



AGENDA
ELGIN CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 17, 2019
CITY ANNEX COUNCIL CHAMBERS, 310 NORTH MAIN STREET
7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PUBLIC COMMENT

Individuals may request to speak on items on the agenda, and items not on the agenda, by requesting to speak during the meeting and under "PUBLIC COMMENT" and will be required to fill out a "PUBLIC COMMENT FORM" and present it, along with any material, handouts or information for Council, to the City Secretary prior to commencement of the Council meeting. Speaker comments are limited to three (3) minutes.

No formal action can be taken by the City Council on items not posted on the agenda. Items requiring a Public Hearing will allow a member of the public an opportunity to speak during the Public Hearing and does not require submission of a "PUBLIC COMMENT FORM." Speakers must address their comments to the Mayor or Presiding Officer rather than to an individual Council Member or member of Staff. All speakers must limit their comments to the specific subject matter noted on the "PUBLIC COMMENT FORM" and refrain from personal attacks or derogatory comments directed at any Council Member, member of Staff, other individual or group.

VI. PRESENTATION

1. Presentation Of The Annual Audit Report For The Period Ending September 30, 2018 By BrooksWatson &Co. PLLC

Documents:

[EX SUMM AUDIT PRESENTATION.DOC.PDF](#)

VII. CITY MANAGERS REPORT

1. Review And Discussion Of Upcoming City Council Meeting Schedule

Documents:

[EXSUMMARY - MEETING SCHEDULE.PDF](#)

2. General Activity Report And/Or Project Update

Documents:

[EXSUMMARY - GENERAL ACTIVITY REPORT.PDF](#)

VIII. NEW BUSINESS

1. Discussion And Possible Direction To Staff Regarding The Highway Marker Currently Located Within The Texas Department Of Transportation (TxDOT) Right-Of-Way At The Intersection Of Main Street And Taylor Road – Mayor Cannon

Documents:

[EX SUMMARY - CANNON ITEM.PDF](#)

2. (FIRST READING) AN ORDINANCE LEVYING AD VALOREM TAXES FOR THE MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ELGIN, TEXAS, FOR THE 2019-20 FISCAL YEAR; AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE 2019 TAX YEAR.

Documents:

[EXSUMMARY - ORD TO ADOPT 2019-20 TAX RATES.PDF](#)
[\(FIRST READING\) ORD TO ADOPT TAX RATE FOR 2019-20 ELGIN.PDF](#)

3. (FIRST READING) AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE

Documents:

[EX SUMMARY - FY 2019-20 BUDGET ADOPTION.PDF](#)
[ORDBUDGETFY1920.PDF](#)

4. A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR EXECUTE AN AGREEMENT WITH AMANDA CARTER OF ELGIN, TEXAS APPOINTING HER AS JUDGE OF THE CITY OF ELGIN MUNICIPAL COURT IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS

Documents:

[EXSUMMARY - JUDGE AGREEMENT.PDF](#)
[RESAUTHJUDGECONTRACT919.PDF](#)
[AMANDA CARTER -MUNICIPAL COURT JUDGE AGREEMENT \(9-30-16\).PDF](#)

IX. EXECUTIVE SESSION

The City Council may announce that it will adjourn the public meeting at any time during the meeting and convene in Executive Session pursuant to Chapter 551 of the Texas Government Code to discuss any matter as specifically listed on the agenda and/or as permitted by Chapter 551 of the Texas Government Code.

X. RECONVENE

The City Council will return to open session for possible discussion and action as a result of the Executive Session

XI. ANNOUNCEMENTS

XII. ADJOURMENT

Notice of Assistance at Public Meetings, the City of Elgin is committed to compliance with the Americans with Disabilities Act. Elgin City Hall and Council Chambers are wheelchair accessible and special marked parking is available. Persons with Disabilities who plan to attend this meeting and who may need assistance are requested to contact the City Secretary's Office at (512)229-3222. Please provide forty-eight hours notice when feasible.

I, Amelia Sanchez, City Secretary for the City of Elgin, hereby certify this notice was posted at the City Hall Annex of the City of Elgin, Texas on or before Friday, September 13, 2019 in accordance with Chapter 551 of the Texas Government Code.

Amelia Sanchez, City Secretary



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Presentation of the Annual Audit Report for the period ending September 30, 2018 by BrooksWatson &Co. PLLC

DEPARTMENT: Finance

PROPOSED ACTION: This item is for formal presentation of the Annual Audit Report for the fiscal year ending September 30, 2017.

BACKGROUND:

In compliance with State Law and the Elgin City Charter, the City’s external auditor has reviewed and audited the financial statements of governmental activities, the business-type activities, the discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Elgin as of and for the year ended September 30,2017 and related notes to the financial statements, which collectively comprise the City’s basic financial statements of said report.

In the auditor’s opinion, “the financial statements referred to above, present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund and the aggregate remaining fund information of the City of Elgin September 30, 2017 and the respective changes in financial position and, where applicable, cashflows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America”.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Recommended for acceptance

ATTACHMENTS: Copy of Annual Finance Report and Audit for 2017; Single Audit for Grant Proceeds received during 2017; management letter.

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Review and discussion of upcoming City Council Meeting Schedule

DEPARTMENT: City Manager

PROPOSED ACTION:

Review and discussion of Council Meeting schedule; and direction to staff regarding same.

BACKGROUND:

Due to a variety of factors the City Manager is recommending that the upcoming City Council Meeting schedule be adjusted as follows:

- Tuesday, September 24 – Called Council Meeting (Final adoption of budget & tax rate)
- Tuesday, October 1 – Cancel/reschedule Regular Meeting (National Night Out)
- Tuesday, October 8 – No meeting (TML Annual Conference)
- **Tuesday, October 15 – October Regular Meeting**
- Tuesday, November 5 – November Regular Meeting

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION:

Direction to staff regarding the City Council Meeting schedule.

ATTACHMENTS:

None

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.**
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: General Activity Report and/or Project Update

DEPARTMENT: City Manager/Staff

PROPOSED ACTION:

No Council action proposed or requested; This item is to allow for general update and/or activities report relating to various on-going city projects or issues.

BACKGROUND:

This item is to provide opportunities for miscellaneous updates and comments by the staff; and general Q&A with the City Council relative to on-going projects and/or issues.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X}
N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

None.

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: Discussion and possible direction to staff regarding the highway marker currently located within the Texas Department of Transportation (TxDOT) right-of-way at the intersection of Main Street and Taylor Road – Mayor Cannon

DEPARTMENT: N/A

PROPOSED ACTION:

This item has been placed on the agenda at the request of Mayor Cannon for consideration of possible action related to the agenda topic as stated.

BACKGROUND:

Discussed at last meeting; The Mayor and City Council received certain information regarding the subject matter of this agenda item at the 9/3 Regular Council Meeting. Mayor Cannon has placed this item on the agenda to allow for general review, discussion, and possible action related to the information provided by city staff.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included {X} not included in the current-year budget {X} N/A

RECOMMENDATION:

Consideration of Mayor Cannon’s input regarding the highway marker currently located within the Texas Department of Transportation (TxDOT) right-of-way at the intersection of Main Street and Taylor Road, and direction to staff, if any, regarding same

ATTACHMENTS:

None

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: (First Reading) Ordinance Adopting FY 2019-20 Ad Valorem Tax Rates

DEPARTMENT: City Manager and Finance

PROPOSED ACTION: Consider Ordinance for adoption

BACKGROUND: The final step in approving at least a partial funding plan for general fund expenses plus annual debt payments (interest and principal) on outstanding bonds, notes or other borrowing instruments, is adoption of an Ordinance to set the annual tax rate.

State law requires that local governments considering a tax rate that would increase tax revenues above that collected in the previous year, must hold two public hearings prior to adoption of such tax rates, to give the public an opportunity to comment on the tax rates proposed to be adopted by the Council.

Two public hearings were held regarding proposed tax rates, with the first public hearing on September 4th and the second September 18th, 2018.

The Ordinance, a copy of which follows this executive summary sets forth the proposed tax rates as well as provides authority for their collection.

The Second Reading for final adoption will be on the September 24, 2019 City Council Agenda.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Recommended for adoption

ATTACHMENTS: Draft Ordinance adopting *Ad Valorem* Tax Rates for FY 2018-19.

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO _____

(FIRST READING) AN ORDINANCE LEVYING AD VALOREM TAXES FOR THE MAINTENANCE AND OPERATION OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ELGIN, TEXAS, FOR THE 2019-20 FISCAL YEAR; AND PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE 2019 TAX YEAR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, TEXAS.

Section 1. That there is hereby levied and there shall be collected for the **maintenance and operation** of the municipal government of the City of Elgin, Texas for the **2019-20** Fiscal Year upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of **\$0.428269** cents on each One Hundred Dollars (\$100) valuation of property.

THIS TAX RATE WILL RAISE MORE TAXES FOR **MAINTENANCE AND OPERATIONS** THAN LAST YEAR'S TAX RATE BY VIRTUE OF THE ADDITION OF NEW PROPERTY AND INCREASES IN ASSESSED VALUE OF CERTAIN PROPERTIES. TAX RECEIPTS WILL BE RAISED BY 12.23% PER CENT. AN EQUIVALENT INCREASE IN TAXES ON A HOME WITH AN ASSESSED VALUE OF \$100,000 WOULD BE APPROXIMATELY \$80.34.

Section 2. That there is hereby levied and there shall be collected for the City of Elgin, Texas to provide for **Interest and Sinking Funds** for the 2019-20 Fiscal Year upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.228647 cents on each One Hundred Dollars (\$100) valuation of property.

SUMMARY

1. Maintenance and operations of the general government (General Fund),	\$0.428269
2. Interest and Sinking fund (Debt Rate)	<u>\$0.228647</u>
Total Tax per \$100 of valuation	\$0.656916

That the City Secretary shall ensure that the City's home page of its internet website shall include the following statement: "THE CITY OF ELGIN ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEARS EQUIVALENT TAX RATE."

Section 3. That all monies collected under this Ordinance for the specific items herein named, be and the same hereby appropriated and set apart for the specific purposes indicated in each item and the Assessor/Collector of Taxes, and the Director of Finance shall keep these accounts so as to readily and distinctly show the amount collected, the

amount expended and the amount on hand at any time belonging, to such funds. All receipts for the City not specifically apportioned are hereby made payable to the General fund.

Taxes levied under this Ordinance shall be due October 1, 2019, and if not paid on or before January 31, 2020 shall immediately become delinquent.

Section 4. All taxes shall become a lien upon the property against which assessed, and the tax assessor and collector for the City of Elgin is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and Ordinances of the City of Elgin shall, by virtue of the tax rolls, fix and establish a lien by levying upon such property, whether real or personal, for the payment of said taxes, penalty and interest, and the interest and penalty collected from such delinquent taxes shall be appropriated to the General Fund of the City of Elgin. All delinquent taxes shall bear interest from date of delinquency at the rate prescribed by state law.

Section 5. That this Ordinance shall take effect and be in force from October 1, 2019.

READ AND APPROVED ON FIRST READING ON THIS THE 17TH DAY OF SEPTEMBER 2019.

_____ voted for and _____

_____ voted against and _____ abstained.

APPROVED:

MAYOR: Chris Cannon

ATTEST:

CITY SECRETARY: Amelia Sanchez

APPROVED AS TO FORM:

CITY ATTORNEY: Charlie Crossfield



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE

DEPARTMENT: City Manager and Finance

PROPOSED ACTION: Consider Ordinance for adoption on first reading

BACKGROUND: The budget development process consists of a series of steps required by the City Charter beginning with submittal of a “Proposed Budget” to the Council by the City Manager. It contains staffs’ estimates of anticipated revenue and projected costs; and spending plan for the forthcoming year. After initial review by the Council, public hearings are held to provide citizens an opportunity to comment on the proposed rates, anticipated revenues, and the proposed distribution of those financial resources among various programs designed to meet citizen demands for public services.

After each public hearing, Council is given an opportunity to adjust or make changes to proposed appropriations levels if needed. The final step in this process is to formally adopt the “Proposed Budget”. This is accomplished by adopting an Ordinance that includes an “EXHIBIT A” that at this point is the final estimate of revenue and proposed appropriations by line item for each spending program.

Once the Ordinance is adopted, a final “adopted” version of the budget will be prepared that represents the official spending program for the forthcoming budget year. The Adopted version of the Budget will contain executed copies of the Ordinances that were passed to enact the Budget plus required funding mechanisms such as an Ordinance adopting the *Ad Valorem* Tax Rate. This document will contain the base amounts that may be amended from time to time during the fiscal year, as conditions warrant.

BUDGET/FINANCIAL IMPACT:

Funding for this item was { } included { } not included in the current-year budget {X} N/A

RECOMMENDATION: Approval of the Ordinance on first reading adopting the FY19-20 Budget

ATTACHMENTS: Ordinance (*The FY19-20 Budget has already been provided to Council, which is available for review by the public at City Hall or the Elgin Public Library or on the city website.*)

{ } Staff will be making a detailed presentation on this agenda item at the meeting.

{X} Staff will provide brief comments and answer questions on this item at the meeting.

{ } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF ELGIN, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE STATE OF TEXAS AND THE ORDINANCES AND RULES OF THE CITY OF ELGIN, TEXAS; APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Elgin has submitted to the City Council, a proposed budget of revenues and expenditures of the City of Elgin; and,

WHEREAS, the City Council has received said proposed budget, a copy which has been filed with the City Secretary of the City of Elgin; and,

WHEREAS, proper and timely notice that public hearings on such budget would be held on September 3rd and September 17th, 2019, was given and made in accordance with the law and within the time limits set forth by law; and

WHEREAS, such public hearings were held in accordance with the law on September 3th and September 17th, prior to final adoption of this Ordinance;

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

Section 1 The proposed budget of revenue and expenses for conducting the affairs of the City of Elgin, providing a financial plan for the ensuing fiscal year beginning October 1, 2019, and ending September 30, 2020, as submitted to the City Council by the City Manager of said City, and which budget is attached hereto as Exhibit "A", and the same is in all things adopted and approved as the budget of all current expenditures/expenses as well as fixed charges against said City for the fiscal year beginning October 1, 2019, and ending September, 30, 2020.

Section 2 The sums below are hereby appropriated from the prospective funds for the payment of expenditures on behalf of the city government as established in the approved budget document for the fiscal year ending September 30, 2020.

Section 3 In accordance with § 102.008(1), Local Government Code, The Director of Finance is directed to file with the City Secretary a true copy of the final budget as adopted by the City Council, and the City Secretary is directed to certify as a true copy said budget and file it with this Ordinance in the official records of the City.

Section 4 In accordance with § **102.008(2)**, Local Government Code, The Director of Finance is directed to act to ensure that a copy of the budget is posted on the City's website.

Section 5 The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code as amended.

Section 5 This Ordinance shall be and remain in full force and effective on October 1, 2019, in accordance with state law.

PASSED, and **APPROVED** on first reading this 17th day of September, 2019.

PASSED, and **ADOPTED** on second reading this 24th day of September, 2019.

APPROVED:

MAYOR: Chris Cannon

ATTEST:

CITY SECRETARY: Amelia Sanchez

APPROVED AS TO FORM:

CITY ATTORNEY: Charlie Crossfield



Elgin City Council Meeting Agenda Item Executive Summary

ITEM: A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR EXECUTE AN AGREEMENT WITH AMANDA CARTER OF ELGIN, TEXAS APPOINTING HER AS JUDGE OF THE CITY OF ELGIN MUNICIPAL COURT IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

DEPARTMENT: Mayor

PROPOSED ACTION:

Approval of a Professional Services Agreement with Amanda Carter to re-affirm her appointment and continued services as the City of Elgin Municipal Judge; and determining compensation regarding same.

BACKGROUND:

Under the requirements of the City Charter and the Texas Local Government Code, the City is compelled to engage the services of a qualified individual to serve as the City of Elgin Municipal Judge; and to confirm said appointment every two years. Amanda Carter has served as Municipal Judge and has agreed to certain terms, conditions, and compensation to continue to serve in this capacity; all of which are contained in the attached Professional Services Agreement that is now proposed for formal Council authorization.

BUDGET/FINANCIAL IMPACT:

Funding for this item was {X} included { } not included in the current-year budget { } N/A

RECOMMENDATION:

Approval of the Resolution and Agreement as presented.

ATTACHMENTS:

Resolution
Agreement

- { } Staff will be making a detailed presentation on this agenda item at the meeting.
- {X} Staff will provide brief comments and answer questions on this item at the meeting.
- { } This is a routine procedural item and no presentation is planned for the meeting.

Councilmembers who have any detailed questions or would like to request additional information regarding this item are encouraged to contact the City Manager at their earliest convenience

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF ELGIN, TEXAS, AUTHORIZING THE MAYOR EXECUTE AN AGREEMENT WITH AMANDA CARTER OF ELGIN, TEXAS APPOINTING HER AS JUDGE OF THE CITY OF ELGIN MUNICIPAL COURT IN ACCORDANCE WITH THE CITY CHARTER; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Elgin City Charter Article 5, Section 6 requires the City of Elgin to provide a Municipal Court which shall have such jurisdictions, powers and duties as are prescribed by the laws of the State of Texas; and,

WHEREAS, the Elgin City Charter Article 5, Section 6 further stipulates that there shall be a Judge of the Municipal Court who shall be appointed and removed by the City Council; and shall receive a salary as may be fixed by the City Council; and,

WHEREAS, the Mayor and City Council have determined it to be in the interests of the City to appoint Amanda Carter as the Judge of the City of Elgin Municipal Court.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, BASTROP COUNTY, TEXAS, THAT:

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

Section 2. Authorization. The Mayor is hereby authorized to execute A Professional Services Agreement with Amanda Carter of Elgin, Texas to serve as the Judge of the City of Elgin Municipal Court; a copy of said Agreement being attached hereto and marked Exhibit A; and made part of this Resolution as if copied verbatim herein.

Section 3. Open Meetings. That it is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

PASSED AND ADOPTED this 17th day of September, 2019

CHRIS CANNON, Mayor
City of Egin, Texas

ATTEST:

AMELIA SANCHEZ, City Secretary

PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the City desires to enter into an agreement with Amanda Carter to provide professional services as the Municipal Judge for the City of Elgin, Texas: and

WHEREAS, Amanda Carter has the necessary expertise, training, background information and experience to act as the Municipal Judge:

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the parties hereby agree as follows:

1. Amanda Carter shall provide professional services to the City of Elgin in the capacity of Municipal Judge. She shall perform all the duties of the Municipal Judge as set forth in the City Charter of Elgin, Texas and as set forth in all applicable sections of the Texas Code of Judicial Conduct and other applicable laws of the State of Texas.
2. Judge Carter shall be paid a bi-weekly fee of \$1,231.00 to be paid on the same day or days that employees of the City are paid.
3. Judge Carter shall be reimbursed for all reasonable and necessary expenses she incurs on behalf of the City. The City Manager shall have the right to impose reasonable restrictions on expenses Judge Carter may incur on behalf of the City.
4. Judge Carter shall be provided mileage at the same rate as paid to City employees, except for travel to and from work. Judge Carter will provide the City with a mileage report detailing miles driven for each day during the month.
5. Judge Carter shall magistrate all Elgin Police Department arrests, whether misdemeanors or felonies; and shall be paid a \$75.00 trip charge to Bastrop for said magistrations, contingent upon submission to the Finance Director invoices indicating date of magistrations and person magistrated. The Municipal Judge shall only be paid for trips to adjudicate persons arrested by the Elgin Police Department or other agency by an Elgin Police Department warrant.
6. Judge Carter shall not be considered an employee of the City and shall not be provided City benefits. She is an independent contractor and shall always maintain that relationship to the City.
7. This agreement is for a term of two (or four) years, ending on September 30, 2021. The extension or termination of this Contract shall occur on or before the end of said two-year term.
8. In addition to the duties stated herein, Judge Carter shall perform the following actions:
 - a. All magistrations shall be conducted where the defendants are located, unless otherwise requested by the Elgin Chief of Police.

- b. Judge Carter shall exercise judicial discretion in signing all arrest warrants and sign them as soon as practicable. If an arrest warrant is not signed, Judge Carter will discuss why the warrant was not signed with the officer involved.
 - c. Judge Carter shall always endeavor to be available to assist the Elgin Police Department, although the City recognizes there are reasonable limitations to said availability. To assist in this regard, the City will consider the appointment of an Associate Judge to serve in a limited capacity as Municipal Judge at such times that Judge Carter is unavailable.
 - d. Judge Carter shall schedule quarterly meetings with the City Manager and the Chief of Police.
 - e. Judge Carter shall provide the Elgin Police Department and Municipal Court a listing of all prisoners magistrates each month and the date of magistrations.
9. This Agreement shall be construed under and in accordance with the laws of the State of Texas and the laws of the United States of America applicable to transactions in that state and all obligations of the parties created under this Agreement are performable in Bastrop County, Texas.
10. This Agreement shall be binding on and insure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors, and assigns, except as otherwise expressly provided with the Agreement.
11. In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been a part of it.
12. This Agreement constitutes the sole and only agreement of the parties to it and 12. supersedes any prior understandings or written or verbal agreements between the parties respecting this subject matter.
13. If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees from the other party. The amount of fees recoverable under this paragraph may be set by the court in the trial of the underlying action or may be enforced in a separate action brought for that purpose, and any fees recovered shall be in addition to any other relief that may be awarded.

14. This Agreement and all other copies of this Agreement. insofar as they relate to the rights, duties, and remedies of the parties shall be deemed to be one agreement. This agreement may be executed concurrently in one or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Unless otherwise provided within this Agreement, any notice, tender, or delivery to be given under this Agreement by either party to the other may be made by personal delivery in writing or by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed received as of the date of mailing.

16. This Agreement may not be changed, terminated, or modified orally or in any manner other than by an Agreement in writing signed by all the parties to this Agreement.

Dated: _____ October 1, 2019

City of Elgin:

By: _____
Chris Cannon, Mayor

Date:

By:
Amanda Carter, Municipal Judge

Date:

Submit to:
SECRETARY OF STATE
Government Filings Section
PO Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Amanda Carter do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: Municipal Judge

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____

Submit to:
SECRETARY OF STATE
Government Filings Section
POBox 12887
Austin, TX 78711-2887
S12-463-6334



OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,

I **Amanda Carter**, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of **Municipal Judge** of the State of Texas, and will to the best of my abilities, protect, defend the Constitution and laws of the United States and of this State, so help me

Signature of Officer

State of Texas)

County of Bastrop)

Sworn to and subscribed before me this _____ day of _____, 2019

(seal)

Signature of Notary Public or Other Officer
Administering Oath

Printed or Typed Name