

AGENDA  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LIVE OAK  
WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS  
8001 SHIN OAK DRIVE  
TUESDAY, FEBRUARY 27, 2024, AT 7:00 P.M.  
FOLLOWING THE ECONOMIC DEVELOPMENT CORPORATION MEETING

The public may watch the meeting live at [www.liveoaktx.net](http://www.liveoaktx.net) under the "GOVERNMENT" tab  
then click on "City Meetings Live Stream"

1. CALL TO ORDER
2. INVOCATION/PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CITIZENS TO BE HEARD

Per Live Oak City Charter

Section 2-21.5 (1) Live Oak Municipal Code: The rules of courtesy are adopted for persons in attendance at all meetings of Council include: "Those signed up to speak under Citizens To Be Heard shall be called upon in the order that they have registered. No personal attacks shall be allowed by any speaker."

Section 2-21.1 – Preservation of order includes: "The mayor shall preserve order and decorum, prevent personal references to Council Members or impugning of other members' motives."

5. CONSENT AGENDA
  - A. Approval of Minutes
    1. January 30, 2024
  - B. City Council to approve an excused absence for Mayor Dennis from the January 30, 2024 meeting.
6. SPECIAL PRESENTATION
  - A. None
7. NEW BUSINESS
  - A. Discussion and possible action to approve the Quarterly Investment Report for the period ending December 31, 2023 – L. Kowalik
  - B. Discussion and possible action for City Council to approve the First Quarterly Financial Report ending December 2023– L. Kowalik
  - C. Discussion and possible action to approve an Ordinance that amends the City of Live Oak utility rates for water service.
  - D. Discussion and possible action to approve an Ordinance that amends the City of Live Oak utility rates for sewer service.
  - E. Discussion and possible action to approve a Resolution for the City of Live Oak to grant consent to authorize the San Antonio Water System (SAWS) to provide water and

wastewater services to 14350 Lookout Road within its Certificate of Necessity (CCN); and authorize the City Manager to execute and any necessary letters or other documentation—M. Wagster

- F. Presentation, discussion, and possible action to accept the Live Oak Police Department's 2023 Tier 1 and Tier 2 Racial Profiling Data in compliance with Art. 2.134(b) of the Texas Code of Criminal Procedure – Chief Hopper
- G. Discussion and possible action to approve a Resolution and authorize the City Manager to apply for the FY2025 Rifle-Resistant Ballistic Shield grant through the Office of The Governor's Criminal Justice Division—Chief Hopper
- H. Discussion and possible action to approve a Resolution and authorize the City Manager to apply for the FY2025 Rifle-Resistant Body Armor grant through the Office of The Governor's Criminal Justice Division—Chief Hopper
- I. Discussion and possible action to approve a Resolution and authorize the City Manager to apply for the FY2025 Edward J Byrne Memorial Justice Assistance Grant through the Office of The Governor's Criminal Justice Division to purchase vehicle-mounted license plate readers—Chief Hopper
- J. Discussion and possible action to approve a Resolution and authorize the City Manager to apply for the FY2025 General Victim Assistance Grant through the Office of The Governor's Criminal Justice Division—Chief Hopper
- K. Discussion and possible action to authorize the City Manager to sign a Memorandum of Agreement between the City of Live Oak and the 502d Air Base Wing (502 ABW), Joint Base San Antonio (JBSA) to reimburse Live Oak Police Department for law enforcement personnel overtime incurred while directly supporting airshow operations—Chief Hopper
- L. Discussion and possible action regarding a Resolution to approve a Scope of Work/Services with 6S Engineering, Inc. and authorize the City Manager to authorize execution of same for the RBFCU Monument, Landscaping, and Design—D. Lowder
- M. City Council to approve a resolution and authorize the City Manager to sign a renewal of an Interlocal Cooperation Contract (Failure to Appear Program -FTA) with the Texas Department of Public Safety to accommodate Chapter 706 of the Texas Transportation Code – Vickie Steenbeke

## 8. CITY COUNCIL REPORT

- A. City Council Member's report regarding discussion of City issues with citizens.

## 9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

### A. City Council

- 1. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

### B. Staff

- 1. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

## 10. ADJOURNMENT

I certify that the above notice of meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, City of Live Oak, Texas, on February 23, 2024, by 5:00 p.m.



Isa Gaytan, PMCA  
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office, for concerns or requests, at (210) 653-9140, Ext. 213

The City Council for the City of Live Oak reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §§ 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberation about Security Devices), and 551.086 (Economic Development), and any other provision under Texas law that permits a governmental body to discuss a matter in a closed executive session.

REQUEST ALL PAGERS AND PHONES BE TURNED OFF, WITH THE EXCEPTION OF EMERGENCY ON-CALL PERSONNEL

MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LIVE OAK  
WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS  
8001 SHIN OAK DRIVE  
TUESDAY, JANUARY 30, 2024, AT 7:00 P.M.  
FOLLOWING THE ECONOMIC DEVELOPMENT CORPORATION MEETING

1. CALL TO ORDER

Mayor Pro Tem Aaron Dahl called the meeting to order at 7:00 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Completed

3. ROLL CALL

Mayor Mary M. Dennis (Absent)  
Councilmember Mendell Morgan  
Councilmember Bob Tullgren  
Councilmember Dr. Erin Perez  
Councilmember Ed Cimics  
Councilmember Aaron Dahl

Staff

Anas Garfaoui, City Manager  
Leroy Kowalik, Finance Director  
Chief Gary Hopper, Police Department  
Chief Linc Surber, Fire Department  
Mark Wagster, Director of PW  
Clarissa Rodriguez, City Attorney  
Donna Lowder, Manager of EDC  
Isa Gaytan, City Secretary

4. CITIZENS TO BE HEARD

Mr. & Mrs. Lopez from 554 Shin Oak Dr. came before City Council to speak about a dispute with their neighbor.

5. CONSENT AGENDA

A. Approval of Minutes

1. January 9, 2024

B. City Council to approve the City Manager to enter a Joint Election Agreement-Memorandum of Understanding with Bexar County Elections Department for their services during early voting and Election Day for the May 4, 2024, election—I. Gaytan

C. City Council to approve an Ordinance by the City Council of the City of Live Oak, Texas, calling for a General Election held jointly with various entities to be held on May 4, 2024, for the purpose of electing a Mayor and Two (2) City Council Members Place 2,

and Place 4 and making provision for the conduct of a General Election, resolving other matters incident and related to such Election—I. Gaytan

- D. City Council to approve the cancellation of the February 13, 2024, June 25, 2024, and July 09, 2024, City Council Meetings – A. Garfaoui
- E. Discussion and possible action regarding disposal of fixed assets with an initial net worth of \$5,000 and over—L. Kowalik
- F. Discussion and possible action regarding the Interlocal Agreement for renewal of the Health Authority and Certificate of Appointment—R. Luna

Councilmember Tullgren made a motion to approve agenda items; seconded by Councilmember Perez

Vote FOR: Councilmembers Morgan, Tullgren, Perez, Cimics, Dahl; passed 5/0

## 6. SPECIAL PRESENTATION

- A. Special Presentation of the unveiling of the City’s 2024 website- D. Lowder  
EDC Manager, Donna Lowder presented the new City’s 2024 website.

Ms. Lowder presented the new city website to council. Councilmember Perez suggested having a “Get Involved” link for citizens.

- B. Presentation of Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA)—L. Kowalik

Mr. Kowalik came before council to present a brief financial highlight for the fiscal year ending September 30, 2023, and presented the Certificate of Achievement for Excellence in Financial reporting.

## 7. NEW BUSINESS

- A. Presentation, discussion and possible action regarding Oath of Office of alternate Judge Dana D. Jacobson for the Live Oak Municipal Court of Record—Mayor Dennis

Mayor Pro Tem Dahl presented the Oath of Office to Judge Dana D. Jacobson. Judge Jacobson introduced himself to council.

- B. Presentation, discussion and approval of the 2022/2023 Annual Comprehensive Financial Report—L. Kowalik

Mr. Kowalik came before council and presented the 2022/2023 Annual Comprehensive Financial Report.

Councilmember Tullgren made a motion to approve the 2022/2023 Annual Comprehensive Financial report; seconded by Councilmember Perez

Vote FOR: Councilmembers Morgan, Tullgren, Perez, Cimics, Dahl; passed 5/0

- C. Presentation, discussion, and possible action on a Resolution to award a proposal from Public Sector Personnel Consultants (PSPC) and authorizing the City Manager to enter into a professional services agreement for the Live Oak Compensation Study—L. Kowalik

Mr. Kowalik came before council to present a Resolution to award a proposal to Public Sector Personnel Consultants for the Live Oak Compensation study. Councilmember Cimics asked if this study is done every five years. Mr. Kowalik confirmed that the last study was done on 2019/2020.

Councilmember Tullgren made a motion to approve agenda item 7C; seconded by Councilmember Morgan

Vote FOR: Councilmembers Morgan, Tullgren, Perez, Cimics, Dahl; passed 5/0

- D. Presentation, discussion, and possible action on a Resolution to award a proposal from Huitt Zollars Inc. and authorize the City Manager to enter into a professional services agreement for a Facilities Master Plan of certain city facilities —M. Wagster

Mr. Wagster came before City Council to present a proposal from Burditt Land and Place and explained which buildings are in the plan. Mr. Greg Wine with Huit Zollars was present and came before council to introduce himself.

Councilmember Perez made a motion to agenda item 7D; seconded by Councilmember Tullgren

Vote FOR: Councilmembers Morgan, Tullgren, Perez, Cimics, Dahl; passed 5/0

- E. Presentation, discussion, and possible action on a Resolution to award a proposal from Burditt Land and Place and authorize the City Manager to enter into a professional services agreement for the Live Oak Parks, Recreation, Open Space, Conceptual Park Development and Citywide Trail Connectivity Master Plan—M. Waster

Mr. Wagster came before council to present a Resolution to award a proposal from Burditt Land and Place as the firm most qualified to produce park master plans because this firm is the most familiar with the parks in Live Oak, and they have done excellent work for the city in the past.

Councilmember Perez made a motion to approve agenda item 7E; seconded by Councilmember Cimics

Vote FOR: Councilmembers Morgan, Tullgren, Perez, Cimics, Dahl; passed 5/0

- F. Presentation, discussion, and possible action on a Resolution to award a proposal from LSPS Solutions, LLC and authorize the City Manager to enter into a professional services agreement for a Study of the City of Live Oak's Water System Service Lines and Preparing a Service Line Inventory (LSL Inventory) to Comply with the United States Environmental Protection Agency's (USEPA) revised Lead and Copper Rule—M. Wagster

The USEPA's revised lead and copper rule requires water systems to prepare a lead service line inventory and submit it to the TCEQ by October 16, 2024. Mr. Wagster came before council to present a Resolution to award a proposal from LSPS Solutions, LLC for a study of the City of Live Oak's water system service lines and preparing for a service line inventory.

Councilmember Cimics asked if there would be any digging in the SAWS area of Live Oak. Mr. Wagster assured him there would not be any.

Councilmember Tullgren made a motion to approve agenda item 7F; seconded by Councilmember Morgan

Vote FOR: Councilmembers Morgan, Tullgren, Perez, Cimics, Dahl; passed 5/0

8. CITY COUNCIL REPORT

A. City Council Member's report regarding discussion of City issues with citizens.

Councilmember Morgan reported a local businessman made him aware of some difficulties with the permit process. The City Manager immediately looked into the problem and discovered it was not a city issue but was able to assist businessman who was very appreciative. Councilmember Morgan also complimented the city ribbon cuttings compared to other surrounding cities.

Councilmember Tullgren asked if staff can follow up with citizen who came before City Council in the Citizen's to be heart section of the meeting.

Councilmember Perez expressed her concern with the potholes across the city.

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council

1. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

Councilmember Cimics congratulated Clarissa for making partner with the legal firm Denton, Navarro, Rodriguez, Bernal, Santee & Zech. Also mentioned he attended LOPD ceremony which was an excellent presentation. Lastly, asked when the pool liner project would be starting. Mr. Wagster informed Councilmember Cimics that date will be sometime late February but will be completed prior to pool opening.

B. Staff

2. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

City Manager, Anas Garfaoui thanked the council for funding all the projects this past summer. Also mentioned TXDOT is aware of issues because of the posts on the City's Facebook page.

City Attorney, Clarissa Rodriguez, said thank you for the congratulations.

EDC Manager Donna Lowder, announced a ribbon cutting for the Alamo City Surgeon scheduled for February 5 at 10:00 a.m.

Public Works Director, Mark Wagster, announced Cathi Piotrowski's retirement.

10. ADJOURNMENT

As there was no further business, Councilman Cimics made a motion to adjourn; seconded by Councilmember Perez. The City Council meeting adjourned at 7:59 p.m.

APPROVED:

\_\_\_\_\_  
Mary M. Dennis, Mayor

ATTEST:

\_\_\_\_\_  
Isa Gaytan, City Secretary





# CITY COUNCIL AGENDA ITEM FORM

Meeting Date: February 27, 2024

Agenda item: 5B

Prepared by: Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

## **AGENDA ITEM DESCRIPTION:**

City Council to approve an excused absence for Mayor Dennis from the January 30, 2024 meeting.

## **Staff Briefing:**

Mayor Dennis is requesting an excused absence from the January 30, 2024, City Council Meeting.

## **ACTION:**

- Ordinance       Resolution
- Proclamations       Special Presentation
- Finance Report       Public Hearing
- Other

Cost:	N/A
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

## **Staff Recommended Motion:**

Under Consent.



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date: February 27, 2024

Agenda item: 7A

Prepared by: L. Kowalik, Finance Dir.

Reviewed by: A. Garfaoui, City Manager

Department: Finance Department

## **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to approve the Quarterly Investment Report for the period ending December 31, 2023.

## **Staff Briefing:**

Attached is a memorandum along with the First Quarter Investment Report for the period ending December 31, 2023. The memo describes the detail contained in the actual report. The investment reports are cumulative from October 1, 2023 through the stated ending period.

## **ACTION:**

- Ordinance       Resolution
- Proclamations       Special Presentation
- Investment Rpt.       Public Hearing
- Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 3

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

## **Staff Recommended Motion:**

Motion accept the City's First Quarter Investment Report for the period October 1, 2023 through December 31, 2023 as presented.

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## MEMORANDUM

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Date: February 27, 2024

To: Mayor and City Council

Via: Mr. Anas Garfaoui, City Manager

From: Leroy Kowalik, Finance Director

RE: Quarterly Investment Report for the period ending December 31, 2023

The attached Quarterly Investment Report represents a snapshot of the City's investment status as of the first quarter ending December 31, 2023. The remainder of this memo describes in words, that which is contained in the detailed report. This report is required to be presented and accepted by the governing body at least quarterly.

### **Internal Management Reports**

No less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds.

#### **The report must:**

- 1) Describe the investment position of the entity on the date of the report.
- 2) Be prepared jointly and signed by all investment officers of the entity.
- 3) Contain a summary statement prepared in compliance with generally accepted accounting principles for each pooled fund group that states:
  - a) A beginning market value, additions and changes to the market value, the ending market value and fully accrued interest.
  - b) State the pooled fund group.

### **History of Public Funds Investment Act (Chapter 2256 Government Code)**

In 1994, Orange County, California went bankrupt attempting to leverage its finances through exotic interest-rate-sensitive investments. Beaumont, Texas had problems in the same time period with pledged securities. To assure what happened in California would not happen here; the Texas Legislature revised the Texas Public Funds Investment Act to place new safeguards on the investments of public funds.

The Act requires the investment officers to attend various training sessions and require the governing bodies of the investing entity to adopt a written investment policy; and for all those who do business with the City to review the City's investment policies and strategies with acknowledgement that they have read and understood the requirements by a signed document.

Investment officers must review the new legislation yearly and revise their investment policies and strategies accordingly and to re-submit to the governing body within six months after the end of each legislative session.

### **Economic & Market Commentary Conditions for the Quarter**

Source is the TexPool newsletters from October through December 2023.

The Feds held the rate steady at 5.25%-5.50% for the remainder of the calendar year. The bigger question is what does the Fed have in store for 2024? At the December meeting, the Feds essentially admitted the tightening cycle is over by holding rates unchanged and penciling in 75 basis points of rate cuts in 2024. There still is simply too much uncertainty in the economy and the Feds acted in caution.

The optimism of the market and the cautiousness of the Fed will hopefully align sooner than later. Who is actually correct about the path of policy in 2024 will not be known until the first cut actually comes.

### **Analysis of the Quarterly Investment Report**

The following is a summary of TexPool

Weighted average maturity in October was 28 days.

Weighted average maturity in November was 37 days.

Weighted average maturity in December was 39 days.

Daily interest rates ranged from 5.3547% on October 1, 2023 to 5.3836% on December 31, 2023 with a high of 5.3940% on November 29, 2023 and the low of 5.3085% on October 2, 2023.

Average Monthly Rates:

October 2023 5.3589%

November 2023 5.3724%

December 2023 5.3694%

The current market condition is continuing to lend itself for the purchase of some government agencies, Certificates of Deposit and Municipal investments; therefore, we purchased and added two investment this quarter totaling \$800,000. We had one maturity of \$300,000 this quarter. We had no calls this quarter. Total government agencies, CDs and Municipal notes held at December 31, 2023 is \$12,050,000 or 24.16% of the total City portfolio. The reason the percentage is not higher is because TexPool is a very viable investment tool with daily short-term rates now over 5% due to the current rate environment that we are in.

The makeup of the City’s portfolio as of December 31, 2023 is as follows with comparison totals for the previous quarter:

	<u>December 31, 2023</u>	<u>September 30, 2023</u>
TexPool (Money Market)	\$ 37,834,232	\$ 38,863,303
Federal Home Loan Bank (FHLB)	7,340,000	6,540,000
Federal Farm Credit Bank (FFCB)	600,000	600,000
Federal National Mortgage Association (FNMA)	300,000	300,000
Federal Home Loan Mortgage Corporation (FHLMC)	2,345,000	2,645,000
Municipal Notes	1,465,000	1,465,000
Certificates of Deposit	<u>0</u>	<u>0</u>
	\$ 49,884,232	\$ 50,413,303

The weighted average maturity for investments outside of TexPool at December 31, 2023 was 346.45 days or 0.96 years with yields to maturity ranging from 0.3184% to 5.200%. Our ratio between our book value versus market value has increased from the previous quarter but is still less than when we purchased the investments which means that the market value of the investments we hold is currently worth less than what we paid for them although principal value to maturity remains at 100%. The market value is associated to the swing in interest rates caused by market conditions.

With TexPool continuing to be a viable investment vehicle, 75.84% of the City’s funds remain very safe in TexPool. The offset to lower risk is slightly lower interest rates. Texpool’s interest rates have stabilized around the 5.36% but tend to lag behind the true market. The current market condition continues to be conducive for Bank CD’s, Agency Discount Notes, Municipals and Callable Agencies with less than three-year final maturity, as well as, TexPool.

**City of Live Oak**  
**TexPool and Other Investments Summary**  
**Stmnt Period 10/01/2023 - 10/31/2023**

Fund Name & Acct. Number	Beginning Balance	Monthly Interest	Deposit	Withdrawals	Ending Balance
<b>TexPool - Average interest rate = 5.3589%</b>					
1. General Fund #449-150200001	\$ 3,904,591.83	\$ 17,771.20	\$ -	\$ -	\$ 3,922,363.03
2. Forfeiture Fund #449-150200002 & 3	254,907.34	1,160.09			256,067.43
3. Child Safety Fund #449-150200004	134,012.01	609.93			134,621.94
4. Court Tech. Fund #449-150200005	120,543.13	548.67			121,091.80
5. Court Sec. Fund #449-150200006	53,743.64	244.58			53,988.22
7. Utility Dev./R & R Fund #449-150200008	960,536.56	4,371.73			964,908.29
8. Debt Service Fund #449-150200009	512,119.09	2,330.83			514,449.92
9. Economic Dev. Corp Fund #449-150200010	4,795,267.23	21,824.97			4,817,092.20
10. Utility Fund #449-1580200011	416,786.90	1,896.94			418,683.84
11. Storm Water Utility Fund	299,301.64	1,362.22			300,663.86
12. Hotel Occupancy Tax Fund #449-150200012	1,286,312.53	5,854.45			1,292,166.98
13. Asset Replacement Fund #449-150200013	2,747,455.87	12,504.66			2,759,960.53
14. Capital Projects Fund #449-150200014	4,774,439.22	21,730.14			4,796,169.36
15. Emergency Radio Fund #449-150200018	81,309.81	370.07			81,679.88
16. PEG Fund #449-150200019	416,507.92	1,895.66			418,403.58
18. 2022 GO Bond Fund #449-150200022	18,105,467.92	82,404.36			18,187,872.28
<b>Subtotal TexPool</b>	<b>\$ 38,863,302.64</b>	<b>\$ 176,880.50</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 39,040,183.14</b>
<b>Other Investments/Govt. Securities</b>					
General Fund	\$ 11,550,000.00		\$ -	\$ 300,000.00	\$ 11,250,000.00
Asset Replacement Fund	-				-
Economic Development Fund	-				-
<b>Subtotal Other Investments/Govt. Securities</b>	<b>\$ 11,550,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 300,000.00</b>	<b>\$ 11,250,000.00</b>
<b>Total Investments</b>	<b>\$ 50,413,302.64</b>	<b>\$ 176,880.50</b>	<b>\$ -</b>	<b>\$ 300,000.00</b>	<b>\$ 50,290,183.14</b>

This report complies with the requirements of the Public Funds Investment Act investment pools and generally accepted accounting principles.

General Ledger Balance 50,290,183.14  
Report Balance 50,290,183.14  
Difference -

  
Finance Director

**City of Live Oak**  
**TexPool and Other Investments Summary**  
**Stmnt Period 11/01/2023 - 11/30/2023**

Fund Name & Acct. Number	Beginning Balance	Monthly Interest	Deposit	Withdrawals	Ending Balance
<b>TexPool - Average interest rate = 5.3724%</b>					
1. General Fund #449-150200001	\$ 3,922,363.03	\$ 15,051.99	\$ -	\$ 700,000.00	\$ 3,237,415.02
2. Forfeiture Fund #449-150200002 & 3	256,067.43	1,130.59			257,198.02
3. Child Safety Fund #449-150200004	134,621.94	594.43			135,216.37
4. Court Tech. Fund #449-150200005	121,091.80	534.66			121,626.46
5. Court Sec. Fund #449-150200006	53,988.22	238.37			54,226.59
7. Utility Dev./R & R Fund #449-150200008	964,908.29	4,260.69			969,168.98
8. Debt Service Fund #449-150200009	514,449.92	2,271.64			516,721.56
9. Economic Dev. Corp Fund #449-150200010	4,817,092.20	21,270.69			4,838,362.89
10. Utility Fund #449-1580200011	418,683.84	1,848.75			420,532.59
11. Storm Water Utility Fund	300,663.86	1,327.63			301,991.49
12. Hotel Occupancy Tax Fund #449-150200012	1,292,166.98	5,705.75			1,297,872.73
13. Asset Replacement Fund #449-150200013	2,759,960.53	12,187.07			2,772,147.60
14. Capital Projects Fund #449-150200014	4,796,169.36	21,178.28			4,817,347.64
15. Emergency Radio Fund #449-150200018	81,679.88	360.64			82,040.52
16. PEG Fund #449-150200019	418,403.58	1,847.52			420,251.10
18. 2022 GO Bond Fund #449-150200022	18,187,872.28	80,311.62	-		18,268,183.90
<b>Subtotal TexPool</b>	<b>\$ 39,040,183.14</b>	<b>\$ 170,120.32</b>	<b>\$ -</b>	<b>\$ 700,000.00</b>	<b>\$ 38,510,303.46</b>
<b>Other Investments/Govt. Securities</b>					
General Fund	\$ 11,250,000.00		\$ 300,000.00	\$ -	\$ 11,550,000.00
Asset Replacement Fund	-				-
Economic Development Fund	-				-
<b>Subtotal Other Investments/Govt. Securities</b>	<b>\$ 11,250,000.00</b>	<b>\$ -</b>	<b>\$ 300,000.00</b>	<b>\$ -</b>	<b>\$ 11,550,000.00</b>
<b>Total Investments</b>	<b>\$ 50,290,183.14</b>	<b>\$ 170,120.32</b>	<b>\$ 300,000.00</b>	<b>\$ 700,000.00</b>	<b>\$ 50,060,303.46</b>

This report complies with the requirements of the Public Funds Investment Act investment pools and generally accepted accounting principles.

**General Ledger Balance** 50,060,303.46  
**Report Balance** 50,060,303.46  
**Difference** -

  
 Finance Director

City of Live Oak  
 TexPool and Other Investments Summary  
 Stmt Period 12/01/2023 - 12/31/2023

Fund Name & Acct. Number	Beginning Balance	Monthly Interest	Deposit	Withdrawals	Ending Balance
<b>TexPool - Average interest rate = 5.3694%</b>					
1. General Fund #449-150200001	\$ 3,237,415.02	\$ 14,852.15	\$ 100,000.00	\$ -	\$ 3,352,267.17
2. Forfeiture Fund #449-150200002 & 3	257,198.02	1,172.82			258,370.84
3. Child Safety Fund #449-150200004	135,216.37	616.64			135,833.01
4. Court Tech. Fund #449-150200005	121,626.46	554.64			122,181.10
5. Court Sec. Fund #449-150200006	54,226.59	247.32			54,473.91
7. Utility Dev./R & R Fund #449-150200008	969,168.98	4,419.74			973,588.72
8. Debt Service Fund #449-150200009	516,721.56	2,356.44			519,078.00
9. Economic Dev. Corp Fund #449-150200010	4,838,362.89	22,639.31	650,000.00		5,511,002.20
10. Utility Fund #449-1580200011	420,532.59	1,917.81			422,450.40
11. Storm Water Utility Fund	301,991.49	1,377.22			303,368.71
12. Hotel Occupancy Tax Fund #449-150200012	1,297,872.73	5,918.74			1,303,791.47
13. Asset Replacement Fund #449-150200013	2,772,147.60	12,641.92			2,784,789.52
14. Capital Projects Fund #449-150200014	4,817,347.64	20,864.86		750,000.00	4,088,212.50
15. Emergency Radio Fund #449-150200018	82,040.52	374.15			82,414.67
16. PEG Fund #449-150200019	420,251.10	1,916.48			422,167.58
18. 2022 GO Bond Fund #449-150200022	18,268,183.90	82,058.31		850,000.00	17,500,242.21
<b>Subtotal TexPool</b>	<b>\$ 38,510,303.46</b>	<b>\$ 173,928.55</b>	<b>\$ 750,000.00</b>	<b>\$ 1,600,000.00</b>	<b>\$ 37,834,232.01</b>
<b>Other Investments/Govt. Securities</b>					
General Fund	\$ 11,550,000.00		\$ 500,000.00	\$ -	\$ 12,050,000.00
Asset Replacement Fund	-				-
Economic Development Fund	-				-
<b>Subtotal Other Investments/Govt. Securities</b>	<b>\$ 11,550,000.00</b>	<b>\$ -</b>	<b>\$ 500,000.00</b>	<b>\$ -</b>	<b>\$ 12,050,000.00</b>
<b>Total Investments</b>	<b>\$ 50,060,303.46</b>	<b>\$ 173,928.55</b>	<b>\$ 1,250,000.00</b>	<b>\$ 1,600,000.00</b>	<b>\$ 49,884,232.01</b>

General Ledger Balance 49,884,232.01  
 Report Balance 49,884,232.01  
 Difference -

This report complies with the requirements of the Public Funds Investment Act investment pools and generally accepted accounting principles.

  
 Finance Director



City of Live Oak

Investments other than Texpool

Period October 1, 2023 through December 31, 2023

December 31, 2023

Market Values as of:

Investment Type	CUSIP	Fund	Par		Market Value Adjustment					Average Weighted Maturity		
			Amount	Price	Prem/Disc	Book Value	Market Price	Prem/Disc	Market Value		Increase/ (Decrease)	Y-T-M
FHLC Agency	3133EMSD5	GF	300,000.00	99.800%	(600.00)	299,400.00	99.190%	(2,430.00)	297,570.00	(1,830.00)	0.3184%	61
Municipal	914302JK1	GF	465,000.00	101.615%	7,509.75	472,509.75	99.534%	(2,166.90)	462,833.10	(9,676.65)	0.4300%	45
FHLB Agency	3130ALKU7	GF	265,000.00	98.555%	(3,829.23)	261,170.77	96.816%	(8,437.60)	256,562.40	(4,608.37)	1.0300%	264
FHLB Agency	3130APYM1	GF	405,000.00	100.000%	-	405,000.00	96.432%	(14,450.40)	390,549.60	(14,450.40)	1.1000%	346
FHLB Agency	3130APNE1	GF	440,000.00	99.718%	(1,242.51)	438,757.49	96.379%	(15,932.40)	424,067.60	(14,689.89)	1.0000%	318
FHLB Agency	3130ALXQ2	GF	300,000.00	98.870%	(3,390.49)	296,609.51	98.402%	(4,794.00)	295,206.00	(1,403.51)	1.0012%	119
FHLB Agency	3130AQRN5	GF	300,000.00	100.000%	-	300,000.00	97.613%	(7,161.00)	292,839.00	(7,161.00)	1.6439%	408
FHLB Agency	3130AQSWS8	GF	300,000.00	100.000%	-	300,000.00	98.348%	(4,956.00)	295,044.00	(4,956.00)	2.0291%	418
FHLB Agency	3130AN7P9	GF	250,000.00	96.855%	(7,861.45)	242,138.55	96.097%	(9,757.50)	240,242.50	(1,896.05)	1.7000%	388
FHLB Agency	3130AR2L4	GF	300,000.00	100.000%	-	300,000.00	98.362%	(4,914.00)	295,086.00	(4,914.00)	2.2361%	340
FHLB Agency	3130ARJ93	GF	300,000.00	100.000%	-	300,000.00	99.448%	(1,656.00)	298,344.00	(1,656.00)	3.1020%	471
Municipal	914729UK2	GF	300,000.00	94.593%	(16,221.00)	283,779.00	95.414%	(13,758.00)	286,242.00	2,463.00	3.0500%	465
FHLB Agency	3130ARMB4	GF	300,000.00	100.000%	-	300,000.00	99.194%	(2,418.00)	297,582.00	(2,418.00)	3.0656%	478
FHLMC Agency	3134GXRG1	GF	300,000.00	99.716%	(852.40)	299,147.60	98.262%	(5,214.00)	294,786.00	(4,361.60)	3.1500%	492
FHLB Agency	3130AS6A2	GF	300,000.00	100.000%	-	300,000.00	98.210%	(5,370.00)	294,630.00	(5,370.00)	3.0000%	339
Municipal	052404QF0	GF	500,000.00	93.130%	(34,350.00)	465,650.00	95.796%	(21,020.00)	478,980.00	13,330.00	3.7000%	391
FHLB Agency	3130ASEX3	GF	300,000.00	99.808%	(575.69)	299,424.31	99.074%	(2,778.00)	297,222.00	(2,202.31)	3.3500%	178
FHLMC Agency	3134GXZA5	GF	300,000.00	99.859%	(422.24)	299,577.76	98.911%	(3,267.00)	296,733.00	(2,844.76)	3.7000%	540
FHLB Agency	3130ASXM6	GF	300,000.00	99.903%	(291.00)	299,709.00	99.053%	(2,841.00)	297,159.00	(2,550.00)	3.5509%	234
FHLC Agency	3133ENK33	GF	300,000.00	100.181%	543.37	300,543.37	99.634%	(1,098.00)	298,902.00	(1,641.37)	3.5000%	66
FHLB Agency	3130AS4R4	GF	300,000.00	100.000%	-	300,000.00	99.282%	(2,154.00)	297,846.00	(2,154.00)	4.0000%	598
FHLB Agency	3130ASVG1	GF	300,000.00	99.071%	(2,788.23)	297,211.77	99.712%	(864.00)	299,136.00	1,924.23	4.0500%	53
FHLMC Agency	3134GXW91	GF	300,000.00	99.905%	(284.86)	299,715.14	99.297%	(2,109.00)	297,891.00	(1,824.14)	4.2000%	260
FHLB Agency	3130AREF4	GF	305,000.00	95.039%	(15,130.48)	289,869.52	97.554%	(7,460.30)	297,539.70	7,670.18	4.4500%	448
FHLMC Agency	3134GX6E9	GF	300,000.00	100.000%	-	300,000.00	99.688%	(936.00)	299,064.00	(936.00)	5.0000%	295
Municipal	052404MN7	GF	200,000.00	98.539%	(2,922.00)	197,078.00	99.880%	(240.00)	199,760.00	2,682.00	4.6510%	31
FHLB Agency	3130ASZD4	GF	300,000.00	98.908%	(3,275.60)	296,724.40	99.493%	(1,521.00)	298,479.00	1,754.60	4.5500%	598
FHLMC Agency	3134GY4B5	GF	245,000.00	100.000%	-	245,000.00	99.676%	(793.80)	244,206.20	(793.80)	5.0046%	236
FHLB Agency	3130ARZN4	GF	300,000.00	97.865%	(6,405.96)	293,594.04	99.157%	(2,529.00)	297,471.00	3,876.96	4.6500%	144
FHLMC Agency	3134GXRJ5	GF	300,000.00	97.457%	(7,630.22)	292,369.78	98.040%	(5,880.00)	294,120.00	1,750.22	4.5000%	313

**City of Live Oak**  
**Investments other than Texpool**  
**Period October 1, 2023 through December 31, 2023**

Market Values as of: **December 31, 2023**

Investment Type	CUSIP	Fund	Par Amount	Price	Prem/Disc	Book Value	Market Value Adjustment			Y-T-M	Average Weighted Maturity	
							Market Price	Market Value	Increase/ (Decrease)			
FHLB Agency	3130ATMM6	GF	375,000.00	100.0000%	-	375,000.00	99.5900%	(1,537.50)	373,462.50	(1,537.50)	5.0000%	387
FNMA Agency	3135GA2Z3	GF	300,000.00	91.275%	(26,175.30)	273,824.70	92.907%	(21,279.00)	278,721.00	4,896.30	4.2000%	677
FHLB Agency	3130ATVD6	GF	300,000.00	100.407%	1,222.36	301,222.36	99.928%	(216.00)	299,784.00	(1,438.36)	4.5600%	253
FHLMC Agency	3134GYC34	GF	300,000.00	99.843%	(470.68)	299,529.32	99.863%	(411.00)	299,589.00	59.68	5.2000%	360
FHLMC Agency	3134GXS47	GF	300,000.00	98.375%	(4,876.00)	295,124.00	98.970%	(3,090.00)	296,910.00	1,786.00	5.0000%	598
FHLB Agency	3130ASN54	GF	300,000.00	97.895%	(6,314.87)	293,685.13	99.360%	(1,920.00)	298,080.00	4,394.87	5.2000%	568
FHLB Agency	3130ASF61	GF	300,000.00	97.471%	(7,588.01)	292,411.99	98.634%	(4,098.00)	295,902.00	3,490.01	5.1000%	537
FHLB Agency	3130AREZ0	GF	500,000.00	96.606%	(16,968.99)	483,031.01	97.554%	(12,230.00)	487,770.00	4,738.99	5.0500%	448
<b>Total Open Investments</b>			<b>12,050,000.00</b>		<b>(161,191.73)</b>	<b>11,888,808.27</b>		<b>(203,688.40)</b>	<b>11,846,311.60</b>	<b>(42,496.67)</b>		<b>346.45</b>
											<b>Years</b>	<b>0.96</b>

City of Live Oak

Investments other than Texpool

Period October 1, 2023 through December 31, 2023

Interest income information within period

Investment Type	CUSIP	Fund	Par Amount	Coupon	Annual Interest	Semi Annual Payment	Accrued Interest Purchased	Interest Income Received	Remaining Accrued Interest Purchased	Last Interest Payment Date	Interest Receivable	Net Interest Income
FHLMC Agency	3137EAEY1	GF	-	0.13%	-	-	-	187.50	-	Matured 10/16/2023	-	187.50
FFCB Agency	3133EMSD5	GF	300,000.00	0.25%	750.00	375.00	45.83	-	-	9/1/2023	250.00	250.00
Municipal	914302JK1	GF	465,000.00	1.00%	4,650.00	2,325.00	-	-	-	8/15/2023	1,756.67	1,756.67
FHLB Agency	3130ALKU7	GF	265,000.00	0.50%	1,325.00	662.50	301.81	-	-	9/24/2023	357.01	357.01
FHLB Agency	3130APYM1	GF	405,000.00	1.10%	4,455.00	2,227.50	-	2,227.50	-	12/16/2023	185.63	2,413.13
FHLB Agency	3130APNE1	GF	440,000.00	0.90%	3,960.00	1,980.00	517.00	1,980.00	-	11/18/2023	473.00	2,453.00
FHLB Agency	3130ALXQ2	GF	300,000.00	0.50%	1,500.00	750.00	312.50	750.00	-	10/29/2023	258.33	1,008.33
FHLB Agency	3130AQRN5	GF	300,000.00	2.15%	6,450.00	3,225.00	-	-	-	8/18/2023	2,382.92	2,382.92
FHLB Agency	3130AQWS8	GF	300,000.00	2.00%	6,000.00	3,000.00	-	-	-	8/28/2023	2,050.00	2,050.00
FHLB Agency	3130AN7P9	GF	250,000.00	0.58%	1,450.00	725.00	161.11	-	-	7/28/2023	616.25	616.25
FHLB Agency	3130AR2L4	GF	300,000.00	2.50%	7,500.00	1,875.00	-	1,875.00	-	12/10/2023	437.50	2,312.50
FHLB Agency	3130ARJ93	GF	300,000.00	3.00%	9,000.00	2,250.00	-	2,250.00	-	10/21/2023	1,750.00	4,000.00
Municipal	914729UK2	GF	300,000.00	1.13%	3,390.00	1,695.00	113.00	1,695.00	-	10/15/2023	715.67	2,410.67
FHLB Agency	3130ARMB4	GF	300,000.00	3.00%	9,000.00	4,500.00	-	4,500.00	-	10/28/2023	1,575.00	6,075.00
FHLMC Agency	3134GXRGI	GF	300,000.00	3.05%	9,150.00	4,575.00	-	4,575.00	-	11/12/2023	1,245.42	5,820.42
FHLB Agency	3130AS6A2	GF	300,000.00	3.00%	9,000.00	4,500.00	-	4,500.00	-	12/9/2023	550.00	5,050.00
Municipal	052404QF0	GF	500,000.00	0.93%	4,665.00	2,332.50	1,736.42	-	-	8/1/2023	1,943.75	1,943.75
FHLB Agency	3130ASEX3	GF	300,000.00	3.25%	9,750.00	4,875.00	-	4,875.00	-	12/28/2023	81.25	4,956.25
FHLMC Agency	3134GXZA5	GF	300,000.00	3.65%	10,950.00	5,475.00	-	5,475.00	-	12/30/2023	-	5,475.00
FHLB Agency	3130ASXM6	GF	300,000.00	3.50%	10,500.00	5,250.00	-	-	-	8/28/2023	3,587.50	3,587.50
FFCB Agency	3133ENK33	GF	300,000.00	3.63%	10,875.00	5,437.50	-	-	-	9/6/2023	3,473.96	3,473.96
FHLB Agency	3130AS4R4	GF	300,000.00	4.00%	12,000.00	6,000.00	266.67	-	-	8/28/2023	4,100.00	4,100.00
FHLB Agency	3130ASVGI	GF	300,000.00	3.38%	10,125.00	5,062.50	731.25	-	-	8/23/2023	3,600.00	3,600.00
FHLMC Agency	3134GXW91	GF	300,000.00	4.15%	12,450.00	6,225.00	34.58	-	-	9/20/2023	3,492.92	3,492.92
FHLB Agency	3130AREF4	GF	305,000.00	2.30%	7,015.00	3,507.50	272.81	-	-	9/28/2023	1,812.21	1,812.21
FHLMC Agency	3134GX6E9	GF	300,000.00	5.00%	15,000.00	7,500.00	-	7,500.00	-	10/25/2023	2,750.00	10,250.00
Municipal	052404MN7	GF	200,000.00	3.45%	6,892.00	3,446.00	1,665.57	-	-	8/11/2023	2,871.67	2,871.67
FHLB Agency	3130ASZD4	GF	300,000.00	4.13%	12,390.00	6,195.00	2,615.67	-	-	8/28/2023	4,233.25	4,233.25
FHLMC Agency	3134GY4B5	GF	245,000.00	5.00%	12,250.00	3,062.50	-	-	-	8/28/2023	4,185.42	4,185.42
FHLB Agency	3130ARZN4	GF	300,000.00	3.10%	9,300.00	4,650.00	568.33	4,650.00	-	11/24/2023	955.83	5,605.83
FHLMC Agency	3134GXRJ5	GF	300,000.00	3.00%	9,000.00	4,500.00	1,975.00	4,500.00	-	11/13/2023	1,200.00	5,700.00
FHLB Agency	3130ATMM6	GF	375,000.00	5.00%	18,750.00	9,375.00	3,333.33	-	-	7/27/2023	8,020.83	8,020.83

City of Live Oak

Investments other than Texpool

Period October 1, 2023 through December 31, 2023

Interest income information within period

Investment Type	CUSIP	Fund	Par Amount	Coupon	Annual Interest	Semi Annual Payment	Accrued Interest Purchased	Interest Income Received	Remaining Accrued Interest Purchased	Last Interest Payment Date	Interest Receivable	Net Interest Income
FNMA Agency	3135GA2Z3	GF	300,000.00	0.56%	1,680.00	840.00	751.33	840.00	-	11/17/2023	205.33	1,045.33
FHLB Agency	3130ATVD6	GF	300,000.00	4.88%	14,625.00	7,312.50	1,950.00	-	-	9/13/2023	4,387.50	4,387.50
FHLMC Agency	3134GYC34	GF	300,000.00	5.10%	15,300.00	7,650.00	6,120.00	7,650.00	-	12/30/2023	-	7,650.00
FHLMC Agency	3134GXS47	GF	300,000.00	4.20%	12,600.00	6,300.00	4,270.00	-	-	8/28/2023	4,305.00	4,305.00
FHLB Agency	3130ASN54	GF	300,000.00	4.00%	12,000.00	6,000.00	1,700.00	-	1,700.00	7/28/2023	5,100.00	3,400.00
FHLB Agency	3130ASF61	GF	300,000.00	3.45%	10,350.00	5,175.00	3,996.25	5,175.00	-	12/27/2023	115.00	5,290.00
FHLB Agency	3130AREZ0	GF	500,000.00	2.30%	11,500.00	5,750.00	2,427.78	-	2,427.78	9/28/2023	2,970.83	543.05
			<b>12,050,000.00</b>				<b>35,866.24</b>	<b>65,205.00</b>	<b>4,127.78</b>		<b>77,995.64</b>	<b>139,072.86</b>

**City of Live Oak**  
**Investments other than Texpool**  
**Period October 1, 2023 through December 31, 2023**

**Purchases within period**

<u>Trans Date</u>	<u>Broker</u>	<u>Fund</u>	<u>CUSIP</u>	<u>Investment Type</u>	<u>Par Amount</u>	<u>Coupon</u>	<u>Price</u>	<u>Prem/Disc</u>	<u>Accrued Interest</u>	<u>Net Transaction</u>	<u>Y-T-M</u>	<u>Maturity Date</u>
11/16/2023	Duncan Williams	General Fund	3130ASF61	FHLB Agency	300,000.00	3.45%	97.471%	(7,588.01)	3,996.25	296,408.24	5.1000%	6/27/2025
12/14/2023	Duncan Williams	General Fund	3130AREZ0	FHLB Agency	500,000.00	2.30%	96.606%	(16,968.99)	2,427.78	485,458.79	5.0500%	3/28/2025
					800,000.00			(24,557.00)	6,424.03	781,867.03		

City of Live Oak  
Investments other than Texpool  
Period October 1, 2023 through December 31, 2023

Maturities/Calls within period

<u>Trans Date</u>	<u>Broker</u>	<u>Fund</u>	<u>CUSIP</u>	<u>Investment Type</u>	<u>Par Amount</u>	<u>Coupon</u>	<u>Price</u>	<u>Prem/Disc</u>	<u>Interest Income</u>	<u>Net Transaction</u>	<u>Y-T-M</u>	<u>Maturity Date</u>
10/16/2023	Duncan Williams	General Fund	3137EAEY1	FHLMC Agency	300,000.00	0.13%	100.0000%	1,119.00	1,306.50	300,187.50	0.2499%	10/16/2023
					<u>300,000.00</u>			<u>1,119.00</u>	<u>1,306.50</u>	<u>300,187.50</u>		
					<u>500,000.00</u>			<u>(23,438.00)</u>		<u>481,679.53</u>		



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date: February 27, 2024

Agenda item: 7B

Prepared by: Leroy Kowalik, Fin. Dir.

Reviewed by: A. Garfaoui, City Mgr.

Department: Finance Department

## **AGENDA ITEM DESCRIPTION:**

Discussion and possible action for City Council to approve the First Quarterly Financial Report ending December 2023.

## **Staff Briefing:**

Attached is a memorandum outlining some of the major points of interest and the Cumulative Financial Report for the first quarter ending December 31, 2023. The financial reports are cumulative from October 1, 2023, through the ending period.

Please keep in mind that this quarterly report is not an audited report. The numbers in this report are subject to slight changes. No significant changes are anticipated.

## **ACTION:**

- Ordinance       Resolution
- Proclamations       Special Presentation
- Finance Report       Public Hearing
- Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 3

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

## **Staff Recommended Motion:**

Motion to accept the First Quarter Financial Report for period ending December 31, 2023.

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## MEMORANDUM

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Date: February 27, 2024

To: City Council and Mayor

Via: Anas Garfaoui, City Manager

From: Leroy Kowalik, Finance & Administration Director

RE: Quarterly financial report summary for the period ending December 31, 2023

The attached fund summaries represent a snapshot of the financial status as of December 31, 2023. This represents three (3) months of the fiscal year; therefore, revenues and expenditures should be targeted at 25% of budget. The amounts recorded in the attached summaries are unaudited and are subject to minor changes. The remainder of this memo is focused on some of the points of interests within some of the major funds.

***General Fund:*** Page 1

Overall general revenues are at 35% of budget. Property taxes are at approximately 44%. Sales tax revenue amounts overall were on target through the first quarter of this fiscal year and are at 23% of budget. Franchise fees are at 23% of budget, although several of the franchise fees recorded this quarter are projections. These projections may vary slightly from the actual remittances and will be updated to reflect these differences. Interest rates are back at higher levels as the Feds continue to raise rates, thus, interest income is at 58%. Municipal court fees and permits and licenses are running at 35% and 16% respectively.

Overall expenditures are at 23% of budget. Most departments are close to the 25% target. Some departments are running above the 25% target mainly because of expenditures such as capital expense, workers comp and property and liability insurance expenses that are paid at the beginning of the year for the full year. Personnel services are also slightly above the target because of longevity pay. Some departments are slightly below the target percentage due to seasonal activities and a couple of personnel vacancies. Outstanding encumbrances total \$229,689 in the General Fund.

Total revenue recorded through December 2023 is \$5,058,065. Total expenditures recorded through the same period are \$4,685,684. This activity results in a current net increase of \$372,381. This current net increase brings the City's General Fund balance to \$15,181,920.



***The 2022 GO Bond Fund and Capital Project Fund: Pages 14-16***

The City currently has two funds that are utilized to expend money on major capital projects and special projects. They are the 2022 GO Bond Fund and the Capital Project Fund. These funds were created for specific projects to get accomplished.

As of December 2023:

The 2022 GO Bond Fund was created to track the receipt of the bond proceeds and accompany interest income and the expenditures to be made in accordance with the street projects identified as part of the 2022 bond election. As of this period, \$244,774 was recorded as interest income. \$2,824,328 was expended on project work. The fund balance as of this period is \$15,455,508.

The Capital Project Fund is where the City tracks a variety of projects that are not recorded through the General Fund. This keeps this function separate from General Fund operations. The fund balance as of this period is \$4,568,675.

***The Utility Funds: Pages 17-19***

The Utility Operating Fund is slightly below the target percentage in revenues at 27%. Expenditures are slightly above target at 29%. The actual cash and cash equivalents in the operating fund has decreased to approximately \$146,401. This is a decrease from the end of last fiscal year by \$125,948. These figures already include the annual payments for our lease water rights and but not the EAA Management Fees. These figures also include one quarter of the budgeted transfers out as well. The fund balance in the Utility Renewals and Replacement Fund is at approximately \$949,239.

The Storm Water Fund revenues are right at the target of 25% and the expenditures are below the target at 19%. The fund balance as of December 31, 2023 is \$344,708. That is a decrease of \$18,858 from the end of last fiscal year.

Although all the funds are important and monitored in detail, this memo covers the highlights on some of the major funds of the City. The rest of this report contains the financial summaries for all the different funds of the City.

**City of Live Oak**  
**Cumulative Report for the**  
**First Quarter 2023/2024**  
**Ending December 31, 2023**  
**Unaudited**

Prepared by the Finance Department  
Leroy Kowalik  
Finance Director

**City of Live Oak  
General Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Taxes - Ad Valorem	\$ 5,018,229	\$ -	\$ 5,018,229	\$ 2,194,145	44%
Taxes - Sales Tax, Mixed Beverage	9,037,659	-	9,037,659	2,069,280	23%
Franchise Fees	1,129,000	-	1,129,000	254,299	23%
Permits & Licenses	298,100	-	298,100	46,406	16%
Grants & Intergovernmental	230,000	-	230,000	55,000	24%
Service Use Fees	115,200	-	115,200	16,322	14%
Fines and Forfeitures	486,000	-	486,000	168,246	35%
Interest	200,000	-	200,000	115,757	58%
Miscellaneous	66,000	-	66,000	18,110	27%
<b>Total Revenues:</b>	<b>16,580,188</b>	<b>-</b>	<b>16,580,188</b>	<b>4,937,565</b>	<b>30%</b>
<b>Expenditures by Department:</b>					
City Council	45,650	-	45,650	11,645	26%
Council Contingency	200,000	-	200,000	-	0%
City Manager's Office	336,950	-	336,950	69,670	21%
City Secretary's Office	616,575	-	616,575	283,141	46%
Municipal Court	424,605	-	424,605	95,415	22%
Finance	881,425	-	881,425	223,344	25%
Emergency Management	21,835	-	21,835	9,645	44%
Police Department	5,329,455	-	5,329,455	1,423,001	27%
Communication Services	910,580	-	910,580	216,022	24%
Fire and EMS Services Department	3,632,095	-	3,632,095	901,721	25%
Public Works	1,824,600	-	1,824,600	271,739	15%
Streets Maintenance	947,900	-	947,900	119,333	13%
Animal Control	364,554	-	364,554	71,735	20%
Parks Maintenance	1,104,700	-	1,104,700	224,559	20%
Recreation	428,050	-	428,050	50,319	12%
Planning and Zoning	246,750	-	246,750	13,583	6%
Development Services	289,450	-	289,450	49,750	17%
Information Technology	500,140	-	500,140	102,982	21%
<b>Total Expenditures</b>	<b>18,105,314</b>	<b>-</b>	<b>18,105,314</b>	<b>4,137,604</b>	<b>23%</b>
<b>Excess (Deficiency) of Revenues</b>					
Over (Under) Expenditures	(1,525,126)	-	(1,525,126)	799,961	
<b>Other Sources and (Uses):</b>					
Interfund Transfers In	482,000	-	482,000	120,500	25%
Interfund Transfers Out	(2,172,819)	-	(2,172,819)	(548,080)	25%
<b>Total Other Sources and Uses:</b>	<b>(1,690,819)</b>	<b>-</b>	<b>(1,690,819)</b>	<b>(427,580)</b>	<b>25%</b>
<b>Net Change in Fund Balance</b>	<b>(3,215,945)</b>	<b>-</b>	<b>(3,215,945)</b>	<b>372,381</b>	
<b>Beginning Fund Balance - October 1, 2023</b>	<b>\$ 14,556,076</b>	<b>\$ 253,463</b>	<b>\$ 14,809,539</b>	<b>\$ 14,809,539</b>	
<b>Ending Fund Balance - December 31, 2023</b>	<b>\$ 11,340,131</b>	<b>\$ 253,463</b>	<b>\$ 11,593,594</b>	<b>\$ 15,181,920</b>	
<b>Approved Designated Fund Balance Appropriations</b>					
Undesignated Fund Balance	3,215,945	-	3,215,945	-	
	<u>3,215,945</u>	<u>-</u>	<u>3,215,945</u>	<u>-</u>	

**City of Live Oak  
Asset Replacement Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Interest	\$ 65,000	\$ -	\$ 65,000	\$ 37,334	57%
Miscellaneous	-	-	-	-	0%
<b>Total Revenues:</b>	<u>65,000</u>	<u>-</u>	<u>65,000</u>	<u>37,334</u>	<u>57%</u>
<b>Expenditures:</b>					
Vehicles/Equipment	<u>964,000</u>	<u>-</u>	<u>964,000</u>	<u>170,943</u>	<u>18%</u>
<b>Total Expenditures</b>	<u>964,000</u>	<u>-</u>	<u>964,000</u>	<u>170,943</u>	<u>18%</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	(899,000)	-	(899,000)	(133,609)	
<b>Other Sources and Uses:</b>					
Interfund Transfers In	<u>1,176,409</u>	<u>-</u>	<u>1,176,409</u>	<u>294,102</u>	<u>25%</u>
<b>Total Other Sources and Uses:</b>	<u>1,176,409</u>	<u>-</u>	<u>1,176,409</u>	<u>294,102</u>	<u>25%</u>
Net Change in Fund Balance	277,409	-	277,409	160,493	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 2,736,473</u>	<u>\$ 15,862</u>	<u>\$ 2,752,335</u>	<u>\$ 2,752,335</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 3,013,882</u>	<u>\$ 15,862</u>	<u>\$ 3,029,744</u>	<u>\$ 2,912,828</u>	

**City of Live Oak  
Abatement Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Service Fees	\$ 7,000	\$ -	\$ 7,000	\$ 2,200	0%
<b>Total Revenues:</b>	7,000	-	7,000	2,200	0%
<b>Expenditures:</b>					
Public Works	16,000	-	16,000	-	0%
<b>Total Expenditures</b>	16,000	-	16,000	-	0%
Excess (Deficiency) of Revenues Over (Under) Expenditures	(9,000)	-	(9,000)	2,200	
<b>Other Sources and Uses:</b>					
Interfund Transfers In	10,000	-	10,000	2,500	0%
<b>Total Other Sources and Uses:</b>	10,000	-	10,000	2,500	0%
Net Change in Fund Balance	1,000	-	1,000	4,700	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 7,354</u>	<u>\$ 4,800</u>	<u>\$ 12,154</u>	<u>\$ 12,154</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 8,354</u>	<u>\$ -</u>	<u>\$ 13,154</u>	<u>\$ 16,854</u>	

**City of Live Oak  
Debt Service Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Taxes - Ad Valorem	\$ 2,135,686	\$ -	\$ 2,135,686	\$ 887,087	42%
Interest	12,000	-	12,000	6,959	58%
<b>Total Revenues:</b>	<u>2,147,686</u>	<u>-</u>	<u>2,147,686</u>	<u>894,046</u>	<u>42%</u>
<b>Expenditures:</b>					
Debt Service	<u>3,234,450</u>	<u>-</u>	<u>3,234,450</u>	<u>-</u>	<u>0%</u>
<b>Total Expenditures</b>	<u>3,234,450</u>	<u>-</u>	<u>3,234,450</u>	<u>-</u>	<u>0%</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	(1,086,764)	-	(1,086,764)	894,046	
<b>Other Sources and Uses:</b>					
Interfund Transfers In	<u>1,086,764</u>	<u>-</u>	<u>1,086,764</u>	<u>271,691</u>	<u>25%</u>
<b>Total Other Sources and Uses:</b>	<u>1,086,764</u>	<u>-</u>	<u>1,086,764</u>	<u>271,691</u>	<u>25%</u>
Net Change in Fund Balance	-	-	-	1,165,737	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 497,180</u>	<u>\$ 44,362</u>	<u>\$ 541,542</u>	<u>\$ 541,542</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 497,180</u>	<u>\$ 44,362</u>	<u>\$ 541,542</u>	<u>\$ 1,707,279</u>	

**City of Live Oak  
Forfeiture Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Fines & Forfeitures	\$ 52,000	\$ -	\$ 52,000	\$ 18,065	35%
Interest	3,000	-	3,000	3,464	0%
<b>Total Revenues:</b>	55,000	-	55,000	21,529	39%
<b>Expenditures:</b>					
Federal Forfeitures	103,000	-	103,000	\$ 1,400	1%
State Forfeitures	-	-	-	-	0%
<b>Total Expenditures</b>	103,000	-	103,000	\$ 1,400	1%
Excess (Deficiency) of Revenues Over (Under) Expenditures	(48,000)	-	(48,000)	\$ 20,129	
Net Change in Fund Balance	(48,000)	-	(48,000)	\$ 20,129	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 203,429</u>	<u>\$ 144,201</u>	<u>\$ 347,630</u>	<u>\$ 347,630</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 155,429</u>	<u>\$ 144,201</u>	<u>\$ 299,630</u>	<u>\$ 367,759</u>	

**City of Live Oak  
Federal /State Grants**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Grants & Intergovernmental Allocations	\$ -	\$ -	\$ -	\$ -	0%
Interest	-	-	-	-	0%
<b>Total Revenues:</b>	-	-	-	-	0%
<b>Expenditures:</b>					
Project Construction	-	-	-	-	0%
<b>Total Expenditures</b>	-	-	-	-	0%
Net Change in Fund Balance	-	-	-	-	
<b>Beginning Fund Balance - October 1, 2023</b>	\$ -	\$ -	\$ -	\$ -	
<b>Ending Fund Balance - December 31, 2023</b>	\$ -	\$ -	\$ -	\$ -	



**City of Live Oak  
Child Safety Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Grants & Intergovernmental Allocations	\$ 16,000	\$ -	\$ 16,000	\$ 3,289	21%
Interest	4,000	-	4,000	1,821	46%
<b>Total Revenues:</b>	<u>20,000</u>	<u>-</u>	<u>20,000</u>	<u>5,110</u>	<u>26%</u>
<b>Expenditures:</b>					
Police Department	3,500	-	3,500	380	11%
Fire & Inspections	2,500	-	2,500	-	0%
Public Works-General	44,735	-	44,735	-	0%
<b>Total Expenditures</b>	<u>50,735</u>	<u>-</u>	<u>50,735</u>	<u>380</u>	<u>1%</u>
Net Change in Fund Balance	(30,735)	-	(30,735)	4,730	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 152,329</u>	<u>\$ 1,461</u>	<u>\$ 153,790</u>	<u>\$ 153,790</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 121,594</u>	<u>\$ 1,461</u>	<u>\$ 123,055</u>	<u>\$ 158,520</u>	

**City of Live Oak  
Court Technology Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Fines & Forfeitures	\$ 13,000	\$ -	\$ 13,000	\$ 4,226	33%
Interest	2,000	-	2,000	1,638	82%
<b>Total Revenues:</b>	15,000	-	15,000	5,864	39%
<b>Expenditures:</b>					
Municipal Court	26,000	-	26,000	10,138	39%
<b>Total Expenditures</b>	26,000	-	26,000	10,138	39%
 Net Change in Fund Balance	 (11,000)	 -	 (11,000)	 (4,274)	
 <b>Beginning Fund Balance - October 1, 2023</b>	 \$ 118,326	 \$ 973	 \$ 119,299	 \$ 119,299	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 107,326</u>	<u>\$ 973</u>	<u>\$ 108,299</u>	<u>\$ 115,025</u>	

**City of Live Oak  
Court Security Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Fines & Forfeitures	\$ 13,000	\$ -	\$ 13,000	\$ 5,011	39%
Interest	<u>1,000</u>	<u>-</u>	<u>1,000</u>	<u>730</u>	<u>73%</u>
<b>Total Revenues:</b>	14,000	-	14,000	5,741	41%
<b>Expenditures:</b>					
Municipal Court	<u>25,375</u>	<u>-</u>	<u>25,375</u>	<u>2,599</u>	<u>10%</u>
<b>Total Expenditures</b>	<u>25,375</u>	<u>-</u>	<u>25,375</u>	<u>2,599</u>	<u>10%</u>
Net Change in Fund Balance	(11,375)	-	(11,375)	3,142	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 64,252</u>	<u>\$ 5,283</u>	<u>\$ 69,535</u>	<u>\$ 69,535</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 52,877</u>	<u>\$ 5,283</u>	<u>\$ 58,160</u>	<u>\$ 72,677</u>	

**City of Live Oak  
Hotel Occupancy Tax (HOT) Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Occupancy Tax	\$ 615,000	\$ -	\$ 615,000	\$ 133,935	22%
Interest	25,000	-	25,000	17,479	0%
<b>Total Revenues:</b>	<u>640,000</u>	<u>-</u>	<u>640,000</u>	<u>151,414</u>	<u>24%</u>
<b>Expenditures:</b>					
Administration Department	640,000	-	640,000	149,329	23%
<b>Total Expenditures</b>	<u>640,000</u>	<u>-</u>	<u>640,000</u>	<u>149,329</u>	<u>23%</u>
Net Change in Fund Balance	-	-	-	2,085	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 1,286,958</u>	<u>\$ (460)</u>	<u>\$ 1,286,498</u>	<u>\$ 1,286,498</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 1,286,958</u>	<u>\$ (460)</u>	<u>\$ 1,286,498</u>	<u>\$ 1,288,583</u>	

**City of Live Oak  
Emergency Radio System Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Service Use Fees	\$ 5,000	\$ -	\$ 5,000	\$ 450	9%
Interest	<u>2,000</u>	<u>-</u>	<u>2,000</u>	<u>1,105</u>	<u>55%</u>
<b>Total Revenues:</b>	7,000	-	7,000	1,555	22%
<b>Expenditures:</b>					
Emergency Radio System	<u>19,070</u>	<u>-</u>	<u>19,070</u>	<u>653</u>	<u>3%</u>
<b>Total Expenditures</b>	<u>19,070</u>	<u>-</u>	<u>19,070</u>	<u>653</u>	<u>3%</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	(12,070)	-	(12,070)	902	
<b>Other Sources and Uses:</b>					
Interfund Transfers Out	<u>(10,000)</u>	<u>-</u>	<u>(10,000)</u>	<u>(2,500)</u>	<u>25%</u>
<b>Total Other Sources and Uses:</b>	<u>(10,000)</u>	<u>-</u>	<u>(10,000)</u>	<u>(2,500)</u>	<u>25%</u>
Net Change in Fund Balance	(22,070)	-	(22,070)	(1,598)	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 93,634</u>	<u>\$ 511</u>	<u>\$ 94,145</u>	<u>\$ 94,145</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 71,564</u>	<u>\$ 511</u>	<u>\$ 72,075</u>	<u>\$ 92,547</u>	

**City of Live Oak  
PEG Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Franchise Fee	\$ 45,000	\$ -	\$ 45,000	\$ 9,222	20%
<b>Total Revenues:</b>	45,000	-	45,000	9,222	20%
<b>Expenditures:</b>					
Capital Outlay	65,000	-	65,000	-	0%
<b>Total Expenditures</b>	65,000	-	65,000	-	0%
 Net Change in Fund Balance	 (20,000)	 -	 (20,000)	 9,222	
 <b>Beginning Fund Balance - October 1, 2023</b>	 \$ 430,444	 \$ 1,717	 \$ 432,161	 \$ 432,161	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 410,444</u>	<u>\$ 1,717</u>	<u>\$ 412,161</u>	<u>\$ 441,383</u>	

**City of Live Oak  
Alamo Regional SWAT Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Intergovernmental	\$ 52,000	\$ -	\$ 52,000	\$ -	0%
<b>Total Revenues:</b>	52,000	-	52,000	-	0%
<b>Expenditures:</b>					
Capital Outlay	44,640	-	44,640	20,839	47%
<b>Total Expenditures</b>	44,640	-	44,640	20,839	47%
Excess (Deficiency) of Revenues Over (Under) Expenditures	7,360	-	7,360	(20,839)	
<b>Other Sources and Uses:</b>					
Interfund Transfers In	6,500	-	6,500	6,500	100%
<b>Total Other Sources and Uses:</b>	6,500	-	6,500	6,500	100%
Net Change in Fund Balance	13,860	-	13,860	(14,339)	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 86,457</u>	<u>\$ (10,832)</u>	<u>\$ 75,625</u>	<u>\$ 75,625</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 100,317</u>	<u>\$ (10,832)</u>	<u>\$ 89,485</u>	<u>\$ 61,286</u>	

**City of Live Oak  
2022 G.O. Bond Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Interest	\$ 400,000	\$ -	\$ 400,000	\$ 244,774	0%
<b>Total Revenues:</b>	400,000	-	400,000	244,774	0%
<b>Expenditures:</b>					
Professional Fees	305,000	-	305,000	-	0%
Construction Costs	17,833,362	296,700	18,130,062	2,824,328	16%
<b>Total Expenditures</b>	18,138,362	296,700	18,435,062	2,824,328	15%
Excess (Deficiency) of Revenues Over (Under) Expenditures	(17,738,362)	(296,700)	(18,035,062)	(2,579,554)	
Net Change in Fund Balance	(17,738,362)	(296,700)	(18,035,062)	(2,579,554)	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 17,738,362</u>	<u>\$ 296,700</u>	<u>\$ 18,035,062</u>	<u>\$ 18,035,062</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 15,455,508</u>	



**City of Live Oak  
Capital Projects Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Interest	\$ 75,000	\$ -	\$ 75,000	\$ 63,773	85%
<b>Total Revenues:</b>	75,000	-	75,000	63,773	85%
<b>Expenditures:</b>					
Professional Fees	855,000	-	855,000	11,636	1%
Capital Outlay - Equipment	389,328	200,000	589,328	364,670	62%
Construction	1,978,598	-	1,978,598	385,251	19%
<b>Total Expenditures</b>	<u>3,222,926</u>	<u>200,000</u>	<u>3,422,926</u>	<u>761,557</u>	<u>22%</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	(3,147,926)	(200,000)	(3,347,926)	(697,784)	
<b>Other Sources and Uses:</b>					
Interfund Transfers In	1,847,500	200,000	2,047,500	511,875	25%
<b>Total Other Sources and Uses:</b>	<u>1,847,500</u>	<u>200,000</u>	<u>2,047,500</u>	<u>511,875</u>	<u>25%</u>
Net Change in Fund Balance	(1,300,426)	-	(1,300,426)	(185,909)	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 2,922,183</u>	<u>\$ 1,832,401</u>	<u>\$ 4,754,584</u>	<u>\$ 4,754,584</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 1,621,757</u>	<u>\$ 1,832,401</u>	<u>\$ 3,454,158</u>	<u>\$ 4,568,675</u>	

**City of Live Oak  
Capital Projects Fund  
2023/2024 Approved Project Budgets  
(As Amended)**

Description	Fiscal Year Ending						Total
	Actual 9/30/2022	Actual 9/30/2023	Actual 12/31/2023	Budget 9/30/2024	Budget 9/30/2025	Budget 9/30/2026	
<b>Beginning Fund Balance</b>	\$ 738,369	\$ 2,893,067	\$ 4,754,584	\$ 4,754,584	\$ 2,428,802	\$ 3,026,302	\$ 738,369
<b>Revenues:</b>							
General Fund Transfer	550,000	550,000	300,000	1,200,000	1,945,000	550,000	5,095,000
General Fund Transfer-ARPA related	1,750,000	2,341,000	-	-	-	-	4,091,000
EDC Project Related Transfer	200,000	1,375,000	211,875	847,500	1,145,000	-	3,779,375
Interest Income	6,127	134,288	63,773	75,000	25,000	25,000	329,188
<b>Total Revenue:</b>	<u>2,506,127</u>	<u>4,400,288</u>	<u>575,648</u>	<u>2,122,500</u>	<u>3,115,000</u>	<u>575,000</u>	<u>13,294,563</u>
<b>Total Funds</b>	\$ 3,244,496	\$ 7,293,355	\$ 5,330,232	\$ 6,877,084	\$ 5,543,802	\$ 3,601,302	14,032,932
<b>Project Expenditures:</b>							
<b>General Projects</b>							
Toepperwein Fence Project - Phase II	70,526	254,019	-	completed under budget			324,545
Main Park Playground Equipment (Acorn)	107,434	322,301	-	completed within budget			429,735
Facilities Planning	-	-	-	125,000	-	-	125,000
Facility Upgrades	-	-	-	150,000	-	-	150,000
Sidewalk/Curb/Ramps/Driveways Program	-	-	-	100,000	100,000	100,000	300,000
Street Repair Program	-	-	-	250,000	250,000	250,000	750,000
Pool/Clubhouse/Restroom/Office-Planning	-	-	-	100,000	-	-	100,000
Pool/Clubhouse/Restroom/Office-Construct	-	-	-	-	450,000	-	450,000
Ped/Bicycle Crossing Shin Oak Bridge-Plan	-	18,336	6,933	4,731	-	-	30,000
Firchouse Facility Improvements Review	-	-	-	100,000	-	-	100,000
<b>Total General Projects</b>	<u>177,960</u>	<u>594,656</u>	<u>6,933</u>	<u>829,731</u>	<u>800,000</u>	<u>350,000</u>	<u>2,759,280</u>
<b>ARPA Supported Projects</b>							
Generator Project	118,280	503,473	219,363	632,964	-	-	1,474,080
Sewer Line Televising and Rehabilitation	43,053	463,160	7,653	823,527	-	-	1,337,393
Main Park Pavilion	-	40,990	43,500	92,510	-	-	177,000
Main Park Walking Trails	12,136	218,108	-	completed under budget			230,244
Main Park Playground Equipment (Hilltop)	-	181,473	310,569	completed under budget			492,042
Replace Galvanize Steel Water Main	-	-	-	170,000	-	-	170,000
Lead & Copper Supply Inventory/ Testing	-	-	-	200,000	-	-	200,000
<b>Total ARPA Supported Projects</b>	<u>173,469</u>	<u>1,407,204</u>	<u>581,085</u>	<u>1,919,001</u>	<u>-</u>	<u>-</u>	<u>4,080,759</u>
<b>EDC Supported Projects</b>							
LOT Walking Trail Phase I	-	-	-	300,000	-	-	300,000
LOT Walking Trail Phase II	-	-	-	200,000	-	-	200,000
Woodcrest Park Walking Trail	-	215,741	162,937	21,322	-	-	400,000
Toepperwein Rd. Waterline Extension	-	-	-	175,000	-	-	175,000
Hilltop Playground/Playscape - Additional	-	300,000	-	completed under budget			300,000
Median & ROW Beautification	-	-	-	75,000	-	-	75,000
Modernizing existing monumentation	-	-	-	60,000	-	-	60,000
Shin Oak to Village Oak Walking Trail	-	-	-	200,000	-	-	200,000
Main Park Parking Lots/Drives Design	-	-	-	300,000	-	-	300,000
Main Park Parking Lots/Drives Construction	-	-	-	-	1,717,500	572,500	2,290,000
Pat Booker Triangle	-	13,024	4,696	182,280	-	-	200,000
Monuments Signage - RBFCU Prop	-	8,146	5,906	185,948	-	-	200,000
<b>Total EDC Supported Projects</b>	<u>-</u>	<u>536,911</u>	<u>173,539</u>	<u>1,699,550</u>	<u>1,717,500</u>	<u>572,500</u>	<u>4,700,000</u>
<b>Total Project Expenditures</b>	<u>351,429</u>	<u>2,538,771</u>	<u>761,557</u>	<u>4,448,282</u>	<u>2,517,500</u>	<u>922,500</u>	<u>11,540,039</u>
<b>Ending Fund Balance</b>	<u>\$ 2,893,067</u>	<u>\$ 4,754,584</u>	<u>\$ 4,568,675</u>	<u>\$ 2,428,802</u>	<u>\$ 3,026,302</u>	<u>\$ 2,678,802</u>	<u>\$ 2,492,893</u>

**City of Live Oak  
Utility Operations Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Utility Revenue	\$ 5,849,250	\$ -	\$ 5,849,250	\$ 1,561,908	27%
<b>Total Revenues:</b>	5,849,250	-	5,849,250	1,561,908	27%
<b>Expenditures:</b>					
Administration Department	317,200	-	317,200	81,898	26%
Public Works General	4,926,647	-	4,926,647	1,446,582	29%
<b>Total Expenditures</b>	<u>5,243,847</u>	<u>-</u>	<u>5,243,847</u>	<u>1,528,480</u>	<u>29%</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	605,403	-	605,403	33,428	
<b>Other Sources and Uses:</b>					
Interfund Transfers In	29,500		29,500	7,375	25%
Interfund Transfers Out	(667,002)	-	(667,002)	(166,751)	25%
<b>Total Other Sources and Uses:</b>	<u>(637,502)</u>	<u>-</u>	<u>(637,502)</u>	<u>(159,376)</u>	<u>25%</u>
Net Change in Fund Balance	(32,099)	-	(32,099)	(125,948)	
<b>Beg. Net Working Cap - October 1, 2023</b>	<u>\$ 384,461</u>	<u>\$ (112,112)</u>	<u>\$ 272,349</u>	<u>\$ 272,349</u>	
<b>End. Net Working Cap. - December 31, 2023</b>	<u>\$ 352,362</u>	<u>\$ (112,112)</u>	<u>\$ 240,250</u>	<u>\$ 146,401</u>	

**City of Live Oak**  
**Utility Development and Renewals/Replacement Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Interest	\$ 25,000	\$ -	\$ 25,000	\$ 13,052	52%
Miscellaneous	75,000	-	75,000	-	0%
<b>Total Revenues:</b>	100,000	-	100,000	13,052	13%
<b>Expenditures:</b>					
Public Works General	605,000	-	605,000	171,000	28%
<b>Total Expenditures</b>	605,000	-	605,000	171,000	28%
Excess (Deficiency) of Revenues Over (Under) Expenditures	(505,000)	-	(505,000)	(157,948)	
<b>Other Sources and Uses:</b>					
Interfund Transfers In	310,000	-	310,000	77,500	25%
<b>Total Other Sources and Uses:</b>	310,000	-	310,000	77,500	25%
Net Change in Fund Balance	(195,000)	-	(195,000)	(80,448)	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 998,278</u>	<u>\$ 31,409</u>	<u>\$ 1,029,687</u>	<u>\$ 1,029,687</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 803,278</u>	<u>\$ 31,409</u>	<u>\$ 834,687</u>	<u>\$ 949,239</u>	

**City of Live Oak  
Storm Water Utility Fund**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Utility Revenue	\$ 658,000	\$ -	\$ 658,000	\$ 161,219	25%
<b>Total Revenues:</b>	658,000	-	658,000	161,219	25%
<b>Expenditures:</b>					
Operations	872,200	-	872,200	169,269	19%
<b>Total Expenditures</b>	872,200	-	872,200	169,269	19%
Excess (Deficiency) of Revenues Over (Under) Expenditures	(214,200)	-	(214,200)	(8,050)	
<b>Other Sources and Uses:</b>					
Interfund Transfers Out	(43,231)	-	(43,231)	(10,808)	25%
<b>Total Other Sources and Uses:</b>	(43,231)	-	(43,231)	(10,808)	25%
Net Change in Fund Balance	(257,431)	-	(257,431)	(18,858)	
<b>Beg. Net Working Cap - October 1, 2023</b>	<u>\$ 395,877</u>	<u>\$ (32,311)</u>	<u>\$ 363,566</u>	<u>\$ 363,566</u>	
<b>End. Net Working Cap. - December 31, 2023</b>	<u>\$ 138,446</u>	<u>\$ (32,311)</u>	<u>\$ 106,135</u>	<u>\$ 344,708</u>	

**City of Live Oak  
Economic Development Corporation**

**For the Period Ending December 31, 2023**

	<u>Original Budget</u>	<u>Budget Adjustments</u>	<u>Current Budget</u>	<u>Year-to-Date Actual</u>	<u>%</u>
<b>Revenue:</b>					
Taxes - Other	\$ 2,833,886	\$ -	\$ 2,833,886	\$ 651,131	23%
Interest	135,000	-	135,000	65,735	49%
<b>Total Revenues:</b>	<u>2,968,886</u>	<u>-</u>	<u>2,968,886</u>	<u>716,866</u>	<u>24%</u>
<b>Expenditures:</b>					
Administration Department	783,420	-	783,420	85,363	11%
Utilities/Water Rights	300,000	-	300,000	-	0%
Land	157,310	-	157,310	-	0%
Unspecified Projects	100,000	-	100,000	-	0%
<b>Total Expenditures</b>	<u>1,340,730</u>	<u>-</u>	<u>1,340,730</u>	<u>85,363</u>	<u>6%</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	1,628,156	-	1,628,156	631,503	
<b>Other Sources and Uses:</b>					
Interfund Transfers Out	<u>(1,980,621)</u>	<u>(200,000)</u>	<u>(2,180,621)</u>	<u>(545,155)</u>	<u>25%</u>
<b>Total Other Sources and Uses:</b>	<u>(1,980,621)</u>	<u>(200,000)</u>	<u>(2,180,621)</u>	<u>(545,155)</u>	<u>25%</u>
Net Change in Fund Balance	(352,465)	(200,000)	(552,465)	86,348	
<b>Beginning Fund Balance - October 1, 2023</b>	<u>\$ 4,961,360</u>	<u>\$ (124,213)</u>	<u>\$ 4,837,147</u>	<u>\$ 4,837,147</u>	
<b>Ending Fund Balance - December 31, 2023</b>	<u>\$ 4,608,895</u>	<u>\$ (324,213)</u>	<u>\$ 4,284,682</u>	<u>\$ 4,923,495</u>	



## CITY COUNCIL AGENDA ITEM FORM

---

Meeting Date: February 27, 2024

Agenda item: 7C

Prepared by: Leroy Kowalik, Fin. Dir.

Reviewed by: Anas Garfaoui, City Manager

Department: Finance Department

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### **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to approve an Ordinance that amends the City of Live Oak utility rates for water service.

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### **Staff Briefing:**

The current budget contains a proposed water rate increase equal to an average of 5%. Many things are considered when determining the need for a rate increase. After re-evaluating the overall status of the system, staff is recommending a 3% – 3.5% overall average increase for consumption of 20,000 gallons or less. For consumptions over 20,000 the average increase will be more than 3.5%. The higher the consumption, the higher the rate increase will be.

Several years ago, staff recommended, and council approved, rate changes that increased as more consumption was used. This change increased the variance between the tier structures that should promote better water conservation measures. Last year, staff recommended variable rate changes between the tier structures that will continue to promote better water conservation measures with the average rate increase being 5%. This year staff is again recommending variable rate changes between the tier structures with the average rate increase being 3.56%.

For the commercial customers, staff is recommending a 1.5% increase to the Base fee and variable rate increases applied to the tier structure. This recommendation would change the **average** commercial customer with approximately 50,000 per month by 3.43% increase or \$8.92 per month. A good-sized restaurant averages around 250,000 gallons per month and would see their cost increase by 4.03% or \$24.92 per month.

Discussion on raising rates is never a pleasant thing to contemplate, but it is essential in keeping our Utility Funds in a stable financial position. The City's 2022/23 audit that was recently presented, reflected the benefits of careful management of the utility rates. This water rate increase will only affect the residents on the Live Oak Water System. SAWS sets the rates for all other residents that receive their water from SAWS.

This Ordinance amends the Schedule for the Water rates.

The process would provide one month of notice before new rates are actually applied. The rates will be effective April 1, 2024. We would get the word out through various means including water/sewer bills, Facebook, marques, etc.

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# CITY COUNCIL AGENDA ITEM FORM

---

**ACTION:**

- Ordinance       Resolution  
 Proclamations       Special Presentation  
 Finance Report       Public Hearing  
 Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 3

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

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**Staff Recommended Motion:**

Motion to approve an Ordinance that amends the City of Live Oak utility rates for water service for the City of Live Oak water customers.



**AN ORDINANCE AMENDING THE CITY OF  
LIVE OAK CITY RATES, FEES, AND CHARGES  
FOR THE CITY OF LIVE OAK WATER UTILITY  
SERVICES; PROVIDING A SAVINGS AND  
SEVERABILITY CLAUSE AND PROVIDING AN  
EFFECTIVE DATE**

**WHEREAS**, the City Charter and City Code of Ordinances, Section 23-1 grants the City Council of the City of Live Oak the authority to establish the rates, fees and charges for the City Utility Services as necessary; and

**WHEREAS**, the City Council has determined that the rates for Water Services shall be amended to contribute to the operating budget and for the benefit of the citizens of the City which are fair, just, and reasonable as outlined below in Schedule A.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS:

**I.**

**UTILITY RATE ORDINANCE- SCHEDULE AMENDMENTS**

The rates, fees and charges for water as set forth in the City of Live Oak Utility Rate Schedule A: Water Rate Charges as passed by Ordinance 1606 and in accordance with City Charter and Code of Ordinances, Article III, Section 23-1 are hereby amended as follows:

**SCHEDULE A: WATER RATE CHARGES**

Edwards Aquifer Authority management fees pass through charge  
per unit (1,000 gallons) \$ 0.40

Residential Accounts:

- |    |  |         |
|----|--|---------|
| 1. | Demand charge per billing period for single-family                             | \$19.80 |
| 2. | Volume charge per billing period per 1,000 gallons for the first 7,000 gallons | \$ 0.98 |
| 3. | Volume charge per billing period per 1,000 gallons for 7,001 to 9,000 gallons  | \$ 1.37 |
| 4. | Volume charge per billing period per 1,000 gallons for 9,001 to 12,000 gallons | \$ 1.81 |

5.	Volume charge per billing period per 1,000 gallons for 12,001 to 15,000 gallons	\$ 2.18
6.	Volume charge per billing period per 1,000 gallons for 15,001 to 20,000 gallons	\$ 2.65
7.	Volume charge per billing period per 1,000 gallons for 20,001 to 25,000 gallons	\$ 3.05
8.	Volume charge per billing period per 1,000 gallons for 25,001 to 30,000 gallons	\$ 3.51
9.	Volume charge per billing period per 1,000 gallons for 30,001 to 50,000 gallons	\$ 3.97
10.	Volume charge per billing period per 1,000 gallons for over 50,000 gallons	\$ 4.48

Commercial Accounts:

1. Demand Charge per billing period

Meter Size	Demand Charge
5/8"	\$ 24.67
1"	\$ 61.67
1-1/2"	\$123.34
2"	\$197.34
3"	\$394.70
4"	\$616.70
6"	\$1,192.63
8"	\$1,877.75
Hydrant	\$385.07

2.	Volume charge per billing period per 1,000 gallons for the first 40,000 gallons	\$ 1.38
3.	Volume charge per billing period per 1,000 gallons for 40,001 to 100,000 gallons	\$ 1.63
4.	Volume charge per billing period per 1,000 gallons for 100,001 to 500,000 gallons	\$ 1.96
5.	Volume charge per billing period per 1,000 gallons for over 500,000 gallons	\$ 2.54

**II.**  
**EFFECTIVE DATE**

This Ordinance shall be and become effective on the 1st day of April 2024.

**III.**  
**REPEALER**

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

**IV.**  
**SEVERABILITY**

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

PASSED AND APPROVED this, the 27<sup>th</sup> day of February 2024.

APPROVED:

\_\_\_\_\_  
Mary M. Dennis, Mayor

ATTEST:

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
Isa Gaytan, City Secretary

\_\_\_\_\_  
City Attorney's Office



## CITY COUNCIL AGENDA ITEM FORM

---

Meeting Date: February 27, 2024

Agenda item: 7D

Prepared by: Leroy Kowalik, Fin. Dir.

Reviewed by: Anas Garfaoui, City Manager

Department: Finance Department

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### **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to approve an Ordinance that amends the City of Live Oak utility rates for sewer service.

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### **Staff Briefing:**

During the formulation of the FY2023/2024 budget, discussions took place within management budget meetings, as well as, the council budget workshop on a proposed rate increase of approximately 12% to the City's sewer system rates. The primary reasons for the budgeted increase continue to be associated with the sewage treatment and the Salatrillo Sewage Treatment Plant expansion project.

There are two major expenditure categories for the City's sewer system. One is the maintenance of the collection system infrastructure within the City limits. This category accounts for personnel costs, parts, equipment and outside services. The second category is the sewage treatment services. This is the cost associated with the treatment of all sewage that is generated within our City limits. The City does not own or maintain its own sewage treatment plant. Through interlocal agreements, the City contracts to have its sewage treated at two wastewater treatment facilities. One is with the Cibolo Creek Municipal Authority (CCMA) and the other is with the San Antonio River Authority (SARA). These two agencies' staff, maintain and manage their own facilities and then charge the various users (Cities) for the treatment services based on a pro-rata calculation. These Interlocal Agreements also states that when these facilities are required to go through an expansion, the contracted cities/entities, are monetarily committed to paid their fair share of any necessary debt to construct these expansions. Both plants are either undergoing major expansions or will be undergoing a major expansion in the very near future. The costs (debt service) for these expansions are passed on to the Cities through their rate structure.

Last year's rate increase was a 9% average increase. After re-evaluating the overall system, staff is again recommending an overall 9% increase instead of the 12% budgeted increase. This Ordinance amends the Schedule for the sewer rates.

This sewer rate increase will affect both City of Live Oak and San Antonio Water System customers that reside within the city limits. The process would provide one month of notice before new rates are actually applied. The rates will be effective April 1, 2024. We would get the word out through various means including water/sewer bills, Facebook, marques, etc

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# CITY COUNCIL AGENDA ITEM FORM

---

**ACTION:**

- Ordinance       Resolution  
 Proclamations       Special Presentation  
 Finance Report       Public Hearing  
 Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 3

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

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**Staff Recommended Motion:**

Motion to approve an Ordinance that amends the City of Live Oak utility rates for sewer service for the City of Live Oak sewer customers.

**AN ORDINANCE AMENDING THE CITY OF LIVE OAK CITY RATES, FEES, AND CHARGES FOR THE CITY OF LIVE OAK SEWER UTILITY SERVICES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Charter and City Code of Ordinances, Chapter 23, Section 23-1 grants the City Council of the City of Live Oak the authority to establish the rates, fees and charges for the City Utility Services as necessary; and

**WHEREAS**, the City Council has determined that the rates for Sewer Services shall be amended to contribute to the operating budget and for the benefit of the citizens of the City which are fair, just and reasonable as outlined below in Schedule B.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS:

**I.  
UTILITY RATE ORDINANCE- SCHEDULE AMENDMENTS**

The rates, fees and charges for sewer as set forth in the City of Live Oak Utility Rate Schedule B as passed by Ordinance 1612 and in accordance with City Charter and Code of Ordinances, Chapter 23, Article III, Section 23-1 are hereby amended as follows:

**SCHEDULE B: SEWER RATE CHARGES**

Residential Accounts:

Fixed charge	\$15.61
Winter-average water consumption per 1,000 gallons	\$ 3.22
New resident charge without a winter average	\$31.71

Commercial Accounts:

Per 1,000 gallons of water consumption per billing cycle	\$ 6.73
Minimum bill if less than 7,500 gallons of water is used	\$50.48

**II.  
EFFECTIVE DATE**

This Ordinance shall be and become effective on the 1st day of April 2024.

**III.  
REPEALER**

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

**IV.  
SEVERABILITY**

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

PASSED AND APPROVED this, the 27<sup>th</sup> day of February 2024.

APPROVED:

\_\_\_\_\_  
Mary M. Dennis, Mayor

ATTEST:

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
Isa Gaytan, City Secretary

\_\_\_\_\_  
City Attorney's Office



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date: February 27, 2024

Agenda item: 7E

Prepared by: Mark Wagster, Dir. Public Works

Reviewed by: Anas Garfaoui, City Manager

Department: Public Works

## **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to approve a Resolution for the City of Live Oak to grant consent to authorize the San Antonio Water System (SAWS) to provide water and wastewater services to 14350 Lookout Road within its Certificate of Necessity (CCN); and authorize the City Manager to execute and any necessary letters or other documentation.

## **Staff Briefing:**

The city does not have water or wastewater service mains in the area. It is cost prohibitive to require the landowner to extend water mains, wastewater mains, and a lift station to provide this service from the City of Live Oak system for a less than 4-acre tract of land. The San Antonio Water System does have facilities near this location, and the utility is willing to provide service. This resolution and subsequent letter from the city manager will grant SAWS the authority to operate within Live Oak's CCN to serve this property.

## **ACTION:**

- Ordinance       Resolution
- Proclamation     Special Presentation
- Finance Report    Public Hearing
- Other

Cost: n/a	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

## **Staff Recommended Motion:**

Move to approve Resolution for City of Live Oak to grant consent to authorize the San Antonio Water System to provide water and wastewater services to 14350 Lookout Road within its CCN; and authorize the City Manager to execute any necessary letters or other documentation to facilitate the authorization.



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS, TO GRANT CONSENT TO AUTHORIZE THE SAN ANTONIO WATER SYSTEM TO PROVIDE WATER AND WASTEWATER SERVICES WITHIN A SPECIFIED LOCATION WITHIN THE CITY OF LIVE OAK'S CERTIFICATE OF CONVENIENCE AND NECESSITY

**WHEREAS** the City of Live Oak maintains its Certificate of Convenience and Necessity (CCN) with the Public Utility Commission of Texas (PUCT) to provide water and wastewater services; and

**WHEREAS** the PUCT permits CCN holders to grant consent to alternate water and/or wastewater providers to provide water and/or wastewater services to specified areas within its CCN; and

**WHEREAS** the City of Live Oak has a request from the owner of a 3.965-acre tract of land located at 14350 Lookout Road in the City of Live Oak to grant authority to SAWS to provide water and wastewater services; and

**WHEREAS** the City of Live Oak finds and approves the granting of consent to authorize the San Antonio Water System to provide water and wastewater services to 14350 Lookout Road, Live Oak, Texas to be in the best interests of the City for future growth, health, safety and welfare of its citizens.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LIVE OAK, BEXAR COUNTY, TEXAS:**

1. The City of Live Oak grants consent to authorize the San Antonio Water System to provide water and wastewater services in the specific location identified in Exhibit A within its CCN.

2. The City Council authorizes the City Manager to execute any letters or other documentation to grant consent to authorize the San Antonio Water System to provide water and wastewater services in the areas specified above and within the City of Live Oak CCN.

PASSED AND APPROVED this \_\_\_ day of February 2024.

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Mary M. Dennis, Mayor

ATTEST:

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Isaura Gaytan, City Secretary



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date: February 27, 2023

Agenda item: 7F

Prepared by: Chief Hopper

Reviewed by: A Garfaoui, City Mgr.

Department: Police Department

### **AGENDA ITEM DESCRIPTION:**

Presentation, discussion, and possible action to accept the Live Oak Police Department's 2023 Tier 1 and Tier 2 Racial Profiling Data in compliance with Art. 2.134(b) of the Texas Code of Criminal Procedure.

### **Staff Briefing:**

The Texas Code of Criminal Procedure, Article 2.132 requires the Chief Administrator of a Law Enforcement Agency to submit an annual report to the Texas Department of Public Safety and the Governing body of the municipality concerning citations and arrests resulting from motor vehicle-related contacts. The information in the report is to include the number of stops that have been made, the race or ethnicity of the person stopped, was race or ethnicity known before the stop, was a search done during the stop, and was the search consensual. The report shall be submitted no later than March 1<sup>st</sup> of each year.

### **ACTION:**

- Ordinance       Resolution
- Proclamations     Special Presentation
- Finance Report     Public Hearing
- Other Biased Policing as required by Texas Code of Criminal Procedure Art. 2.132

<b>Cost: 0.00</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	<b>1 and 2</b>

**Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful**

### **Staff Recommended Motion:**

Motion to accept the Live Oak Police Department's 2023 Tier 1 and Tier 2 Racial Profiling Data.



Live Oak Police Department  
Racial Profiling Report

For

2023

Chief Gary Hopper

February 14, 2024

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## **Racial Profiling Background**

Texas Code of Criminal Procedure (CCP) Article 2.132, Law Enforcement Policy on Racial Profiling established requirement that law enforcement agencies throughout Texas adopt a written policy on racial profiling. The law requires the policy to address seven areas to include the following:

- Clearly defined acts constituting racial profiling.
- Strictly prohibit peace officers employed by the agency from engaging in racial profiling.
- Implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency engaged in racial profiling with respect to the individual.
- Provide public education relating to the agency's complaint process.
- Require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of agency's policy.
- Require the collection of information relating to traffic stops in which a citation was issued, and of arrest resulting from those traffic stops, including information relating to
  - A The race or ethnicity of the individual detained
  - B Reason for the stop
  - C Information whether a search was conducted or not.
  - D Reason for the search if conducted.
  - E Was contraband found.
  - F Type of contraband found.
  - G Was an arrest made.
  - H Was any type of force used to make the arrest
  - I Require the agency to submit an annual report to the governing body which the agency serves.

CCP Article 2.132 defines a "Motor Vehicle Stop" as an occasion in which a peace officer stops a motor vehicle for an alleged violation of law or ordinance. It also declares that race and ethnicity means a person is of a particular decent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.

### **Live Oak Police Department Racial Profiling Policy Information**

The Live Oak Police Department has an established policy (3-20) and it is the policy of this department to police in a protective manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce state, federal and local laws in a responsible and professional manner, without regard to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers are strictly prohibited from engaging in bias-based/racial profiling as defined in this policy and as outlined in the Texas Code of Criminal Procedure. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.

This policy shall not preclude officers from offering assistance to person when appropriate, e.g. someone appears ill; person appears lost; person has vehicle problems etc. Additionally, this policy does not prohibit consensual encounters with persons, absent a racial profiling bias.

Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

Officers are required to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers shall complete TCOLE training and education program on racial profiling no later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate.

The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.

### **Live Oak Police Department Racial Profiling Complaint Process**

The Live Oak Police Department maintains a separate unit for receiving and investigating complaints from citizens against Live Oak Police Officers and Civilian Employees. The Internal Affairs Section is a separate unit, which reports directly to the Chief and his Executive Staff. It is a fact-finding entity, and its purpose is three-fold:

1. **Protecting the Public:** The public has the right to receive fair, efficient, and impartial law enforcement. Any misconduct by Live Oak Police personnel must first be detected, thoroughly investigated, and finally, properly adjudicated to assure the maintenance of these qualities.
2. **Protecting the Police Department:** The Police Department is often evaluated and judged by the conduct of its individual employees. It is imperative that the whole organization not be criticized because of the misconduct of a few. An informed public must have confidence that its Police Department honestly and fairly investigates and adjudicates all allegations of misconduct against its employees.
3. **Protecting the Employee:** Employees must be protected against false or misinformed allegations of misconduct. This can only be accomplished through a consistently thorough investigative process. Sworn statements submitted to the Internal Affairs Section are notarized and treated in the same manner as testimony in a court of law. Therefore, perjury statutes apply. Complaints that are shown to be false will be forwarded to the Bexar County District Attorney's Office for consideration of criminal charges.

#### **Contacting Internal Affairs:**

The Internal Affairs Section is in the Live Oak Police Department at 8022 Shin Oak Drive, Live Oak, TX 78233. The office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. Phone messages can be left any time after hours and will be promptly returned (210) 945-1700.

E-mail contact: [professionalstandard@liveoaktx.net](mailto:professionalstandard@liveoaktx.net)

All complaints received by the Police Department are routed by the severity of the complaint. The most serious types of complaints investigated by the Internal Affairs Section involve allegations such as excessive force, any discharge of firearms, or serious rules violations. Complaints comparatively less serious in nature, such as rude behavior or improper procedure, are forwarded to the individual officer's

division for investigation. In every case, the person making the complaint will be notified of the final disposition either by telephone or U.S. Mail.

The Internal Affairs Section is in the Live Oak Police Department located at 8022 Shin Oak Dr. Live Oak, TX 78233. The Office hours are Monday through Friday, 8:00 am to 5:00 pm. Phone messages can be left any time after hours and will be promptly returned.

### **Analyzing the Racial Profiling Data**

<b>Live Oak Demographic</b>		
<b>Race</b>	<b>Population</b>	<b>Percentage</b>
<b>White</b>	6567	39%
<b>Hispanic</b>	5749	34.2%
<b>Black or African American</b>	2382	14.2%
<b>Two or More Races</b>	1276	7.6%
<b>Asian</b>	918	5.5%
<b>American Indian and Alaska Native</b>	88	0.5%
<b>Native Hawaiian and Other Pacific Islander</b>	13	0.08%
	<b>16,993<sup>1</sup></b>	<b>100.00%</b>

*Table 1. Live Oak Demographics 2022 Estimate from City-Data.com*

According to 2022 data, the most numerous races in Live Oak, TX are Hispanic (5,749 residents), White alone (6,567 residents), and Black alone (2,382 residents). 76.6% of Live Oak residents speak English at home. 9.4% of Live Oak, TX residents are foreign-born (5.5% born in Latin America, 2.9% born in Asia, 1.0% born in Europe), which is 80.6% less than the foreign-born rate of 17.0% across the entire state of Texas<sup>2</sup>. The U.S. Office of Management and Budget (OMB) requires federal agencies to use a minimum of two ethnicities in collecting and reporting data: Hispanic or Latino and Not Hispanic or Latino. OMB defines "Hispanic or Latino" as a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.<sup>3</sup>

<sup>1</sup> According to City-Data 2022 estimate.

<sup>2</sup> Read more: <https://www.city-data.com/races/races-Live-Oak-Texas.html>

<sup>3</sup> Bureau, U. S. C. (2021, December 3). About the Hispanic population and it's origin. Census.gov. Retrieved February 11, 2022, from <https://www.census.gov/topics/population/hispanic-origin/about.html>



## Live Oak Population by Race

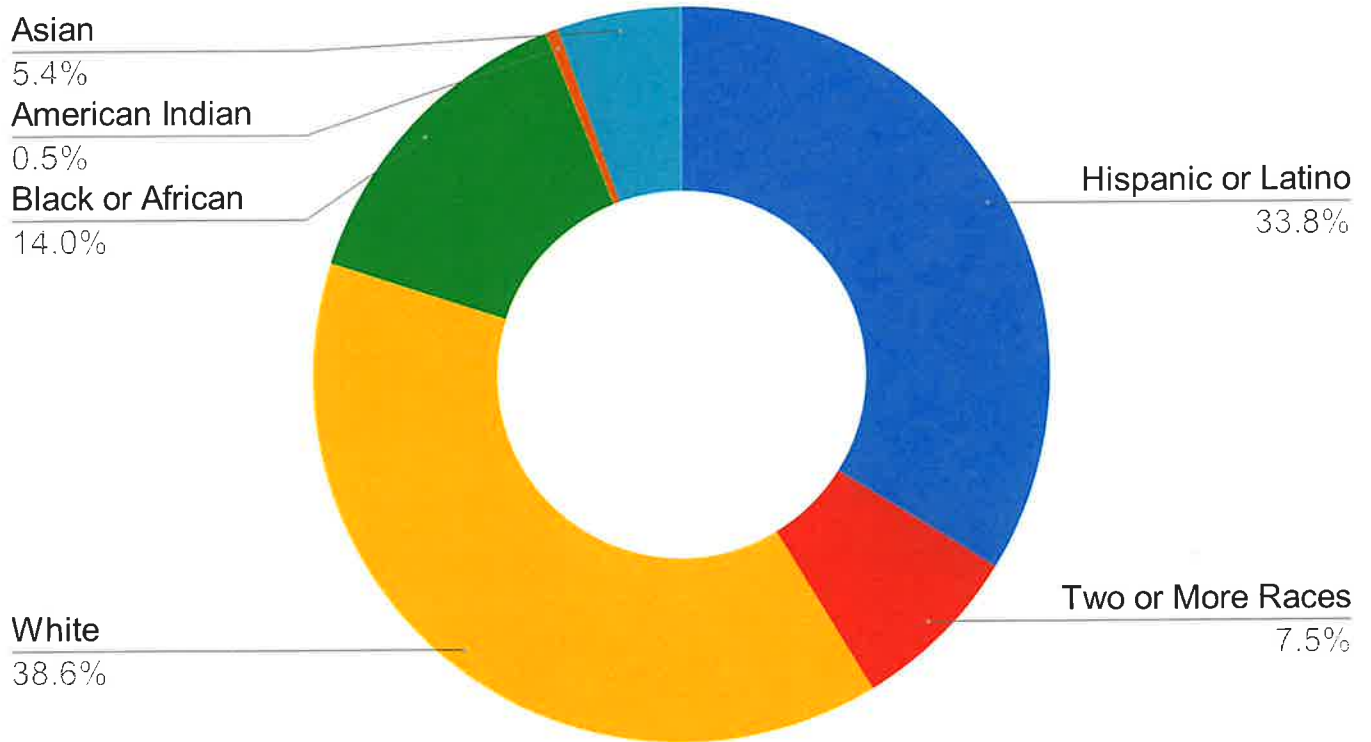


Figure 1 Live Oak Demographics Pie Chart 2022 Estimate from City-Data.com

<b>Motor Vehicle Stops</b>						
<b>Race</b>	<b>Male</b>	<b>%</b>	<b>Female</b>	<b>%</b>	<b>Total</b>	<b>Total %</b>
<b>Caucasian</b>	2,124	27.33%	1,541	19.83%	3,665	47.16%
<b>Hispanic</b>	1,501	19.31%	754	9.70%	2,255	29.01%
<b>Black</b>	981	12.62%	646	8.31%	1,627	20.93%
<b>Asian</b>	105	1.35%	68	0.87%	173	2.23%
<b>American Indian</b>	42	0.54%	10	0.13%	52	0.67%
<b>Total</b>	<b>4,753</b>	<b>61.16%</b>	<b>3,019</b>	<b>38.84%</b>	<b>7,772</b>	<b>100.00%</b>

Table 2. Live Oak Police Department 2023 Motor Vehicle Stops by Race and Gender

The table shows that most motor vehicle related contacts were made with Caucasian, followed by persons of Hispanic descent and then persons of African descent. The motor vehicle related contact percentage is elevated compared to demographic information from the U.S. Census Bureau for the City of Live Oak. This is due to the transiting population that travel through Live Oak, TX along Interstate 35 and Texas Highway 1604 Loop. Texas Department of Transportation estimates that nearly 500,000 vehicles travel through Live Oak, TX every day. It is nearly impossible to have the demographic data for 182.5 million vehicles annually commuting through Live Oak, TX.

<b>Motor Vehicle Stops Relative to Live Oak Residents</b>						
	<b>Yes</b>	<b>% Residents</b>	<b>No</b>	<b>% non-Residents</b>	<b>Grand Total</b>	<b>Total %</b>
<b>Black</b>	175	19.36%	1452	21.14%	1627	20.93%
<b>American Indian</b>	4	0.44%	48	0.70%	52	0.67%
<b>Asian</b>	22	2.43%	151	2.20%	173	2.23%
<b>Caucasian</b>	470	51.99%	3195	46.52%	3665	47.16%
<b>Hispanic</b>	233	25.77%	2022	29.44%	2255	29.01%
<b>Total</b>	<b>904</b>	<b>100.00%</b>	<b>6868</b>	<b>100.00%</b>	<b>7772</b>	<b>100.00%</b>

Table 3. Live Oak Police Department 2023 Motor Vehicle Stops in relation to Live Oak residents and non-residents.

Almost exactly like 2022, 88% of motor vehicle related contacts are not permanent Live Oak residents (Live Oak resident is defined as a Live Oak address is on their state issued identification or have mailing address within the city limits of Live Oak).

<b>Reason for Motor Vehicle Stop</b>					
	<b>MOVING TRAFFIC VIOLATION</b>	<b>PRE-EXISTING KNOWLEDGE</b>	<b>VEHICLE TRAFFIC VIOLATION</b>	<b>VIOLATION OF LAW</b>	<b>Total</b>
<b>Black</b>	755	5	419	25	<b>1204</b>
<b>American Indian</b>	16	0	11	0	<b>27</b>
<b>Asian</b>	90	0	32	3	<b>125</b>
<b>Caucasian</b>	1709	4	849	73	<b>2635</b>
<b>Hispanic</b>	868	8	553	47	<b>1476</b>
<b>%</b>	<b>62.9</b>	<b>.3</b>	<b>34.1</b>	<b>2.7</b>	<b>100.00%</b>

Table 4. Live Oak Police Department 2023 Reason for Motor Vehicle Stop by Race

The majority of motor vehicle stops in Live Oak are due to moving violations and non-moving violations. A moving violation occurs whenever a driver violates a traffic law with a vehicle in motion. Some examples of moving violations are speeding, running a stop sign or red light, or changing lanes without signaling.

A non-moving violation is usually related to parking or faulty equipment. Examples include parking in front of a fire hydrant or on a crosswalk, driving with broken taillights, having an expired inspection, or having an expired registration.

<b>Locations of Motor Vehicle Stops</b>	
<b>City street</b>	5,456
<b>Private Property or other</b>	692
<b>State Highway</b>	990
<b>US highway</b>	634
<b>Total</b>	<b>7,772</b>

Table 5. Live Oak Police Department 2023 Motor Vehicle Stops by Location Category

The majority of motor vehicle stops occur on city streets correlates with the reason for motor vehicle stops. Most motor vehicle stops are due to failure to obey traffic signs, or expired registration. The high rate of travel on the highways limits the ability to observe and verify vehicle registration. Additionally, the Interstate and Texas Highway connections roads are limited to one lane and no shoulder, making traffic assignments more dangerous to both citizens and officers.

<b>Citations vs Warnings by Race</b>					
	Citation	Citation and Arrest	Written Warning	Written Warning and Arrest	Total
<b>Black</b>	820	24	779	4	<b>1627</b>
	50.40%	1.48%	47.88%	0.25%	
<b>American Indian</b>	27	0	25	0	<b>52</b>
	51.92%	0.00%	48.08%	0.00%	
<b>Asian</b>	78	0	95	0	<b>173</b>
	45.09%	0.00%	54.91%	0.00%	
<b>Caucasian</b>	1832	22	1805	6	<b>3665</b>
	49.99%	0.60%	49.25%	0.16%	
<b>Hispanic</b>	1204	15	1026	10	<b>2255</b>
	53.39%	0.67%	45.50%	0.44%	
<b>Total</b>	<b>3961</b>	<b>6</b>	<b>3730</b>	<b>20</b>	<b>100.00%</b>

Table 5. Live Oak Police Department 2023 Traffic Citations vs. Warnings by Race

The purpose of this chart is to identify any potential preference of race through citations and written warnings. While the charts above may show a preference in total stops, this chart focuses on warnings and citations which may be an indicator of racial preference after contacting people for the traffic stop. The findings are split at about 50% for citations and warnings for every category. This shows that there is no preference for race between citations and written warnings.

### Search Conducted Motor Vehicle Stop

	No	% of Total	Yes	% Total	Total %
Black	1,500	19.30%	127	1.63%	<b>20.93%</b>
American Indian	52	0.67%	0	0.00%	<b>0.67%</b>
Asian	173	2.23%	0	0.00%	<b>2.23%</b>
Caucasian	3,532	45.45%	133	1.71%	<b>47.16%</b>
Hispanic	2,156	27.74%	99	1.27%	<b>29.01%</b>
<b>%</b>	<b>7,413</b>	<b>95.38%</b>	<b>359</b>	<b>4.62%</b>	<b>100.00%</b>

Table 7. Live Oak Police Department 2023 Motor Vehicle Searched by Race

### Reason for Search of Motor Vehicle Stop

	Consent	Contraband in plain view	Incident to arrest	Inventory	Probable cause	Total
Black	4	5	3	7	108	<b>127</b>
Asian	0	0	0	0	0	<b>0</b>
Caucasian	14	10	10	10	89	<b>133</b>
Hispanic	4	2	9	8	76	<b>99</b>
Total	22	17	22	25	273	<b>359</b>
<b>%</b>	<b>6%</b>	<b>5%</b>	<b>6%</b>	<b>7%</b>	<b>76%</b>	<b>100.00%</b>

Table 8. Live Oak Police Department 2023 Purpose of Vehicle Search by Race

### Motor Vehicle Stop Arrest and Use of Force

	No Arrest Made	Yes Arrest Made	Total
NO USE OF FORCE	7691	76	7767
USE OF FORCE - BODILY INJURY	0	0	0
USE OF FORCE - NO BODILY INJURY	0	5	5
<b>Total</b>	<b>7691</b>	<b>81</b>	<b>7772</b>

Table 9. Live Oak Police Department 2023 Motor Vehicle Stop Arrest and Use of Force

<b>Probable Cause Search Results</b>	
<b>Contraband Found</b>	<b># of Probable Cause Searches</b>
No	67
Yes	292
<b>Total</b>	<b>359</b>

Table 10. Live Oak Police Department 2023 Motor Vehicle Search for Probable Cause Results

<b>Contraband Found from Motor Vehicle Stop Search</b>		
<b>Contraband</b>	<b>Amount</b>	<b>Percent</b>
Alcohol	33	9.17%
Drugs	268	74.44%
Other	32	8.89%
Stolen Property	8	2.22%
Weapons	19	5.28%
<b>Total</b>	<b>360</b>	<b>100.00%</b>

Table 11. Live Oak Police Department 2023 Contraband Found from Motor Vehicle Search

When comparing the reason for vehicle search to race, the findings are relatively equal in amount for Caucasian, Hispanic, and African American. This shows that our officers’ reason to search through a motor vehicle isn’t decided by race. 81% of Probable Cause motor vehicle searches resulted in finding contraband. In a Stanford Policing Study<sup>4</sup> in 2017, “Across states, contraband was found in 36 percent of searches of white drivers, compared to 32 percent for black drivers and 26 percent for Latinos.”<sup>5</sup> Live Oak Police Department contraband found matches this average. Drugs are related to approximately 74% of contraband found. Most discovered drugs are marijuana and crystal methamphetamine.

<sup>4</sup> The Stanford Open Policing Project. openpolicing.stanford.edu. (n.d.). Retrieved February 11, 2022, from <https://openpolicing.stanford.edu/data/>

<sup>5</sup> NBCUniversal News Group. (2019, March 17). Inside 100 Million police traffic stops: New evidence of racial bias. NBCNews.com. Retrieved February 11, 2022, from <https://www.nbcnews.com/news/us-news/inside-100-million-police-traffic-stops-new-evidence-racial-bias-n980556>

## **Summary of Findings**

Racial profiling has emerged as one of the most contentious and persistent issues confronting law enforcement and public officials across the nation. In the last 20 years, research in this area has evolved rapidly. Although an increasing number of studies have been conducted on racial profiling in traffic enforcement, scholars have not reached a consensus on how best to estimate the driving population to compare with racial traffic ticketing data from a jurisdiction. This study combines traffic flow data for the city of Live Oak with residential census data to estimate the city's driving population. This provides a more precise estimate of the driving population. This study is inconclusive in recognizing a racial preference for or against any ethnicity for traffic stops, traffic citations, traffic warnings, searches from traffic stops and arrest from traffic stops.

This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices with greater efficiency than the national trends in law enforcement. It is assessed this is due to the high level of counter-drug training, experience, and length of employment of peace officers with the City of Live Oak. According to the United States Census Bureau, Live Oak has a total area of 4.7 square miles (12 km<sup>2</sup>), of which, 4.7 square miles (12 km<sup>2</sup>) of it is land and 0.04 square miles (0.10 km<sup>2</sup>) of it (0.64%) is water.

Texas Department of Transportation estimates that nearly 500,000 vehicles travel through Live Oak, TX every day on I-35 and SH 1604. Live Oak experiences ~31,592 vehicles for average daily traffic on city roads. This is approximately twice the population of Live Oak daily. Topperwein Road and Pat Booker average ~20,000 vehicles daily. In perspective of Live Oak Police Department traffic stops in relation to annual vehicle traffic, Live Oak Police Department stops amount to ~.0074% of annual vehicle traffic<sup>6</sup>.

The analysis of citations vs warnings is to review the after initial contact decisions of our Officers. Almost 98% of the time officers do not know the race of the driver prior to the traffic stop. The citations vs warnings should reveal any preference to race once the race of the driver is known. Our data averages near 50% for both citations and warnings for every race identified. This shows that our officers are not issuing citations and warnings based on race, gender, or ethnicity.

The information provided gives a comprehensive picture of the number of traffic stops Live Oak Police Department conducts in relation to annual traffic and the unbiased reasoning behind every traffic stop. Live Oak Police Department performs traffic stops for violations observed without any predisposition to race, ethnicity, age, or gender. Live Oak Police Department asked consent to search 22 times out 359 total vehicle searches. The total vehicle searches account for ~6% of all motor vehicle stops in 2023. This is an overall increase for consent to search from 2022's 4.1%.

It is worth mentioning as well that the standard race classification may skew some data. Hispanic is not a Race option and classified as White with Hispanic ethnicity. This fact increases the

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<sup>6</sup> Traffic count was provided by ESRI USA Traffic Count GIS layer. Kalibrate is the source of the information. <https://doc.arcgis.com/en/esri-demographics/latest/regional-data/traffic-counts.htm>

margin of error on Live Oak demographics and motor vehicle stop data. This only impacts White and Hispanic race data for this report.

Live Oak Police Department is recognized by the Texas Police Chief’s Association. There are 2725 Texas law enforcement agencies according to the Texas Commission of Law Enforcement<sup>7</sup>. Under 200 Texas law enforcement agencies have been recognized through this very rigorous program.

**Racial Profiling Complaints 2023**

During the past year the Live Oak Police Department received no complaints against members of the department for any form of bias-based/racial profiling. Our officers conducted 7772 motor vehicle stops in 2023, 2305 more than 2022, and conducted 359 vehicle searches, 35 more than 2022. With no complaints filed in the past seven years, the data clearly shows our officers conduct themselves as professionals and enforce law in a fair and unbiased manner.

Our policy clearly defines acts of constituting racial profiling, providing our officers guidelines which strictly prohibit engaging in bias-based /racial profiling. We have set up a simple and easy complaint process for anyone who feels they have been a victim of racial profiling. We will continue to educate the public on our agency’s complaint process.

Live Oak Police Department will take corrective action against any officer who, after an investigation, is shown to have engaged in racial profiling as set in our Racial Profiling Policy 3-20. Depending on the violation, an officer could face a written reprimand or termination for violation of this policy.

<b>Demographics of Live Oak Police Department</b>			
<b>Gender</b>	<b>Full Time</b>	<b>Part Time</b>	
Male	29	1	<b>84%</b>
Female	3	0	<b>16%</b>
<b>Race or Ethnicity</b>			
Black	1	1	<b>6%</b>
Caucasian	12	0	<b>38%</b>
Hispanic	17	0	<b>53%</b>
Asian or Pacific islander	1	0	<b>3%</b>
American Indian	0	0	<b>0%</b>

*Table 12. Live Oak Police Department 2023 Demographics*

**Methodology**

The goal is to provide hard numbers to police contacts and potentially identify racial profiling. For the general City of Live Oak demographics, we used City-Data. City-Data claims to gather its data from a variety of sources, including government agencies, public records, real estate listings, business

<sup>7</sup> Current statistics. Current Statistics | Texas Commission on Law Enforcement. (n.d.). Retrieved February 14, 2022, from <https://www.tcole.texas.gov/content/current-statistics>



listings, and user-generated content. The website compiles this information to provide a wide range of statistics and data on different cities and neighborhoods across the United States.

City-Data pulls data for various sources, primarily the United States Census Bureau American Community Survey Estimates. There is no question that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. In most cases, the percentage of the population that encounters the police but live outside city limits represents a substantial volume of all motor vehicle-related contacts made each year.

Total traffic stops report for 2023 was pulled from Brazos and the range is 00:00:01 01/01/2023 through 23:59:59 12/31/2023.

Warning and citations are recorded in Brazos and ethnic information is pulled from various state licensing authorities through OpenFox which is connected to the information sharing program for law enforcement agencies.

Traffic count information was available Kalibrate TrafficMetrix® data and provides 24-hour average daily traffic counts for highways and major roads through the United States. Kalibrate collects this data through many sources: city governments, engineering firms, highway and transportation departments as well as through their own field verifications.

### **Intelligence Gaps**

Intelligence gaps are identified as information, that if obtained, may change the analysis and findings. It is used to help consumers better understand the limits of data available.

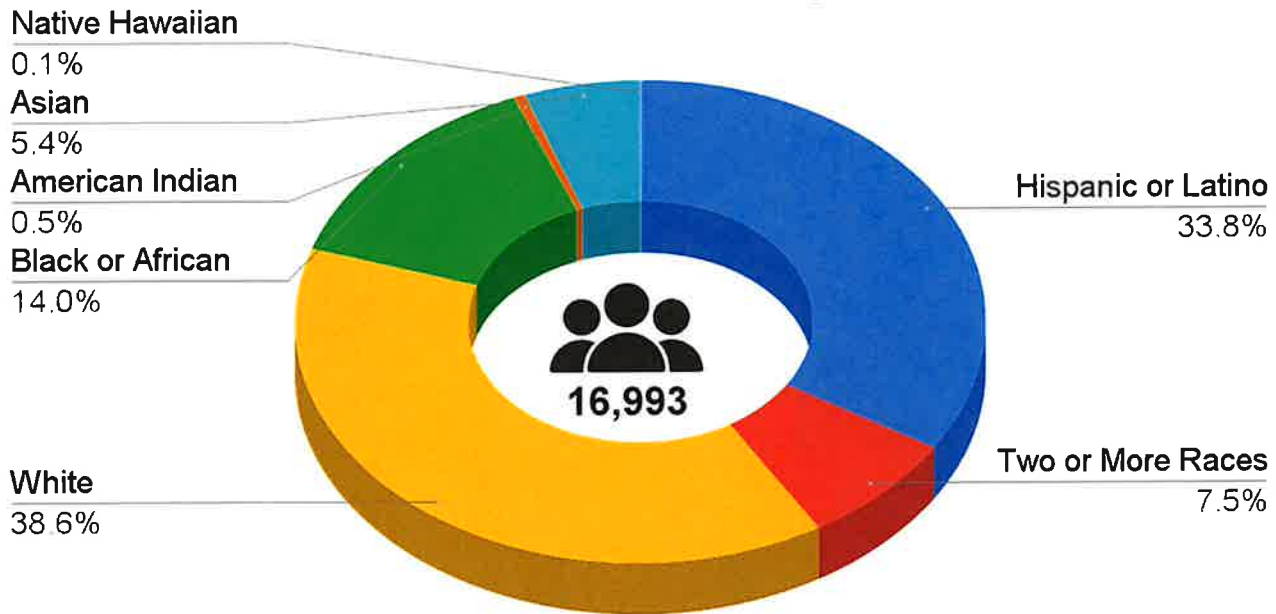
- We do not have the geographical ethnic demographic of Live Oak, TX to better determine which locations in the city would have a specific or greater ethnic presence. This is also affected by the military population in the community.
- There is no demographic data for transiting population. (What this means is that the transiting population demographics aren't recorded in any way to compare our motor vehicle stop data to)
- Traffic Count information is dated. Most residential traffic counts come from 2010. Since 2010, Live Oak has grown considerably population and business wise, so it is assessed that the provide traffic count is lower than present traffic counts.



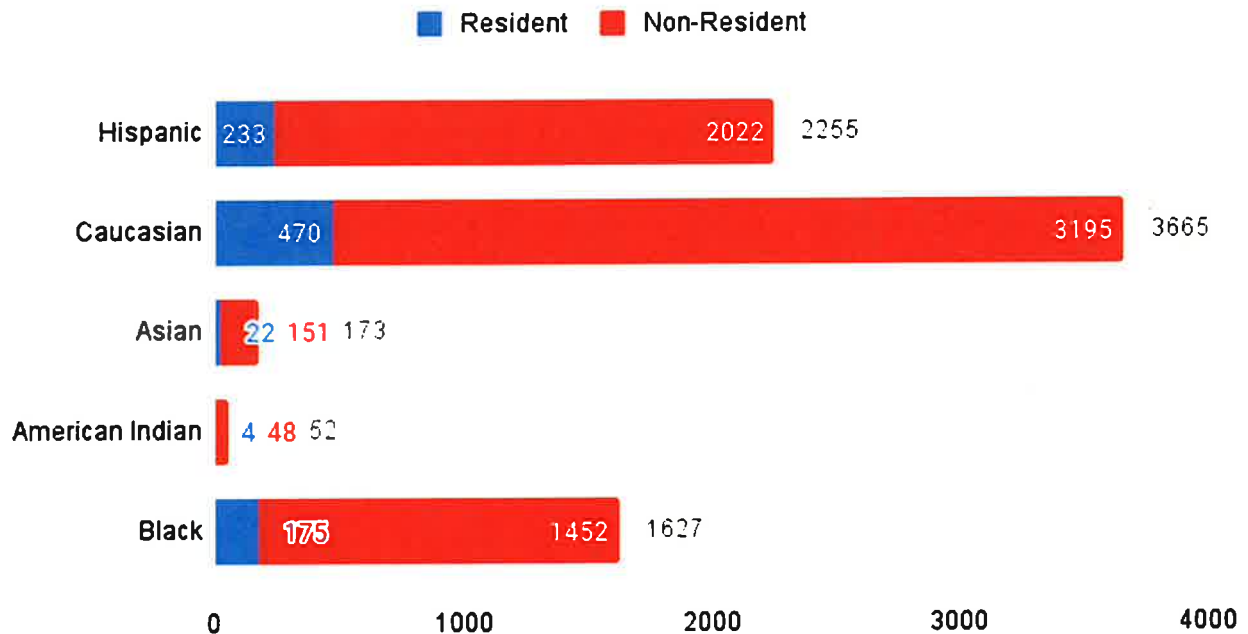
# Live Oak Police Department Racial Profiling Report



## Live Oak Demographics



## Live Oak Motor Vehicle Stops by Race and Resident Status



## Contraband Found from Motor Vehicle Stop Search

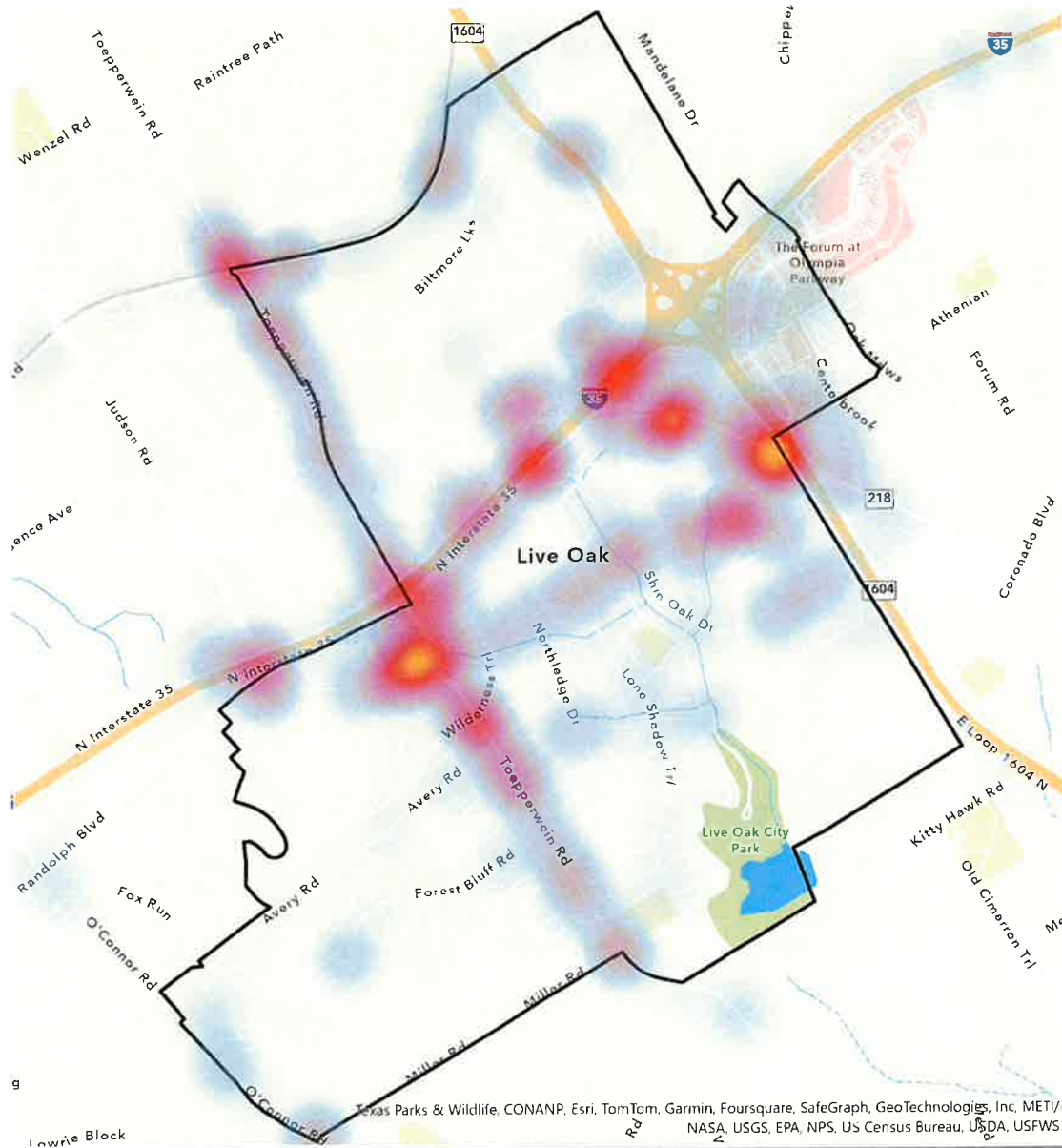




# Live Oak Police Department Racial Profiling Report



## Locations of Motor Vehicle Stops



Texas Parks & Wildlife, CONANP, Esri, TomTom, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Locations of Motor Vehicle Stops	
City street	5,456
Private Property or other	692
State Highway	990
US highway	634
<b>Total</b>	<b>7,772</b>



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date February 27, 2024

Agenda item: 7G

Prepared by: Gary Hopper, Chief of Police

Reviewed by: Anas Garfaoui, City Manager

Department: Police Department

## **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to approve a Resolution and authorize the City Manager to apply for the FY2025 Rifle-Resistant Ballistic Shield grant through the Office of The Governor's Criminal Justice Division.

### **Staff Briefing:**

The police department was the recipient of this grant last fiscal year and received funds to purchase four (4) shields. We wish to apply to equip each officer with rifle-resistant ballistic shields. There is no cash match requirement for this grant. This grant will request to equip all of our sworn officers with rifle-resistant ballistic shields.

### **ACTION:**

- Ordinance       Resolution
- Proclamations     Special Presentation
- Finance Report     Public Hearing
- Other

Cost:	
Budgeted	N/A
Actual	N/A
Acct. Name	
Acct. Fund	
Other Funding	Grant
Strategic Goals	

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

### **Staff Recommended Motion:**

City Council to approve the Resolution.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR AN EQUIPMENT GRANT TO PURCHASE RIFLE-RESISTANT BALLISTIC SHIELDS FOR THE POLICE DEPARTMENT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT ON BEHALF OF THE CITY ON ALL MATTERS THERETO AND RELATED TO THE APPLICATION; SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Live Oak, Texas (“City”) is a home rule city governed by the laws of the State of Texas; and

**WHEREAS**, there is an opportunity to provide funds from a grant program from the Office of the Governor for the purchase of rifle-resistant ballistic shields to effectively protect the lives of students at schools and residents of the city; and

**WHEREAS**, the Officer of the Governor’s Criminal Justice Division is now accepting applications for projects under this grant program to increase the safety of Texas law enforcement officers and prevent further loss of life in active shooter situations; and

**WHEREAS**, the City Council finds it in the best interest of the citizens of Live Oak to apply for such funds to supply the police department’s sworn officers with rifle-resistant ballistic shields; and

**WHEREAS**, there is no cash match requirement under this program; and

**WHEREAS**, the City of Live Oak agrees that in the event of loss or misuse of the Officer of the Governor funds, the City of Live Oak assures that the funds will be returned to the Office of the Governor in full; and

**WHEREAS**, City Council designates Anas Garfaoui, City Manager, as the grantee’s authorized official. The authorized official is given the power to apply for, accept for, reject, alter, or terminate the grant on behalf of the applicant agency.

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

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. The City Manager, or his designee, is hereby authorized to apply for the FY 2025 Rifle-Resistant Ballistic Shield Grant.

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 ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF LIVE OAK, TEXAS

\_\_\_\_\_  
Mary M. Dennis, Mayor

ATTEST:

\_\_\_\_\_  
Isa Gaytan, City Secretary

(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date February 27, 2024

Agenda item: 7H

Prepared by: Gary Hopper, Chief of Police

Reviewed by: Anas Garfaoui, City Manager

Department: Police Department

## **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to approve a Resolution and authorize the City Manager to apply for the FY2025 Rifle-Resistant Body Armor grant through the Office of The Governor’s Criminal Justice Division.

## **Staff Briefing:**

Our current allotment of rifle-resistant body armor has met its recommended expiration date. We wish to apply to equip all officers with updated rifle-resistant body armor. There is no cash match requirement for this grant. This grant will request to equip all of our sworn officers with new rifle-resistant body armor.

## **ACTION:**

- Ordinance       Resolution
- Proclamations     Special Presentation
- Finance Report     Public Hearing
- Other

Cost:	
Budgeted	N/A
Actual	N/A
Acct. Name	
Acct. Fund	
Other Funding	Grant
Strategic Goals	

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

## **Staff Recommended Motion:**

City Council to approve the Resolution.



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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR AN EQUIPMENT GRANT TO PURCHASE RIFLE-RESISTANT BODY ARMOR FOR THE POLICE DEPARTMENT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT ON BEHALF OF THE CITY ON ALL MATTERS THERETO AND RELATED TO THE APPLICATION; SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Live Oak, Texas (“City”) is a home rule city governed by the laws of the State of Texas; and

**WHEREAS**, Governor Abbott signed Senate Bill 12 on May 27, 2017, in response to the July 7, 2016 shooting of police officers in Dallas; and

**WHEREAS**, Senate Bill 12 authorizes the Criminal Justice Division (CJD) of the Governor’s Office to create a grant program to assist police agencies in the purchase of rifle-resistant body armor; and

**WHEREAS**, the CJD is now accepting applications for projects under this grant program to increase the safety of Texas law enforcement officers and prevent further loss of life in active shooter situations; and

**WHEREAS**, the City Council finds it in the best interest of the citizens of Live Oak to apply for such funds to supply the police department’s sworn officers with rifle-resistant body armor; and

**WHEREAS**, there is no cash match requirement under this program; and

**WHEREAS**, the City of Live Oak agrees that in the event of loss or misuse of the Officer of the Governor funds, the City of Live Oak assures that the funds will be returned to the Office of the Governor in full; and

**WHEREAS**, City Council designates Anas Garfaoui, City Manager, as the grantee’s authorized official. The authorized official is given the power to apply for, accept for, reject, alter, or terminate the grant on behalf of the applicant agency.

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

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. The City Manager, or his designee, is hereby authorized to apply for the FY 2025 Rifle-Resistant Body Armor Grant.

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 ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF LIVE OAK, TEXAS

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Mary M. Dennis, Mayor

ATTEST:

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Isa Gaytan, City Secretary

(CITY SEAL)

APPROVED AS TO FORM:

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City Attorney



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date February 27, 2024

Agenda item: 71

Prepared by: Gary Hopper, Chief of Police

Reviewed by: Anas Garfaoui, City Manager

Department: Police Department

## **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to approve a Resolution and authorize the City Manager to apply for the FY2025 Edward J Byrne Memorial Justice Assistance Grant through the Office of The Governor’s Criminal Justice Division to purchase five (5) vehicle-mounted license plate readers.

### **Staff Briefing:**

This grant will equip five (5) marked police vehicles with license plate readers. There is no cash match requirement for this grant.

### **ACTION:**

- Ordinance       Resolution
- Proclamations     Special Presentation
- Finance Report     Public Hearing
- Other

Cost:	
Budgeted	N/A
Actual	N/A
Acct. Name	
Acct. Fund	
Other Funding	Grant
Strategic Goals	

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

### **Staff Recommended Motion:**

City Council to approve the Resolution.

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, FOR AN EQUIPMENT GRANT TO PURCHASE MOBILE LICENSE PLATE READERS FOR THE POLICE DEPARTMENT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT ON BEHALF OF THE CITY ON ALL MATTERS THERETO AND RELATED TO THE APPLICATION; SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Live Oak, Texas (“City”) is a home rule city governed by the laws of the State of Texas; and

**WHEREAS**, there is an opportunity to provide funds from a grant program from the Office of the Governor for the purchase of mobile license plate readers to effectively enhance law enforcement efficiency; and

**WHEREAS**, the Officer of the Governor’s Criminal Justice Division is now accepting applications for projects under this grant program to increase the effectiveness of Texas law enforcement officers and to enhance technology-driven crime prevention and investigation; and

**WHEREAS**, the City Council finds it in the best interest of the citizens of Live Oak to apply for such funds to supply the police department with increased technology; and

**WHEREAS**, there is no cash match requirement under this program; and

**WHEREAS**, the City of Live Oak agrees that in the event of loss or misuse of the Officer of the Governor funds, the City of Live Oak assures that the funds will be returned to the Office of the Governor in full; and

**WHEREAS**, City Council designates Anas Garfaoui, City Manager, as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. The City Manager, or his designee, is hereby authorized to apply for the FY 2025 Edward J Byrne Memorial Justice Assistance Grant Program.

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 ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF LIVE OAK, TEXAS

\_\_\_\_\_  
Mary M. Dennis, Mayor

ATTEST:

\_\_\_\_\_  
Isa Gaytan, City Secretary

(CITY SEAL)

APPROVED AS TO FORM:

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City Attorney



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date February 27, 2024

Agenda item: 7J

Prepared by: Gary Hopper, Chief of Police

Reviewed by: Anas Garfaoui, City Manager

Department: Police Department

### **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to approve a Resolution and authorize the City Manager to apply for the FY2025 General Victim Assistance Grant through the Office of The Governor’s Criminal Justice Division.

### **Staff Briefing:**

The police department wishes to apply to enhance our victim assistance program. There is a 20% cash or in-kind match requirement for this grant. This grant will provide funding for training for our Victim Assistance Liaison and emergency supplies and shelter for crime victims. The application will show the base salary of the employee to fulfill the in-kind match requirement.

### **ACTION:**

- Ordinance       Resolution
- Proclamations     Special Presentation
- Finance Report     Public Hearing
- Other

Cost:	
Budgeted	N/A
Actual	N/A
Acct. Name	
Acct. Fund	
Other Funding	Grant
Strategic Goals	

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

### **Staff Recommended Motion:**

City Council to approve the Resolution.



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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION FOR THE GENERAL VICTIM ASSISTANCE GRANT PROGRAM WITH THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT ON BEHALF OF THE CITY ON ALL MATTERS THERETO AND RELATED TO THE APPLICATION; SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Live Oak, Texas (“City”) is a home rule city governed by the laws of the State of Texas; and

**WHEREAS**, the Victims of Crime Act of 1984 (VOCA) made grant funds available through a Congressional appropriation to the U.S. Department of Justice, Office for Victims of Crime; and

**WHEREAS**, the Officer of the Governor’s Criminal Justice Division is now accepting applications for projects under this grant program to increase the effectiveness of our victim assistance program; and

**WHEREAS**, the City Council finds it in the best interest of the citizens of Live Oak to apply for such funds; and

**WHEREAS**, there is a 20% cash or in-kind match requirement under this program; and

**WHEREAS**, the City of Live Oak agrees that in the event of loss or misuse of the Officer of the Governor funds, the City of Live Oak assures that the funds will be returned to the Office of the Governor in full; and

**WHEREAS**, City Council designates Anas Garfaoui, City Manager, as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. The City Manager, or his designee, is hereby authorized to apply for the FY 2025 General Victim Assistance Grant.

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 ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF LIVE OAK, TEXAS

\_\_\_\_\_  
Mary M. Dennis, Mayor

ATTEST:

\_\_\_\_\_  
Isa Gaytan, City Secretary

(CITY SEAL)

APPROVED AS TO FORM:

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City Attorney



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date February 27, 2024

Agenda item: 7K

Prepared by: Gary Hopper, Chief of Police

Reviewed by: Anas Garfaoui, City Manager

Department: Police Department

### **AGENDA ITEM DESCRIPTION:**

Discussion and possible action to authorize the City Manager to sign a Memorandum of Agreement between the City of Live Oak and the 502d Air Base Wing (502 ABW), Joint Base San Antonio (JBSA) to reimburse Live Oak Police Department for law enforcement personnel overtime incurred while directly supporting airshow operations.

### **Staff Briefing:**

The 502 ABW is responsible for reimbursing the City of Live Oak for overtime pay incurred while providing direct support to the Great Texas Airshow April 6-7, 2024.

### **ACTION:**

- Ordinance       Resolution
- Proclamations       Special Presentation
- Finance Report       Public Hearing
- Other

Cost:	\$2000.00
Budgeted	N/A
Actual	N/A
Acct. Name	Overtime
Acct. Fund	10-530.199
Other Funding	
Strategic Goal #	1,2 & 3

**Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful**

### **Staff Recommended Motion:**

City Council to approve the Memorandum of Agreement.

# MEMORANDUM OF AGREEMENT

BETWEEN

THE 502 AIR BASE WING

AND THE

LIVE OAK POLICE DEPARTMENT

FOR THE GREAT TEXAS AIRSHOW SUPPORT OVERTIME REIMBURSEMENT

MOA NUMBER:

This is a memorandum of agreement (MOA) between the 502d Air Base Wing (502 ABW), Joint Base San Antonio, Texas and the Live Oak Police Department (LOPD). When referred to collectively, the 502 ABW and the LOPD are referred to as the "Parties."

1. **BACKGROUND:** The Great Texas Airshow is scheduled for 5-7 April 2024 at JBSA-Randolph AFB, Texas. This planned event will attract large crowds, which will likely exceed the normal daily capability of local law enforcement agencies. This MOA will provide a mechanism to reimburse local law enforcement agencies for overtime expenditures while directly supporting the Great Texas Airshow.

2. **AUTHORITIES:**

DoDI 4000.19, "Support Agreements," December 16, 2020

AFI 25-201, 17 October 2013, Intra-Service, Intra-Agency, and Interagency Support Agreement Procedures

AFRC SUP 25-201, 28 May 2018, Intra-Service, Intra-Agency, and Interagency Support Agreement Procedures

JBSA MOA, current as March 2021, incorporating FY11, FY12, FY14, FY15, FY16, FY17, FY19, and FY20 changes

3. **PURPOSE:** The Great Texas Airshow is scheduled to occur 05-07 April 2024 at JBSA-Randolph AFB, Texas. The 502 ABW will reimburse the LOPD for law enforcement personnel overtime incurred while directly supporting airshow operations on those dates.

4. **AGREEMENTS OF THE PARTIES:**

4.1. The 502 ABW will—

4.1.1. Reimburse LOPD for assigning 56 man-hours of overtime, at an overtime rate not to exceed \$50 per hour and a total reimbursement not to exceed \$2,800, incurred while directly supporting airshow operations.

4.2. The LOPD will—

4.2.1. Submit a Federal Emergency Management Agency (FEMA) Form 90-123 listing date, name, job title, hours worked and overtime labor rate for each employee assigned to directly support the Great Texas Airshow.

5. PERSONNEL: Each Party is responsible for all costs of its personnel, including pay and benefits, support, and travel. Each Party is responsible for supervision and management of its personnel.

## 6. GENERAL PROVISIONS:

6.1. POINTS OF CONTACT (POCs). The following POCs will be used by the Parties to communicate matters concerning this MOA. Each Party may change its POC upon reasonable notice to the other Party.

### 6.1.1. For the 502 ABW—

6.1.1.1 Name, position, office identification, phone number and email of primary POC:  
Eric Broughton, Airshow Law Enforcement Coordinator, 502 Security Forces Group,  
(210) 300-7209, [eric.broughton@us.af.mil](mailto:eric.broughton@us.af.mil).

### 6.1.2. For the LOPD—

6.1.2.1 Position, office identification, phone number and email of primary POC:  
Michael Fratus, Assistant Chief, (210) 792-5131, [mfratus@liveoaktx.net](mailto:mfratus@liveoaktx.net).

6.2. CORRESPONDENCE. All correspondence to be sent and notices to be given pursuant to this MOA will be addressed, if to the 502 ABW, to—

6.2.1. 2080 Wilson Way, JBSA-Fort Sam Houston, Texas 78234 and, if to the LOPD, to—

6.2.2. 8022 Shin Oak Dr., Live Oak, TX 78233.

6.3. REVIEW OF AGREEMENT. If non-reimbursable, this MOA will be reviewed no less often than mid-point on or around the anniversary of its effective date in its entirety. If reimbursable, this MOA will be reviewed on or around the anniversary of its effective date annually for financial impacts; if there are substantial changes in resource requirements, the agreement will be reviewed in its entirety.

6.4. MODIFICATION OF MOA. This MOA may only be modified by the written agreement of the Parties, duly signed by their authorized representatives.

6.5. DISPUTES. Any disputes relating to this MOA will, subject to any applicable law, Executive order, or DoD issuances, be resolved by consultation between the Parties

6.6. TERMINATION OF AGREEMENT. This MOA may be terminated by either Party giving at least 10 days written notice to the other Party. This MOA may also be terminated at any time upon the mutual written consent of the Parties. This MOA is scheduled to terminate upon conclusion of the Great Texas Airshow operations, no later than 2400 hrs, 8 April 2024.

6.6.1. UNAVOIDABLE TERMINATION EXPENSES. Any reimbursement payment for unavoidable termination expenses shall not exceed 10 percent of the expected payment amount listed in 4.1.1. *supra*.

6.7. TRANSFERABILITY. This MOA is not transferable except with the written consent of the Parties.

6.8. ENTIRE AGREEMENT. It is expressly understood and agreed that this MOA embodies the entire agreement between the Parties regarding the MOA's subject matter, thereby superseding all prior agreements of the Parties with respect to such subject matter.

6.9. EFFECTIVE DATE. This MOA takes effect beginning on the day after the last Party signs.

6.10. EXPIRATION DATE. This MOA expires on the 9th day of April 2024.

6.11. CANCELLATION OF PREVIOUS MOA. N/A This MOA is the first between the Parties.

6.12. NO THIRD PARTY BENEFICIARIES. Nothing in this MOA, express or implied, is intended to give to, or will be construed to confer upon, any person not a party any remedy or claim under or by reason of this MOA and this MOA will be for the sole and exclusive benefit of the Parties.

6.13. SEVERABILITY. If any term, provision, or condition of this MOA is held to be invalid, void, or unenforceable by a governmental authority and such holding is not or cannot be appealed further, then such invalid, void, or unenforceable term, provision, or condition shall be deemed severed from this MOA and all remaining terms, provisions, and conditions of this MOA shall continue in full force and effect. The Parties shall endeavor in good faith to replace such invalid, void, or unenforceable term, provision, or condition with valid and enforceable terms, provisions, or conditions which achieve the purpose intended by the Parties to the greatest extent permitted by law.

6.14. OTHER FEDERAL AGENCIES. This MOA does not bind any federal agency, other than the Parties, nor waive required compliance with any law or regulation.

## 7. FINANCIAL DETAILS

7.1 AVAILABILITY OF FUNDS. This MOA does not document the obligation of funds between the Parties. The obligation of funds by the Parties, resulting from this MOA, is subject to the availability of funds pursuant to the DoD Financial Management Regulation. No provision in this MOA will be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, Section 1341 of Title 31, United States Code.

7.2 BILLING. LOPD will submit a single request for overtime reimbursement to 502 ABW via FEMA Form 90-123 no later than 31 MAY 2024.

7.3 PAYMENT OF BILLS. The 502 ABW paying office will forward payments, along with

a copy of billed invoices, to the LOPD within 30 calendar days of the date of invoice. Bills rendered will not be subject to audit in advance of payment.

7.4. FINANCIAL SPECIFICS. An exact monetary amount cannot be provided prior to the Great Texas Airshow due to the potential for last minute adjustments and changes of schedule. Several law enforcement agencies will provide direct support to the Great Texas Airshow. A total maximum reimbursable amount of \$40,000 is available to be disbursed amongst all participating local law enforcement agencies. This maximum amount was determined by multiplying the highest overtime rate of \$50 per hour by 800 hours, the total number of hours to be worked for the Great Texas Airshow. The total portion of the reimbursable amount allotted to the parties under this agreement is delineated in para. 4.1.1.

7.5. ECONOMY ACT DETERMINATION AND FINDINGS (D&F). If the MOA is being entered into in accordance with Section 1535 of Title 31, United States Code (the Economy Act), both Parties agree that the requirements listed in Paragraph (a) of the Economy Act have been met.

8. LIST OF ATTACHMENTS: Attachment A for Reimbursable Support

AGREED:

FOR THE 502 ABW—

FOR THE LOPD—

\_\_\_\_\_  
RUSSELL D. DRIGGERS  
Brigadier General, USAF  
Commander

\_\_\_\_\_  
ANAS GARFAOUI  
City Manager  
City of Live Oak, TX

\_\_\_\_\_ (Date)

\_\_\_\_\_ (Date)

Mid-Point Review Due Date: due to the 48-hour brevity of the MOA, there is no Mid-Point Review.



## **ATTACHMENT A**

**MOA NUMBER:**

**1. Reimbursable Support:**

Reimburse LOPD for assigning 56 man-hours of overtime, at an overtime rate not to exceed \$50 per hour and a total reimbursement not to exceed \$2,800, incurred while directly supporting airshow operations.

**2. Estimated Amount of Funds to Be Reimbursed: \$2,800, Appropriation: FY2024**

**3. Cost Center Number: N/A.**

**4. Financial Points of Contact: N/A**



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date: February 27, 2024

Agenda item: 7L

Prepared by: Donna Lowder EDC Director

Reviewed by: Anas Garfaoui City Manager

Department: Economic Development

## AGENDA ITEM DESCRIPTION:

Discussion and possible action regarding a Resolution to approve a Scope of Work/Services with 6S Engineering, Inc. and authorize the City Manager to authorize execution of same for the RBFCU Monument, Landscaping, and Design.

The City’s engineering firm, 6S Engineering, Inc. has presented the Scope of Work/Services for the RBFCU Monument, Landscaping, and Design located on the Northeast corner of the Randolph Brooks Credit Union property, adjacent to Loop 1604 and the Bridlewood entrance not to exceed \$68,680.00 for this portion of the project.

This resolution before you will authorize the City Manager to execute a Scope of Work/Services with 6S Engineering, Inc. under its current Master Service Agreement for the purpose of City Monumentation signs as approved project by the LOEDC and the City.

## STAFF BRIEFING

### ACTION:

- Ordinance                       Resolution
- Proclamation                       Staff Presentation
- Finance Report                       Public Hearing
- Other

Cost:	\$68,680
Budgeted	\$200,000
Actual	
Acct. Name	Capital Projects Fund
Acct. Fund	46-691-530
Other Funding	
Strategic Goal #	

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

### Staff Recommended Motion:

Move to approve the Resolution authorizing the City Manager to execute a Scope of Work/Services with 6S Engineering, Inc. under its current Master Service Agreement for the purpose of City Monumentation signs as an approved project by the LOEDC and the City.

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

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A SCOPE OF WORK/SERVICES WITH THE CITY'S ENGINEER 6S ENGINEERING, INC. UNDER ITS CURRENT MASTER SERVICE AGREEMENT FOR THE PURPOSE OF CITY MONUMENT SIGNS AS APPROVED PROJECT BY THE EDC AND CITY; AND AUTHORIZING ANY ADDITIONAL ACTIONS REASONABLY NECESSARY THEREWITH; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of Live Oak has determined that it is necessary engage in a Scope of Work for the purpose of various issues for the City Monument Sign project as approved by the City and Economic Development Corporation with the City's current engineers, 6S Engineering, Inc. (6S); and

**WHEREAS**, City staff reviewed and evaluated the scope of work/services and is in agreement with the proposal by 6S for the monument project; and

**WHEREAS**, the City Council hereby finds that it is in the best interest of the City to enter into a Scope of Work with 6S for such project and satisfies all city and statutory procurement.

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

Section 1. The City Council hereby approves and accepts the Scope of Work/Services as set out in **Exhibit "A."**

Section 2. The City Manager, or his designee, is hereby authorized to execute the Scope of Work/Services, on behalf of the City, and such other documents and instruments reasonably necessary to conclude the transaction.

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 ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF LIVE OAK, TEXAS

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Mary M. Dennis, Mayor

ATTEST:

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Isa Gaytan, City Secretary

(CITY SEAL)

APPROVED AS TO FORM:

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City Attorney

**EXHIBIT A**  
**PROFESSIONAL SERVICES AGREEMENT**

February 22, 2024

Ms. Donna Lowder, TRMC  
Director of Economic Development  
City of Live Oak  
8001 Shin Oak Drive  
Live Oak, Texas 78233

Regarding: *RBFCU- Landscaping Design- Revision 3*  
6S Project No. 2023-068-014

Dear Ms. Lowder:

6S Engineering, Inc. is pleased to provide you this proposal to perform professional engineering services for the City of Live Oak ("City"). 6S was requested to have an Architect to provide the design and construction documents for the above referenced project. 6S will support and assist the City in management of the project.

**SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:**

The scope of work is a preliminary planning phase to include planning exhibits, staff and council meetings, landscaping and branding options for the entry and community monuments. These general items will be produced in the following scope efforts:

- A. Project Management (6S) – 6S will meet with the City two (2) times within the scope of the project planning. It is anticipated that 6S may need to meet with the City and representatives from RBFCU. Two (2) meetings are included in this phase with RBFCU.
- B. QA/QC (6S)- 6S will provide a Quality Assurance/Quality Control review on the project prior to final release of the layouts and opinions of construction cost.
- C. Bid Phase Support- It is not decided by the city how the project will be bid. 6S will support the City in the normal fashions of bidding such as contacting at least three contractors, by-board, or CIVCAST bidding. 6S will provide a Bid tabulation and Letter of recommendation.
- D. Geotechnical Engineering – 6S will utilize Arias Geo-Professionals to provide Geotechnical services as requested by Architect.
- E. Landscape Architect (WPS)- Westwood Professional Services will provide design documents, bid phase support and construction administration for the project.

**Exclusions:** Construction Materials Engineering and Testing (CoMET), public meetings, environmental site assessments, cultural and historical surveys, flood plain development permits, water construction

plans, sanitary sewer construction plans, electric, gas, or telecommunication construction plans, structural design of retaining walls, ROW or easement acquisition, utility design.

**OWNER'S RESPONSIBILITIES:**

City shall coordinate with Engineer and provide engineer with As-Built documentation for existing sanitary sewer, water mains, and other City services in the project area.

**PERIOD OF DESIGN SERVICE:**

Base Design- (2) months from authorization.  
 Geotechnical Information Design- (2) Months from Authorization.

**PAYMENTS TO ENGINEER:**

6S Engineering, Inc. proposes the following lump sum fees for the above referenced services:


Project Management (6S) .....	\$1,600.00
Architect Services (Westwood Professional Services) .....	\$57,000.00
QA/QC(6S) .....	\$1,200.00
Bid Phase Support (6S) .....	\$2,300.00
Geotechnical Engineering (ARIAS) .....	\$5,780.00
Project Closeout (6S) .....	\$800.00
<b>Total Professional Services .....</b>	<b>\$68,680.00</b>

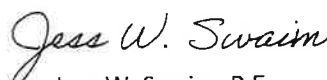
Invoicing will occur monthly on a percent complete basis. The proposal will operate in accordance with the Master Service Agreement with 6S Engineering and the City of Live Oak, Texas.

If this proposal is acceptable to you, please indicate by signing in the space provided below and return the original to this office. If you have any questions, please call our office. We appreciate the opportunity to submit this proposal and look forward to being of service.

Signature of this professional services agreement is understood to constitute authorization to proceed as of the date signed by the client.

Sincerely,

  
 Rachelle A. Swaim  
 President

  
 Jess W. Swaim, P.E.  
 Vice President

ACCEPTED:  
 Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_



# CITY COUNCIL AGENDA ITEM FORM

Meeting Date: February 27, 2024

Agenda item: 7M

Prepared by: Vickie Steenbeke

Reviewed by: Anas Garfaoui, City Manager

Department: Municipal Court

## **AGENDA ITEM DESCRIPTION:**

City Council to approve a resolution and authorize the City Manager to sign a renewal of an Interlocal Cooperation Contract (Failure to Appear Program -FTA) with the Texas Department of Public Safety to accommodate Chapter 706 of the Texas Transportation Code.

## **Staff Briefing:**

The contract being presented is for the Texas Department of Public Safety (DPS) Failure to Appear Program. This is not a new contract but a revised contract. The fee cost on all warrants will be \$10.00 with \$6.00 going to Omni and the City keeping \$4.00. This change will have no budgetary impact on the City.

Attached, you will find the revised contract with DPS and the City of Live Oak, along with the corresponding resolution.

## **ACTION:**

- Ordinance       Resolution
- Proclamation       Special Presentation
- Finance Report       Public Hearing
- Other

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	

**Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful**

## **Staff Recommended Motion:**

Motion to approve Resolution.



**Interlocal Cooperation Contract  
Failure to Appear Program**

State of Texas

County of Bexar

**I. PARTIES AND AUTHORITY**

This Interlocal Cooperation Contract (Contract) is entered into between the Department of Public Safety of the State of Texas (DPS), an agency of the State of Texas and the Live Oak Municipal Court of the [City or County] of Live Oak (Court), a political subdivision of the State of Texas, referred to collectively in this Contract as the Parties, under the authority granted in Tex. Transp. Code Chapter 706 and Tex. Gov't Code Chapter 791 (the Interlocal Cooperation Act).

**II. BACKGROUND**

A peace officer authorized to issue citations within the jurisdiction of the Court must issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning must be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the Court, the person may be denied renewal of the person's driver license.

As permitted under Tex. Transp. Code § 706.008, DPS contracts with a private vendor (Vendor) to provide and establish an automated Failure to Appear (FTA) system that accurately stores information regarding violators subject to the provisions of Tex. Transp. Code Chapter 706. DPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry generated from an FTA Report.

An FTA Report is a notice sent by Court requesting a person be denied renewal of a driver's license in accordance with this Contract. The Court may submit an FTA Report to DPS's Vendor if a person fails to appear or fails to pay or satisfy a judgment as required by law. There is no requirement that a criminal warrant be issued in response to the person's failure to appear.

**III. PURPOSE**

This Contract applies to each FTA Report submitted by the Court to DPS or its Vendor and accepted by DPS or its Vendor.

**IV. PERIOD OF PERFORMANCE**

This Contract will be effective on the date of execution and terminate five years from that execution date unless terminated earlier in accordance with Section VII.C, *General Terms and Conditions, Termination*.

**V. COURT RESPONSIBILITIES**

**A. FTA Report**

For a matter involving any offense which a Court has jurisdiction of under Tex. Code Crim. Proc. Chapter 4, where a person fails to appear for a complaint or citation or fails to pay or

satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court, the Court will supply DPS, through its Vendor, an FTA report including the information that is necessary to deny renewal of the driver license of that person. The Court must make reasonable efforts to ensure that all FTA Reports are accurate, complete, and non-duplicative. The FTA Report must include the following information:

1. the jurisdiction in which the alleged offense occurred;
2. the name of the court submitting the report;
3. the name, date of birth, and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
4. the date of the alleged violation;
5. a brief description of the alleged violation;
6. a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
7. the date that the person failed to appear or failed to pay or satisfy a judgment; and
8. any other information required by DPS.

#### **B. Clearance Reports**

The Court that files the FTA Report has a continuing obligation to review the FTA Report and promptly submit appropriate additional information or reports to the Vendor. The clearance report must identify the person, state whether or not a fee was required, and advise DPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately, but no later than two business days from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to that Court.

To the extent that a Court uses the FTA system by submitting an FTA Report, the Court must collect the statutorily required \$10.00 reimbursement fee from the person who failed to appear, pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court. If the person is acquitted of the underlying offense for which the original FTA Report was filed or found indigent by the court, the Court will not require payment of the reimbursement fee.

Court must submit a clearance report for the following circumstances:

1. the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
2. the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
3. the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
4. the payment or discharge of the fine and cost owed on an outstanding judgment of the Court; or
5. other suitable arrangement to satisfy the fine and cost within the Court's discretion.

After termination of the Contract, the Court has a continuing obligation to report dispositions and collect fees for all violators in the FTA system at the time of termination. Failure to comply with the continuing obligation to report will result in the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

**C. Quarterly Reports and Audits**

Court must submit quarterly reports to DPS in a format established by DPS.

Court is subject to audit and inspection at any time during normal business hours and at a mutually agreed upon location by the state auditor, DPS, and any other department or agency, responsible for determining that the Parties have complied with the applicable laws. Court must provide all reasonable facilities and assistance for the safe and convenient performance of any audit or inspection.

Court must correct any non-conforming transactions performed by the Court, at its own cost, until acceptable to DPS.

Court must keep all records and documents regarding this Contract for the term of this Contract and for seven years after the termination of this Contract, or until DPS or the State Auditor's Office (SAO) is satisfied that all audit and litigation matters are resolved, whichever period is longer.

**D. Accounting Procedures**

Court must keep separate, accurate, and complete records of the funds collected and disbursed and must deposit the funds in the appropriate municipal or county treasury. Court may deposit such fees in an interest-bearing account and retain the interest earned on such accounts for the Court.

Court will allocate \$6.00 of each \$10.00 reimbursement fee received for payment to the Vendor and \$4.00 for credit to the general fund of the municipal or county treasury.

**E. Non-Waiver of Fees**

Court will not waive the \$10.00 reimbursement fee for any person that has been submitted on an FTA Report, unless any of the requirements in Tex. Trans. Code § 706.006(a) or §706.006(d) are met.

Failure to comply with this section will result in: (i) termination of this Contract for cause; and (ii) the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

**F. Litigation Notice**

The Court must make a good-faith attempt to immediately notify DPS in the event that the Court becomes aware of litigation in which this Contract or Tex. Transp. Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision.

**VI. DPS's RESPONSIBILITIES**

DPS will not continue to deny renewal of the person's driver license after receiving notice from the Court that the FTA Report was submitted in error or has been destroyed in accordance with the Court's record retention policy.

**VII. PAYMENTS TO VENDOR**

Court must pay the Vendor a fee of \$6.00 per person for each violation that has been reported to the Vendor and for which the Court has subsequently collected the statutorily required \$10.00 reimbursement fee. In the event that the fee has been waived by Tex. Trans. Code § 706.006(a) or §706.006(d), no payment will be made to the Vendor.

Court agrees that payment will be made to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the Court.

DPS will not pay Vendor for any fees that should have been submitted by a Court.

**VIII. GENERAL TERMS AND CONDITIONS**

- A. Compliance with Law.** This Contract is governed by and construed under and in accordance with the laws of the State of Texas. The Court understands and agrees that it will comply with all local, state, and federal laws in the performance of this Contract, including administrative rules adopted by DPS.
- B. Notice.** The respective party will send the other party notice as noted in this section. Either party may change its information by giving the other party written notice and the effective date of the change.

<b>Court</b>	<b>Department of Public Safety</b>
Attn.:	Enforcement & Compliance Service
Address:	5805 North Lamar Blvd., Bldg A
Address:	Austin, Texas 78752-0001
Fax:	(512) 424-5311 [fax]
Email:	<a href="mailto:Driver.Improvement@dps.texas.gov">Driver.Improvement@dps.texas.gov</a>
Phone:	(512) 424-7172

**C. Termination.**

Either party may terminate this Contract with 30 days' written notice.

DPS may also terminate this Contract for cause if Court doesn't comply with Section V.C., *Quarterly Reports and Audits* and V.E., *Non- Waiver of Fees*.

If either Party is subject to a lack of appropriations that are necessary for that Party's performance of its obligations under this Contract, the Contract is subject to immediate cancellation or termination, without penalty to either Party.

**D. Amendments.**

This contract may only be amended by mutual written agreement of the Parties.

**E. Miscellaneous.**

1. The parties shall use the dispute resolution process provided for in Chapter 2260 of the Texas Government Code to resolve any disputes under this Contract; provided

however nothing in this paragraph shall preclude either Party from pursuing any remedies available under Texas law.

- 2. This Contract shall not constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to either Party or the State of Texas.
- 3. Any alterations, additions, or deletions to the terms of the contract that are required by changes in federal or state law or regulations are automatically incorporated into the contract without written amendment hereto, and shall become effective on the date designated by such law or by regulation.

**CERTIFICATIONS**

The Parties certify that (1) the Contract is authorized by the governing body of each party; (2) the purpose, terms, rights, and duties of the Parties are stated within the Contract; and (3) each party will make payments for the performance of governmental functions or services from current revenues available to the paying party.

The undersigned signatories have full authority to enter into this Contract on behalf of the respective Parties.

**Court\***

**Department of Public Safety**

\_\_\_\_\_

\_\_\_\_\_

**Authorized Signatory**

**Driver License Division Chief or Designee**

\_\_\_\_\_

**Title**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Date**

\*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the Court. Each signature block must contain the person’s title and date.