve the rezone from C-1 Light Commercial to Downtown Mixed Use.

Mayor Sucher closed the Public Hearing at 7:41 p.m.

ACTION: Items 4.2

APPROVED

Council Member Kridler moved to approve **Ordinance #2022-13** Amending the Official Zoning Map by Zoning Property Parcel #11782 located at 624 St. James Street from C-1 Light Commercial District to DMU Downtown Mixed Use District. Council Member Koepp seconded the motion. Mayor Sucher called for a roll call vote. For: Kridler, Koepp, and Sucher. Against: Miller. The motion passed 3 to 1.

- 4.3 Public Hearing, Discussion & Possible Action on **Ordinance #2022-14** Amending the Official Zoning Map by Zoning Property Parcel #11972 located at 305 St. George Street from C-1 Light Commercial District to DMU Downtown Mixed Use District

Mayor Sucher opened the Public Hearing at 7:43 p.m.

Zoning Administrator, Kristina Vega spoke in favor of the request for rezone from C-1 Light Commercial to Downtown Mixed Use District.

No other comments were made.

Mayor Sucher closed the Public Hearing at 7:47 p.m.

ACTION: Items 4.3

APPROVED

Council Member Koepp moved to approve **Ordinance #2022-14** Amending the Official Zoning Map by Zoning Property Parcel #11972 located at 305 St. George Street from C-1 Light Commercial District to DMU Downtown Mixed Use District. Council Member Miller seconded the motion. Mayor Sucher called for a roll call vote. For: Unanimous. The motion passed 4 to 0.

STAFF/BOARD REPORTS

- 5.1 Finance Director will provide feedback on any questions regarding:
- Financial Reports for funds as of June 30, 2022
 - Cash & Investment by Fund as of June 30, 2022
- 5.2 City Manager, Tim Patek will update the City Council on the following:
- AR Guerra Holdings, LLC dba Sleep Inn and Suites
 - Timeline on Capital Improvement Projects
 - Recently Completed Projects
 - Projects Currently in Process
 - Upcoming Projects

CONVENE INTO CLOSED SESSION:

The Council convened into closed session at 7:55 p.m.

CLOSED SESSION

- 6.1 (1) Pursuant to Section 551.074 of the Texas Government Code, the City of Gonzales will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

A) City Manager Evaluation

- (2) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:

A) Oil and Gas Leases

RETURN TO OPEN SESSION

The Council convened into open session at 8:28 p.m.

- 7.1 Discuss, Consider & Possible Action regarding matters discussed in closed session, and/or other actions necessary or recommended related to such discussions in closed session.

Council member Kridler moved regarding closed session item 6.1(1) (A) to postpone the City Manager's Evaluation until a full council could be present and requested the City Manager's contract be extended on a month-to-month basis until a full council can be present to complete the evaluation. Council member Miller seconded the motion. Mayor Sucher called for a roll call vote. The motion passed 4 to 0.

CITY COUNCIL REQUESTS AND ANNOUNCEMENTS

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

ADJOURN

On a motion by Council Member Kridler and second by Council Member Koepp, the meeting was adjourned at 8:35 p.m.

Approved this 11th day of August, 2022.

S.H. Sucher, Mayor

Kristina Vega, City Secretary

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2022-77 Approving a Performance Agreement by and between the Gonzales Economic Development Corporation and Remschel Customs, LLC, a Texas Limited Liability Company, Regarding Improvements to property generally located at 925 Oilpatch Lane, City Of Gonzales, Texas

DATE: August 11, 2022

Type Agenda Item

Resolution

BACKGROUND:

At its July 18, 2022, meeting, the GEDC board of directors made a motion to enter into a Performance Agreement and fund an economic development grant to Remschel Customs, LLC. in the amount of \$72,000. The scope of work includes construction and or installation of an authorized fire suppression and control panel, a new HVAC unit, and office/showroom demo and rebuilding. The term also includes office/showroom improvements include demolition of existing walls and framing, replacing the framing, sheetrock, electrical, plumbing, baseboards, and countertops, and replacing existing windows and flooring, located on the property at 925 Oil Patch Lane.

POLICY CONSIDERATIONS:

Sections 501.101, 501.103, 501.105, and 505.158 of the Texas Local Government Code authorizes the GEDC to provide financial assistance consistent with the terms of those statutes. As per Section 505.158 (b) of the Texas Local Government Code, a Type B corporation may not undertake a project authorized by this section that requires an expenditure of more than \$10,000 until the governing body of the corporation's authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings. A Public Hearing was held on July 18 and the notice of publication appeared in the July 29 issue of the Gonzales Inquirer.

EDC legal counsel has reviewed and approved the item as to legality and legal form.

FISCAL IMPACT:

GEDC will reimburse Remschel Customs \$72,000 once the work is completed. GEDC has a line item for this grant in this year's fiscal year budget. Should the project carryover into the 2022-23 fiscal year, GEDC has sufficient funds to in its reserves to fund the grant out of next year's budget.

ATTACHMENTS:

Performance Agreement

STAFF RECOMMENDATIONS:

Staff recommends the approval of this resolution.

RESOLUTION NO. 2022-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING A PERFORMANCE AGREEMENT BY AND BETWEEN THE GONZALES ECONOMIC DEVELOPMENT CORPORATION AND REMSCHEL CUSTOMS, LLC, A TEXAS LIMITED LIABILITY COMPANY, REGARDING IMPROVEMENTS TO PROPERTY GENERALLY LOCATED AT 925 OILPATCH LANE, CITY OF GONZALES, TEXAS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Gonzales Economic Development Corporation is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended (hereinafter referred to as the “GEDC”); and

WHEREAS, as per Section 505.158 (b) of the Texas Local Government Code, a Type B corporation may not undertake a project authorized by this section that requires an expenditure of more than \$10,000 until the governing body of the corporation’s authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings; and

WHEREAS, the City Council of the City of Gonzales, Texas, desires to approve a Performance Agreement by and between the Gonzales Economic Development Corporation and the Remschel Customs, LLC, a Texas limited liability company, concerning improvements to property generally located at 925 Oilpatch Lane, City of Gonzales, Texas, a copy of which is attached hereto as *Exhibit A* and is incorporated herein for all purposes (hereinafter referred to as the “Agreement”).

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

Section 1. The City Council of the City of Gonzales, Texas, does hereby approve the Performance Agreement, a copy of which is attached hereto as *Exhibit A*, and is incorporated herein for all purposes.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of August, 2022.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

Exhibit A

[Performance Agreement]

PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** by and between the **GONZALES ECONOMIC DEVELOPMENT CORPORATION**, a Texas non-profit corporation (hereinafter referred to as the “GEDC”), and **REMSCHEL CUSTOMS, LLC**, a Texas limited liability company (hereinafter referred to as “Developer”), is made and executed on the following recitals, terms and conditions.

WHEREAS, the Gonzales Economic Development Corporation (hereinafter referred to as the “GEDC”) is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended; and

WHEREAS, Section 501.101 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements that are: (1) for the creation or retention of primary jobs; and (2) found by the board of directors to be required or suitable for the development, retention, or expansion of: (A) manufacturing and industrial facilities; (B) research and development facilities; (C) military facilities, including closed or realigned military bases; . . . (F) recycling facilities; . . . (I) distribution centers; (J) small warehouse facilities capable of serving as decentralized storage and distribution centers; (K) primary job training facilities for use by institutions of higher education; or (L) regional or national corporate headquarters facilities”; and

WHEREAS, Section 501.103 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “expenditures that are found by the board of directors to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, limited to: (1) streets and roads, rail spurs, water and sewer utilities, electric utilities, or gas utilities, drainage, site improvements, and related improvements; (2) telecommunications and Internet improvements . . .”; and

WHEREAS, Section 501.158 of the Texas Local Government Code prohibits the provision of a direct incentive unless GEDC enters into an Agreement with Developer providing at a minimum a schedule of additional payroll or jobs to be created or retained by GEDC’s investment; a schedule of capital investments to be made as consideration for any direct incentives provided by GEDC to Developer; and a provision specifying the terms and conditions upon which repayment must be made should Developer fail to meet the agreed to performance requirements specified in this Agreement; and

WHEREAS, Developer has applied to GEDC for financial assistance necessary to construct and install certain improvements to the automotive customization facility generally located at 925 Oilpatch Lane, City of Gonzales, Texas; and

WHEREAS, GEDC approved the provision of financial assistance to Developer for the Developer to construct and install the Qualified Expenditures (as herein defined) to the automotive customization facility located on the Developer’s property generally located at 925 Oilpatch Lane, City of Gonzales, Texas (hereinafter referred to as the “Property”); and

WHEREAS, the GEDC's Board of Directors have determined the financial assistance to be provided to Developer pursuant to this Agreement is consistent and meets the definition of "project" as that term is defined in Sections 501.101 and 501.103 of the Texas Local Government Code; and the definition of "cost" as that term is defined by Section 501.152 of the Texas Local Government Code; and

WHEREAS, Developer agrees and understands that Section 501.073(a) of the Texas Local Government Code requires the City Council of the City of Gonzales, Texas, to approve all programs and expenditures of the GEDC, and accordingly this Agreement is not effective until City Council has approved this project at a City Council meeting called and held for that purpose.

NOW, THEREFORE, for and in consideration of the agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the GEDC and Developer agree as follows:

SECTION 1. FINDINGS INCORPORATED.

The foregoing recitals are hereby incorporated into the body of this Agreement and shall be considered part of the mutual covenants, consideration and promises that bind the parties.

SECTION 2. TERM.

This Agreement shall be effective as of the Effective Date, as defined herein, and shall continue thereafter until **December 31, 2026**, unless terminated sooner under the provisions hereof.

SECTION 3. DEFINITIONS.

The following words shall have the following meanings when used in this Agreement.

- (a) **Act.** The word "Act" means Chapters 501 to 505 of the Texas Local Government Code, as amended.
- (b) **Agreement.** The word "Agreement" means this Performance Agreement, together with all exhibits and schedules attached to this Agreement from time to time, if any.
- (c) **Developer.** The word "Developer" means Remschel Customs, LLC, a Texas limited liability company, its successors and assigns, whose address for the purposes of this Agreement is 925 Oil Patch Lane, Gonzales, Texas 78629.
- (d) **Effective Date.** The words "Effective Date" mean the date of the latter to execute this Agreement by and between the Developer and the GEDC.
- (e) **Event of Default.** The words "Event of Default" mean and include any of the Events of

Default set forth below in the section entitled “Events of Default.”

- (f) **Full-Time Equivalent Employment Position.** The words “Full-Time Equivalent Employment Position” or “Full-Time Equivalent Employment Positions” mean and include a job requiring a minimum of One Thousand Nine Hundred Twenty (1,920) hours of work averaged over a twelve (12) month period.
- (g) **GEDC.** The term “GEDC” means the Gonzales Economic Development Corporation, a Texas non-profit corporation, its successors and assigns, whose corporate address for the purposes of this Agreement is 820 Saint Joseph Street, Gonzales, Texas 78629.
- (h) **Property.** The word “Property” means 925 Oilpatch Lane, Gonzales, Texas 78629.
- (i) **Qualified Expenditures.** The words “Qualified Expenditures” mean those costs associated with the construction and or installation of an authorized fire suppression and control panel, a new HVAC unit, and office/showroom demo and rebuilding. The term also includes office/showroom improvements include demolition of existing walls and framing, replacing the framing, sheetrock, electrical, plumbing, baseboards, and countertops, and replacing existing windows and flooring, located on the Property, and which meet the definition of “project” as that term is defined in Sections 501.101 and 501.103 of the Act, and meet the definition of “cost” as that term is defined in Section 501.152 of the Act.
- (j) **Term.** The word “Term” means the term of this Agreement as specified in Section 2 of this Agreement.

SECTION 4. AFFIRMATIVE COVENANTS OF DEVELOPER.

Developer covenants and agrees with GEDC that, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Qualified Expenditures.** Developer covenants and agrees to commence construction of the Qualified Expenditures by **September 1, 2022**. In addition, Developer covenants and agrees to complete construction of the Qualified Expenditures by **February 28, 2023**. Developer covenants and agrees to submit to the GEDC paid invoices, paid receipts, or other paid documentation of the Qualified Expenditures made to the Property in the minimum amount of **Seventy-Two Thousand and No/100 Dollars (\$72,000.00)** and in a form acceptable to the GEDC prior to any reimbursement. Developer covenants and agrees to provide to the GEDC said invoices, receipts, or other documentation by **March 31, 2023**.
- (b) **Operate the Automotive Customization Facility.** Developer agrees to maintain and operate during normal business hours the automotive customization facility located on the Property during the Term of this Agreement.
- (c) **Job Creation and Retention.** Developer covenants and agrees during the Term of this

Agreement, the Developer shall employ and maintain a minimum of one and one-half (1 ½) Full-Time Equivalent Employment Positions working at the Developer's facility located on the Property. In addition, Developer covenants and agrees by **September 1, 2025**, and during the Term of this Agreement, the Developer shall employ and maintain a minimum of one (1) additional Full-Time Equivalent Employment Position working at the Developer's facility located on the Property. Developer covenants and agrees beginning on **September 1, 2022**, and during the Term of this Agreement, Developer shall deliver to GEDC an annual compliance verification signed by a duly authorized representative of Developer that shall certify the number of Full-Time Equivalent Employment Positions, and shall disclose and certify the average wage for all Full-Time Equivalent Employment Positions (the "Annual Compliance Verification"). The Developer covenants and agrees beginning on **September 1, 2022**, and annually thereafter during the Term of this Agreement, there will be a total of **five (5)** Annual Compliance Verifications due and submitted to the GEDC covering the Full-Time Equivalent Employment Positions created and maintained during the Term of this Agreement. All Annual Compliance Verifications shall include quarterly IRS 941 returns, or Texas Workforce Commission Employer Quarterly Reports.

- (d) **Performance Conditions.** Developer agrees to make, execute and deliver to GEDC such other promissory notes, instruments, documents and other agreements as GEDC or its attorneys may reasonably request to evidence this Agreement.
- (e) **Performance.** Developer agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements between Developer and GEDC.

SECTION 5. AFFIRMATIVE COVENANTS OF GEDC.

GEDC covenants and agrees with Developer that, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Financial Assistance for Qualified Expenditures.** GEDC covenants and agrees to submit reimbursement for Qualified Expenditures made by the Developer pursuant to Section 4(a) of this Agreement, in an amount not to exceed the lesser of **Seventy-Two Thousand and No/100 Dollars (\$72,000.00)** or the aggregate amount of said paid invoices, paid receipts, or other paid documentation submitted by the Developer to GEDC within thirty (30) days of receipt of said documentation.
- (b) **Performance.** GEDC agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements by and between the Developer and GEDC.

SECTION 6. CESSATION OF ADVANCES.

If the GEDC has made any commitment to provide any financial assistance to Developer, whether under this Agreement or under any other agreement, the GEDC shall have no obligation to advance or disburse the financial assistance if: (i) Developer becomes insolvent, files a petition in bankruptcy or similar proceedings, or is adjudged bankrupt; or (ii) an Event of Default occurs.

SECTION 7. EVENTS OF DEFAULT.

Each of the following shall constitute an Event of Default under this Agreement:

- (a) **General Event of Default.** Failure of Developer or GEDC to comply with or to perform any other term, obligation, covenant or condition contained in this Agreement, or failure of Developer or GEDC to comply with or to perform any other term, obligation, covenant or condition contained in any other agreement by and between Developer and GEDC is an Event of Default.
- (b) **False Statements.** Any warranty, representation, or statement made or furnished to GEDC by or on behalf of Developer under this Agreement that is false or misleading in any material respect, either now or at the time made or furnished is an Event of Default.
- (c) **Insolvency.** Developer's insolvency, appointment of receiver for any part of Developer's property, any assignment for the benefit of creditors of Developer, any type of creditor workout for Developer, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Developer is an Event of Default.
- (d) **Ad Valorem Taxes.** Developer allows its ad valorem taxes owed to the City of Gonzales, Texas, to become delinquent and fails to timely and properly follow the legal procedures for protest and/or contest of such taxes and to cure such failure within thirty (30) days after written notice thereof from GEDC and/or Gonzales County Central Appraisal District is an Event of Default.

SECTION 8. EFFECT OF AN EVENT OF DEFAULT.

In the event of default under Section 7 of this Agreement, the non-defaulting party shall give written notice to the other party of any default, and the defaulting party shall have thirty (30) days to cure said default. Should said default remain uncured as of the last day of the applicable cure period, and the non-defaulting party is not otherwise in default, the non-defaulting party shall have the right to immediately terminate this Agreement, enforce specific performance as appropriate or maintain a cause of action for damages caused by the event(s) of default. In the event, Developer defaults and is unable or unwilling to cure said default within the prescribed time period, the amounts provided by the GEDC to Developer pursuant to Section 5(a) of this Agreement shall become immediately due and payable by Developer to the GEDC as follows;

- (a) Default occurs between the Effective Date and one (1) year anniversary of the Effective Date, Developer repays to GEDC the sum of **Seventy-Two Thousand and No/100 Dollars (\$72,000.00)**;
- (b) Default occurs between the one (1) year anniversary of Effective Date and the two (2) year anniversary of the Effective Date, Developer repays to GEDC the sum of **Forty-Eight Thousand and No/100 Dollars (\$48,000.00)**; and
- (c) Default occurs between the two (2) year anniversary of Effective Date and through the Term of this Agreement, Developer repays to GEDC the sum of **Twenty-Four Thousand and No/100 Dollars (\$24,000.00)**.

SECTION 9. INDEMNIFICATION.

TO THE EXTENT ALLOWED BY LAW, EACH PARTY AGREES TO RELEASE, DEFEND, INDEMNIFY, AND HOLD HARMLESS THE OTHER (AND ITS OFFICERS, AGENTS, AND EMPLOYEES) FROM AND AGAINST ALL CLAIMS OR CAUSES OF ACTION FOR INJURIES (INCLUDING DEATH), PROPERTY DAMAGES (INCLUDING LOSS OF USE), AND ANY OTHER LOSSES, DEMAND, SUITS, JUDGMENTS AND COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND EXPENSES, IN ANY WAY ARISING OUT OF, RELATED TO OR RESULTING FROM ITS PERFORMANCE UNDER THIS AGREEMENT, OR CAUSED BY ITS NEGLIGENT ACTS OR OMISSIONS (OR THOSE OF ITS RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, OR ANY OTHER THIRD PARTIES FOR WHOM IT IS LEGALLY RESPONSIBLE) IN CONNECTION WITH PERFORMING THIS AGREEMENT.

SECTION 10. MISCELLANEOUS PROVISIONS.

The following miscellaneous provisions are a part of this Agreement:

- (a) **Amendments.** This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.
- (b) **Applicable Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Gonzales County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of Gonzales County, Texas.
- (c) **Assignment.** This Agreement may not be assigned without the express written consent of the other party.
- (d) **Binding Obligation.** This Agreement shall become a binding obligation on the signatories

upon execution by all signatories hereto. Developer warrants and represents that the individual or individuals executing this Agreement on behalf of Developer has full authority to execute this Agreement and bind Developer to the same. GEDC warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind it to the same.

- (e) **Caption Headings.** Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of the Agreement.
- (f) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
- (g) **Notices.** Any notice or other communication required or permitted by this Agreement (hereinafter referred to as the "Notice") is effective when in writing and (i) personally delivered either by facsimile (with electronic information and a mailed copy to follow) or by hand or (ii) three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to GEDC:	Gonzales Economic Development Corporation 820 Saint Joseph Street Gonzales, Texas 78629 Attn: Jennifer Kolbe, Executive Director Telephone: (830) 672-2815 ext. 1600
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if to Developer:	Remschel Customs, LLC 925 Oil Patch Lane Gonzales, Texas 78629 Attn: Garrett Remschel Telephone: _____
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- (h) **Severability.** If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.
- (i) **Time is of the Essence.** Time is of the essence in the performance of this Agreement.
- (j) **Undocumented Workers.** Developer certifies that the Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is

convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of the public subsidy provided under this Agreement plus interest, at the rate of six percent (6%), not later than the 120th day after the date the GEDC notifies Developer of the violation.

[The Remainder of this Page Intentionally Left Blank]

DEVELOPER ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS PERFORMANCE AGREEMENT, AND DEVELOPER AGREES TO ITS TERMS. THIS AGREEMENT IS EFFECTIVE AS OF THE EFFECTIVE DATE AS IS PROVIDED HEREIN.

GEDC:

GONZALES ECONOMIC DEVELOPMENT CORPORATION,

a Texas non-profit corporation

By: _____

Andy Rodriguez, President

Date Signed: _____

ATTEST:

, Secretary

DEVELOPER:

REMSCHEL CUSTOMS, LLC,

a Texas limited liability company

By: _____

Garrett Remschel

Title: _____

Date Signed: _____

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2022-78 Approving a Termination of Original Agreement by and Between the Gonzales Economic Development Corporation and Sheilah Kay Restaurants, LLC D/B/A Baker Boys BBQ a Texas Liability Company

DATE: August 11, 2022

Type Agenda Item

Resolution

BACKGROUND:

At its July 18, 2022, meeting, the GEDC board of directors made a motion to act on the outstanding loan agreement with Sheilah Kay Restaurants, LLC D/B/A Baker Boys BBQ in reference to an outstanding loan balance on the Baker Boys BBQ restaurant. Baker Boys BBQ had an original loan amount of \$100,000. The current unpaid balance is \$33,197.21. The borrower is in good standing with the GEDC and has paid 66% of the original loan balance. The GEDC wishes to terminate all outstanding loans and provide this borrower forgiveness for the remaining balance.

POLICY CONSIDERATIONS:

Sections 501.101, 501.103, 501.105, and 505.158 of the Texas Local Government Code authorizes the GEDC to provide financial assistance consistent with the terms of those statutes. As per Section 501.073 (a) of the Texas Local Government Code, the corporation's authorizing unit will approve all programs and expenditures of a corporation.

The GEDC wishes to resolve all current and defaulted loans for funds distributed and given in the form of loans in the past.

EDC legal counsel has reviewed and approved the item as to legality and legal form.

FISCAL IMPACT:

The GEDC will forgive \$33,197.21.

ATTACHMENTS:

Termination of Loan Agreement and Amendments- Sheilah Kay Restaurants, LLC D/B/A Baker Boys BBQ

STAFF RECOMMENDATIONS:

Staff recommends the approval of this resolution.

RESOLUTION NO. 2022-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING A TERMINATION OF ORIGINAL AGREEMENT BY AND BETWEEN THE GONZALES ECONOMIC DEVELOPMENT CORPORATION AND SHEILAH KAY RESTAURANTS, LLC, D/B/A BAKER BOYS BBQ, A TEXAS LIMITED LIABILITY COMPANY, AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Gonzales Economic Development Corporation is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended (hereinafter referred to as the “GEDC”); and

WHEREAS, on or about April of 2014, the GEDC and Sheilah Kay Restaurants, LLC, d/b/a Baker Boys BBQ, (hereinafter referred to as “Baker Boys BBQ”) entered into the original Loan Agreement concerning the economic development project located within the City of Gonzales, Texas (hereinafter referred to as the “Original Agreement”); and

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national health emergency beginning on March 1, 2020; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster for all counties in Texas in response to the COVID-19 outbreak and as of the Effective Date of this Termination Agreement the state of disaster remains ongoing; and

WHEREAS, pursuant to the terms of the Original Agreement Baker Boys BBQ was required to repay the loan consistent with the terms of the Original Agreement; and

WHEREAS, pursuant to the terms of the Original Agreement Baker Boys BBQ was required to repay a loan in the amount of **One Hundred Thousand and No/100 Dollars (\$100,000.00)**; and

WHEREAS, Baker Boys BBQ has repaid to GEDC an amount equal to or exceeding fifty percent (50%) of the original loan amount; and

WHEREAS, pursuant to the terms of the Original Agreement, Baker Boys BBQ was repaid to the GEDC said loan and has an unpaid principal balance of less than **Fifty Thousand and No/100 Dollars (\$50,000.00)** or less or fifty percent (50%) of said loan; and

WHEREAS, Baker Boys BBQ has complied with all terms and conditions of the Original Agreement; and

WHEREAS, Baker Boys BBQ has continued to employ and retain jobs within the City of Gonzales, Texas; and

WHEREAS, GEDC desires to assist the Baker Boys BBQ in remaining open to the public and employing and retaining jobs within the City of Gonzales, Texas; and

WHEREAS, Sections 501.101, 501.103, 501.105, and 505.158 of the Texas Local Government Code authorizes the GEDC to provide financial assistance consistent with the terms of those statutes; and

WHEREAS, the GEDC and Baker Boys BBQ now desire to terminate the Original Agreement and any amendments related thereto and provide this borrower forgiveness for the remaining balance.

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

Section 1. The City Council of the City of Gonzales, Texas, does hereby approve the Termination of the Original Agreement by and between the Gonzales Economic Development Corporation and Baker Boys BBQ, a copy of which is attached hereto as ***Exhibit A***, and is incorporated herein for all purposes.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of August, 2022.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

Exhibit A

[Termination of Original Agreement]

TERMINATION OF ORIGINAL AGREEMENT

This Termination of Original Agreement (hereinafter referred to as the “Termination Agreement”) is hereby entered into on the ____ day of July, 2022, by the **GONZALES ECONOMIC DEVELOPMENT CORPORATION**, a Texas non-profit corporation (hereinafter referred to as the “GEDC”) and **SHEILAH KAY RESTAURANTS, LLC**, d/b/a Baker Boys BBQ, a Texas limited liability company (hereinafter referred to as the “Developer”).

RECITALS:

WHEREAS, on or about _____, 2015, the GEDC and Developer entered into the original Loan Agreement concerning the economic development project located within the City of Gonzales, Texas (hereinafter referred to as the “Original Agreement”); and

WHEREAS, on March 13, 2020, the President of the United States declared the COVID-19 outbreak a national health emergency beginning on March 1, 2020; and

WHEREAS, on March 13, 2020, the Governor of the State of Texas declared a state of disaster for all counties in Texas in response to the COVID-19 outbreak and as of the Effective Date of this Termination Agreement the state of disaster remains ongoing; and

WHEREAS, pursuant to the terms of the Original Agreement Developer was required to repay the loan consistent with the terms of the Original Agreement; and

WHEREAS, pursuant to the terms of the Original Agreement Developer was required to repay a loan in the amount of **One Hundred Thousand and No/100 Dollars (\$100,000.00)** payable on or before **May 1, 2025**. Further, the Original Agreement provided that in the event there was not an Event of Default as of **December 1, 2023**, then the final remaining balance of **Fifteen Thousand and No/100 Dollars (\$15,000.00)** would be forgiven on **January 1, 2024**; and

WHEREAS, Developer has repaid to GEDC an amount equal to or exceeding fifty percent (50%) of the original loan amount; and

WHEREAS, pursuant to the terms of the Original Agreement Developer was repaid to the GEDC said loan and has an unpaid principal balance of **Thirty-Four Thousand Sixty-Four and 59/100 Dollars (\$34,064.59)**; and

WHEREAS, Developer has complied with all terms and conditions of the Original Agreement; and

WHEREAS, Developer has continued to employ and retain jobs within the City of Gonzales, Texas; and

WHEREAS, GEDC desires to assist the Developer in remaining open to the public and employing and retaining jobs within the City of Gonzales, Texas; and

WHEREAS, Sections 501.101, 501.103, 501.105, and 505.158 of the Texas Local Government Code authorizes the GEDC to provide financial assistance consistent with the terms of those statutes; and

WHEREAS, the GEDC and Developer now desire to terminate the Original Agreement and any amendments related thereto.

NOW, THEREFORE, for and in consideration of the foregoing premises and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, GEDC and Developer covenant and agree as follows:

SECTION 1. FINDINGS INCORPORATED.

The foregoing recitals are hereby incorporated into the body of this Termination Agreement and shall be considered part of the mutual covenants, consideration and promises that bind the parties.

SECTION 2. TERMINATION OF ORIGINAL AGREEMENT AND ANY AMENDMENTS.

- (a) The Original Agreement and any amendments related thereto by and between the GEDC and Developer are hereby terminated.
- (b) GEDC and Developer covenant and agree that each party shall have no further obligation to the other party under the Original Agreement and any amendments related thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Termination Agreement on the day and year first above-written (the "Effective Date").

GEDC:

***GONZALES ECONOMIC
DEVELOPMENT CORPORATION,***
a Texas non-profit corporation

By: _____

Andy Rodriguez, President

Date Signed: _____

DEVELOPER:

SHEILAH KAY RESTAURANTS, LLC,
A Texas limited liability company,

Erin W. Baker, Managing Member

Date Signed: _____

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action
Approving Resolution #2022-79 Taking a
Record Vote on Setting the Preliminary
Maximum Ad Valorem Tax Rate for Fiscal
Year 2022-2023 and Scheduling a Public
Hearing

DATE: August 11, 2022

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

This is a presentation of the 2022 Governing Body Summary #1B. Council must propose a maximum tax rate.

On July 22, 2022 the City received the certified property tax rolls from the Gonzales County Appraisal District. The Gonzales County Tax Assessor-Collector used this information and information provided from the City of Gonzales to calculate the No New Revenue Tax Rate and Voter Approval Tax Rate for the 2022 Tax Year.

The No New Revenue Tax Rate is a calculated rate that would provide the city with approximately the same amount of revenues it received the year before on properties taxed in both years. The current property tax rate is \$0.3252 per \$100.00 valuation. The Voter-Approval Tax Rate is a calculated maximum rate allowed by law without voter approval.

The 2022 Tax Year No New Revenue Tax Rate is \$0.3048 per \$100.00 of valuation, which is less than the current tax rate by \$0.0204. The Voter-Approval Tax Rate is \$0.3117 per \$100.00 of valuation. Staff is recommending a preliminary maximum property tax rate of \$0.3117 per \$100.00 which exceeds the No New Revenue Tax Rate by \$0.0069.

In accordance with Chapter 26.05(d) of the State's Property Tax Code, a governing body must hold a Public Hearing on the tax rate if the proposed tax rate exceeds the lower of the No New Revenue Tax Rate or Voter Approval Tax Rate. In this case, that Public Hearing is required because the proposed tax rate exceeds the No New Revenue Tax Rate. Staff recommends holding the Public Hearing on September 1, 2022. If the Council chooses to go with the No New Revenue Tax Rate, an ordinance will be placed on the September 8th agenda and no further action is required.

During the final tax rate adoption process Council can approve a lower rate at that time, however they will not be able to approve a higher rate than this without republishing the notices and holding additional public hearings.

POLICY CONSIDERATIONS:

This is consistent with current policy.

FISCAL IMPACT:

N/A

ATTACHMENTS:

2022 Governing Body Summary #1B*

2022 Tax Rate Calculation Worksheet

STAFF RECOMMENDATION:

Staff respectfully recommends the approval of this resolution.

RESOLUTION NO. 2022-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING A PRELIMINARY MAXIMUM AD VALOREM TAX RATE FOR FISCAL YEAR 2022-2023, AND SCHEDULING A PUBLIC HEARING; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on July 22, 2022 the City received the certified property tax rolls from the Gonzales County Appraisal District; and

WHEREAS, the Gonzales County Tax Assessor-Collector used this information and information provided from the City of Gonzales to calculate the No New Revenue Tax Rate and Voter Approval Tax Rate for the 2022 Tax year; and

WHEREAS, the 2022 Tax Year No New Revenue Tax Rate is \$0.3048 per \$100.00 valuation, which is less than the current tax rate by \$0.0204; and

WHEREAS, the Voter Approval Tax Rate is \$0.3117 per \$100.00 valuation; and,

WHEREAS, Chapter 26.05(d) of the Tax Code states that a Public Hearing must be held if the proposed tax rate exceeds the lower of the No New Revenue Tax Rate or Voter Approval Tax Rate; and,

WHEREAS, City staff of the City of Gonzales has recommended that the City Council approve a preliminary maximum tax rate of \$0.3117 for Fiscal Year 2022-2023; and,

WHEREAS, staff recommends holding the Public Hearing on September 1, 2022; and,

WHEREAS, the City Council has determined that it is in the best interest of the City to establish a preliminary maximum tax rate and schedule the required Public Hearing date.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes a preliminary maximum ad valorem tax rate for fiscal year 2022-2023 of \$0.3117 per \$100.00 valuation and schedules the Public Hearing for September 1, 2022 at 5:00 P.M. at City Hall, 820 N. St. Joseph Street, Gonzales, Texas 78629.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved therein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

Section 8. Record Vote.

FOR:

AGAINST:

ABSENT:

PASSED AND APPROVED this 11th day of August, 2022.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

2022 Governing Body Summary #1A*

Benchmark 2022 Tax Rates

CITY OF GONZALES

Date: 07/25/2022 05:25 PM

DESCRIPTION OF TAX RATE	TAX RATE PER \$100	THIS YEAR'S TAX LEVY**	ADDITIONAL TAX LEVY
Using the 2022 Adjusted Taxable Value of: \$566,688,420	Multiplied by this Rate	Will Equal This Tax Levy	
No-New-Revenue Tax Rate	\$0.3048	\$1,727,266	
One Percent \$100 Tax Increase***	\$0.3078	\$1,744,267	\$17,001
One Cent per \$100 Tax Increase***	\$0.314800	\$1,783,935	\$56,669
De Minimis Rate	\$0.3942	\$2,233,886	\$506,620
VAR NOT adjusted for Unused Increment Rate	\$0.3117	\$1,766,368	\$39,102
VAR adjusted for Unused Increment Rate	\$0.3117	\$1,766,368	\$39,102
Last Year's Tax Rate	\$0.3252	\$1,842,871	\$115,605

*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.

**Tax levies are calculated using line 21 of the No-New-Revenue Tax Rate Worksheet and this year's frozen tax levy on homesteads of the elderly or disabled.

***Tax increase compared to no-new-revenue tax rate.

Terms:

No-New-Revenue Tax Rate (NNR) – (last year's levy minus lost property levy) divided by (current total value minus new property value). Voter-Approval Tax Rate – equal to the No-New-Revenue maintenance and operations tax rate time 1.035% PLUS current debt PLUS any unused increment rate.

De minimis rate – The rate is equal to the sum of: 1) a taxing unit's NNR maintenance and operations rate 2) the rate that when applied to a taxing unit's current total value, will impose an amount of taxes equal to \$500,000, AND 3) a taxing unit's current debt rate. Voters may petition to hold a tax approval election if the de minimis rate exceeds the voter-approval rate and the adopted rate is equal to or lower than the de minimis rate but higher than the voter-approval rate.

2021 Adjusted Taxable as of 06/30/2022	\$598,778,561
2021 Adjusted Tax Ceilings as of 06/30/2022	\$ 69,576,350
2021 Freeze Adjusted Taxable as of 06/30/2022	\$529,202,211
2022 Certified Net Taxable	\$629,977,390
2022 Protested Value (+)	\$ 10,755,650
2022 Tax Ceilings (-)	\$ 74,044,620
2022 Adjusted Value (=)	\$566,688,420
2022 New Improvement Value	\$3,809,080

2022 No-New-Revenue Tax Rate	0.3048	(M&O of 0.1623 and I&S of 0.1425)
2022 Voter Approval Tax Rate	0.3117	(M&O of 0.1692 and I&S of 0.1425)
2022 De Minimis Rate	0.3942	(M&O of 0.2517 and I&S of 0.1425)

The 2022 Debt rate is: 0.1425

The 2021 Debt Rate was: 0.1516

The 2022 debt rate was calculated with an anticipated collection rate of 101.00%. There was an excess of \$14,952.82 debt collected compared to the original roll; however, no excess amount exists due to the estimated anticipated collections determined by the TAC for 2021 calculations. Therefore, no adjustment is needed for Line 43.

- The actual collection rate for 2021 was 100.58%
- The actual collection rate for 2020 was 102.24%
- The actual collection rate for 2019 was 101.02%

2022 Tax Rate Calculation Worksheet

Taxing Units Other Than School Districts or Water Districts

Form 50-856

CITY OF GONZALES

830-672-2841

Taxing Unit Name

Phone (area code and number)

427 St George Ste 100, Gonzales, Texas 78629

www.co.gonzales.tx.us

Taxing Unit's Address, City, State, ZIP Code

Taxing Unit's Website Address

GENERAL INFORMATION: Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the no-new-revenue (NNR) tax rate and voter-approval tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest. The designated officer or employee shall certify that the officer or employee has accurately calculated the tax rates and used values shown for the certified appraisal roll or certified estimate. The officer or employee submits the rates to the governing body by Aug. 7 or as soon thereafter as practicable.

School districts do not use this form, but instead use Comptroller Form 50-859 *Tax Rate Calculation Worksheet, School District without Chapter 313 Agreements* or Comptroller Form 50-884 *Tax Rate Calculation Worksheet, School District with Chapter 313 Agreements*.

Water districts as defined under Water Code Section 49.001(1) do not use this form, but instead use Comptroller Form 50-858 *Water District Voter-Approval Tax Rate Worksheet for Low Tax Rate and Developing Districts* or Comptroller Form 50-860 *Developed Water District Voter-Approval Tax Rate Worksheet*.

The Comptroller's office provides this worksheet to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

SECTION 1: No-New-Revenue Tax Rate

The NNR tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of taxes (no new taxes) if applied to the same properties that are taxed in both years. When appraisal values increase, the NNR tax rate should decrease.

The NNR tax rate for a county is the sum of the NNR tax rates calculated for each type of tax the county levies.

While uncommon, it is possible for a taxing unit to provide an exemption for only maintenance and operations taxes. In this case, the taxing unit will need to calculate the NNR tax rate separately for the maintenance and operations tax and the debt tax, then add the two components together.

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
1.	2021 total taxable value. Enter the amount of 2021 taxable value on the 2021 tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-fourth and one-third over-appraisal corrections from these adjustments. Exclude any property value subject to an appeal under Chapter 42 as of July 25 (will add undisputed value in Line 6). This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (adjustment is made by deducting TIF taxes, as reflected in Line 17). ¹	\$ 598,778,561
2.	2021 tax ceilings. Counties, cities and junior college districts. Enter 2021 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2021 or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$ 69,576,350
3.	Preliminary 2021 adjusted taxable value. Subtract Line 2 from Line 1.	\$ 529,202,211
4.	2021 total adopted tax rate.	\$ 0.3252 /\$100
5.	2021 taxable value lost because court appeals of ARB decisions reduced 2021 appraised value.	
	A. Original 2021 ARB values: \$ 10,744,740	
	B. 2021 values resulting from final court decisions: - \$ 9,708,890	
	C. 2021 value loss. Subtract B from A. ³	\$ 1,035,850
6.	2021 taxable value subject to an appeal under Chapter 42, as of July 25.	
	A. 2021 ARB certified value: \$ 0	
	B. 2021 disputed value: - \$ 0	
	C. 2021 undisputed value. Subtract B from A. ⁴	\$ 0
7.	2021 Chapter 42 related adjusted values. Add Line 5C and Line 6C.	\$ 1,035,850

¹ Tex. Tax Code § 26.012(14)

² Tex. Tax Code § 26.012(14)

³ Tex. Tax Code § 26.012(13)

⁴ Tex. Tax Code § 26.012(13)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
8.	2021 taxable value, adjusted for actual and potential court-ordered adjustments. Add Line 3 and Line 7.	\$ 530,238,061
9.	2021 taxable value of property in territory the taxing unit deannexed after Jan. 1, 2021. Enter the 2021 value of property in deannexed territory. ⁵	\$ 0
10.	2021 taxable value lost because property first qualified for an exemption in 2022. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, goods-in-transit, temporary disaster exemptions. Note that lowering the amount or percentage of an existing exemption in 2022 does not create a new exemption or reduce taxable value. A. Absolute exemptions. Use 2021 market value: \$ 2,326,460 B. Partial exemptions. 2022 exemption amount or 2022 percentage exemption times 2021 value: + \$ 198,410 C. Value loss. Add A and B. ⁶	\$ 2,524,870
11.	2021 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2022. Use only properties that qualified in 2022 for the first time; do not use properties that qualified in 2021. A. 2021 market value: \$ 0 B. 2022 productivity or special appraised value: - \$ 0 C. Value loss. Subtract B from A. ⁷	\$ 0
12.	Total adjustments for lost value. Add Lines 9, 10C and 11C.	\$ 2,524,870
13.	2021 captured value of property in a TIF. Enter the total value of 2021 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which 2021 taxes were deposited into the tax increment fund. ⁸ If the taxing unit has no captured appraised value in line 18D, enter 0.	\$ 0
14.	2021 total value. Subtract Line 12 and Line 13 from Line 8.	\$ 527,713,191
15.	Adjusted 2021 total levy. Multiply Line 4 by Line 14 and divide by \$100.	\$ 1,716,123
16.	Taxes refunded for years preceding tax year 2021. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2021. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2021. This line applies only to tax years preceding tax year 2021. ⁹	\$ 0
17.	Adjusted 2021 levy with refunds and TIF adjustment. Add Lines 15 and 16. ¹⁰	\$ 1,716,123
18.	Total 2022 taxable value on the 2022 certified appraisal roll today. This value includes only certified values or certified estimate of values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 20). These homesteads include homeowners age 65 or older or disabled. ¹¹ A. Certified values: \$ 629,977,390 B. Counties: Include railroad rolling stock values certified by the Comptroller's office: + \$ C. Pollution control and energy storage system exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property: - \$ 0 D. Tax increment financing: Deduct the 2022 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2022 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 23 below. ¹² - \$ 0 E. Total 2022 value. Add A and B, then subtract C and D.	\$ 629,977,390

⁵ Tex. Tax Code § 26.012(15)⁶ Tex. Tax Code § 26.012(15)⁷ Tex. Tax Code § 26.012(15)⁸ Tex. Tax Code § 26.03(c)⁹ Tex. Tax Code § 26.012(13)¹⁰ Tex. Tax Code § 26.012(13)¹¹ Tex. Tax Code § 26.012, 26.04(c-2)¹² Tex. Tax Code § 26.03(c)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
19.	Total value of properties under protest or not included on certified appraisal roll. ¹³	
	A. 2022 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value under protest. ¹⁴ \$ 10,755,650	
	B. 2022 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value of property not on the certified roll. ¹⁵ + \$ 0	
	C. Total value under protest or not certified. Add A and B.	\$ 10,755,650
20.	2022 tax ceilings. Counties, cities and junior colleges enter 2022 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in 2021 or a prior year for homeowners age 65 or older or disabled, use this step. ¹⁶	\$ 74,044,620
21.	2022 total taxable value. Add Lines 18E and 19C. Subtract Line 20. ¹⁷	\$ 566,688,420
22.	Total 2022 taxable value of properties in territory annexed after Jan. 1, 2021. Include both real and personal property. Enter the 2022 value of property in territory annexed. ¹⁸	\$ 0
23.	Total 2022 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2021. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to exist-ing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, 2021 and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2022. ¹⁹	\$ 3,809,080
24.	Total adjustments to the 2022 taxable value. Add Lines 22 and 23.	\$ 3,809,080
25.	Adjusted 2022 taxable value. Subtract Line 24 from Line 21.	\$ 562,879,340
26.	2022 NNR tax rate. Divide Line 17 by Line 25 and multiply by \$100. ²⁰	\$ 0.3048 /\$100
27.	COUNTIES ONLY. Add together the NNR tax rates for each type of tax the county levies. The total is the 2022 county NNR tax rate. ²¹	\$ /\$100

SECTION 2: Voter-Approval Tax Rate

The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two separate rates:

- 1. Maintenance and Operations (M&O) Tax Rate:** The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus the applicable percentage allowed by law. This rate accounts for such things as salaries, utilities and day-to-day operations.
- 2. Debt Rate:** The debt rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The voter-approval tax rate for a county is the sum of the voter-approval tax rates calculated for each type of tax the county levies. In most cases the voter-approval tax rate exceeds the no-new-revenue tax rate, but occasionally decreases in a taxing unit's debt service will cause the NNR tax rate to be higher than the voter-approval tax rate.

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
28.	2021 M&O tax rate. Enter the 2021 M&O tax rate.	\$ 0.1736 /\$100
29.	2021 taxable value, adjusted for actual and potential court-ordered adjustments. Enter the amount in Line 8 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 530,238,061

¹³ Tex. Tax Code § 26.01(c) and (d)

¹⁴ Tex. Tax Code § 26.01(c)

¹⁵ Tex. Tax Code § 26.01(d)

¹⁶ Tex. Tax Code § 26.012(6)(B)

¹⁷ Tex. Tax Code § 26.012(6)

¹⁸ Tex. Tax Code § 26.012(17)

¹⁹ Tex. Tax Code § 26.012(17)

²⁰ Tex. Tax Code § 26.04(c)

²¹ Tex. Tax Code § 26.04(d)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
30.	Total 2021 M&O levy. Multiply Line 28 by Line 29 and divide by \$100	\$ 920,493
31.	Adjusted 2021 levy for calculating NNR M&O rate. A. M&O taxes refunded for years preceding tax year 2021. Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2021. This line applies only to tax years preceding tax year 2021. + \$ 0 B. 2021 taxes in TIF. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no 2022 captured appraised value in Line 18D, enter 0. - \$ 0 C. 2021 transferred function. If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in D below. The taxing unit receiving the function will add this amount in D below. Other taxing units enter 0. +/- \$ 0 D. 2021 M&O levy adjustments. Subtract B from A. For taxing unit with C, subtract if discontinuing function and add if receiving function. \$ 0 E. Add Line 30 to 31D.	\$ 920,493
32.	Adjusted 2022 taxable value. Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 562,879,340
33.	2022 NNR M&O rate (unadjusted). Divide Line 31E by Line 32 and multiply by \$100.	\$ 0.1635 /\$100
34.	Rate adjustment for state criminal justice mandate. ²³ A. 2022 state criminal justice mandate. Enter the amount spent by a county in the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. \$ 0 B. 2021 state criminal justice mandate. Enter the amount spent by a county in the 12 months prior to the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. Enter zero if this is the first time the mandate applies. - \$ 0 C. Subtract B from A and divide by Line 32 and multiply by \$100. \$ 0/\$100 D. Enter the rate calculated in C. If not applicable, enter 0.	\$ 0/\$100
35.	Rate adjustment for indigent health care expenditures. ²⁴ A. 2022 indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state assistance received for the same purpose. \$ 0 B. 2021 indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2020 and ending on June 30, 2021, less any state assistance received for the same purpose. - \$ 0 C. Subtract B from A and divide by Line 32 and multiply by \$100. \$ 0.0000/\$100 D. Enter the rate calculated in C. If not applicable, enter 0.	\$ 0/\$100

²² [Reserved for expansion]²³ Tex. Tax Code § 26.044²⁴ Tex. Tax Code § 26.0441

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
36.	Rate adjustment for county indigent defense compensation. ²⁵ A. 2022 indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2021 and ending on June 30, 2022, less any state grants received by the county for the same purpose. \$ _____ 0 B. 2021 indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2020 and ending on June 30, 2021, less any state grants received by the county for the same purpose. \$ _____ 0 C. Subtract B from A and divide by Line 32 and multiply by \$100. \$ _____ 0/\$100 D. Multiply B by 0.05 and divide by Line 32 and multiply by \$100. \$ _____ 0/\$100 E. Enter the lesser of C and D. If not applicable, enter 0.	\$ _____ 0/\$100
37.	Rate adjustment for county hospital expenditures. ²⁶ A. 2022 eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2021 and ending on June 30, 2022. \$ _____ 0 B. 2021 eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2020 and ending on June 30, 2021. \$ _____ 0 C. Subtract B from A and divide by Line 32 and multiply by \$100. \$ _____ 0/\$100 D. Multiply B by 0.08 and divide by Line 32 and multiply by \$100. \$ _____ 0/\$100 E. Enter the lesser of C and D, if applicable. If not applicable, enter 0.	\$ _____ 0/\$100
38.	Rate adjustment for defunding municipality. This adjustment only applies to a municipality that is considered to be a defunding municipality for the current tax year under Chapter 109, Local Government Code. Chapter 109, Local Government Code only applies to municipalities with a population of more than 250,000 and includes a written determination by the Office of the Governor. See Tax Code 26.0444 for more information. A. Amount appropriated for public safety in 2021. Enter the amount of money appropriated for public safety in the budget adopted by the municipality for the preceding fiscal year. \$ _____ 0 B. Expenditures for public safety in 2021. Enter the amount of money spent by the municipality for public safety during the preceding fiscal year. \$ _____ 0 C. Subtract B from A and divide by Line 32 and multiply by \$100. \$ _____ 0/\$100 D. Enter the rate calculated in C. If not applicable, enter 0.	\$ _____ 0/\$100
39.	Adjusted 2022 NNR M&O rate. Add Lines 33, 34D, 35D, 36E, and 37E. Subtract Line 38D.	\$ _____ 0.1635/\$100
40.	Adjustment for 2021 sales tax specifically to reduce property values. Cities, counties and hospital districts that collected and spent additional sales tax on M&O expenses in 2021 should complete this line. These entities will deduct the sales tax gain rate for 2022 in Section 3. Other taxing units, enter zero. A. Enter the amount of additional sales tax collected and spent on M&O expenses in 2021, if any. Counties must exclude any amount that was spent for economic development grants from the amount of sales tax spent. \$ _____ 0 B. Divide Line 40A by Line 32 and multiply by \$100. \$ _____ 0/\$100 C. Add Line 40B to Line 39.	\$ _____ 0.1635/\$100
41.	2022 voter-approval M&O rate. Enter the rate as calculated by the appropriate scenario below. Special Taxing Unit. If the taxing unit qualifies as a special taxing unit, multiply Line 40C by 1.08. - or - Other Taxing Unit. If the taxing unit does not qualify as a special taxing unit, multiply Line 40C by 1.035.	\$ _____ 0.1692/\$100

²⁵ Tex. Tax Code § 26.0442²⁶ Tex. Tax Code § 26.0443

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
D41.	Disaster Line 41 (D41): 2022 voter-approval M&O rate for taxing unit affected by disaster declaration. If the taxing unit is located in an area declared a disaster area and at least one person is granted an exemption under Tax Code Section 11.35 for property located in the taxing unit, the governing body may direct the person calculating the voter-approval tax rate to calculate in the manner provided for a special taxing unit. The taxing unit shall continue to calculate the voter-approval tax rate in this manner until the earlier of 1) the first year in which total taxable value on the certified appraisal roll exceeds the total taxable value of the tax year in which the disaster occurred, or 2) the third tax year after the tax year in which the disaster occurred If the taxing unit qualifies under this scenario, multiply Line 40C by 1.08. ²⁷ If the taxing unit does not qualify, do not complete Disaster Line 41 (Line D41).	\$ _____ 0 /\$100
42.	Total 2022 debt to be paid with property taxes and additional sales tax revenue. Debt means the interest and principal that will be paid on debts that: (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year, and (4) are not classified in the taxing unit's budget as M&O expenses. A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. If the governing body of a taxing unit authorized or agreed to authorize a bond, warrant, certificate of obligation, or other evidence of indebtedness on or after Sept. 1, 2022, verify if it meets the amended definition of debt before including it here. ²⁸ Enter debt amount \$ 815,613 B. Subtract unencumbered fund amount used to reduce total debt. - \$ 0 C. Subtract certified amount spent from sales tax to reduce debt (enter zero if none) - \$ 0 D. Subtract amount paid from other resources - \$ 0 E. Adjusted debt. Subtract B, C and D from A.	\$ 815,613
43.	Certified 2021 excess debt collections. Enter the amount certified by the collector. ²⁹	\$ 0
44.	Adjusted 2022 debt. Subtract Line 43 from Line 42E.	\$ 815,613
45.	2022 anticipated collection rate. A. Enter the 2022 anticipated collection rate certified by the collector. ³⁰ 101.00 % B. Enter the 2021 actual collection rate. 100.58 % C. Enter the 2020 actual collection rate. 102.24 % D. Enter the 2019 actual collection rate. 101.02 % E. If the anticipated collection rate in A is lower than actual collection rates in B, C and D, enter the lowest collection rate from B, C and D. If the anticipated rate in A is higher than at least one of the rates in the prior three years, enter the rate from A. Note that the rate can be greater than 100%. ³¹	101.00 %
46.	2022 debt adjusted for collections. Divide Line 44 by Line 45E.	\$ 807,537
47.	2022 total taxable value. Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 566,688,420
48.	2022 debt rate. Divide Line 46 by Line 47 and multiply by \$100.	\$ 0.1425 /\$100
49.	2022 voter-approval tax rate. Add Lines 41 and 48.	\$ 0.3117 /\$100
D49.	Disaster Line 49 (D49): 2022 voter-approval tax rate for taxing unit affected by disaster declaration. Complete this line if the taxing unit calculated the voter-approval tax rate in the manner provided for a special taxing unit on Line D41. Add Line D41 and 48.	\$ _____ /\$100

²⁷ Tex. Tax Code § 26.042(a)²⁸ Tex. Tax Code § 26.012(7)²⁹ Tex. Tax Code § 26.012(10) and 26.04(b)³⁰ Tex. Tax Code § 26.04(b)³¹ Tex. Tax Code §§ 26.04(h), (h-1) and (h-2)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
50.	COUNTIES ONLY. Add together the voter-approval tax rates for each type of tax the county levies. The total is the 2022 county voter-approval tax rate.	\$ _____ 0 /\$100

SECTION 3: NNR Tax Rate and Voter-Approval Tax Rate Adjustments for Additional Sales Tax to Reduce Property Taxes

Cities, counties and hospital districts may levy a sales tax specifically to reduce property taxes. Local voters by election must approve imposing or abolishing the additional sales tax. If approved, the taxing unit must reduce its NNR and voter-approval tax rates to offset the expected sales tax revenue.

This section should only be completed by a county, city or hospital district that is required to adjust its NNR tax rate and/or voter-approval tax rate because it adopted the additional sales tax.

Line	Additional Sales and Use Tax Worksheet	Amount/Rate
51.	Taxable Sales. For taxing units that adopted the sales tax in November 2021 or May 2022, enter the Comptroller's estimate of taxable sales for the previous four quarters. ³² Estimates of taxable sales may be obtained through the Comptroller's Allocation Historical Summary webpage. Taxing units that adopted the sales tax before November 2021, enter 0.	\$ _____ 0
52.	Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. ³³ Taxing units that adopted the sales tax in November 2021 or in May 2022. Multiply the amount on Line 51 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. ³⁴ - or - Taxing units that adopted the sales tax before November 2021. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	\$ _____ 0
53.	2022 total taxable value. Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 566,688,420
54.	Sales tax adjustment rate. Divide Line 52 by Line 53 and multiply by \$100.	\$ _____ 0 /\$100
55.	2022 NNR tax rate, unadjusted for sales tax. ³⁵ Enter the rate from Line 26 or 27, as applicable, on the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 0.3048 /\$100
56.	2022 NNR tax rate, adjusted for sales tax. Taxing units that adopted the sales tax in November 2021 or in May 2022. Subtract Line 54 from Line 55. Skip to Line 57 if you adopted the additional sales tax before November 2021.	\$ 0.3048 /\$100
57.	2022 voter-approval tax rate, unadjusted for sales tax. ³⁶ Enter the rate from Line 49, Line D49 (disaster) or Line 50 (counties) as applicable, of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ 0.3117 /\$100
58.	2022 voter-approval tax rate, adjusted for sales tax. Subtract Line 54 from Line 57.	\$ 0.3117 /\$100

SECTION 4: Voter-Approval Tax Rate Adjustment for Pollution Control

A taxing unit may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The taxing unit's expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The taxing unit must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a taxing unit that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
59.	Certified expenses from the Texas Commission on Environmental Quality (TCEQ). Enter the amount certified in the determination letter from TCEQ. ³⁷ The taxing unit shall provide its tax assessor-collector with a copy of the letter. ³⁸	\$ _____ 0
60.	2022 total taxable value. Enter the amount from Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 566,688,420
61.	Additional rate for pollution control. Divide Line 59 by Line 60 and multiply by \$100.	\$ _____ 0 /\$100
62.	2022 voter-approval tax rate, adjusted for pollution control. Add Line 61 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties) or Line 58 (taxing units with the additional sales tax).	\$ 0.3117 /\$100

³² Tex. Tax Code § 26.041(d)

³³ Tex. Tax Code § 26.041(i)

³⁴ Tex. Tax Code § 26.041(d)

³⁵ Tex. Tax Code § 26.04(c)

³⁶ Tex. Tax Code § 26.04(c)

³⁷ Tex. Tax Code § 26.045(d)

³⁸ Tex. Tax Code § 26.045(i)

SECTION 5: Voter-Approval Tax Rate Adjustment for Unused Increment Rate

The unused increment rate is the rate equal to the difference between the adopted tax rate and voter-approval tax rate before the unused increment rate for the prior three years.³⁹ In a year where a taxing unit adopts a rate by applying any portion of the unused increment rate, the unused increment rate for that year would be zero.

The difference between the adopted tax rate and voter-approval tax rate is considered zero in the following scenarios:

- a tax year before 2020;⁴⁰
- a tax year in which the municipality is a defunding municipality, as defined by Tax Code Section 26.0501(a);⁴¹ or
- after Jan. 1, 2022, a tax year in which the comptroller determines that the county implemented a budget reduction or reallocation described by Local Government Code Section 120.002(a) without the required voter approval.⁴²

This section should only be completed by a taxing unit that does not meet the definition of a special taxing unit.⁴³

Line	Unused Increment Rate Worksheet	Amount/Rate
63.	2021 unused increment rate. Subtract the 2021 actual tax rate and the 2021 unused increment rate from the 2021 voter-approval tax rate. If the number is less than zero, enter zero.	\$ _____ 0 /\$100
64.	2020 unused increment rate. Subtract the 2020 actual tax rate and the 2020 unused increment rate from the 2020 voter-approval tax rate. If the number is less than zero, enter zero.	\$ _____ 0 /\$100
65.	2019 unused increment rate. Subtract the 2019 actual tax rate and the 2019 unused increment rate from the 2019 voter-approval tax rate. If the number is less than zero, enter zero. If the year is prior to 2020, enter zero.	\$ _____ 0 /\$100
66.	2022 unused increment rate. Add Lines 63, 64 and 65.	\$ _____ 0 /\$100
67.	2022 voter-approval tax rate, adjusted for unused increment rate. Add Line 66 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax) or Line 62 (taxing units with pollution control).	\$ _____ 0.3117 /\$100

SECTION 6: De Minimis Rate

The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate, the rate that will raise \$500,000, and the current debt rate for a taxing unit.⁴⁴

This section should only be completed by a taxing unit that is a municipality of less than 30,000 or a taxing unit that does not meet the definition of a special taxing unit.⁴⁵

Line	De Minimis Rate Worksheet	Amount/Rate
68.	Adjusted 2022 NNR M&O tax rate. Enter the rate from Line 39 of the <i>Voter-Approval Tax Rate Worksheet</i>	\$ _____ 0.1635 /\$100
69.	2022 total taxable value. Enter the amount on Line 21 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ _____ 566,688,420
70.	Rate necessary to impose \$500,000 in taxes. Divide \$500,000 by Line 69 and multiply by \$100.	\$ _____ 0.0882 /\$100
71.	2022 debt rate. Enter the rate from Line 48 of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ _____ 0.1425 /\$100
72.	De minimis rate. Add Lines 68, 70 and 71.	\$ _____ 0.3942 /\$100

SECTION 7: Voter-Approval Tax Rate Adjustment for Emergency Revenue Rate

In the tax year after the end of the disaster calculation time period detailed in Tax Code Section 26.042(a), a taxing unit that calculated its voter-approval tax rate in the manner provided for a special taxing unit due to a disaster must calculate its emergency revenue rate and reduce its voter-approval tax rate for that year.⁴⁶

Similarly, if a taxing unit adopted a tax rate that exceeded its voter-approval tax rate, calculated normally, without holding an election to respond to a disaster, as allowed by Tax Code Section 26.042(d), in the prior year, it must also reduce its voter-approval tax rate for the current tax year.⁴⁷

This section will apply to a taxing unit other than a special taxing unit that:

- directed the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit in the prior year; and
- the current year is the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred or the disaster occurred four years ago.

³⁹ Tex. Tax Code § 26.013(a)

⁴⁰ Tex. Tax Code § 26.013(c)

⁴¹ Tex. Tax Code §§ 26.0501(a) and (c)

⁴² Tex. Local Gov't Code § 120.007(d), effective Jan. 1, 2022

⁴³ Tex. Tax Code § 26.063(a)(1)

⁴⁴ Tex. Tax Code § 26.012(8-a)

⁴⁵ Tex. Tax Code § 26.063(a)(1)

⁴⁶ Tex. Tax Code § 26.042(b)

⁴⁷ Tex. Tax Code § 26.042(f)

This section will apply to a taxing unit in a disaster area that adopted a tax rate greater than its voter-approval tax rate without holding an election in the prior year.

Note: This section does not apply if a taxing unit is continuing to calculate its voter-approval tax rate in the manner provided for a special taxing unit because it is still within the disaster calculation time period detailed in Tax Code Section 26.042(a) because it has not met the conditions in Tax Code Section 26.042(a)(1) or (2).

Line	Emergency Revenue Rate Worksheet	Amount/Rate
73.	2021 adopted tax rate. Enter the rate in Line 4 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 0.3252 /\$100
74.	Adjusted 2021 voter-approval tax rate. Use the taxing unit's Tax Rate Calculation Worksheets from the prior year(s) to complete this line. If a disaster occurred in 2021 and the taxing unit calculated its 2021 voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) of the 2021 worksheet due to a disaster, enter the 2021 voter-approval tax rate as calculated using a multiplier of 1.035 from Line 49. - or - If a disaster occurred prior to 2021 for which the taxing unit continued to calculate its voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) in 2021, complete the separate <i>Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet</i> to recalculate the voter-approval tax rate the taxing unit would have calculated in 2021 if it had generated revenue based on an adopted tax rate using a multiplier of 1.035 in the year(s) following the disaster. ⁴⁸ Enter the final adjusted 2021 voter-approval tax rate from the worksheet. - or - If the taxing unit adopted a tax rate above the 2021 voter-approval tax rate without calculating a disaster tax rate or holding an election due to a disaster, no recalculation is necessary. Enter the voter-approval tax rate from the prior year's worksheet.	\$ 0 /\$100
75.	Increase in 2021 tax rate due to disaster. Subtract Line 74 from Line 73.	\$ 0.3252 /\$100
76.	Adjusted 2021 taxable value. Enter the amount in Line 14 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 527,713,191
77.	Emergency revenue. Multiply Line 75 by Line 76 and divide by \$100.	\$ 1,716,123
78.	Adjusted 2022 taxable value. Enter the amount in Line 25 of the <i>No-New-Revenue Tax Rate Worksheet</i> .	\$ 562,879,340
79.	Emergency revenue rate. Divide Line 77 by Line 78 and multiply by \$100. ⁴⁹	\$ 0 /\$100
80.	2022 voter-approval tax rate, adjusted for emergency revenue. Subtract Line 79 from one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax), Line 62 (taxing units with pollution control) or Line 67 (taxing units with the unused increment rate).	\$ 0.3117 /\$100

SECTION 8: Total Tax Rate

Indicate the applicable total tax rates as calculated above.

No-new-revenue tax rate. As applicable, enter the 2022 NNR tax rate from: Line 26, Line 27 (counties), or Line 56 (adjusted for sales tax). Indicate the line number used: <u>27</u>	\$ 0.3048 /\$100
Voter-approval tax rate. As applicable, enter the 2022 voter-approval tax rate from: Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (adjusted for sales tax), Line 62 (adjusted for pollution control), Line 67 (adjusted for unused increment), or Line 80 (adjusted for emergency revenue). Indicate the line number used: <u>67</u>	\$ 0.3117 /\$100
De minimis rate. If applicable, enter the 2022 de minimis rate from Line 72.	\$ 0.3942 /\$100

SECTION 9: Taxing Unit Representative Name and Signature

Enter the name of the person preparing the tax rate as authorized by the governing body of the taxing unit. By signing below, you certify that you are the designated officer or employee of the taxing unit and have accurately calculated the tax rates using values that are the same as the values shown in the taxing unit's certified appraisal roll or certified estimate of taxable value, in accordance with requirements in Tax Code. ⁵⁰

print here Crystal Cedillo, Tax Assessor-Collector

sign here

Printed Name of Taxing Unit Representative



Taxing Unit Representative

Crystal Cedillo

Digitally signed by Crystal Cedillo
Date: 2022.07.25 17:23:36 -05'00'

07/25/2022

Date

⁴⁸ Tex. Tax Code §26.042(c)

⁴⁹ Tex. Tax Code §26.042(b)

⁵⁰ Tex. Tax Code §§ 26.04(c-2) and (d-2)

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on
Resolution #2022-80 Authorizing the
Appointment to the Planning & Zoning
Commission

DATE: August 11, 2022

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

As per the Charter the City Council shall have the power to appoint the members of all boards and commissions. Such boards and commissions shall have all powers and duties created by the charter, by city ordinance or by law.

During the March 3, 2014 City Council Meeting the Council established a uniform appointment month of September for all Council appointed Boards & Commissions, however at times appointments are needed if a vacancy occurs.

The City's Planning & Zoning Commission consists of seven (7) members, each appointed by the City Council for a two-year term. There are currently two vacancies that exist on the Planning & Zoning Commission due to the resignation of two board members. City staff is having difficulty obtaining a quorum for most meetings of the commission due to the vacancies. The City received one application for the board appointment. It is staff's desire to have city council appoint an individual to fulfil the remainder of one of the terms which ends on September 3, 2023.

The City of Gonzales received an application from Isaac Anzaldua to serve on the commission. The application that was received is attached for review.

POLICY CONSIDERATIONS:

In 2020 the policy changed slightly to require the signed receipt of understanding of the Code of Ethics at the time of application.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff respectfully requests City Council action deemed appropriate

RESOLUTION NO. 2022-80

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS
AUTHORIZING THE APPOINTMENT TO THE PLANNING & ZONING
COMMISSION; ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council shall have the power to appoint the members of all boards and commissions; and

WHEREAS, the boards and commissions shall have all powers and duties created by the charter, city ordinance or by law; and

WHEREAS, there is a vacancy on the Planning & Zoning Commission due to the resignation of a member; and

WHEREAS, an application was received from Isaac Anzaldua to serve on the Planning & Zoning Commission; and

WHEREAS, the City Council hereby by affirmative vote appoints _____ to the Planning & Zoning Commission for an unexpired term ending September 30, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales, Texas hereby appoints _____ to the Planning & Zoning Commission for an unexpired term ending September 30, 2023.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject

matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of August, 2022.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

CITY COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2022-81 Approving the Amended Bylaws of Gonzales Economic Development Corporation, A Type B Economic Development Corporation

DATE: August 11, 2022

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

The Economic Development Corporation created a Bylaw Review Committee in April 2022 to complete a comprehensive review of the existing bylaws. After said review the Committee proposed a few minor changes. Legal Counsel reviewed the existing Bylaws and three changes were provided. The GEDC voted unanimously to approve the amended bylaws at their July 18, 2022, meeting.

A description of the changes are summarized below:

The amendment to ARTICLE II BOARD OF DIRECTORS, Section 7 Committees of the Board is recommended because Robert's Rules of Order (RRO) accommodates rules for the president or a majority of the directors (in our case) to appoint committees., the RRO mentions that the president may serve as ex-officio on any committee appointed by the president or majority of the directors. A quorum of our board is 4 directors. If the President chooses to attend a committee meeting if 3 directors are appointed to a committee, it would result in a quorum of the board to be present. Consequently, no more than 2 directors should be appointed to any committee of the GEDC.

The amendment to ARTICLE III OFFICERS Section 1, Titles and Term of Office is recommended because within the current bylaws a specific date was not included for the election of officers. It is recommended that the first meeting of the fiscal year is a good time because it will coincide with any other board action that may be needed at the beginning of our fiscal year, such as: bank signatories or other legal instruments or authorities.

The last recommended amendment at this time is to delete ARTICLE V MISCELLANEOUS PROVISIONS Section 12 because In May 2022, the board president requested "Director Reimbursement Compensation" training and "City Policies and Procedures" training for the GEDC board of directors. The City Manager and City Staff associated with the training informed the GEDC President that the City's Personnel Policy does not apply to Boards and Commissions and that there is no policy created for boards that speaks to the reimbursement or compensation of board members. The GEDC board training would be the responsibility of GEDC or their legal counsel. The board is not aware of the history of why the Applicability of City Policies and

Procedures were included in the bylaws, However, the board is concerned that without proper training, it may be inadvertently exposing themselves to liability or wrongdoing. Therefore, the recommendation is to strike the Applicability of City Policies and Procedures section of the bylaws in its entirety.

POLICY CONSIDERATION:

Approving the amendment of GEDC Bylaws is consistent with previous City Council actions.

EDC legal counsel has reviewed and approved the item as to legality and legal form.

FISCAL IMPACT:

There is no Fiscal Impact

STAFF RECOMMENDATION:

Staff respectfully requests City Council approval.

RESOLUTION NO. 2022-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING THE AMENDED BYLAWS OF GONZALES ECONOMIC DEVELOPMENT CORPORATION, A TYPE B ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Gonzales Economic Development Corporation is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended (hereinafter referred to as the “GEDC”); and

WHEREAS, Section 501.064(c) of the Texas Local Government Code provides that the bylaws and each amendment of the bylaws must be consistent with state law, and with the certificate of formation of the corporation, and be approved by resolution of the City Council of the City of Gonzales, Texas; and

WHEREAS, the City Council of the City of Gonzales, Texas, desires to amend the bylaws of the GEDC with the “Amended Bylaws of the Gonzales Economic Development Corporation,” a copy of which is attached hereto as ***Exhibit A***, and is incorporated herein for all purposes.

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

Section 1. The City Council of the City of Gonzales, Texas, does hereby approve the Amended Bylaws of the Gonzales Economic Development Corporation, a copy of which is attached hereto as ***Exhibit A***, and is incorporated herein for all purposes.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject

matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of August, 2022.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

Exhibit A

[Amended Bylaws of the Gonzales Economic Development Corporation]

**AMENDED BYLAWS
OF
GONZALES ECONOMIC DEVELOPMENT CORPORATION**

**ARTICLE I
PURPOSE AND POWERS**

Section 1. Purpose. The Gonzales Economic Development Corporation (hereinafter referred to as the “Corporation”) is incorporated for the purposes set forth in Article 5 of its Articles of Incorporation (hereinafter referred to as the “Certificate of Formation”), the same to be accomplished on behalf of the City of Gonzales, Texas, a Texas municipal corporation (hereinafter referred to as the “City”) as its duly constituted authority and instrumentality in accordance with the Development Corporation Act, chapters 501 to 505 of the Texas Local Government Code, as amended, (hereinafter referred to as the “Act”), and other applicable laws.

Section 2. Powers. In the fulfillment of its corporate purpose, the Corporation shall be governed by Chapter 505 of the Act, and shall have all of the powers set forth and conferred in its Certificate of Formation, in the Act, and in other applicable law, subject to the limitations prescribed therein and herein and to the provisions thereof and hereof.

**ARTICLE II
BOARD OF DIRECTORS**

Section 1. Powers, Number and Term of Office.

(a) The property and affairs of the Corporation shall be managed and controlled by a Board of Directors (hereinafter referred to as the “Board”) and, subject to the restrictions imposed by law, by the Certificate of Formation, and by these Bylaws, the Board shall exercise all of the powers of the Corporation.

(b) The Board shall consist of seven (7) directors, each of whom shall be appointed by the City Council (hereinafter referred to as the “City Council”) of the City.

(c) As stated in the Certificate of Formation, at least three (3) directors cannot be City employees, officers, or members of the City Council.

(d) The directors constituting the first Board shall be those directors named in the Certificate of Formation. The respective initial terms of the Board are set forth in the Certificate of Formation. Thereafter, each successor member of the Board shall be appointed and serve for two (2) years or until his or her successor is appointed as hereinafter provided.

(e) No member of the Board shall serve more than three (3) consecutive full terms.

(f) Any director may be removed from office by the City Council at any time without cause.

- (g) Each director must reside within the City of Gonzales or Gonzales County.

Section 2. Regular and Special Meetings of Directors. The Directors shall hold their Regular meetings at such place or places within the City limits as the Board may from time to time determine; provided, however, in the absence of any such determination by the Board, the meetings shall be held at the principal office of the Corporation as specified in Article V of these Bylaws. Special meetings of the Board shall be held whenever called by the President, or by a majority of the directors. Any and all Special meetings shall likewise be held within the City limits. The person or persons calling a Special meeting shall notify the Secretary of the Corporation of the information required to be included in the notice of the meeting. In addition to the posting of a meeting notice in accordance with these Bylaws, a copy of each such meeting notice shall be delivered electronically to each director not less than seventy-two (72) hours before the time of the meeting.

Section 3. Notice and Open Meetings Act. The Board shall be considered a “governmental body” within the meaning of section 551.001 of the Texas Government Code, as amended, and notice of each meeting and deliberation shall be given to the public in accordance with the provisions of Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), as amended.

Section 4. Quorum and Voting. A majority of the directors shall constitute a quorum for the conduct of the official business of the Corporation. The act of a majority of the directors present at a meeting at which a quorum is in attendance shall constitute the act of the Board and of the Corporation unless the act of a greater number is required by law. A director may not vote by proxy. Directors must be present in order to vote at any meeting. Regular attendance at the Board meetings is required of all directors.

Section 5. Absences. The following number of absences shall constitute the basis for replacement of a director. Three (3) consecutive unexcused absences from meetings of the Board shall cause the position to be considered vacant. In addition, attendance reflecting absences constituting fifty percent (50%) of the meetings over a 12-month period. In the event replacement is indicated, the member will be counseled by the President, and subsequently the President shall submit in writing to the City Secretary the need to replace the Board member in question.

Section 6. Conduct of Business.

(a) At the meetings of the Board, matters pertaining to the business of the Corporation shall be considered in accordance with rules of procedure as from time to time prescribed by the Board.

(b) At all meetings of the Board, the President shall preside, and in the absence of the President, the Vice President shall exercise the powers of the President.

(c) The Secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as secretary

of the meeting.

Section 7. Committees of the Board. The President or a majority of the directors~~Board~~ may designate not more than two (2)~~three (3)~~ directors to constitute an official committee of the Board, with such other non-Board members of the committee as may be appointed by the President or a majority of the directors~~Board~~, to exercise such authority of the Board as may be specified in the resolution. The President may serve as ex-officio of any committee. It is provided, however, that all final, official actions of the Corporation may be exercised only by the Board. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the Corporation.

Section 8. Compensation of Directors. Directors shall not receive any salary or compensation for their services as directors. They shall be reimbursed, however, for actual expenses incurred in the performance of their duties hereunder.

Section 9. Board's Relationship with the City. In accordance with state law, the Board shall be responsible for the proper discharge of its duties assigned herein. The Board shall determine its policies and directives within the limitations of the duties herein imposed by applicable laws, the Certificate of Formation, these Bylaws, contracts entered into with the City, and budget and fiduciary responsibilities. The Board and the City shall enter into a Services Agreement that details the responsibilities of each. Consistent with Section 501.073 of the Act, all expenditures of the Corporation require approval of the City Council.

ARTICLE III OFFICERS

Section 1. Titles and Term of Office.

(a) The officers of the Corporation shall be a President, a Vice President, a Secretary and a Treasurer, and such other officers as the Board may from time to time elect or appoint. One person may hold more than one office, except that the President shall not hold the office of Secretary. Terms of office shall be one (1) year with the right of an officer to be re-elected. Annual officer election will be held at the first Corporation meeting of the fiscal year.

(b) All officers shall be subject to removal from office at any time by a vote of a majority of the entire Board.

(c) A vacancy in the office of any officer shall be filled by a vote of a majority of the directors.

Section 2. President. The President shall be a member of the Board, shall preside at all meetings of the Board, and may sign and execute contracts and other legal instruments in the name of the Corporation as approved by the Board.

Section 3. Vice President. The Vice President shall be a member of the Board and shall exercise the powers of the President during that officer's absence or inability to act. Any action taken by the Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken.

Section 4. Treasurer. The Treasurer shall be a member of the Board and shall have the responsibility to see to the handling, custody, and security of all funds and securities of the Corporation in accordance with these bylaws and statutes governing corporations formed under the Act. Upon the approval of the Board, the Treasurer may endorse and sign, on behalf of the Corporation, for collection or issuance, checks, notes and other obligations in or drawn upon such bank or banks or depositories as shall be designated by the Board consistent with these Bylaws. The Treasurer shall see to the entry in the books of the Corporation full and accurate accounts of all monies received and paid out on account of the Corporation. The City Council may require that the Treasurer, at the expense of the Corporation, give a bond for the faithful discharge of his duties in such form and amount as the City Council may require.

Section 5. Secretary. The Secretary shall be a member of the Board, and shall keep the minutes of all meetings of the Board in books provided for that purpose, shall give and serve all notices, may sign with the President upon the approval of the Board in the name of the Corporation, and/or attest to the signature thereto, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation, shall have charge of the corporate books, records, documents and instruments, except the papers as the Board may direct, all of which shall at all reasonable times be open to public inspection upon application at the office of the Corporation during business hours, and shall in general perform all duties incident to the office of Secretary subject to the control of the Board.

Section 6. Assistant Secretary and/or Treasurer. Any assistant secretaries and assistant treasurers may, at the option of the Board, be persons other than members of the Board, but they may be employees of the City.

Section 7. Compensation. Board members shall be reimbursed for actual expenses incurred in the performance of their duties hereunder, as are approved by the Board.

ARTICLE IV

FUNCTIONAL CORPORATE DUTIES AND REQUIREMENTS

Section 1. Annual Corporate Budget. At least forty-five (45) days prior to the commencement of each fiscal year of the Corporation (which is co-extensive with the City's fiscal year), the Board shall adopt a proposed budget of expected revenues and proposed expenditures of the next ensuing fiscal year. The budget shall contain such classifications and shall be in such form as may be prescribed from time to time by the City Council for inclusion with the annual budget submitted to the City Council. The budget shall not be effective until the same has been approved by the City Council.

Section 2. Books, Records, Audits.

(a) The Corporation shall keep and properly maintain, in accordance with generally accepted accounting principles, complete books, records, accounts, and financial statements pertaining to its corporate funds, activities, and affairs.

(b) The books, records, accounts, and financial statements of the Corporation may be maintained by the Corporation. In the event the books, records, accounts, and financial statements of the Corporation are maintained by the City, the Corporation shall pay to the City reasonable compensation for such services.

(c) The City may cause the Corporation's books, records, accounts, and financial statements to be audited at least once each fiscal year by an outside, independent, auditing and accounting firm selected by the City. Such audit shall be at the expense of the Corporation.

Section 3. Deposit and Investment of Corporate Funds.

(a) All proceeds from the issuance of bonds, notes, or other debt instruments (hereinafter referred to as "Obligations") issued by the Corporation shall be deposited and invested as provided in the resolution, order, indenture, or other documents authorizing or relating to the issuance.

(b) All other monies of the Corporation shall be deposited, secured, and/or invested in the manner provided for the deposit, security, and/or investment of the public funds of the City. The Treasurer shall designate the accounts and depositories to be created and designated for such purposes, and the methods of withdrawal of funds there from for use by and for the purposes of the Corporation upon the signature of its Treasurer and the Mayor. The accounts, reconciliation, and investment of such funds and accounts shall be performed by the City. The Corporation shall pay reasonable compensation for such services by the City.

Section 4. Expenditures of Corporate Money. The monies of the Corporation, including, but not limited to, sales and use taxes collected pursuant to Chapter 505 of the Act, monies derived from the repayment of loans, rents received from the lease or use of property, proceeds from the investment of funds of the Corporation, proceeds from the sale of property, and proceeds derived from the sale of Obligations, may be expended by the Corporation for any of the purposes authorized by the Act and approved by the voters at the election approving the sales tax, subject to the following limitations:

(a) Expenditures from the proceeds of Obligations shall be identified and described in the orders, resolutions, indentures, or other agreements submitted to and approved by the City Council prior to the sale and delivery of the Obligations to the purchasers thereof required by Section 5 of this Article;

(b) Expenditures that may be made from a fund created with the proceeds of Obligations, and expenditures of monies derived from sources other than the proceeds of Obligations may be used

for the purposes of financing the Projects, as defined herein. The specific expenditures shall be described in a resolution or order of the Board and shall be made only after the approval thereof by the City Council;

(c) Before expending funds to undertake a project, a public hearing shall be held on the proposed project when required by the Act.

(d) All other proposed expenditures shall be made in accordance with and shall be set forth in the annual budget required by Section 1 of this Article.

(e) Except as otherwise provided herein, consistent with Section 501.073 of the Act all expenditures of the Corporation require approval of the City Council. Notwithstanding the foregoing, for any expenditure costing Twenty-Five Thousand and No/100 Dollars (\$25,000.00) or less, the Board has sole approval authority and may begin making expenditures sixty (60) days subsequent to the date that the published notice is published if required by Section 505.160 of the Act. For any expenditure costing Twenty-Five Thousand and 01/100 Dollars (\$25,000.01) or more, the City Council shall also approve the Project by majority vote.

Section 5. Issuance of Obligations. No Obligations, including refunding Obligations, shall be sold and delivered by the Corporation unless the City Council shall approve such Obligations by action taken no more than sixty (60) days prior to the date of sale of the Obligations.

Section 6. Contracts for Service. The Corporation may contract with any qualified and appropriate person, association, corporation or governmental entity to perform and discharge designated tasks which will aid or assist the Board in the performance of its duties. Such designated tasks may include, but not be limited to, project conceptualization/feasibility studies and project analysis. These contracts (i) shall not be considered “projects” under this Article, and (ii) shall not require the public hearings provided by Section 4(c) of this Article. Furthermore, no such contract shall ever be approved or entered into which seeks or attempts to divest the Board of its discretion and policy-making functions in discharging the duties herein set forth. An administrative services agreement may be executed between the Board and the City Council for the services provided and compensated as provided for herein.

ARTICLE V MISCELLANEOUS PROVISIONS

Section 1. Principal Office.

(a) The principal office and the registered office of the Corporation shall be the registered office of the Corporation specified in the Certificate of Formation.

(b) The Corporation shall have and shall continually designate a registered agent at its registered office, as required by the Act.

Section 2. Fiscal Year. The fiscal year of the Corporation shall be the same as the fiscal year of the City.

Section 3. Seal. The seal of the Corporation shall be as determined by the Board.

Section 4. Resignations. Any director or officer may resign at any time. Such resignation shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its acceptance by the City Council. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5. Approval or Advice and Consent of the City Council. To the extent that these Bylaws refer to any approval by the City or refer to advice and consent by the City Council, such advice and consent shall be evidenced by a certified copy of a resolution, order, or motion duly adopted by the City Council.

Section 6. Services of City Staff and Officers. Subject to approval from the City Council, the Corporation shall have the right to utilize the services of the City Attorney, the City Secretary, and departments of the City, provided (a) that the Corporation shall pay reasonable compensation to the City for such services, and (b) the performance of such services does not materially interfere with the other duties of such personnel of the City.

Section 7. Indemnification of Directors, Officers and Employees.

(a) As provided in the Act, the Corporation is, for the purposes of the Texas Tort Claims Act (Subchapter A, Chapter 101, Texas Civil Practices and Remedies Code), a governmental unit and its actions are governmental functions.

(b) The Corporation shall indemnify each and every member of the Board, its officers, its employees, its attorneys, each member of the City Council and each employee of the City, to the fullest extent permitted by law, against any and all liability or expense, including attorneys' fees incurred by any of such persons by reason of any actions or omissions that may arise out of the functions and activities of the Corporation.

Section 8. Legal Construction. These Bylaws shall be construed in accordance with the laws of the State of Texas. All references in the Bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time. It is expressly provided that the provisions of the Act applicable to corporations governed under Chapter 505 of the Act are incorporated within these Bylaws by reference. In the event of any conflict between the applicable provisions of such Act and these Bylaws, then the applicable provisions of the Act shall control.

Section 9. Severability. If any provision or section of these Bylaws is held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision, and the Bylaws shall be construed as if the invalid, illegal, or unenforceable

provision had not been included in the Bylaws.

Section 10. Headings. The headings used in these Bylaws are used for convenience only and shall not be considered in construing the terms of the Bylaws.

Section 11. Parties Bound. The Bylaws shall be binding upon and inure to the benefit of the directors, officers and agents of the Corporation and their respective heirs, executors, administrators, legal representatives, successors and assigns, except as otherwise provided herein.

~~Section 12. Applicability of City Policies and Procedures. All duly approved City policies and procedures shall apply directly to the Corporation and the Board unless such policies or procedures are superseded by state law or are not related to the functions of the Board. The Board has the discretion, subject to the approval of the City Council, to adopt other policies and procedures in addition to or in place of those policies and procedures of the City.~~

ARTICLE VI EFFECTIVE DATE, AMENDMENTS

Section 1. Effective Date. These Bylaws shall become effective upon the occurrence of all of the following events:

- (a) the recommendation of these Bylaws to the City Council;
- (b) the approval of these Bylaws by the City Council; and
- (c) the approval and adoption of these Bylaws by the Board.

Section 2. Amendments to Certificate of Formation and Bylaws. The Certificate of Formation of the Corporation and these Bylaws may be amended only in the manner provided in the Act.

CERTIFICATE OF SECRETARY

I certify that I am the duly elected and Secretary of the Gonzales Economic Development Corporation and the foregoing Bylaws constitute the Bylaws of the Corporation. These Bylaws were duly adopted at a meeting of the Board of Directors held on this the ____ day of _____, 20~~22~~¹⁸, as approved by the City Council of the City of Gonzales, Texas, at a meeting held on the ____ day of _____, 20~~22~~¹⁸.

Signed this ____ day of _____, 20~~22~~¹⁸.

Secretary of the Corporation

COUNCIL AGENDA ITEM BRIEFING DATA



AGENDA ITEM

Discuss, Consider and Possible Action on Resolution #2022-82 Authorizing the City Manager to Execute a Publicity and Tourism Agreement with the Chamber of Commerce for the hosting and operations of the Gonzales Chamber of Commerce

DATE: August 11, 2022

TYPE AGENDA ITEM:

Resolution

BACKGROUND:

The City is required as per statute to use the local hotel occupancy taxes for promoting tourism and the convention and hotel industry in the City of Gonzales. The City currently has an agreement with the Chamber of Commerce for the hosting and operations of the Gonzales Visitor Information Center. The contract is being presented for City Council consideration for the current fiscal year. The Visitor Information Center is requesting an increase from \$66,692.15 to \$207,003.15 for the hosting and operation of the Visitor Information Center and the additional duties of providing for all responsibilities of a Tourism Coordinator and the related duties. The City Council, on behalf of the City, by contract, may delegate to the Chamber, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax (HOT Funds). The City Council, in writing, must approve in advance the annual budget of the Chamber and must require the Chamber to make periodic reports to the City Council at least quarterly listing the expenditures made by the Chamber with HOT Funds. The HOT funds must be maintained in a separate account established for that purpose and may not commingle that revenue with any other money.

POLICY CONSIDERATIONS:

The agreement with the Chamber of Commerce for hosting and operation of the Visitor Information Center will result in an increase in both sales tax revenue and hotel occupancy tax revenue and is an approvable expense as per Chapter 351 of the Texas Tax Code.

FISCAL IMPACT:

The funding for the Visitor Information Center, if given final approval by the City Council, will be funded from the following budgeted line item: 7-811.412 (Visitor Center). The disbursement of the funds will be monthly, beginning October 1, 2022.

ATTACHMENTS:

Proposed agreement with the Chamber of Commerce
Proposed budget request from Chamber of Commerce

STAFF RECOMMENDATION:

Staff respectfully recommends the City Council take the action they deem necessary.

RESOLUTION NO. 2022-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE CHAMBER OF COMMERCE FOR THE HOSTING AND OPERATIONS OF THE GONZALES VISITOR INFORMATION CENTER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to state statutes and its home rule charter, the City has adopted a municipal hotel occupancy tax on occupants of hotels within the City; and,

WHEREAS, the City is required to use such local hotel occupancy taxes for promoting tourism and the convention and hotel industry in the manner set forth in Chapter 351 of the Texas Tax Code; and,

WHEREAS, the City Council, on behalf of the City, by contract, may delegate to the Chamber, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax (HOT Funds); and,

WHEREAS, the City Council, in writing, must approve in advance the annual budget of the Chamber and must require the Chamber to make periodic reports to the City Council at least quarterly listing the expenditures made by the Chamber with HOT Funds; and,

WHEREAS, the Chamber must maintain HOT Funds in a separate account established for that purpose and may not commingle that revenue with any other money; and,

WHEREAS, the City may not delegate the management or supervision of its convention and visitor programs and activities funded with HOT Funds other than by contract as provided by law; and,

WHEREAS, the approval by the City Council of the annual budget of the Chamber creates a fiduciary duty in the Chamber with respect to the HOT Funds; and,

WHEREAS, the City Council hereby finds that expending the funds contemplated in the manner required by the Texas Tax Code is in the best interest of the City and its citizens, and serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:

Section 1. The City Council of the City of Gonzales hereby authorizes the City Manager to Execute a contract with the Chamber of Commerce for the hosting and operations of the Gonzales Visitor Information Center as attached in Exhibit "A" in the amount of \$207,003.15 for advertising and other costs to be expended in conformance with Texas Tax Code Section 351.001.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. The City Council reserves the right to request all necessary receipts, invoices, and other records the City Manager deems necessary to confirm that Hotel Occupancy Tax expended pursuant to this Resolution were expended for expenses authorized by this Resolution.

Section 4. The Gonzales Chamber of Commerce shall refund the City of Gonzales any Hotel Occupancy Tax funds determined by the State Comptroller, the Secretary of State or other state agency to be an unauthorized expenditure under Texas Tax Code Section 351.001.

Section 5. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 6. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 7. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 8. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 9. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 11th day of August, 2021.

Mayor, S.H. Sucher

ATTEST:

Kristina Vega, City Secretary

EXHIBIT “A”

BUDGET AND DISBURSEMENT SCHEDULE FOR FY 2021-22

The Budget for FY2022-23 reflects anticipated expenditures of \$207,003.15 in the manner delineated below and with the following disbursement schedule in conjunction with quarterly reports submitted to the City Council;

October 1, 2022	\$17,250.26
November 1, 2022	\$17,250.26
December 1, 2022	\$17,250.26
January 1, 2023	\$17,250.26
February 1, 2023	\$17,250.26
March 1, 2023	\$17,250.26
April 1, 2023	\$17,250.26
May 1, 2023	\$17,250.26
June 1, 2023	\$17,250.26
July 1, 2023	\$17,250.26
August 1, 2023	\$17,250.26
September 1, 2023	\$17,250.29

STATE OF TEXAS §
 §
COUNTY OF GONZALES §

KNOWN ALL MEN BY THESE PRESENT:

PUBLICITY AND TOURISM AGREEMENT

This **PUBLICITY AND TOURISM AGREEMENT** dated October 1, 2022 (the "Agreement"), is entered into between the **CITY OF GONZALES, TEXAS**, a home rule city (the "City"), and the **GONZALES CHAMBER OF COMMERCE**, a Texas nonprofit corporation (the "Chamber").

RECITALS:

WHEREAS, pursuant to state statutes and its home rule charter, the City has adopted a municipal hotel occupancy tax on occupants of hotels within the City; and,

WHEREAS, the City is required to use such local hotel occupancy taxes for promoting tourism and the convention and hotel industry in the manner set forth in Chapter 351 of the Texas Tax Code; and,

WHEREAS, the City Council, on behalf of the City, by contract, may delegate to the Chamber, the management or supervision of programs and activities funded with revenue from the hotel occupancy tax (HOT Funds); and,

WHEREAS, the City Council, in writing, must approve in advance the annual budget of the Chamber and must require the Chamber to make periodic reports to the City Council at least quarterly listing the expenditures made by the Chamber with HOT Funds; and,

WHEREAS, the Chamber must maintain HOT Funds in a separate account established for that purpose and may not commingle that revenue with any other money; and,

WHEREAS, the City may not delegate the management or supervision of its convention and visitor programs and activities funded with HOT Funds other than by contract as provided by law; and,

WHEREAS, the approval by the City Council of the annual budget of the Chamber creates a fiduciary duty in the Chamber with respect to the HOT Funds.

AGREEMENT:

For and in consideration of the mutual promises, covenants, benefits, and obligations hereafter set forth, the City and the Chamber hereby agree and contract as follows:

ARTICLE I

A. The City hereby agrees that in consideration for advertising, promoting tourism and the convention and hotel industry in the City, the City will pay to the Chamber a portion of the HOT Funds collected.

B. The Chamber agrees that any HOT Funds entrusted to it by the City shall be used only as permitted in Section 351.101 of the Texas Tax Code, as amended, and such entrustment creates a fiduciary duty in the Chamber for the appropriate use of the HOT Funds.

C. The Chamber agrees to conduct a continuing program of advertising and promotion for the purpose of attracting visitors, tourists, and conventions to the City by providing the following services:

- (1) Participating with state and regional agencies in tourist development programs of benefit to the local area and to the City; and
- (2) Using all appropriate means to increase the traveling public's awareness of the resort and recreational advantages of the local area and the City.
- (3) Fully staffing and administering Visitor Information Center (7) days a week, Monday thru Friday 8:00 A.M. until 5:00 P.M., Saturday 9:00 A.M. until 4:00 P. M. and Sunday 1:00 P.M. until 4:00 P.M.. Holiday hours will be 9:00 A.M. until 3:30 P.M..
- (4) Greeting visitors to the City in person, online and by telephone, to answer their questions and provide information on Gonzales lodging, restaurants, shops, visitor services and area tourist destinations and sends visitor information packets by mail when requested and is responsible for answering any leads from printed advertising.
- (5) Providing an employee who shall serve as the Gonzales Tourism Coordinator.
- (6) The Gonzales Tourism Director shall attend all CVB board meetings to provide input and support and serve as the CVB Board liaison for the Chamber and City. As such, the Gonzales Tourism Coordinator will coordinate the appropriate posting of CVB Board meeting agendas with the Board Chair and City Secretary
- (7) Provide building/location
- (8) Keeps all accounting records and maintains a separate banking/checking account for all expenditures of Hotel/Motel Tax funds (no co-mingling of funds, no bookkeeping or accounting services to be provided by the City). If receipts for services rendered are submitted in arrears, upon approval of

the receipts by the City confirming expenses are allowable under state statutes, quarterly payments can be distributed to the Chamber directly without the utilization of a separate banking/checking account. In the event any HOT funds received exceed the amount of the expenditures for the quarter upon which receipts for reimbursement have been submitted, the remaining balance of HOT funds allocated for said quarter will be held in a separate account as required by law.

- (9) Submit in advance, the annual budget of the Chamber, in writing, for approval by the City Council, with respect to HOT Funds and projected expenditures.
- (10) Presents a quarterly report to the City Council with an itemized breakdown for the usage of all Hotel/Motel Tax Funds, appropriately categorized by function and purpose.
- (11) Ensure that the Visitor Center staff maintain visitor records/logs, as required by the State of Texas Department of Transportation Travel Division and report, quarterly and annually (more often if required) to be a part of the Texas Travel Literature Program) and to be recognized by the State as Gonzales' official Travel Information Center
- (12) Prepare and provide a business plan outlining the Chamber's approach to providing a high-quality visitor experience.
- (13) Ensure that the Visitor's Center carries an inventory of souvenirs promoting Gonzales to be sold on all Open days and accept payment of cash and credit cards during all hours of operation.
- (14) Ensure that staff and volunteers have access to telephones and souvenirs during all hours of operations
- (15) Ensure that the Visitors Center is Open for the following holidays:
 - a. Texas Independence Day
 - b. Memorial Day
 - c. July 4th
 - d. Labor Day
 - e. Veterans Day
 - f. MLK Day
 - g. President's Day
 - h. Columbus Day

D. The Chamber further agrees that it will seek to achieve economic benefit for the City through all of such activities, that it will provide tourist-related information about the City upon request, and that it will serve as an advisory body to the City, on request, in matters related to expanding the tourist-derived economy.

ARTICLE II.

It is expressly understood and agreed by and between the parties that the Chamber is hired and engaged as an independent contractor and is not an officer, agent, or employee of the City.

ARTICLE III.

The Chamber shall secure enough employees to accomplish this Agreement. The Chamber shall further provide such office space, equipment, supplies and other materials as may be necessary to accomplish the purposes of this Agreement.

ARTICLE IV.

A. The Chamber shall provide to the City, prior to obtaining any local hotel occupancy tax funds, a proposed budget outlining the utilization of the HOT Funds for the upcoming year. Said budget shall include maximum dollar amounts for both the services and products separately.

B. It is understood and agreed by and between the parties that, upon approval of this Agreement by the City, a fiduciary duty is created in the Chamber with respect to expenditure of revenue provided.

C. The City of Gonzales shall make payment to the Chamber for services (e.g., operations of visitor's center) rendered on a monthly basis.

D. Chamber shall provide to the City quarterly reports on the activities that are conducted to benefit the City. These reports shall be presented to the City Council prior to disbursement of the quarterly payment.

E. The Chamber may spend hotel occupancy tax funds for day-to-day operations including supplies, salaries, office rental, travel expenses, and other administrative costs, if such expenditures have been previously approved in the budget and if directly related to the promotion of tourism.

ARTICLE V

This Agreement shall be effective upon approval by the City Council. This Agreement shall be for a period of one (1) fiscal year beginning with FY2021-2022. The Chamber and City shall review this Agreement annually as part of the budget process and adoption. Either party may terminate this Agreement at any time by providing the other party thirty days written notice prior to the beginning of the next fiscal year..

ARTICLE VI

A. Each fiscal year, as a part of the annual budget process, the Chamber shall submit the budget for that fiscal year, along with a schedule of quarterly payments. The Budget and Disbursement Schedule for FY 2021-22 is attached as Exhibit A.

B. Each fiscal year, a Budget and Disbursement Schedule shall be submitted for approval and attached hereto as an Exhibit.

ARTICLE VII

Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mail. Such notice must be sent certified mail, return receipt requested or registered mail as follows ·

If to the City: City of Gonzales, Texas
820 N. Joseph Street Gonzales, Texas 78629 Attention:
Tim Patek,
City Manager

If to the Chamber, Gonzales Chamber of Commerce
414 St Lawrence Street Gonzales, Texas 78629
Attention:
Melissa Henderson, Executive Director

ARTICLE VIII

No part of the Agreement may be assigned or delegated without the prior written consent of the other party. Any attempted assignment of benefits or rights or delegation of duties or obligations shall be a breach of this Agreement. However, nothing in this Agreement shall prohibit the Chamber from participating with regional or state tourism programs or to contract for joint promotion with other agencies.

ARTICLE IX

This Agreement shall be subject to the laws and statutes of the State of Texas and venue for any cause of action arising hereunder shall be Gonzales County.

ARTICLE X

The Chamber of Commerce and Visitor Center agrees to and shall indemnify and hold harmless and defend the City of Gonzales, Texas, its officers, agents, and employees from any and all claims, losses, causes of action and damages, suits, and liability of every kind including all expenses of litigation, court costs, and attorney fees, for injury to or death to any person, or for damage to any property, arising from or in connection with the operations of the Gonzales Chamber of Commerce and Visitor Center, its officers, agents and employees carried out in furtherance of this

Agreement.

ARTICLE XI

The provisions of this Agreement are severable, and if any word, phrase, clause, sentence, paragraph, section or other part of this Agreement or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason. The remainder of this Agreement and the application of such word, phrase, clause, sentence, paragraph, section or other part of this Agreement to the other persons or circumstances shall not be affected thereby.

ARTICLE XII

This Agreement shall be amended only by the mutual written consent of the parties to this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

City of Gonzales

By: _____
Tim Patek, City Manager

Gonzales Chamber of Commerce and Visitor Center

By: _____
Carolyn Morrow, President

By: _____
Melissa Henderson, Executive Director

EXHIBIT A

BUDGET AND DISBURSEMENT SCHEDULE FOR FY 2021-22

The Budget for FY2022-23 reflects anticipated expenditures of \$207,003.15 in the manner delineated below and with the following disbursement schedule in conjunction with quarterly reports submitted to the City Council;

October 1, 2022	\$17,250.26
November 1, 2022	\$17,250.26
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August 1, 2023	\$17,250.26
September 1, 2023	\$17,250.29



CITY OF GONZALES FINANCIALS

FINANCIAL REPORTS FOR FUNDS AS OF 07/31/2022

CASH & INVESTMENT BY FUND AS OF 07/31/2022

CITY OF GONZALES
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

100-GENERAL FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
401-TAX REVENUE	2,692,465.00	196,182.13	2,611,907.33	97.01	0.00	80,557.67
402-FRANCHISE REVENUE	1,874,687.00	61,107.47	1,396,574.69	74.50	0.00	478,112.31
403-LICENSE/FEE/PERMITS	81,850.00	5,466.83	74,374.45	90.87	0.00	7,475.55
404-PARKS FEES REVENUE	301,485.00	33,337.36	265,937.01	88.21	0.00	35,547.99
405-MUNICIPAL COURT REVEN	46,115.00	4,983.00	46,660.82	101.18	0.00	(545.82)
406-MISCELLANEOUS REVENUE	2,588,050.00	14,721.03	2,463,693.17	95.19	0.00	124,356.83
407-STREET ASSESSMENT INC	0.00	0.00	0.00	0.00	0.00	0.00
408-INTEREST REVENUES	12,000.00	0.00	12,743.12	106.19	0.00	(743.12)
409-OTHER FINANCING REVEN	1,595,670.96	164,893.84	178,659.49	11.20	0.00	1,417,011.47
410-TRANSFERS	2,857,618.00	0.00	2,121,766.45	74.25	0.00	735,851.55
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*** TOTAL REVENUES ***	12,049,940.96	480,691.66	9,172,316.53	76.12	0.00	2,877,624.43
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EXPENDITURE SUMMARY						
101-CITY COUNCIL DEPARTME	91,616.00	3,331.76	65,200.69	71.17	0.00	26,415.31
102-CITY MANAGER DEPART	175,509.00	12,602.98	138,000.84	78.63	0.00	37,508.16
103-COMMUNITY DEVELOPMENT	277,201.00	10,316.34	177,222.69	63.93	0.00	99,978.31
104-NON-DEPARTMENTAL	2,831,826.00	21,981.85	2,394,370.63	84.55	0.00	437,455.37
105-MAIN STREET DEPARTMEN	74,531.00	6,572.97	64,833.17	86.99	0.00	9,697.83
106-ECONOMIC DEVELOPMENT	0.00	0.00	0.00	0.00	0.00	0.00
107-BUILDING MAINTENANCE	273,228.00	20,861.48	208,829.24	77.46	2,800.00	61,598.76
108-CITY SECRETARY DEP	138,211.00	7,881.08	96,152.43	69.57	0.00	42,058.57
109-FINANCE DEPARTMENT	325,964.00	17,462.16	286,105.61	87.77	0.00	39,858.39
110-HOTEL/MOTEL	0.00	0.00	0.00	0.00	0.00	0.00
201-PARKS DEPARTMENT	652,403.00	51,217.14	511,447.60	78.39	0.01	140,955.39
202-SWIMMING POOL DEPARTM	29,849.00	8,424.47	19,746.35	66.15	0.00	10,102.65
204-RECREATION DEPARTMENT	0.00	0.00	0.00	0.00	0.00	0.00
206-INDEPENDENCE GOLF CO	306,194.00	16,045.48	219,706.60	71.75	0.00	86,487.40
301-FIRE DEPARTMENT	1,506,743.00	81,605.54	1,118,868.05	79.49	78,904.74	308,970.21
501-POLICE DEPARTMENT	2,812,015.56	179,137.70	2,195,979.66	82.34	119,511.00	496,524.90
504-ANIMAL CONTROL DEPART	163,090.00	10,009.68	123,318.29	75.61	0.00	39,771.71
550-MUNICIPAL COURT DEPT.	113,156.00	6,156.14	82,838.01	73.21	0.00	30,317.99
602-AIRPORT DEPARTMENT	133,495.00	1,621.62	99,555.94	74.58	0.00	33,939.06
603-STREETS DEPARTMENT	2,100,990.00	28,378.88	718,750.18	34.22	297.82	1,381,942.00
650-LIBRARY DEPARTMENT	291,833.00	19,469.90	232,098.99	79.53	0.00	59,734.01
660-MUSEUM DEPARTMENT	283,778.38	4,909.46	129,282.97	45.56	0.00	154,495.41
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	12,581,632.94	507,986.63	8,882,307.94	72.20	201,513.57	3,497,811.43
	-----	-----	-----	-----	-----	-----
** REVENUES OVER(UNDER) EXPENDITURES **	(531,691.98)	(27,294.97)	290,008.59	16.64-	(201,513.57)	(620,187.00)
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C I T Y O F G O N Z A L E S
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

203-JB WELLS PARK FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
404-PARKS FEES REVENUE	664,620.00	17,740.00	497,407.20	74.84	0.00	167,212.80
406-MISCELLANEOUS REVENUE	0.00	0.00	2,321.15	0.00	0.00	(2,321.15)
*** TOTAL REVENUES ***	664,620.00	17,740.00	499,728.35	75.19	0.00	164,891.65
EXPENDITURE SUMMARY						
203-JB WELLS PARK	906,861.00	57,737.50	758,244.20	83.61	(0.01)	148,616.81
*** TOTAL EXPENDITURES ***	906,861.00	57,737.50	758,244.20	83.61	(0.01)	148,616.81
** REVENUES OVER(UNDER) EXPENDITURES **	(242,241.00)	(39,997.50)	(258,515.85)	106.72	0.01	16,274.84

CITY OF GONZALES
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

210-ELECTRIC FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
400-DSF GOVERNMENT ACT.	0.00	0.00	0.00	0.00	0.00	0.00
710-ELECTRIC DEPARTMENT	10,357,097.00	1,053,613.73	8,425,032.49	81.35	0.00	1,932,064.51
750-REVENUE COLLECTION	218,627.00	587.23	217,307.95	99.40	0.00	1,319.05
809-HYDRO PLANT CONST.	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL REVENUES ***	10,575,724.00	1,054,200.96	8,642,340.44	81.72	0.00	1,933,383.56
EXPENDITURE SUMMARY						
710-ELECTRIC DEPARTMENT	10,753,299.44	77,829.67	7,740,101.82	78.88	742,313.30	2,270,884.32
750-REVENUE COLLECTIONS	284,578.00	17,652.53	234,372.64	82.36	0.00	50,205.36
809-HYDRO PLANT CONST.	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL EXPENDITURES ***	11,037,877.44	95,482.20	7,974,474.46	78.97	742,313.30	2,321,089.68
** REVENUES OVER (UNDER) EXPENDITURES **	(462,153.44)	958,718.76	667,865.98	16.11	(742,313.30)	(387,706.12)

C I T Y O F G O N Z A L E S
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

220-WATER FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
300-CAPITAL PROJECTS-BUS	0.00	0.00	0.00	0.00	0.00	0.00
720-WATER PRODUCTION DEPT	2,515,800.00	293,364.85	2,240,396.55	89.05	0.00	275,403.45
*** TOTAL REVENUES ***	2,515,800.00	293,364.85	2,240,396.55	89.05	0.00	275,403.45
EXPENDITURE SUMMARY						
720-WATER PRODUCTION DEPT	2,140,554.00	35,993.31	1,405,284.96	66.71	22,629.96	712,639.08
722-SERIES 2011 DEBT SERV	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL EXPENDITURES ***	2,140,554.00	35,993.31	1,405,284.96	66.71	22,629.96	712,639.08
** REVENUES OVER(UNDER) EXPENDITURES **	375,246.00	257,371.54	835,111.59	216.52	(22,629.96)	(437,235.63)

C I T Y O F G O N Z A L E S
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

230-WASTEWATER FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
730-WASTEWATER COLLECTION	1,466,969.00	122,739.47	1,314,074.07	89.58	0.00	152,894.93
731-W/W CDBG PROJECT	720,917.00	0.00	27,633.44	3.83	0.00	693,283.56
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
*** TOTAL REVENUES ***	<u>2,187,886.00</u>	<u>122,739.47</u>	<u>1,341,707.51</u>	<u>61.32</u>	<u>0.00</u>	<u>846,178.49</u>

EXPENDITURE SUMMARY						
730-WASTEWATER COLLECTION	1,729,022.00	45,128.56	875,741.69	63.88	228,700.00	624,580.31
731-W/W CDBG PROJECT	1,617,945.00	296,971.34	500,918.75	30.96	0.00	1,117,026.25
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
*** TOTAL EXPENDITURES ***	<u>3,346,967.00</u>	<u>342,099.90</u>	<u>1,376,660.44</u>	<u>47.96</u>	<u>228,700.00</u>	<u>1,741,606.56</u>

** REVENUES OVER(UNDER) EXPENDITURES **	<u>(1,159,081.00)</u>	<u>(219,360.43)</u>	<u>(34,952.93)</u>	<u>22.75</u>	<u>(228,700.00)</u>	<u>(895,428.07)</u>

C I T Y O F G O N Z A L E S
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

240-SOLID WASTE FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
740-SOLID WASTE DEPARTMEN	781,200.00	66,667.20	665,778.67	85.23	0.00	115,421.33
*** TOTAL REVENUES ***	781,200.00	66,667.20	665,778.67	85.23	0.00	115,421.33
EXPENDITURE SUMMARY						
740-SOLID WASTE DEPARTMEN	734,569.00	11,953.70	578,253.66	78.72	0.00	156,315.34
*** TOTAL EXPENDITURES ***	734,569.00	11,953.70	578,253.66	78.72	0.00	156,315.34
** REVENUES OVER(UNDER) EXPENDITURES **	46,631.00	54,713.50	87,525.01	187.70	0.00	(40,894.01)

C I T Y O F G O N Z A L E S
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

300-CAPITAL PROJECTS-BUSINESS

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
300-CAPITAL PROJECTS-BUS	500.00	321.69	1,174.41	234.88	0.00	(674.41)
*** TOTAL REVENUES ***	500.00	321.69	1,174.41	234.88	0.00	(674.41)
EXPENDITURE SUMMARY						
300-TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
301-STREETS	0.00	0.00	0.00	0.00	0.00	0.00
302-WASTEWATER	219,450.00	850.00	14,100.00	6.43	0.00	205,350.00
303-ELECTRIC	0.00	0.00	0.00	0.00	0.00	0.00
304-WATER	318,450.00	850.00	14,100.00	4.43	0.00	304,350.00
*** TOTAL EXPENDITURES ***	537,900.00	1,700.00	28,200.00	5.24	0.00	509,700.00
** REVENUES OVER(UNDER) EXPENDITURES **	(537,400.00)	(1,378.31)	(27,025.59)	5.03	0.00	(510,374.41)

C I T Y O F G O N Z A L E S
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

400-DSF GOVERNMENT ACTIVITIES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
400-DSF GOVERNMENT ACT.	1,262,050.00	0.00	1,196,539.14	94.81	0.00	65,510.86
*** TOTAL REVENUES ***	1,262,050.00	0.00	1,196,539.14	94.81	0.00	65,510.86
EXPENDITURE SUMMARY						
400-DSF GOVERNMENT ACT.	1,247,700.00	0.00	986,419.99	79.06	0.00	261,280.01
*** TOTAL EXPENDITURES ***	1,247,700.00	0.00	986,419.99	79.06	0.00	261,280.01
** REVENUES OVER(UNDER) EXPENDITURES **	14,350.00	0.00	210,119.15	464.24	0.00	(195,769.15)

CITY OF GONZALES
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

500-RESTRICTED USE FUNDS

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
410-TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
810-JB WELLS EXPO CENTER	0.00	0.00	0.00	0.00	0.00	0.00
811-HOTEL/MOTEL	303,100.00	24,819.60	467,112.26	154.11	0.00	(164,012.26)
812-MEMORIAL MUSEUM	3,580.00	526.45	2,713.26	75.79	0.00	866.74
813-FORFEITURES	110.00	0.00	151.11	137.37	0.00	(41.11)
814-MUNICIPAL COURT	1,820.00	277.10	1,543.15	84.79	0.00	276.85
815-ROBERT L BROTHERS	380.00	0.00	490.34	129.04	0.00	(110.34)
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*** TOTAL REVENUES ***	308,990.00	25,623.15	472,010.12	152.76	0.00	(163,020.12)
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EXPENDITURE SUMMARY						
810-JB WELLS EXPO CENTER	0.00	0.00	0.00	0.00	0.00	0.00
811-HOTEL MOTEL	502,448.15	11,577.94	312,412.96	62.18	0.00	190,035.19
812-MEMORIAL MUSEUM	34,000.00	0.00	26,480.72	77.88	0.00	7,519.28
813-FORFEITURES	21,000.00	3,500.00	3,500.00	16.67	0.00	17,500.00
814-MUNICIPAL COURT	17,500.00	47.65	9,405.35	53.74	0.00	8,094.65
815-ROBERT L BROTHERS	32,200.00	43.83	10,316.12	32.04	0.00	21,883.88
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	607,148.15	15,169.42	362,115.15	59.64	0.00	245,033.00
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** REVENUES OVER(UNDER) EXPENDITURES **	(298,158.15)	10,453.73	109,894.97	36.86-	0.00	(408,053.12)
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CITY OF GONZALES
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

575-CAPITAL PROJECTS-GOV.

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
575-CAPITAL PROJECTS-GOV	0.00	4.65	51.31	0.00	0.00	(51.31)
*** TOTAL REVENUES ***	0.00	4.65	51.31	0.00	0.00	(51.31)
EXPENDITURE SUMMARY						
CAPITAL PROJECTS-GOV	28,075.00	0.00	385,739.22	373.96	0.00	(357,664.22)
*** TOTAL EXPENDITURES ***	28,075.00	0.00	385,739.22	373.96	0.00	(357,664.22)
** REVENUES OVER(UNDER) EXPENDITURES **	(28,075.00)	4.65	(385,687.91)	373.78	0.00	357,612.91

CITY OF GONZALES
FINANCIAL STATEMENT
AS OF: JULY 31ST, 2022

700-GONZALES ECONOMIC DEV

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
700-ECONOMIC DEVELOPMENT	899,000.00	90,434.20	830,242.49	92.35	0.00	68,757.51
	-----	-----	-----	-----	-----	-----
*** TOTAL REVENUES ***	899,000.00	90,434.20	830,242.49	92.35	0.00	68,757.51
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
700-ECONOMIC DEVELOPMENT	1,987,332.00	24,578.93	957,626.70	48.21	469.98	1,029,235.32
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*** TOTAL EXPENDITURES ***	1,987,332.00	24,578.93	957,626.70	48.21	469.98	1,029,235.32
	=====	=====	=====	=====	=====	=====
** REVENUES OVER(UNDER) EXPENDITURES **	(1,088,332.00)	65,855.27	(127,384.21)	11.75	(469.98)	(960,477.81)
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FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
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100-GENERAL FUND

CASH

100 1-001.000	CASH - GENERAL FUND	491,216.71	
100 1-001.501	CASH-GENERAL FUND RBFCU	62,463.80	
100 1-101.505	CASH - AIRPORT IMPROVEMENT	112,077.37	

TOTAL CASH		665,757.88	

INVESTMENTS

100 1-103.409	RBFCU-SAVINGS ACCOUNT		0.00
100 1-103.410	CERT OF DEPOSIT-RANDOLPH BROOK		225,481.20
100 1-103.413	MILLER EST. OIL & GAS ROYALTY		20,811.34

TOTAL INVESTMENTS			246,292.54

POOLED INVESTMENTS

100 1-104.002	TEXPOOL- GENERAL FUND		2,652,432.33

TOTAL POOLED INVESTMENTS			2,652,432.33

TOTAL 100-GENERAL FUND		665,757.88	2,898,724.87

203-JB WELLS FUNDCASH

203 1-001.000	CASH - JB WELLS	(431,148.82)	

TOTAL CASH		(431,148.82)	

TOTAL 203-JB WELLS PARK FUND		(431,148.82)	0.00

210-ELECTRIC FUNDCASH

210 1-001.000	CASH - ELECTRIC FUND	351,603.43	
210 1-001.606	CASH CUSTOMER METER DEPOSIT	210,241.72	

TOTAL CASH		561,845.15	

INVESTMENTS

210 1-103.410	CERT OF DEP - SOUTH STAR BANK		282,008.61

TOTAL INVESTMENTS			282,008.61

CASH & INVESTMENTS BY FUND

AS OF: JULY 31ST, 2022

JULY 31ST, 2022

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
<u>POOLED INVESTMENTS</u>			
210 1-104.002	TEXPOOL- ELECTRIC FUND		1,986,247.35

	TOTAL POOLED INVESTMENTS		1,986,247.35
		-----	-----
	TOTAL 210-ELECTRIC FUND	561,845.15	2,268,255.96
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220-WATER FUND			
=====			
<u>CASH</u>			
220 1-001.000	CASH - WATER FUND	257,604.69	
220 1-001.606	CASH CUSTOMER METER DEPOSITS	31,064.00	

	TOTAL CASH	288,668.69	
<u>POOLED INVESTMENTS</u>			
220 1-104.002	TEXPOOL- WATER FUND		1,901,932.22
220 1-104.103	CASH - CO SERIES 2019		365,938.54

	TOTAL POOLED INVESTMENTS		2,267,870.76
		-----	-----
	TOTAL 220-WATER FUND	288,668.69	2,267,870.76
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230-WASTEWATER FUND			
=====			
<u>CASH</u>			
230 1-001.000	CASH - WASTEWATER FUND	(78,773.27)	
230 1-001.606	CASH CUSTOMER METER DEPOSIT	2,714.00	

	TOTAL CASH	(76,059.27)	
<u>INVESTMENTS</u>			
230 1-103.411	CERT. OF DEP - SOUTH STAR BANK		283,214.73

	TOTAL INVESTMENTS		283,214.73
<u>POOLED INVESTMENTS</u>			
230 1-104.002	TEXPOOL- WASTEWATER FUND		1,198,567.94
230 1-104.003	TEXPOOL-CORONAVIRUS LOCAL FIS		936,926.44
230 1-104.102	CASH - CO SERIES 2019		266,944.65

	TOTAL POOLED INVESTMENTS		2,402,439.03
		-----	-----
	TOTAL 230-WASTEWATER FUND	(76,059.27)	2,685,653.76

CASH & INVESTMENTS BY FUND

AS OF: JULY 31ST, 2022

JULY 31ST, 2022

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
240-SOLID WASTE	=====		
<u>CASH</u>			
240 1-001.000	CASH - SOLID WASTE FUND	125,475.93	

TOTAL CASH		125,475.93	
		-----	-----
TOTAL 240-SOLID WASTE FUND		125,475.93	0.00
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250-DSF PROPRIETARY	=====		
<u>CASH</u>			
250 1-001.000	CASH-DSF PROPRIETARY	0.00	

TOTAL CASH		0.00	
		-----	-----
TOTAL 250-DSF PROPRIETARY		0.00	0.00
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300-CAPITAL PROJECTS-BUS	=====		
<u>CASH</u>			
300 1-001.000	CASH CONTROL - CAPITAL PROJ	0.00	
300 1-101.301	BOND - CIP	0.00	

TOTAL CASH		0.00	
<u>POOLED INVESTMENTS</u>			
300 1-104.101	CASH-CO SERIES 2019 CIP STREET		0.00
300 1-104.102	CASH-CO SERIES 2019 CIP W/W		(13,608.77)
300 1-104.103	CASH-CO SERIES 2019 CIP WATER		(13,416.82)
300 1-104.104	CASH-CO SERIES 2019 CIP GEN.		0.00

TOTAL POOLED INVESTMENTS			(27,025.59)
		-----	-----
TOTAL 300-CAPITAL PROJECTS-BUSINESS		0.00	(27,025.59)
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400-DSF GOVERNMENTAL ACTI	=====		
<u>CASH</u>			
400 1-001.000	CASH - CONTROL ACCT	0.00	
400 1-001.101	CASH-DSF GOV. ACTIVITIES	428,924.71	

TOTAL CASH		428,924.71	
		-----	-----
TOTAL 400-DSF GOVERNMENT ACTIVITIES		428,924.71	0.00

CASH & INVESTMENTS BY FUND

AS OF: JULY 31ST, 2022

JULY 31ST, 2022

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
<u>500-RESTRICTED USE FUNDS</u>			

<u>CASH</u>			
500 1-001.000	CASH - CONTROL ACCT	(13,670.50)	
500 1-001.502	CASH - HOTEL MOTEL TAX	759,329.71	
500 1-001.503	CASH - MUSEUM FUNDS	6,702.30	
500 1-001.504	CASH - FORFEITURES	20,742.58	
500 1-001.505	CASH - MUN CRT CHILD SAFETY	7,366.54	
500 1-001.506	CASH - MUN CRT SECURITY	21,870.22	
500 1-001.507	CASH - MUN CRT TECH	848.05	
500 1-001.508	CASH - SPECIAL EXPENSE	7,365.07	
500 1-001.511	ROBERT LEE BROTHERS JR LIBRARY	73,801.30	

TOTAL CASH		884,355.27	

TOTAL 500-RESTRICTED USE FUNDS		884,355.27	0.00

<u>575-CAPITAL PROJECTS-GOV</u>			

<u>CASH</u>			
575 1-001.000	CASH-CONTROL ACCT	0.00	

TOTAL CASH		0.00	
<u>POOLED INVESTMENTS</u>			
575 1-104.101	CASH-CO SERIES 19 CIP STREET		8,808.54

TOTAL POOLED INVESTMENTS			8,808.54
		-----	-----
TOTAL 575-CAPITAL PROJECTS-GOV.		0.00	8,808.54

<u>700-COMPONENT UNIT</u>			

<u>CASH</u>			
700 1-001.000	CASH -CONTROL ACCOUNT	(15,851.82)	
700 1-001.101	CASH - ECONOMIC DEV CORP	3,553,140.38	

TOTAL CASH		3,537,288.56	

TOTAL 700-GONZALES ECONOMIC DEV		3,537,288.56	0.00

FUND TOTAL OTHER INVESTMENTS			811,515.88
FUND TOTAL POOLED INVESTMENTS			9,290,772.42
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TOTAL CASH AND INVESTMENTS		5,985,108.10	10,102,288.30
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*** END OF REPORT ***