

**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**May 9, 2023 – 6:00 PM**

A quorum of the City Council will be present during the meeting at: 447 N Main, Boerne, TX 78006.

During the meeting, the City Council may meet in executive session, as to the posted subject matter of this City Council meeting, under these exceptions of Chapter 551 of the Texas Government Code; sections 551.071 (Consultation with Attorney), 551.072 (Deliberation Regarding Real Property), 551.073 (Deliberation Regarding Gifts), 551.074 (Personnel/Officers), 551.076 (Deliberation Regarding Security Devices), and Section 551.087 (Deliberation Regarding Economic Development Negotiations).

1. CALL TO ORDER – 6:00 PM

INVOCATION

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

2. CONFLICTS OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the City Council on any issue, in compliance with LGC Section 551.007. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

4. CONSENT AGENDA: All items listed below within the Consent Agenda are considered to be routine by the City Council and may be enacted with one motion. There will be no separate discussion of items unless a Council Member or citizen so requests, in which event the item may be moved to the general order of business and considered in its normal sequence.

- A.     [2023-400](#)           CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON APRIL 25, 2023.

**Attachments:**     [Minutes.230425](#)

## REGULAR AGENDA:

## 5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

- A.     [2023-401](#)       CONSIDER ON SECOND READING ORDINANCE NO. 2023-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN. (Amendments to Records Management Program and Records Management Plan)

**Attachments:**     [AIS records management 2nd reading](#)  
                          [Ordinance No. 2023-17](#)  
                          [records management plan with exhibits](#)

- B.     [2023-302](#)       PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. (Update to Impact Fees, one of one public hearing)

**Attachments:**     [AIS - 2023 Impact Fees Ordinance](#)  
                          [Ordinance No. 2023-18 Comments](#)  
                          [Ordinance No. 2023-18 Clean](#)  
                          [Boerne Impact Fee Report](#)

- C.     [2023-399](#)       CONSIDER ON FIRST READING ORDINANCE NO. 2023-19; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021 EDITION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION IN THE NEWSPAPER. (Adopt International Residential and Energy Conservation Codes 2021 Edition)

**Attachments:**     [AIS - IBC Final](#)  
                          [Ordinance No. 2023-19](#)

## 6. RESOLUTIONS

- A. [2023-397](#) PUBLIC HEARING AND CONSIDER RESOLUTION NO. 2023-R37; A RESOLUTION OF NO OBJECTION BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD). (Proposed construction or rehabilitation of a 107 unit complex located at 711 River Road)

**Attachments:** [AIS - Evolve Tax Credit Request for 711 River Road 5.9.23](#)  
[Resolution No. 2023-R37](#)  
[Evolve Communities Tax Credits Memo](#)  
[Evolve Communities Property Description](#)

- B. [2023-396](#) CONSIDER RESOLUTION NO. 2023-R38; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD) AND ACKNOWLEDGING MORE THAN TWICE THE STATE AVERAGE PER CAPITA SUPPORTED BY HOUSING TAX CREDITS. (Proposed construction or rehabilitation of a 107 unit complex located at 711 River Road)

**Attachments:** [AIS - Evolve Twice the State Average 711 River Road 5.9.23](#)  
[Resolution No. 2023-R38](#)  
[Evolve Communities Tax Credits Memo](#)  
[Evolve Communities Property Description](#)

## 7. OTHER ITEMS:

- A. [2023-408](#) RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2023.

**Attachments:** [AIS - Mar 2023 Qtrly Report](#)  
[Q2 2023 Quarterly Report](#)

- B. [2023-425](#) MAYORAL APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION AND THE PLANNING AND ZONING COMMISSION.

**Attachments:**     [AIS mayoral appt PZ and HLC](#)

8. CITY MANAGER'S REPORT:

- A.     [2023-391](#)            WEBSITE UPDATE AND LAUNCH OF NEW COMMUNITY CALENDAR.

**Attachments:**     [Website Update and Community Calendar Launch](#)

- B.     [2023-420](#)            BEAUTIFICATION TASK FORCE UPDATE.

9. COMMENTS FROM COUNCIL – No discussion or action may take place.

10. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

- A.     [2023-415](#)            SECTION 551.072 - TO DELIBERATE THE PURCHASE OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Utility easement at the north end of Ranch Drive)

11. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

- A.     [2023-423](#)            CONSIDER RESOLUTION NO. 2023-R39; A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE \_\_\_\_ ACRES, MORE OR LESS, LOCATED AT \_\_\_\_\_, BOERNE, TEXAS, 78006, FROM \_\_\_\_\_; AND EXECUTE ALL NECESSARY DOCUMENTATION. (Utility easement at the north end of Ranch Drive)

**Attachments:**     [Resolution No. 2023-R39](#)

12. ADJOURNMENT

**CERTIFICATION**

**I hereby certify that the above notice of meeting was posted on the 5th day of May,  
2023 at 3:00 p.m.**

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s/s Lori A. Carroll  
City Secretary



**NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS**

**The City Hall is wheelchair accessible. Access to the building and special parking is available at the northeast entrance of the building. Requests for auxiliary aides and special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 830-249-9511.**

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Boerne, TX 78006**  
**April 25, 2023 – 6:00 PM**

Minutes of the Regular City Council Meeting of April 25, 2023.

**Present:**        5 -    Mayor Pro Tem Ty Wolosin, Council Member Nina Woolard,  
                                 Council Member Quinten Scott, Council Member Bryce  
                                 Boddie, and Council Member Joseph Macaluso

**Absent:**        1 -    Mayor Tim Handren

**Staff Present:** Ben Thatcher, Siria Arreola, Jeff Carroll, Lori Carroll, Laura Haning,  
Mike Mann, Mick McKamie, Nick Montagno, Mike Raute, Steven Riggs, Kristy  
Stark, Jeanette Teague, Larry Woods, and Danny Zincke.

**Registered/Recognized Guests:** Adrian Ellenwood, Stacy Ellenwood, Nancy  
Green White, Art Wilson, Brad Wilson, Catherine Sealy, Karen Wolters, Robert  
Thornton, Lenore Ockerberg, Kenneth Ockerberg, Sharon Wright, Megan  
Flanigen, Joe Bateman, Heather Bateman, Christina Ryrholm, Maxie  
Zinsmeister, and Chet Hawkins.

**1. CALL TO ORDER – 6:00 PM**

Mayor Pro Tem Wolosin called the City Council meeting to order at 6:00 p.m.

**2. CONFLICTS OF INTEREST**

No conflicts were declared.

**3. PUBLIC COMMENTS:**

Brad Wilson, 123 East Evergreen stated that he has a small home used for rental property and loves hosting people. He said the owners of the 75 short term rentals in Boerne love being ambassadors of Boerne. He provided two handouts to the city council members.

Maxie Zinsmeister, 24 Fritz Grosser Road spoke on taxes required on short term rentals to include those properties outside the city limits.

Chet Hawkins, 418 West Irons stated he has been a short term rental owner for a number years. He is opposed to the proposed restrictions and feels the process is a little broken.

Nancy White, 401 Breckenridge stated that she has been at this address for 40 plus years. She spoke on her short term rental usage. The revenue she receives supplements her income. She feels the proposed ordinance is too restrictive. She requested that the ordinance be tabled.

Lenore Ockerberg, 113 Wanda stated that she feels the proposed ordinance is an overreach of government. She suggested that short term rental owners be on a subcommittee to contribute their experience. She suggested the proposed ordinance be tabled.

Art Wilson, 39665 IH-10W stated that he has been in Boerne for 38 years. He has had a short term rental for four years. His property is rented 90% of weekends and he has had zero problems. He urged council to get collaborative with short term rental owners.

Travis Roberson, 313 Frey stated he owns property at the corner of Aransas Pass and River Road which was approved to be a short term rental at the time the property was purchased. He suggested that short tem rentals be allowed in a commercial zone.

Rodney Beard, 121 2nd Street stated that he purchased and remodeled a home on 2nd Street. Boerne has a lot to offer and needs tourists. There should not be a restriction on areas of town. He suggested the proposed ordinance be tabled and involve short term rental owners in discussions.

#### **4. CONSENT AGENDA:**

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY COUNCIL MEMBER SCOTT, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**A. [2023-388](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON APRIL 11, 2023.**

THE MINUTES WERE APPROVED.

**B. [2023-390](#) CONSIDER RESOLUTION NO. 2023-R29; A RESOLUTION AUTHORIZING AN ADDITIONAL PAYMENT OF \$5,000.00 FOR A TOTAL NOT TO EXCEED \$105,000.00 TO SGR FOR RECRUITMENT OF A FIRE CHIEF AND SERVICES OF INTERIM FIRE CHIEF. (Agreement approved on December 13, 2022, for an amount not to exceed \$100,000.00, requesting an additional \$5,000.00)**

THE RESOLUTION WAS APPROVED.

**C. [2023-395](#) CONSIDER RESOLUTION NO. 2023-R30; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND RPGA DESIGN GROUP, INC. FOR PLANNING AND PRE-DESIGN SERVICES OF FIRE STATION #2 FOR AN AMOUNT NOT TO EXCEED \$40,000.00. (Architectural Test-Fit Site Plan Study and Civil Engineering Feasibility Study for Fire Station #2)**

THE RESOLUTION WAS APPROVED.

**7A. [2023-312](#) INTRODUCTION OF CHIEF BUILDING OFFICIAL, STEVE RIGGS.**

Mayor Pro tem Wolosin called on City Manager Ben Thatcher to introduce Steve Riggs, the city's new Chief Building Official. Mr. Riggs stated that he has lived in the Boerne area since 2003 and was most recently employed with the City of Kerrville.

**REGULAR AGENDA**

**5. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:**

- A. [2023-387](#) **CONSIDER ON FIRST READING ORDINANCE NO. 2023-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN. (Amendments to Records Management Program and Records Management Plan)**

Mayor Pro Tem Wolosin called on Ms. Lori Carroll, City Secretary. Ms. Carroll stated that the city has had a records management plan for years. The plan was formally adopted in 2014, when the Local Government Records Act required municipalities to adopt a Records Management Program by ordinance. Ms. Carroll stated the proposed minor changes to the plan are necessary to keep the plan up to date.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER MACALUSO, TO APPROVE ON FIRST READING ORDINANCE NO. 2023-17; AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN. (AMENDMENTS TO RECORDS MANAGEMENT PROGRAM AND RECORDS MANAGEMENT PLAN). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

- B. [2023-369](#) **CONSIDER THE UN-TABLING OF ORDINANCE NO. 2023-09, AS DESCRIBED BELOW. (Tabled on March 14, 2023)**

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY COUNCIL MEMBER SCOTT, TO UN-TABLE ORDINANCE NO. 2023-09, AS DESCRIBED BELOW. (TABLED ON MARCH 14, 2023). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

- C. [2023-389](#) CONSIDER ON FIRST READING ORDINANCE NO. 2023-09; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, TO GOVERN SHORT-TERM RENTALS; PROVIDING REGULATIONS AND PERMITTING FOR THE OPERATION AND USE OF SHORT-TERM RENTALS; AMENDING THE UNIFIED DEVELOPMENT CODE REGULATIONS GOVERNING SHORT-TERM RENTALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE; AND ACKNOWLEDGING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT. (Regulation of short-term rental properties)

Mayor Pro Tem called on Ms. Laura Haning, Planning Director. Ms. Haning provided the history of discussions regarding short term rentals (STR's). Recent public surveys reflected concerns with safety, distance, and retaining neighborhood character. Ms. Haning stated that the intent was never to do away with STR's. She spoke on market details to include proposed permit fee, inspection fee, and rental data. She reviewed the highlights of the proposed ordinance. Discussion ensued regarding allowing STR's in multi-family properties, inspections, transfer of ownership, time period for inspections, ETJ restrictions, decision making for special exceptions, and proposed state legislation. Mayor Pro Tem suggested that the proposed ordinance be tabled until not later than June 27th and that Council Member Woolard and Council Boddie who were on the previous subcommittee continue discussions with short term rental owners.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER MACALUSO, TO TABLE UNTIL ON OR BEFORE JUNE 27, 2023. ORDINANCE NO. 2023-09; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING CHAPTER 23 OF THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, TO GOVERN SHORT-TERM RENTALS; PROVIDING REGULATIONS AND PERMITTING FOR THE OPERATION AND USE OF SHORT-TERM RENTALS; AMENDING THE UNIFIED DEVELOPMENT CODE REGULATIONS GOVERNING SHORT-TERM RENTALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING AN EFFECTIVE DATE; AND ACKNOWLEDGING COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT. (REGULATION OF SHORT-TERM RENTAL PROPERTIES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

## 6. RESOLUTIONS:

- A. [2023-321](#) **CONSIDER RESOLUTION NO. 2023-R31; A RESOLUTION AUTHORIZING THE PURCHASE OF A VOLVO L60H LOADER FOR AN AMOUNT NOT TO EXCEED \$186,456.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF BOERNE AND FROST BANK. (Purchase loader for the Street Department)**

Mayor Pro Tem Wolosin called on Mr. Jeff Carroll, Engineering and Mobility Director. Mr. Carroll discussed the need for a new loader for the street department. The lease/purchase agreement with Frost Bank was required before moving forward with ordering the loader. The loader will take approximately 2 months to arrive after ordering.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2023-R31; A RESOLUTION AUTHORIZING THE PURCHASE OF A VOLVO L60H LOADER FOR AN AMOUNT NOT TO EXCEED \$186,456.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF BOERNE AND FROST BANK. (PURCHASE LOADER FOR THE STREET DEPARTMENT). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**B. [2023-279](#) CONSIDER RESOLUTION NO. 2023-R32; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FREESE AND NICHOLS, INC. FOR THE ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE ADLER ROAD IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$1,618,052.00, AS PART OF THE 2022 QUALITY OF LIFE BOND PROGRAM TO BE FUNDED THROUGH CAPITAL SURPLUS OF FUND BALANCE TO BE REIMBURSED UPON BOND ISSUANCE. (2022 BOND project, Reconstruction of Adler Road from N. Main St to N. Esser Road)**

Mr. Carroll continued with the reconstruction of Adler Road. Mr. Carroll stated in November 2022 with the Quality of Life Bond Election, the voters approved improvements to roadway infrastructure, turn lanes, intersection and traffic signals. Adler Road was selected to be included in the Bond proposal. Freese and Nichols, Inc. is currently working on culvert improvements along Adler Road so they are familiar with project.



A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R32; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY OF BOERNE AND FREESE AND NICHOLS, INC. FOR THE ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE ADLER ROAD IMPROVEMENTS PROJECT FOR AN AMOUNT NOT TO EXCEED \$1,618,052.00, AS PART OF THE 2022 QUALITY OF LIFE BOND PROGRAM TO BE FUNDED THROUGH CAPITAL SURPLUS OF FUND BALANCE TO BE REIMBURSED UPON BOND ISSUANCE. (2022 BOND PROJECT, RECONSTRUCTION OF ADLER ROAD FROM N. MAIN ST TO N. ESSER ROAD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

C. [2023-314](#) **CONSIDER RESOLUTION NO. 2023-R33; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY MANAGER AND PAWELEK & MOY, INC. FOR ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE STREET RECONSTRUCTION PROJECTS FOR AN AMOUNT NOT TO EXCEED \$99,620.00, AS PART OF THE 2022 QUALITY OF LIFE BOND PROGRAM TO BE FUNDED THROUGH CAPITAL SURPLUS OF FUND BALANCE TO BE REIMBURSED UPON BOND ISSUANCE. (2022 BOND project to include Parkway Drive, W. Kronkosky Street, W Blanco Road, and Shooting Club Road)**

Mr. Carroll continued with discussion on street reconstruction projects which the voters approved with a Quality of Life Bond Election in November 2022. Projects identified as the poorest rated streets are Parkway Drive, W. Kronkosky Street, W. Blanco Road, and Shooting Club Road. The agreement with Pawelek & Moy, Inc. will include survey, design, bidding and construction phase services.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOOLARD, TO APPROVE RESOLUTION NO. 2023-R33; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT BETWEEN THE CITY MANAGER AND PAWELEK & MOY, INC. FOR ENGINEERING DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE STREET RECONSTRUCTION PROJECTS FOR AN AMOUNT NOT TO EXCEED \$99,620.00, AS PART OF THE 2022 QUALITY OF LIFE BOND PROGRAM TO BE FUNDED THROUGH CAPITAL SURPLUS OF FUND BALANCE TO BE REIMBURSED UPON BOND ISSUANCE. (2022 BOND PROJECT TO INCLUDE PARKWAY DRIVE, W. KRONKOSKY STREET, W BLANCO ROAD, AND SHOOTING CLUB ROAD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**D. [2023-371](#) CONSIDER RESOLUTION NO. 2023-R34; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ADVANCE FUNDING AGREEMENT FOR SURFACE TRANSPORTATION BLOCK GRANT-ROAD WIDENING OFF-SYSTEM BETWEEN THE CITY OF BOERNE AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR CASCADE CAVERNS ROADWAY IMPROVEMENT PROJECT. (AFA for improvements on Cascade Caverns Road, Old San Antonio Road, and Scenic Loop Road)**

Mr. Carroll continued with the Cascade Caverns Road improvements. Mr. Carroll stated as part of the Alamo Area Metropolitan Planning Organization (AAMPO) project, in order to move forward with the next phase of the project, the city must execute an Advance Funding Agreement (AFA) which establishes the terms of participation and financial contributions at the local, state, and federal level. The city will be refunded 70% of eligible roadway and drainage construction costs.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R34; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN ADVANCE FUNDING AGREEMENT FOR SURFACE TRANSPORTATION BLOCK GRANT-ROAD WIDENING OFF-SYSTEM BETWEEN THE CITY OF BOERNE AND TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR CASCADE CAVERNS ROADWAY IMPROVEMENT PROJECT. (AFA FOR IMPROVEMENTS ON CASCADE CAVERNS ROAD, OLD SAN ANTONIO ROAD, AND SCENIC LOOP ROAD). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

E. [2023-386](#) **CONSIDER RESOLUTION NO. 2023-R35; A RESOLUTION OF THE CITY OF BOERNE RATIFYING AN EMERGENCY EXPENDITURE BY CITY STAFF AND AUTHORIZING A PAYMENT TO TAS ENVIRONMENTAL SERVICES, LP FOR CLEANING OF INFLUENT BOXES AT THE OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER FOR AN AMOUNT NOT TO EXCEED \$60,612.00. (Vacuum cleaning of influent boxes)**

Mayor Pro Tem Wolosin called on Mr. Mike Mann, Utilities Director. Mr. Mann explained that TAS Environmental Services, LP was scheduled for cleaning of influent boxes at the Wastewater Treatment and Recycling Center. Prior to their arrival, staff noticed the typical plant flow suddenly decreased. It was found that it was due to stoppage between the incoming junction box and lift station wet well. The contractor was asked to arrive earlier to alleviate the additional accumulated materials which was in addition to the original scope of work.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE RESOLUTION NO. 2023-R35; A RESOLUTION OF THE CITY OF BOERNE RATIFYING AN EMERGENCY EXPENDITURE BY CITY STAFF AND AUTHORIZING A PAYMENT TO TAS ENVIRONMENTAL SERVICES, LP FOR CLEANING OF INFLUENT BOXES AT THE OLD SAN ANTONIO ROAD WASTEWATER TREATMENT AND RECYCLING CENTER FOR AN AMOUNT NOT TO EXCEED \$60,612.00. (VACUUM CLEANING OF INFLUENT BOXES). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**F. [2023-381](#) CONSIDER RESOLUTION NO. 2023-R36; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT TO PROVIDE PROFESSIONAL SERVICES, ARCHITECTS, ENGINEERS, AND BUILDING OFFICIALS BETWEEN THE CITY OF BOERNE AND AOKA ENGINEERING LLC DBA: AOKA CODE CONSULTING FOR AN AMOUNT NOT TO EXCEED \$151,005.00. (Plan Review)**

Mayor Pro Tem Wolosin called on Ms. Laura Haning, Planning Director. She explained that with the retirement of Jesse Aguirre, AOKA Code Consulting was hired to review plans. Staff would like to continue to use AOKA through the end of the physical year to give the new Chief Building Official time with the city.

A MOTION WAS MADE BY COUNCIL MEMBER SCOTT, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE RESOLUTION NO. 2023-R36; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN AGREEMENT TO PROVIDE PROFESSIONAL SERVICES, ARCHITECTS, ENGINEERS, AND BUILDING OFFICIALS BETWEEN THE CITY OF BOERNE AND AOKA ENGINEERING LLC DBA: AOKA CODE CONSULTING FOR AN AMOUNT NOT TO EXCEED \$151,005.00. (PLAN REVIEW). THE MOTION CARRIED BY THE FOLLOWING VOTE:

**Yeah:** 5 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Scott, Council Member Boddie, and Council Member Macaluso

**7. CITY MANAGER'S REPORT:****B. [2023-368](#) VISIT BOERNE ANNUAL UPDATE.**

Mayor Pro Tem Wolosin called on Mr. Larry Woods, Visit Boerne Director to provide an annual update of the Visit Boerne.

**C. [2023-288](#) MONTHLY PROJECTS REPORT.**

City Manager Ben Thatcher provided an update on various city projects.

**8. COMMENTS FROM COUNCIL – No discussion or action may take place.**

Council Member Macaluso acknowledged the Champion High School symphony orchestra, the Geneva School choir, and Geneva year book and congratulated them on their successes this year.

Mayor Pro Tem Wolosin responded to various comments he has received relating to the lack of communication with Kendall County. He explained that the city council oversees the city manager and communications with the county are through the city manager. Communication should be two-way. He stated that the structure of the two elected bodies work differently. All city residents pay county taxes. The city council is a volunteer position whereas the commissioners earn a salary.

**9. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:**

Mayor Pro Tem Wolosin convened the City Council into Executive Session at 8:24 p.m.

- A. [2023-394](#) SECTION 551.072 - TO DELIBERATE THE PURCHASE OR VALUE OF REAL PROPERTY WHERE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY IN NEGOTIATIONS WITH A THIRD PERSON. (Utility Easement at the north end of Ranch Drive)**

No action was taken.

- B. [2023-296](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY TO DISCUSS LEGAL ISSUES RELATED TO DELEGATE AGENCY AGREEMENTS.

No action was taken.

- C. [2023-361](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY AND SECTION 551.087 - DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING DEVELOPMENT AGREEMENT BETWEEN BOERNEBAK AND CITY OF BOERNE.

No action was taken.

- D. [2023-398](#) SECTION 551.071 - CONSULTATION WITH CITY ATTORNEY REGARDING ANNEXATION, DISANNEXATION AND PROPOSED LEGISLATION.

No action was taken.

**10. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

Mayor Pro Tem Wolosin reconvened the City Council meeting at 9:27 p.m.

No action was taken.

**11. ADJOURNMENT**

Mayor Pro Tem Wolosin adjourned the City Council meeting at 9:27 p.m.

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Mayor

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City Secretary

## ORDINANCE NO. 2023-17

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, CHAPTER 2. ADMINISTRATION, ARTICLE IV. RECORDS MANAGEMENT PROGRAM; AND AMENDING THE RECORDS MANAGEMENT PLAN**

**WHEREAS**, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a municipality must establish by Ordinance an active and continuing records management program to be administered by a Records Management Officer; and

**WHEREAS**, the City of Boerne has adopted policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; and

**WHEREAS**, it becomes necessary from time to time to make certain changes in ordinances of the City of Boerne, Texas.

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

That Chapter 2. Administration, Article IV Records Management Program, of the Code of Ordinances, City of Boerne, Texas is hereby amended to read in its entirety as follows:

#### **Sec. 2-91. - Definition of municipal records.**

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the City of Boerne or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the City of Boerne and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner.

#### **Sec. 2-92. - Additional definitions.**

*Department head* means the officer who by ordinance, order or administrative policy is in charge of an office of the city that creates or receives records.

*Essential record* means any record of the city necessary to the resumption or continuation of its operations in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.



*Permanent record* means any record of the city for which the retention period on a records control schedule is given as permanent.

*Records control schedule* means a document prepared by the Texas State Library and Archives Commission listing the records maintained by the city, their retention periods, and other records disposition information.

*Records ~~liaison~~ **custodian*** means the person designated under section 2-99.

*Records management* means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence; and the management of micrographics and electronic and other records storage systems.

*Records management officer* means the person designated in section 2-95.

*Records management plan* means the plan developed under section 2-96.

*Retention period* means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

#### **Sec. 2-93. - Municipal records declared public property.**

All municipal records are hereby declared to be the property of the city. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

#### **Sec. 2-94. - Policy.**

It is hereby declared to be the policy of the city to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

#### **Sec. 2-95. – Designation of records management officer.**

The City Secretary, and the successive holders of said office, shall serve as records

management officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty (30) days of the initial designation or of taking up the office, as applicable.

**Sec. 2-96. - Records management plan to be developed; approval of plan; authority of plan.**

- (a) The records management officer shall develop a records management plan for the city for submission to the city. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the city, and to properly preserve those records of the city that are of historical value. The plan must be designed to enable the records management officer to carry out his or her duties prescribed by state law and this article effectively.
- (b) Once approved by the city council the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and the records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.
- (c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this article and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program for the city.

**Sec. 2-97. - Duties of records management officer.**

In addition to other duties assigned in this article, the records management officer shall:

- (1) Administer the records management program and provide assistance to department heads in its implementation.
- (2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures.
- (3) In cooperation with department heads identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense.
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city.
- (5) Establish standards for filing and storage equipment and for recordkeeping supplies.
- (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a form design and control system for the city.
- (7) Provide records management advice and assistance to all city departments by

preparation of a manual or manuals of procedures and policy and by on-site consultation.

- (8) Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations.
- (9) Disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records.
- (10) Instruct records ~~liaisons~~ **custodians** and other personnel in policies and procedures of the records management plan and their duties in the records management program.
- (11) Direct records ~~liaisons~~ **custodians** or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this article.
- (12) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the city are carried out in accordance with the policies and procedures of the records management program and the requirements of state law.
- (13) Maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition.
- (14) Report annually or as necessary to the city council on the implementation of the records management plan in each department of the city.
- (15) Bring to the attention of the city council any noncompliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

## **Sec. 2-98. Duties and responsibilities of department heads.**

In addition to other duties assigned in this article, department heads shall:

- (1) Cooperate with the records management officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this article.
- (2) Adequately document the transaction of government business and the services, programs and duties for which the department head and his or her staff are responsible.
- (3) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this article.

**Sec. 2-99. - Designation of records liaisons ~~liaisons~~ custodians.**

Each department head shall designate a member of his staff to serve as records liaison ~~liaison~~ custodian for the implementation of the records management program in the department. If the records management officer determines that in the best interests of the records management program more than one (1) records liaison ~~liaison~~ custodian should be designated for a department, the department head shall designate the number of records liaisons ~~liaisons~~ custodians specified by the records management officer. Persons designated as records liaisons ~~liaisons~~ custodians shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the city maintained by the department. In the event of resignation, retirement, dismissal, or removal by action of department head of a person designated as a records liaison ~~liaison~~ custodian, the department head shall promptly designate another person to fill the vacancy. A department head may serve as records liaison ~~liaison~~ custodian officer for his department.

**Sec. 2-100. - Duties and responsibilities of records liaisons ~~liaisons~~ custodians.**

In addition to other duties assigned in this article, records custodians shall:

- (1) Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules.
- (2) In cooperation with the records management officer, coordinate and implement the policies and procedures of the records management program in their departments.
- (3) Disseminate information to department staff concerning the records management program.

**Sec. 2-101. - Records control schedules to be developed; approval; filing with state.**

- (a) In lieu of filing records control schedules, the City of Boerne has adopted record control schedules issued by the Texas State Library and Archives Commission. A Declaration of Compliance with the Records Scheduling Requirement of the Local Government Records Act shall be filed with the Texas State Library and Archives Commission by the records management officer.
- (b) The records control schedules adopted by the Declaration of Compliance may be amended by filing for approval a Supplemental Records Control Schedule (SLR Form 509) on which are listed proposed retention periods for records that do not appear on schedules issued by the commission.

**Sec. 2-102. - Implementation of records control schedules; destruction of records under schedule.**

- (a) A records control schedule for a department that has been approved and adopted under section 2-101 shall be implemented by department heads and records custodians according to the policies and procedures of the records management plan.
- (b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the records is pertinent to a pending lawsuit, or the department head requests in writing to the records management officer that the record be retained for an additional period.
- (c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the records management officer from the records liaisons **custodians**.

**Sec. 2-103. - Destruction of unscheduled records.**

In order to destroy records that do not appear on schedules issued by the Texas State Library and Archives Commission and that have not been added by a filed Supplemental Records Control Schedule, a Request for Authorization to Destroy Unscheduled Records (SLR 501) must be filed with the Texas State Library and Archives Commission.

**Sec. 2-104 – 2-119. - Reserved.**

PASSED and APPROVED on first reading this the 25<sup>th</sup> day of April 2023.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of May 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

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



# RECORDS MANAGEMENT PLAN

*Approved and Adopted by City Council*

*June 10, 2014*

*Ordinance No. 2014-17*

## **I. INTRODUCTION**

### **Records Management**

#### **What is Records Management?**

Records management is the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

#### **What is a Records Management Plan?**

A records management plan contains policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the city, and to properly preserve those records of the city that are of historical value. The plan is binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and the records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

#### **Why does the City of Boerne need a Records Management Program?**

Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a municipality must establish by Ordinance an active and continuing records management program to be administered by a records management officer.

All municipal records are the property of the city. No city official or employee has, by virtue of his or her position, any personal or property right to such records even though he may have developed or compiled them. ~~The~~ Unauthorized destruction, removal from files, or use of such records is prohibited. Implementation of a Records Management Program will minimize the risk of records being handled improperly.

#### **Where does Records Management fall in the organization?**

The City Secretary, and the successive holders of said office, shall serve as the records management officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty (30) days of the initial designation or of taking up the office, as applicable.

## Statement of Goals

To maintain a city-wide Records Management Program that will create an orderly, uniform, and reliable approach of managing municipal records throughout all City departments.

### Goals:

#### **1. Reduce space needed for storage of records.**

- Continue to reduce the volume of records held in City offices through disposing of records in accordance with the Records Management Program.
- Use Tyler CM and other software programs to manage records electronically.
- Continue to work with the Information Technology Department in managing records electronically.
- Use retention storage ~~shed~~ **site** for inactive records until their destruction.

#### **2. Develop and maintain an efficient retrieval operation for City records.**

- Scan designated records into electronic files using Tyler CM, INCODE, or other programs specific to the department.
  - If the record has a retention period of 10 years or more, retain the original.
  - If the record has a retention period of less than 10 years, the original may be destroyed. The scanned in copy will become the official record.

#### **3. Provide for routine disposition of records.**

- Records management officer or designee shall provide a document destruction notice (Exhibit B) to each department on or before November 1<sup>st</sup> annually.
- Records ~~liaison~~ **custodian** shall provide an approved, signed, document destruction notice (Exhibit B) with any amendments to the records management officer or designee on or before December 1<sup>st</sup> annually.
- Records management officer or designee shall schedule destruction of approved documents on or before December 31<sup>st</sup> annually.
- Records management officer or designee will contact departments annually to encourage electronic storage for easy access to records.

#### **4. Maintain total security over City records.**

- Periodically review procedures and safety controls for City's records.
- Maintain an inventory and destruction log of all City records.
- Electronically file in Tyler CM all Records Destruction Notices.
- Identify and protect vital records.



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**5. Communicate the need for an effective records management program.**

- Actively keep lines of communication open between the records management officer, department heads, records ~~liaison~~ **custodian** and other city staff and provide training opportunities as seen fit by the records management officer.

### **Duties of Records Management Officer (RMO)**

1. Administer the records management program and provide assistance to department heads in its implementation.
2. Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures.
3. In cooperation with department heads, identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense.
4. Develop procedures to ensure the permanent preservation of the historically valuable records of the city.
5. Establish standards for filing and storage equipment and for recordkeeping supplies.
6. Study the feasibility of and, if appropriate, establish a uniform filing system and a form design and control system for the city.
7. Provide records management advice and assistance to all city departments by preparation of a manual or manuals of procedures and policy and by on-site consultation.
8. Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations.
9. Disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records.
10. Instruct records ~~liaisons~~ **custodians** and other personnel in policies and procedures of the records management plan and their duties in the records management program.
11. Direct records ~~liaisons~~ **custodians** or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this article.
12. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the city are carried out in accordance with the policies and procedures of the records management program and the requirements of state law.

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13. Maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests the volume of records microfilmed or store electronically, and the estimated cost and space savings as the result of such disposal or disposition.
  14. Report annually or as necessary to the city council on the implementation of the records management plan in each department of the city.,~~including summaries of the statistical and fiscal data compiled under subsection (13).~~
  15. Bring to the attention of the ~~to the~~ city council ~~of any~~ noncompliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

### **Duties of Department Heads**

1. Cooperate with the records management officer (RMO) in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this ~~article~~ **section**.
2. Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible.
3. Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this ~~article~~ **section**.

### **Duties of Records ~~Liaisons~~ Custodians**

Records ~~liaisons~~ **custodians** implement the records management program within their department. They are the vital link between their department and the RMO.

Records ~~liaisons~~ **custodians** are responsible for:

1. Reviewing departmental records at least annually to purge and transfer inactive records to the storage ~~shed~~ **site** or process for destruction.
2. Preparing records for transfer according to instructions in the Records Management Plan and arrange for their transfer to the storage ~~shed~~ **site** or warehouse.
3. Providing an approved, signed, document destruction notice (Exhibit B) with any amendments to the records management officer or designee on or before December 1<sup>st</sup> annually.
4. Reviewing records periodically to ensure they are properly protected and to assure that vital and historical records are so classified.
5. Notifying the RMO if changes are required to Records Retention Schedules and when records become obsolete.
6. Acting as ~~liaison~~ **custodian** person between their department and the RMO to resolve any problems which arise relating to the Records Management Program.
7. Notifying the city attorney, department head and the RMO of pending litigation to ensure the safe keeping of all records pertaining to the litigation.
8. Acquiring knowledge of their department's electronic storage applications in order to communicate desired changes of additional needs to the RMO and Information Technology Department.
9. Working with the RMO in developing amending existing and or/creating new records management programs.
10. Maintaining a Records Retention Log (**Exhibit D**) for their department.
11. Maintaining a list of all designated official record copies, providing the list to the RMO's designee and notifying the RMO's designee of any additions to the list.
12. Providing a list and the location of their department's vital records to the RMO or designee.

## II. RECORDS CONTROL SCHEDULES

The City of Boerne filed a Declaration of Compliance with the Records Scheduling Requirement of the Local Government Act in February of 2012 that adopted the following records control schedules issued by the Texas State Library and Archives Commission (TSLAC):

- Schedule EL      Records of Elections and Voter Registration
- Schedule GR      Records Common to All Governments
- Schedule HR      Records of Public Health Agencies
- Schedule LC      Records of Justice and Municipal Courts
- Schedule PS      Records of Public Safety Agencies
- Schedule PW      Records of Public Works and Services
- Schedule TX      Records of Property Taxation
- Schedule UT      Records of Utility Services

*See Exhibit A, Texas State Library and Archives Commission: Local Schedules.*

A department may retain records beyond the mandatory retention period. The department head must notify the records ~~liaison~~ **custodians** of the department as well as the RMO.

If there is a record that cannot be found on one of the above listed schedules, contact the RMO. The RMO will then submit the required TSLAC forms to have the new record added to the record control schedule.

Note: All records **must** be retained for at least the minimum amount of time stipulated by law.

### III. RECORDS STORAGE

Before records can be stored the following information must be recorded onto a label (Exhibit C) and a copy **must** be provided to the RMO's designee:

- Box number (box numbers are located on the box label obtained through the RMO's designee)
- Department
- Contents/ Record name
- Date range of contents
- Record number (from the *Texas State Library and Archives Commission Local Schedules*), the location of where the box will be stored and the year the contents are to be destroyed. If appropriate, attach a list of the contents.

If storing in boxes, **be sure and file documents with the same retention period together** to avoid having to sort through them later. If for some reason you have a box with different retention periods, be sure that the date of destruction coincides with the record with the longest required retention period.

Records ~~liaison~~ **custodians** are responsible for maintaining a Records Retention Log (Exhibit D) for their department. Make sure to update the log as you move records into storage.

Records with a destruction period of less than 6 years that you do not need to have access to, should be moved to the storage ~~shed~~ **site**. A "~~Facility Dude~~" **maintenance** request should be made once the box is ready to be moved into storage. Building Maintenance will then contact you to assist with moving the boxes and gaining access to the storage ~~shed~~ **site**.

#### IV. RECORDS DISPOSITION

In accordance with State guidelines, the following procedures should be followed when disposing of records of any kind. If you have a question about a document's retention period, refer to the retention schedule. If you need further assistance, contact the RMO's designee for assistance.

##### Purging of Files

Departments may purge their files of "non-records" without consulting with the RMO. Records are considered non-records when they are not the original or official copies of a document and do not furnish information on organization, function, policy, procedure, operation, or other activities and are retained in addition to the official copy. Some examples are:

- convenience copies: "extract identical copies of documents created only for convenience of reference or research" (Local Government Code §201.003 (8) (A))
- copies of documents furnished to the public as part of a Public Information Act request
- stocks of publications
- blank forms

##### Annual Destruction of Records

- Records management officer or RMO's designee shall provide a record destruction notice (Exhibit B) to each department on or before November 1<sup>st</sup>.
- Records ~~liaison~~ **custodian** shall review the destruction notice and provide an approved, signed, document destruction notice with any amendments to the records management officer or designee on or before December 1<sup>st</sup>.
- Records management officer or designee shall schedule destruction of approved documents based on submitted record destruction notice on or before December 31<sup>st</sup>.
- Records management officer or designee shall ensure documents are listed on the Records Retention Log (Exhibit D).

##### ***Destroying records outside of the annual destruction:***

Records ~~liaison~~ **custodian** should periodically review their records. When the retention period is met, making records eligible for destruction, the appropriate records ~~liaison~~ **custodian** shall list all record series on a record destruction notice and submit it to the department head for review. If the department head *concurs*, he or she will sign the destruction notice form and submit it to the RMO's designee. If approved for destruction, the department ~~liaison~~ **custodian** will be advised that he or she can destroy the records by shredding. The records ~~liaison~~ **custodian** must record the information in their department's Records Retention Log (Exhibit D).

All records that are to be destroyed annually, if not already at the storage ~~shed~~ **site** located ~~behind~~ **at** City Hall **on the first floor**, should be processed and sent to the storage ~~shed~~ **site** on or before December 1<sup>st</sup>.



**Litigation Support Policy**

In the event the City or a department is implicated in a Court action, any records which may be involved must be retained and safeguarded from destruction or tampering regardless of the retention period specified in the records control schedules. Notify the RMO and City Attorney if you have any such documents.

## V. RECORDS RETRIEVAL

### **Procedures for Requesting Stored Records**

In order to access a record once it has been moved to the storage ~~shed~~ site, ~~basement or warehouse~~ following the steps listed below.

1. Send an e-mail to Building Maintenance with a CC to the RMO's designee requesting access to the proper location and assistance in locating/ moving stored box.
2. If a box or document from a stored box is removed from the storage site the new location must be recorded in your retention log and sent the RMO's designee.
3. If a box or document is returned to the stored location the location must be recorded in your retention log and sent to the RMO's designee.

## VI. ELECTRONIC SCANNING OF RECORDS

The City is utilizing Tyler CM and each department is responsible for scanning designated records into Tyler CM. Request the assistance of the RMO's designee or the IT Department if assistance is needed.

Not all records should be scanned. It should be carefully considered when deciding to scan records requiring retention of 10 years or less, especially if the file has been inactive for some time.

It is acceptable to keep a scanned document in lieu of the original as long as the scanned document is designated as the official record copy and is retained for the full retention period. This authorization is provided Local Government Code §205.002. Authorization. Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of this chapter and rules adopted under it. The City of Boerne's digital systems have secure back-ups and all documents stored electronically that are still in retention will be migrated as hardware and/ or software is upgraded.

After a record has been scanned in, a **visual quality control check must be done on every single page** of the scanned record to make sure that it is a complete representation of the original. If the record has a retention period of 10 years or more, the original paper record must be retained as to the retention control schedule. If the record has a retention period of less than 10 years, the scanned record may be designated as the official record copy and the hard copy may be destroyed after 6 months.

The records ~~liaison~~ **custodian** must keep a list of all designated official record copies, provide the list to the RMO's designee and notify the RMO's designee of any additions to the list.

**It is the policy of the City of Boerne to retain in original paper form all records with a retention period of 10 years or more with the exception of Commercial Building Plans. The Plans may be destroyed after scanning.**

## VII. SOCIAL MEDIA RECORDS

### Definitions

**Social Media:** Forms of electronic communication through which users create online to share information, ideas, personal messages, and other content.

**Social Media Tool:** A software system or service provided via the Internet used to communicate and share information between people.  
(Examples: Facebook, YouTube, Flickr, Twitter)

Social Media shall be handled in the same manner as any other record. Local Government – Bulletin D “any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, **electronic medium, or other information recording medium regardless of physical form or characteristic** and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business” - Section 201.003

The City of Boerne uses ArchiveSocial in order to ensure compliance with the records control schedules and save time on Public Information requests. ArchiveSocial automatically archives records of social media activity transmitted on any device, computer, or network and captures the metadata behind status updates, photos, tweets, profiles and messages from Twitter, Facebook, LinkedIn, and YouTube.

### Guidelines

- Only public information may be posted on social media websites.
- All open records or public information requests follow the same policy and procedures as records of any other format.
- The retention of social media records is based on content and function.
- Use of personal social network accounts and user IDs for city use is prohibited.
- Use of city social network user IDs for personal use is prohibited.
- Refer to the Policy for Employee Use of Social Networks.

## VIII. E-MAIL RETENTION

### **Purpose**

This section of the Records Management Plan covers general guidelines for purging and retaining correspondence records stored on the City's electronic messaging system. It does not supersede any state or federal laws, nor any other government policies regarding confidentiality, information dissemination, or standards of conduct.

It is the policy of the City of Boerne to provide for the efficient, economical and effective management of electronic records, including e-mail, in accordance with Texas Administrative Code (TAC), Chapter 7, Sections 7.71-7.79 8 and Local Government Code (LGC), Chapter 205, Sections 205.001-205.009 (Local Government Bulletin B, Electronic Records Standards and Procedures). TAC, Chapter 7, Section 7.72(d), provides that the governing body of a local government or designated records management officer must administer a program for the management of records created, received, maintained, used, or stored on electronic media.

The City of Boerne desires to adopt a policy for that purpose and to prescribe guidelines and procedures for the management of electronic records, including e-mail, consistent with the Electronic Records Standards and Procedures and in the interest of cost-effective and efficient recordkeeping, including long-term records retention.

### **Scope**

This policy applies to any electronic records, including e-mail messages, created, received, retained, used, or disposed of using the City of Boerne's computer system and electronic mail system.

### **Definitions**

- (1) Electronic mail message: A record created or received on an electronic mail system including brief notes, more formal or substantive narrative documents, and any attachments which may be transmitted with the message.
- (2) Electronic mail receipt data: Information in electronic mail systems regarding the date and time of receipt of a message, and/or acknowledgment of receipt of access by addressee(s).
- (3) Electronic mail systems: A computer application used to create, receive, retain and transmit messages and other records. Excluded from this definition are file transfer utilities.
- (4) Electronic mail transmission data: Information in electronic mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent.
- (5) Electronic media: All media capable of being read by a computer, including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media.

- (6) Electronic record: ~~The information that is maintained in electronic format in a computer for computer processing and the product of computer processing of that information that satisfies the definition of a government record in the Local Government Code, Chapter 201, Section 210.003(8).~~ Any information that is recorded in a form for computer processing and that satisfies the definition of local government code, 201.003(8).
- (7) Electronic records system: Any information system that produces, manipulates, and stores city records by using a computer.
- (8) Mailing list service: An electronic mailing list housing service used for discussions and announcements within a specified group of individuals. Subscribers to the service participate by sending information to and receiving information from the list using electronic mail messages.
- (9) Records management officer: ~~The person who administers the records management program established in each local government under the Local Government Code, Chapter 203, Section 203.026.~~ The person designated by the governing body of each local government pursuant to the local government code 203.025.
- (10) Local government record: Any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. **The term does not include:**
- (A) Extra identical copies of documents created only for convenience of reference of research by officers or employees of the local government;
  - (B) Notes, journals, diaries, and similar documents created by an officer or employee of the local government for the officer's or employee's personal convenience;
  - (C) Blank forms;
  - (D) Stocks of publications;
  - (E) Library and museum materials acquired solely for the purposes of reference or display;
  - (F) Copies of a document in any media furnished to members of the public to which they are entitled under Chapter 552, Government Code or other state law;
  - (G) Any records, correspondence, notes, memoranda or documents, other than a final written agreement described by Section 2009.054(c), Government Code, associated with a state department of institution, local government, special

district, or other political subdivision of the state that participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

### **Authority**

Retention of local government records, in any format, is required by the Local Government Records Act and by City ordinance.

### **City of Boerne E-Mail Policy Excerpts**

The city often delivers official communications via e-mail. As a result, employees of the city with e-mail accounts are expected to check their e-mail in a consistent and timely manner so that they are aware of important city announcements and updates, as well as for fulfilling business and role-oriented tasks.

E-mail users are responsible for mailbox management, including organization and cleaning.

E-mail is archived for four years at server level. It is up to the individual user to archive older e-mails. The IT Department can be contacted to help set up archiving of older e-mail.

E-mail users are expected to remember that e-mail sent from the city's e-mail accounts reflects on the city. Please comply with normal standards of professional and personal courtesy and conduct.

In addition, archival and backup copies of e-mail messages **may** exist, despite end-user deletion, in compliance with the City's records retention policy. The goals of these backup and archiving procedures are to ensure system reliability, prevent business data loss, meet regulatory and litigation needs, and to provide business intelligence.

Backup copies exist primarily to restore service in case of failure. Archival copies are designed for quick and accurate access by company delegates for a variety of management and legal needs. Both backups and archives are governed by the Texas State Library and Archives Commission Local Records control schedules. **E-mails must be kept according to its content and the corresponding retention period.**

### **User Responsibilities and Enforcement**

It is the responsibility of the user of the e-mail system, with guidance and training from the records management officer, RMO's designee and/ or records ~~liaison~~ **custodian**, to manage electronic records, including e-mails, according to the government's established retention periods. It is the responsibility of the sender of e-mail messages within the government to retain the messages for the approved retention period. Names of sender, recipient, date/time

of the message, as well as any attachments must be retained with the message. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message. User responsibilities may be mitigated by the use of a server level automated classification system.

The Information Technology Department is responsible for general enforcement of this section. Each Department Head is responsible for implementation and maintenance of this section in their department.

### **Guidelines**

1. For acceptable use of e-mails, see the City's E-mail Use Policy.
2. The burden of responsibility for determining retention of an e-mail rests on the **individual user**.
  - a. The sender copy is the official record copy and the sender is the ~~liaison~~ **custodian** of the record copy.
  - b. The recipient copy is also an official record copy if you need to take action based on the message and/or the message is required for adequate documentation of action.
3. The City has adopted the retention schedules published by the Texas State Library and Archives Commission and e-mails and their attachments must be retained according to the subject matter of their content.
4. The time period of the applicable retention period of the e-mail document is determined by the content of the message and attachments. If an attachment requires a different retention from the e-mail message, the longest retention period applies.
5. Any e-mail that is a non-record should be deleted.
6. E-mails left on the messaging system will be automatically deleted after **4 years**. If there is a litigation hold on e-mail records, they must be printed immediately and stored separately.
7. If an e-mail has a retention period of more than four years, it must be printed and stored.
8. Once an e-mail, its header and all attachments are transferred to an unalterable storage medium outside the e-mail system (paper, CD, Tyler CM), the transferred documents are considered the official record copy. The original e-mail, its header and all attachments are considered non-records and will be deleted after **4 years**, if the user doesn't delete it before that time.
9. When an employee leaves the City's employment, the Department Head will be given access to said employee's archived e-mail account. All e-mails that need to be kept for official record purposes shall be printed and stored. After the Department Head has reviewed the e-mail account, he/she should notify the Information Technology department and the e-mail account/e-mail of a former employee will be deleted.

### **Determination of an Official Record Copy**

The e-mail user is responsible for determining whether or not the e-mail is the official record copy. Use this ~~4-step drill~~ **3-step drill** to help determine what should be kept as an official record copy.

*Step 1: Determine ~~what can be deleted at any time.~~ **if content is a record***

The following items are not considered the official record copy

- Personal e-mail – that has no relevance to City business
- Spam



- Unsolicited e-mail (examples: vendor ads, news articles, non-work related e-mail from coworkers)
- CC's – the e-mail is the responsibility of the sender
- Convenience copies – the record is retained elsewhere

*Step 2: Determine if the content is related to your job.*

- Is the content of the e-mail directly related to your responsibilities as a City employee?
  - If no, forward to the person who has the responsibility, and then delete the e-mail.
- If yes, proceed to the next step.

*Step 3: Are you the ~~liaison~~ **custodian**?*

- Are you the person responsible for maintaining the records related to this subject?
  - If no, forward to the person who is and then delete the e-mail.
- If yes, ~~proceed to the next step.~~ **retain the email.**

~~*Step 4: Keep the e-mail*~~

- ~~▪ This e-mail is the official record copy and you must retain it according to the records control schedules.~~

### **Determining Retention Period**

Review the content of the e-mail and refer to the records control schedules to determine the record series and record retention period. Many e-mails will fall into the correspondence record series. Contact the RMO if you have a question about classifying a record.

Correspondence includes three categories:

- **Administrative (GR 1000-26a): 4-year retention**
  - Incoming/outgoing and internal correspondence pertaining to the formulation, planning, implementation, modification, or redefinition of the programs, services, or projects of a local government and the administrative regulations, policies, and procedures that govern them. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities and topics.
- **General (GR 1000-26b): 2-year retention**
  - Incoming/outgoing and internal correspondence pertaining to the regular and routine operation of the policies, programs, services, or projects of a local government. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.
  - The bulk of e-mails fall into this category.
- **Routine/ Transitory (GR 1000-26c): AV - As long as administratively valuable**
  - Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notices, and similar routine matters. May also

include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.

- These e-mails only serve an immediate purpose and can usually be deleted right away.

### **Maintenance of Electronic Mail**

Records created using an e-mail system must be saved for their approved retention period by one of the following methods:

1. Print message and any attachments and file in appropriate hard copy file. This becomes the official record.
2. Contact the Information Technology Department to set up archiving of e-mail with a retention period of more than **4 years**.
  - a. For more information about training on organizing and classifying e-mails, please see the RMO's designee.
3. Save to ~~removable disk~~ **USB** or flash drive, carefully labeled to enable proper disposition.

Back-up copies of an e-mail will be kept for no more than **14 30 days**. Backups are for system restoration and disaster recovery efforts and are not designed to facilitate retrieval of deleted messages.

The Information Technology Department will purge continually to ensure that only **4 years** of e-mails are available on the messaging system.

***Reminder: It is the policy of the City of Boerne to retain in original paper form all records with a retention period of 10 years or more.***

### **Disposition of Electronic Records & E-mail**

The process for the legal disposition of government records (including electronic records, and e-mails) is subject to the same documentation requirements as any other format or medium. This usually requires management permission and some type of disposition log to adequately document disposition and destruction of electronic records. (Local Governments are not required to keep a disposition/destruction log but the practice is **strongly advised**.) Section 7.78 of the Electronic Records Standards and Procedures (relating to the destruction of electronic records states that:

- (a) Electronic records may be destroyed only in accordance with the Local Government Code, Section 202.001
- (b) Each local government must ensure that:

- (1) Electronic records scheduled for destruction are disposed of in a manner that ensures protection of any confidential information; and
- (2) ~~Magnetic~~ **Electronic** storage media ~~previously~~ used for electronic records containing confidential information are not reused if the previously recorded information can be compromised ~~by reuse in any way.~~ **in any way through reuse.**

## IV IX. VITAL RECORDS PROGRAM

The purpose of the Vital Records Program is to protect those records containing information essential to the survival of the City in the event of a disaster (natural or man-made) and to the continued operations of the City without delay under emergency conditions. The protection of vital records is imperative. In the event of a disaster, having access to the City's critical records will make it possible to re-establish operations quickly and with minimum disruption and expense.

### Definition

Vital Records are defined as those:

- irreplaceable records for which reproductions do not have the same value as the originals;
- records needed to recover money promptly;
- records needed to avoid delay in restoration of services under emergency conditions; and
- records that give direct evidence of legal status, ownership, accounts receivable and incurred obligations.

### Identification

Each department records ~~liaison~~ **custodian** is responsible for identifying its vital records and for ensuring that those records are safe and can be immediately accessed if the need arises both during and after a disaster. The records liaison for each department shall provide a list and the location of their department's vital records to the RMO or designee.

Identification of vital records is difficult since most departments have records that are vital to them but not necessarily to the city as a whole. Generally, vital records and information represent only a small portion of all the records and information retained by the various departments. It is important that only vital records and information that are absolutely necessary to continue or resume City business are protected from permanent loss.

Consider the following to identify vital records:

- Does this record **give authority for operation of the City and its various departments?** (including the minutes of City Council, ordinances, and resolutions that have **legal force**)
- Does this record document **obligations owed to the City?** (example: financial records)
- Would this record be **essential to operations and would it be difficult to reconstruct?** (examples: blueprints showing locations of the City's underground water lines, gas lines, or other underground utilities, or records showing the basis for tax assessments)
- Does this record document **obligations to employees by the City?** (example: personnel records, accrued benefits, payroll records)
- Does this record document **information on civil and property rights of citizens?** (example: deed records, court decisions, documented permits)
- Does this record document **ownership of City property?** (especially property that is of significant value, including City parks and facilities and water wells)

If doubt still exists, contact the RMO for a determination.

Once you have identified your department's vital records:

- Determine the level of protection needed for the records

- Evaluate the most effective and cost-effective means for providing protection.
- Develop a records recovery program to assure records are retrievable in case of a disaster.

Keep in mind that in order for a vital record to remain vital, it must be up to date. As vital records are updated or superseded, replace them with the most current copy to ensure that it is protected against loss.

### **Protection**

Each department head is responsible for the protection of records vital to the city or department within their care. The level of protection that should be provided to the document should be based on the importance of the record. To protect your department's vital records, keep them in a fireproof safe if possible or make an electronic copy of them. Remember that although you may have an electronic copy of a document it may not have the same legal standing as the original. Check with the City Attorney when making the determination on how to safeguard such documents.

Make sure to keep an updated list of the location of these vital records on file with the RMO or designee. The RMO or designee will make sure there is a current list of all the locations of all the vital records within the city based on the lists provided by the records ~~liaison~~ **custodians**.

## X. RECORDS DISASTER PREVENTION AND RECOVERY PLAN

### Risk Assessment & Analysis

<u>Hazard Type</u>	<u>Damage</u>	<u>Likelihood of Occurrence</u>
Flash Flooding	Water Damage	Highly Likely
Flooding	Water Damage	Highly Likely
Water Main Breakage	Water Damage	Highly Likely
Plumbing Backup	Water Damage	Highly Likely
Irrigation System Malfunction	Water Damage	Highly Likely
Fire Suppression	Water Damage	Highly Likely
Wildfire	Fire Damage	Likely
Tornado	Wind Damage	Occasional
Winter Storm	Wind & Water damage	Occasional
Major Structural Fire	Fire Damage	Occasional

### Prevention

- Store records off the floor and away from danger (even a few inches can make a difference)
- Don't leave documents on the desk, scan and file immediately.
- File vital records in fire-proof filing cabinets as much as possible
- Scan in all essential & vital records
- Computer network backups – stored off-site
- Pre-purchase plastic tarps, clean-up supplies, and absorbent towels or blotters

### Records Disaster Recovery Plan

If the EOC has been activated, make contact with the Emergency Management Coordinator and a member of the Document Recovery Team.

Contact the Finance Department to obtain emergency funding.

Contact the IT Department. The IT Department has a Disaster Recovery Plan that they will be following.

If it is safe for staff to enter the building, if it is possible to start drying all items before they start to mold **and**, if the materials are not too delicate or too large to handle then follow the following steps. (For more detailed information on salvaging of water-damaged documents, please refer to Exhibit E)

- Gather salvageable records and store in a secure area
- Assess damage to paper documents and take steps to preserve them (example: dry or freeze wet documents)
- Recovery of wet paper:
  - Dry the paper as quickly as possible
  - Move them to a secure area with good air circulation and several large tables
  - Spread the documents out on flat, absorbent material
  - As it dries, move into stacks and interleave with paper towels or blotter paper
  - When almost dry, place between paper towels or blotter under light weight
- Recovery of wet books:
  - Stand book on end, open 90 degrees, and fan pages open
  - Circulate air with electric fan
  - Can interleave with absorbent material if needed, especially for coated papers

- Recovery of wet photographs:
  - Dry flat on absorbent material with image facing up.
  - Alternatively, affix on a line with a clothespin that does not touch image area.

### **Document Recovery Team**

City Secretary, RMO's designee, ~~Administrative Assistant~~ **Administration Records Clerk**, Records ~~Liaisons~~ **Custodians**.

A member of the document recovery team will complete a Disaster Incident Report Form (Exhibit F) in the event of any incident that causes damage to City records.

### **List of Expert Assistance & Document Restoration Companies**

*Consult with the City Attorney prior to entering into an agreement for document restoration services.*

- Texas State Library and Archives Commission
  - 512-463-7610
  - slrminfo@tsl.state.tx.us
- Society of American Archivists
  - 1-866-722-7858
- American Association for State and Local History
  - 1-615-320-3203
- American Institute for Conservation of Historic & Artistic Works
  - 1-202-452-9545
- BMS CAT (Document Restoration)
  - ~~1-800-433-2940~~ **1-866-621-078**

ARMA Buyers' Guide: <http://www.arma.org/buyersguide/index.cfm>

U.S. General Services Commission (GSA) Disaster Recovery Purchasing website:  
<http://www.gsa.gov/portal/content/202321>

National Archives and Records Administration (NARA) Records Recovery Vendors list:  
<http://www.archives.gov/preservation/disaster-response/vendors.html>

Texas Comptroller's Centralized Master Bidders List:  
<http://www.window.state.tx.us/procurement/prog/cmb/>

## XI. HISTORICAL RECORDS

### Guidelines for Appraising the Historical Value of Modern Records

**Historical (Archival) Value:** records that support historical research by serving as evidence of the functions, responsibilities, history, and development of government. Most items with historical value also possess other types of records values (administrative, legal, or fiscal). Examples: meeting minutes of governing bodies, city charters, tax rolls, certain types of correspondence, photographs, and certain legal case files.

**Archival Appraisal:** identifying records with enough historical value to be worthy of permanent (or long-term) preservation.

### Determining Historical Value

The following questions should be asked when determining the historical value.

1. Does the records retention schedule list a permanent retention period?
  - If yes, the record has historical value.
  - Note: permanent retention period applies to the record regardless of the record's format.
2. Does the records series include a **retention note** about historical value?
  - If yes, the record must be reviewed for historical value before it may be destroyed.
3. Do you have the record copy?
  - If no, it is unlikely that the record is "historical". (example: convenience copies)
4. Is the information unique? Can it be found elsewhere?
  - Has the information been filed with a state agency or a different governmental entity that would be more likely to have the record copy of that record?
5. Do the records document program policies or decision-making processes?
  - Records that document high-level policy- or decision-making processes will have historical value. A record documents policy- or decision-making processes if it documents the formulation, planning, implementation, modification, or redefinition of the policies, programs, services, or projects of a local government.
  - "Does this record document the history and development of my government?"
6. Does this record series document a particularly important person (or group of people), place, or event?



7. Will researchers now, or in the future, need to consult the records?
8. Are the records summary in nature, such as annual or progress reports?
  - In general, if you have information compiled into a final, summarized document, you can usually just keep that final document for your archives and get rid of the records that were summarized in the creation of that final document (after they've met their retention periods).
9. How complete is the collection of records?
  - Completeness of a collection gives it more value. A researcher trying to understand the development of a certain city policy will be much better served by a full date range of minutes, rather than a few scattered years.
  - Likewise, if a correspondence file is missing letters K through T, it will make the correspondence file less useful on the whole.

Common sense and good judgment are key factors in determining whether or not to keep a record for historical purposes. If you need additional assistance in determining the historical value of a record, please contact the RMO or Assistant City Manager.

### **Resources**

The following resources can also assist with determining historical value.

**Texas State Library and Archives Commission (TSLAC) appraisal archivists (Archives and Information Services Division).** This should be your first stop. Appraisal archivists are available to help state agencies and local governments determine appropriate retention periods and historical value.

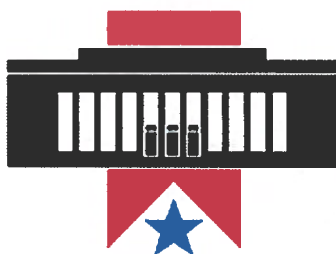
**Texas State Library and Archives Commission (TSLAC) government information analysts (State and Local Records Management Division).** Analysts can walk you through the process of records analysis and appraisal (the process by which you determine appropriate retention periods).

**Texas State Historical Association (TSHA).** The TSHA maintains an extensive encyclopedic database of Texas people, places, and events. Consult the Handbook of Texas Online.

**Local historians.** Local historians may be a good source of information in determining historical value.

**Texas Historical Commission (THC).** The Texas Historical Commission is a state agency "dedicated to historical preservation of Texas' architectural, archaeological, and cultural landmarks." The THC would be a great resource for determining the value of records pertaining to local buildings or landmarks.

**Please note: Historical records may not be donated, sold, or destroyed or otherwise removed from the City's jurisdiction without permission of the RMO.**



**TEXAS STATE LIBRARY  
AND  
ARCHIVES COMMISSION**

**Local Government Retention Schedules**

**[EL](#) | [GR](#) | [HR](#) | [LC](#) | [PS](#) | [PW](#) | [TX](#) | [UT](#)**

**[EL: Records of Elections and Voter Registration](#)**

**[GR: Records Common to All Local Governments](#)**

**[HR: Records of Public Health Agencies](#)**

**[LC: Records of Justice and Municipal Courts](#)**

**[PS: Records of Public Safety Agencies \(Police, Fire, EMS, ME, etc.\)](#)**

**[PW: Records of Public Works and other Government Services](#)**

**[TX: Records of Property Taxation](#)**

**[UT: Records of Utility Services](#)**

Current retention schedules may be found on the following website:

<https://www.tsl.texas.gov/slr/localretention>

Exhibit B

# City Of Boerne Records Destruction Notice

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Records Liaison Officer:

Department Head: \_\_\_\_\_

**RMO Approval Signature:** \_\_\_\_\_

[illegible]

S:\Administration\Admin\Records\ Destruction Notices\Blank Destruction Notice.Doc

**Exhibit C****Box #:** \_\_\_\_\_**Dept.:** \_\_\_\_\_**Contents:** \_\_\_\_\_**Dates: (From)** \_\_\_\_\_ **(to)** \_\_\_\_\_**Record #:** \_\_\_\_\_**Location:** \_\_\_\_\_**Destruction Year:** \_\_\_\_\_

# SAMPLE

Exhibit D

Department Code	Box #	Location	Format	Record #	Record Name	Destruction Year	Who Destroyed?	Date Destroyed?

## City of Boerne

### Salvage of Water-Damaged Documents

#### I. Prevent Further Damage

##### A. *Ensure Safety and Security*

*People are more important than records!*

1. Turn off Electricity
2. Limit access
3. If there appears to be danger, evacuate building
4. Do not (re)enter until declared safe

##### B. *Notify*

1. Emergency Management Coordinator
2. Department Head
3. IT Department

##### C. *Protect People*

1. Wear protective gear – hard hats, gloves, boots and masks
2. Have tetanus shots if working in flood water

##### D. *Stop Water*

1. Shut off water to building
2. Divert water by channeling it away from building, records  
*Only use electric pumps if you know circuitry is dry*
3. Cover drains and places where water is entering

##### E. *Protect records*

1. Cover shelves with plastic sheeting is water from above (check underneath for mold periodically)
2. Raise objects out of water, move everything higher if water is rising
3. Secure floating objects

#### II. Get Started

##### A. *Document*

1. Photograph the area and documents before moving anything
2. Use a working copy of the records inventory as a control document
3. Revise and update control documents as materials are moved and treated

##### B. *Evaluate*

1. AMOUNT damaged
2. SEVERITY of damage
3. STAFF available
4. FUNDS available
5. TIME materials have been wet
6. VALUE of materials

### III. General Rules

- A. *Sort*
  - 1. Dry: Keep dry, move to dry area
  - 2. Wet: Keep wet until frozen or properly dried
  - 3. Dirty: Keep separate from clean items
  - 4. Moldy: Completely segregate from uncontaminated items
- B. *Mark*
  - 1. Wet paper should not be marked
  - 2. Grease pencil can be used on the leading portion of film reels
  - 3. Waterproof markers can be used on the record containers
- C. *Handle*
  - 1. Be careful – wet materials are fragile
  - 2. Fully support wet material – use both hands
  - 3. Don't stack materials on the floor
  - 4. Keep all identifying info with the item(s)

### IV. Clean

- A. *Paper*
  - 1. Rinse in clean, cool running water
  - 2. Don't scrub
  - 3. Hold books closed when rinsing
  - 4. If ink is spreading/running, don't rinse
- B. *Photographic Media*
  - 1. Don't touch surfaces
  - 2. Remove from envelopes and enclosures
  - 3. Be careful they don't stick together
- C. *Magnetic Media*
  - 1. If just the exterior is dirty, wash tape (wound on reel) in lukewarm distilled water
  - 2. If whole tape is dirty, take off reel or dismantle cassette and rinse
  - 3. If debris or deposits remain, use water and unscented, undyed dish detergent
  - 4. Rub tape over tape cleaner 2x after drying

### V. Dry

- A. *Books*
  - 1. Drain water if saturated
  - 2. Place foil or wax paper towels or newsprint every few pages
  - 3. Interleave with paper towels or newsprint every few pages
  - 4. Sit volumes upright on absorbent paper
  - 5. Change interleaving and absorbent paper as necessary
  - 6. Rotate (flip) the book every time this is done

3. Drying methods – Do not vacuum dry!
  - a) Air-dry
  - b) Freeze, thaw and then air-dry
  - c) Freeze dry
4. Prints
  - a) Dry face up on absorbent paper
  - b) May be blotted if in good condition
  - c) May flatter with lightly weighted polyester
  - d) If stuck together or to enclosures, immerse in cold water
5. Sheet Film and Transparencies
  - a) Hang dry
  - b) If nothing to hang with, dry flat on polyester-covered blotter
  - c) Slightly wet fiche and negatives can be blotted with clean, dry cheesecloth
6. Slides
  - a) Remove from housing, may need to remove mounts
  - b) Hang dry or
  - c) Dry emulsion side up on absorbent paper
7. Roll Film
  - a) If slightly wet, blot leaders or cut them off
  - b) Thoroughly wet roll film should be re-washed in a processor and dried
  - c) Metal motion picture film cans should be removed immediately

*F. Magnetic Media*

1. General
  - a) Do not freeze dry or vacuum thermal dry
  - b) Air dry or vacuum dry without heat
  - c) Copy when dry
  - d) Clean tape machine (tape heads, capstan, pinch rollers) after each copy is made
2. Reel-to-reel tapes
  - a) Rinse first (see "cleaning")
  - b) Support tape vertically and air dry it or
  - c) Lay on sheets of absorbent paper
3. Cassette Tapes
  - a) Dismantle cassettes and air dry as for reel-to-reel tapes
  - b) If not feasible to dismantle the cassettes, air dry
  - c) Freezing is untested. If necessary, freeze above 10°C

**VI. Pack**

*A. General*

1. Check with vendor for preferences about packing and containers
2. Milk crates or strong (200-lb burst test) cardboard boxes can be used
3. Containers should only be three-quarters full
4. Use wax paper or freezer paper to separate items
5. Fully support items in containers, don't permit to shift



Exhibit F
-----------

**Disaster Incident Report Form**

This form should be used to keep a record of any incident that causes damage to City records.

Person Completing Form: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Date of incident: \_\_\_\_\_

Time of incident:

Records involved (type and quantity):  
RS Item # and/or retention

Location of the records:

Description of incident:

Description of damage to records:

Immediate action taken to minimize damage:

Location where the records were moved:

Box number if they were placed in a box for transport:

Date sent to recovery vendor:

Date returned from recovery vendor:



## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Boddie
- ☐ 5 = Macaluso
- ☒ All

<b>Agenda Date</b>	May 9, 2023										
<b>Requested Action</b>	PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE NO. 2023-18; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES. <i>(Update to Impact Fees, one of one public hearing)</i>										
<b>Contact Person</b>	Michael Mann – Utilities Director										
<b>Background Information</b>	<p>On March 28, Council received a presentation and recommendations from the Impact Fee Advisory Committee regarding updating our impact fee ordinance. State Law requires a public hearing on this issue prior to amendment of the fees.</p> <p>Attached to this agenda item is a draft of the proposed ordinance updating the fees as proposed. Assuming there is no desire to modify those recommendations resulting from the public hearing, Staff requests that the Council approve the new impact fee ordinance as presented.</p>										
<b>Item Justification</b>	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan Recommendation</td> <td><input checked="" type="checkbox"/> Other: Impact Fee Fund Administration Requirements</td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan Recommendation	<input checked="" type="checkbox"/> Other: Impact Fee Fund Administration Requirements
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<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency										
<input type="checkbox"/> Master Plan Recommendation	<input checked="" type="checkbox"/> Other: Impact Fee Fund Administration Requirements										
<b>Financial Considerations</b>	Adoption of the new fees will allow application of impact fee funds to cover projects that are in the recently revised utilities capital improvements plan.										
<b>Citizen Input/Board Review</b>	Recommendations from the Impact Fee Advisory Board were presented on March 28, 2023.										
<b>Legal Review</b>	Ordinance Revisions Reviewed and approved.										

<b>Alternative Options</b>	We could choose to adopt fees lower than the maximum, but that would put more burden on the ratepayers to fund the capital improvements needed to serve growth.
<b>Supporting Documents</b>	N/A

## **ORDINANCE NO. 2023-18**

### **AN ORDINANCE OF THE CITY OF BOERNE, TEXAS REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES**

**WHEREAS**, the City of Boerne, Texas, is responsible for and committed to the provision of public facilities and services (including water and wastewater service) at levels necessary to cure any existing public service deficiencies in already developed areas; and

**WHEREAS**, such facilities and service levels shall be provided by the City of Boerne utilizing funds allocated in the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein; and

**WHEREAS**, new residential and nonresidential development causes and imposes increased and excessive demands upon Boerne Water and Wastewater Utilities public facilities and services, including water and sewer facilities, that would not otherwise occur; and

**WHEREAS**, planning and zoning projections indicate that such development will continue and will place ever-increasing demands on the City of Boerne to provide necessary public facilities; and

**WHEREAS**, the development potential and property values of properties are strongly influenced and encouraged by City policy as expressed in the Comprehensive Plan and as implemented via the City zoning ordinance and map; and

**WHEREAS**, to the extent that such new development places demands upon the public facility infrastructure, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

**WHEREAS**, the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in a capital improvements program, and

**WHEREAS**, the City Council, after careful consideration of the matter, hereby finds and declares that impact fees imposed upon residential and nonresidential development to finance specified major public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such development;

**WHEREAS**, in 1987 the Texas Legislature adopted Senate Bill 336; now Texas Local Government Code Chapter 395; and

**WHEREAS**, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation, and methodology necessary to adopt Impact Fees; and

**WHEREAS**, the City has completed a review and update of the land use assumptions, the capital improvements plan for water and wastewater facilities, and the impact fees in accordance with the procedures set forth in Texas Local Government Code Chapter 395; and

**WHEREAS**, from time to time it becomes necessary for the City Council to repeal and reestablish ordinances of the City of Boerne, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS;**

That Ordinance No. 2019 is hereby repealed and replaced with the following:

**WATER AND WASTEWATER IMPACT FEES**

**ARTICLE I**

**GENERAL PROVISIONS**

**Section 1.01 Short Title**

This Ordinance shall be known and cited as the Water and Wastewater Impact Fee Ordinance.

**Section 1.02 Intent**

This Ordinance is intended to impose water and wastewater impact fees, as established in this Ordinance, in order to finance public facilities, the demand for which is generated by new development in the designated service area.

**Section 1.03 Authority**

The City is authorized to enact this Ordinance by Texas Local Government Code Chapter 395 (Senate Bill 336 enacted by the 70th Texas Legislature) and its successors, which authorizes cities, among others, to enact or impose impact fees (impact fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. The provisions of this Ordinance shall not be construed to limit the power of the City to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance. Guidelines may be developed by resolution or otherwise to implement and administer this chapter.

**Section 1.04 Definitions**

As applied in this Ordinance, the following words and terms shall be used:

- (1) **Area Related Facility** - A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site-related service facility. An area-related service facility may include a capital improvement which is located off-site, within, or on the perimeter of the development site.
- (2) **Assessment** - The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Ordinance.

- (3) Boerne Utilities - The municipal water and wastewater utilities of the City of Boerne, Texas.
- (4) Capital Construction Cost of Service - Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the City.
- (5) Capital Improvement Advisory Committee (Advisory Committee) - Advisory committee, appointed by the City Council, consisting of at least five members which are not employees of the City, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. The Planning and Zoning Commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the Planning and Zoning Commission, one such member may be appointed as an ad hoc member. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area. The advisory committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Texas Local Government Code Chapter 395, and its successors.
- (6) Capital Improvements Plan (CIP) - Plan which identifies water and wastewater capital improvements or facility expansions pursuant to which impact fees may be assessed.
- (7) City – City of Boerne, Texas.
- (8) City Council - Governing body of the City of Boerne, Texas.
- (9) City Manager - The chief administrative and executive officer of the City, appointed by the City Council and responsible to the City Council for the administration of all the affairs of the city. City Manager includes any city employee designated to act in the City Manager's behalf.
- (10) Commercial Development - For the purposes of this Ordinance, all development which is neither residential nor industrial. Commercial development includes any structure or structures on a single lot designed to accommodate more than four dwelling units.
- (11) Comprehensive Plan - The comprehensive long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City which includes analysis, recommendations and proposals for the City regarding such

topics as population, economy, housing, transportation, community facilities, and land use.

- (12) Cottage – A small home within a Cottage development per Article 5. Zoning Districts and Use Regulations, Section 31.CHD – Cottage Housing Development Overlay District.
- (13) Duplex - A structure on a single lot designed to accommodate two dwelling units, as authorized under the City's zoning regulations.
- (14) Dwelling Unit - a structure or portion of an overall structure in which a typical household or person or unrelated persons would reside together. A single dwelling unit would include a single family detached house or individual units of attached housing, i.e. one unit within a duplex, triplex, fourplex, or larger apartment building.
- (15) Effective Impact Fee - Amount of impact fee collected per service unit, which may be equal to or less than the maximum impact fees as set forth in Exhibit C to this ordinance.
- (16) Existing Development - All development within the service area which has a water or wastewater utility service, whether on the Boerne Utilities' system or other centralized water or sewer system, as of the date of the adoption of this Ordinance.
- (17) Facility Expansion - The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.
- (18) Final Subdivision Plan or Final Plat - The map, drawing, or chart on which is provided a subdivider's plan of a subdivision, and which has received final approval by the Planning and Zoning Commission or City Council and which is recorded with the office of the County Clerk.
- (19) Fourplex – A structure on a single lot designed to accommodate four dwelling units, as authorized under the City's zoning regulations.
- (20) Growth-Related Costs - Capital Construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions, or from new capital facilities. Growth-related costs do not include:
  - (a) Construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;
  - (b) Repair, operation, or maintenance of existing or new capital improvements or facility expansions;

- (c) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
  - (d) Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
  - (e) Administrative and operating costs of the Boerne Utilities; and
  - (f) Principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for facilities contained in the capital improvements plan.
- (21) Impact Fee - Fee to be imposed upon new development, calculated based upon the growth-related costs of facilities in proportion to development creating the need for such facilities, fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities required by other ordinances of the City Code or policy; or pro rata fees placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains.
  - (22) Industrial Development - Development which will be assigned to the industrial customer class of the water or wastewater utilities; generally development in which goods are manufactured, or development which is ancillary to such manufacturing activity.
  - (23) Land Use Assumptions - Projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time, upon which the capital improvement plan is based.
  - (24) Living Unit Equivalent (LUE) - Basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 5/8" diameter non-turbine water meter, using American Water Works Association C700-C703 standards and AWWA Manual of Practice M22. For purposes of this ordinance, 5/8" water meters are considered to equal one (1) LUE. LUE's for various water meter sizes are as follows:

#### METER SIZE AND TYPE

5/8" Non-turbine	1.0
3/4" Non-turbine	1.5*
1" Non-turbine	2.5
1-1/2" Non-turbine	5.0
2" Non-turbine	8.0
2" Compound	8.0
2" Turbine	10.0



3" Compound	16.0
3" Turbine	25.0
4" Compound	25.0
4" Turbine	42.0
6" Compound	50.0
6" Turbine	92.0
8" Turbine	160.0
10" Turbine	250.0
12" Turbine	330.0

\* Where a residential 3/4" combined domestic/fire service is allowed, a required 3/4" meter shall be considered to equal one (1) LUE if a 5/8" domestic meter would normally suffice.

- (25) New Development - Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units for water or wastewater service. New development includes the provision of water or wastewater service resulting from the conversion of an individual well or septic or other individual waste disposal system, to the Boerne Utilities' water or wastewater utility.
- (26) Offset - The amount of the reduction of an impact fee designed to fairly reflect the value of area-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.
- (27) Preliminary Subdivision Plan or Preliminary Plat - The initial map, drawing, or chart on which is provided a subdivider's plan of a subdivision, and which accompanies the completed application for preliminary plat approval filed pursuant to Article 2 of the City's Subdivision Ordinance.
- (28) Residential - A lot developed for use and occupancy as a single-family residence, a duplex, a triplex, or a fourplex.
- (29) Service Area - Area within the corporate boundaries and/or within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Chapter 42, Section 42.021, Local Government Code), or such areas as contractually defined to be served by the water and wastewater capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.
- (30) Service Unit - Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions, expressed in living units equivalent.
- (31) Single-Family Residence - Single-family dwelling unit, as authorized under the City's zoning regulations.

- (32) Site-related Facility - Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.
- (33) Application for City Utility Service - The filing with the City of a written application for water or wastewater service and the acceptance of applicable fees by the City. The term "Application for City Utility Service" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.
- (34) Triplex - A structure on a single lot designed to accommodate three dwelling units, as authorized under the City's zoning regulations.
- (35) Wastewater Facility - Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site wastewater collection facilities required by valid ordinances or policies of the City and necessitated by and attributable to the new development.
- (36) Wastewater Facility Expansion - Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization, or expansion of an existing wastewater facility to serve existing development.
- (37) Wastewater Improvements Plan (Wastewater CIP) - Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of wastewater facilities fees pursuant to this Ordinance.
- (38) Water Facility - Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.
- (39) Water Facility Expansion - Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair,

maintenance, modernization, or expansion of an existing water facility to serve existing development.

- (40) Water Improvement Plan (Water CIP) - Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of water facilities fees pursuant to this Ordinance.

#### Section 1.05 Applicability of Impact Fees

(1) No new development shall be exempt from the assessment of impact fees as defined in this Ordinance. However, the City Council of Boerne may determine that for reasons of applicant hardship or for reasons of general community welfare, the applicable fees may be paid by the City into the appropriate utility funds in lieu of payment by the applicant.

#### Section 1.06 Impact Fees as Conditions of Development Approval

No application for new development shall be approved without assessment of impact fees pursuant to this Ordinance, and no Application for City Utility Service or building Certificate of Occupancy shall be issued unless the applicant has paid the impact fees imposed by and calculated herein.

#### Section 1.07 Establishment of Water and Wastewater Service Areas

(1) The conceptual water and wastewater service area(s) for development of impact fee purposes are established as shown on the Service Area Map(s) which is Exhibit A for this Ordinance.

(2) The conceptual service areas shall be established consistent with any facility service area established in the CIP for each utility. Additions to the service area may be designated by the City Council consistent with the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

#### Section 1.08 Land Use Assumptions

Land use assumptions used in the development of the impact fees are contained in Exhibit B of this Ordinance. These assumptions may be revised by the City Council according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

#### Section 1.09 Service Units

(1) Service units are established in accordance with generally accepted engineering and planning standards.

(2) Upon application for City Utility Service or Building Permit, the number of service units for levy of impact fees related to water and wastewater utilities shall be based on the size of the water

meter(s) for the development. Development which consists of more than four dwelling units on a single lot is considered to be commercial development and impact fees shall be based on the size of the water meter(s).

- (3) In the case of multi-family customers with greater than four living units on a single lot with individual meters and a separate meter for all irrigation, the levy of Impact Fees can alternately be based upon the potential size of a hypothetical master meter that would serve all of the units on the lot exclusive of irrigation. Impact Fees shall be assessed based on the irrigation meter size and the hypothetical master meter size. All irrigation for the lot shall be through the irrigation meter. The hypothetical master meter shall be sized by a licensed professional engineer to provide the maximum water demand exclusive of irrigation calculated using the following procedure:

- (a) Compute the load value in water supply fixture units (wsfu) of all the plumbing fixtures being served on the lot per the Appendix: "Sizing of Water Piping System", of the City adopted plumbing code.
- (b) Use the load value in wsfu in the table for estimating demand per the City adopted plumbing code to determine the total demand for the units served on the lot. Add continuous demands for air conditioners and other equipment to the total from the table. Linear interpolation between values in the plumbing code table is acceptable.
- (c) Use the following table to determine the meter size and number of LUE's to be assessed by selecting a hypothetical master meter size with the Maximum Continuous Flow greater than the estimated total demand plus continuous demands:

High Normal Flow Rate(qpm)	Meter Size	LUE's
10	5/8" Non-turbine	1.0
15	3/4" Non-turbine	1.5
25	1" Non-turbine	2.5
50	1-1/2" Non-turbine	5.0
80	2" Non-turbine	8.0
100	2" Turbine	10.0
160	3" Compound	16.0
220	3" Turbine	25.0
250	4" Compound	25.0
420	4" Turbine	42.0
500	6" Compound	50.0
920	6" Turbine	92.0
1,600	8" Turbine	160.0
2,500	10" Turbine	250.0
3,300	12" Turbine	330.0

- (4) If the City Manager determines that the water pressure in the Boerne Utilities' main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the City Manager may adjust the number of LUE's based on

a smaller or larger sized meter which more accurately reflects the flow rate and the system pressure conditions.

(5) If a fire demand meter is purchased for a property, the meter size utilized to calculate the number of LUE's shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of LUE's. The meter types used to calculate the number of LUE's shall be either non-turbine or compound meters.

(6) Upon application for Utility Service for lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the State of Texas, and shall be approved by the City Manager.

(7) The City Council may revise the service units' designation according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

(8) When a Cottage development per Article 5. Zoning Districts and use Regulations, Section 31. CHD – Cottage Housing Development Overlay District includes a master irrigation meter for the common areas and all other irrigated space including lawns on individual lots and the services to the Cottages will not be used for irrigation the number of water service units for a 5/8" Non-turbine meter shall be .65 LUE. Each cottage shall have its own 5/8" domestic water meter

#### Section 1.10 Impact Fees per Service Unit

(1) The maximum impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development and based on the land use assumptions for that service area. The initial base amount of maximum impact fee per service unit for each service area shall be established by category of capital improvements and shall be set forth in Exhibit C to this Ordinance.

(2) Exhibit C may be amended by the City Council according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

(3) The effective Impact Fees per service unit may be amended from time to time by the City Council through ordinance amendment to any amount less than or equal to that set forth in Exhibit C to this ordinance.

(4) The effective Impact Fees per service unit shall be equal to or less than the maximum Impact Fees per service unit as set forth in Exhibit C to this ordinance.

(5) Unless changed by subsequent ordinance the effective Impact Fees per Living Unit Equivalent (LUE) for water and wastewater shall be:

Seven Thousand Six Hundred Twenty Nine Dollars (\$7,629) broken down as follows: Two Thousand Five Hundred Nine Dollars (\$2,509) for water facilities and Five Thousand One Hundred Twenty Dollars (\$5,120) for wastewater facilities.

(6) The impact fees per service unit set forth in Section 1.10 (5) shall apply to any plat application filed after the effective date of this ordinance.

(7) Impact fees assessed by previous ordinances are attached hereto as Exhibits C1 – C9, and incorporated herein by reference.

#### Section 1.11 Assessment of Impact Fees

(1) The approval of any subdivision of land or of any new development shall include as a condition the assessment of the impact fee applicable to such development.

(2) Assessment of the impact fee for any new development shall be made as follows:

(a) For a development which is submitted for approval pursuant to the City's subdivision ordinances, regulations and policies, and/or the Development Plat Ordinance, following the effective date of this Ordinance, assessment shall be on the date of filing of a completed application for preliminary plat approval, and shall be the amount as set forth in Section 1.10(5).

(b) For a development which has received final plat approval but for which there has been no prior assessment of fees, fees shall be assessed pursuant to Exhibit C, except as provided for in section 1.11(2)(d).

(c) For land on which new development occurs or is proposed to occur without platting, assessment shall be made at the time upon which an Application for City Utility Service is filed, and shall be calculated as set forth in Section 1.10(5).

(d) For any assessments made after the effective date of this ordinance, the impact fee per service unit set forth in Section 1.10 (5) shall apply. Any development that has received final plat approval, and has been assessed an impact fee under a previous ordinance, which is noted on the subdivision or development plat, shall not have the previously assessed impact fee changed. Any development that has received final plat approval prior to December 11, 1990 shall be assessed a unit fee per Exhibit C9.

(e) Because fire protection is of critical concern to the community as a whole, water demand related solely to fire protection is not subject to assessment of an impact fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City of Boerne's meter-reading and billing systems, the current owner of the property shall be assessed the current impact fees, as set forth in Section 1.10(5), for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.

(3) Following assessment of the impact fee pursuant to subsection (2), no additional impact fees or increases thereof shall be assessed against that development unless the number of service

units increases, as set forth under Section 1.09. An increase in service units shall be deemed to have occurred when existing development with existing services for which impact fees have been paid is redeveloped or otherwise altered to require additional water and/or wastewater capacity. The additional service units provided to the lot shall be assessed impact fees based on difference in LUE's between the new services and previous services multiplied by the Effective Impact fee per LUE in accordance with Section 1.10(5).

(4) Following the lapse or expiration of approval for a preliminary plat, which was made pursuant to the Subdivision Ordinance, the assessment made at the time the completed application for a preliminary plat was filed expires, and a new assessment shall be made in accordance with the procedure described in Section 1.11 (2)

#### Section 1.12 Calculation of Impact Fees

(1) Following the request for new development as provided in Section 1.11 of this Ordinance, the City shall compute impact fees due for the new development in the following manner:

- (a) The applicable number of service units per dwelling unit or per water meter size shall be determined according to Section 1.09 of this Ordinance;
  - (b) Service units for all land uses for the development shall be summed;
  - (c) The total service units shall be multiplied by the appropriate per-unit fee amount determined as set forth in Section 1.10; and
  - (d) Fee credits and offsets shall be subtracted as determined by the process prescribed in Section 1.14 of this Ordinance.
- (2) The amount of each impact fee due for a new development, whether calculated at time of final plat approval or at time of Application for City Utility Service, shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to Section 1.10 by the number of service units generated by the development.

#### Section 1.13 Collection of Impact Fees

(1) No approval of Application for City Utility Service shall be made until all relevant impact fees have been paid to the City, or until a "notice of impact fee due" is recorded as provided in this Section, except as provided otherwise by contract.

(2) For a platted or unplatted development which is submitted in accordance with all applicable ordinance submission requirements for approval pursuant to the City's subdivision regulations and Utilities policies subsequent to the effective date of this Ordinance, impact fees shall be collected at the time of Application for City Utility Service or Application for Building Permit for use of water and wastewater utility facilities in an amount as determined in Section 1.11 and 1.12 above.

(3) For a development which has received final plat approval prior to the effective date of this Ordinance and for which no replatting is necessary prior to provision of a water or wastewater utility services, impact fees shall be collected at the time of Application for City Utility Service or Application for Building Permit except as provided by Section 1.14.

(4) In the event that a water or wastewater utility service is provided as the result of a conversion from an individual well, or septic or other individual waste disposal system, the appropriate fee shall be collected at the time of Application for City Utility Service, except as provided below:

(a) At the request of the applicant, and with the approval of the City Manager, the impact fees for such customers may be paid in increments over a period of not more than one year, with interest computed on the unpaid balance at the statutory rate as set forth in Tex. Rev. Civ. Stat.art.5069-1.03, or any successor statute.

(b) If the applicant chooses this extended payment option, the applicant shall, as a condition of utility service, sign and file with the City Manager, and consent to the recordation of, a "notice of impact fee due", which shall be recorded as a lien against the subject property. The City shall release the lien held only upon payment in full of the impact fees and any late penalties and applicable interest.

(c) Late payments shall subject the applicant to a penalty of ten percent of the amount due and additional interest in addition to all other remedies available to the City as lien holder.

(5) In no case will the unit fee collected be higher than the assessed fee per LUE, as specified herein.

#### Section 1.14 Offsets and Credits Against Impact Fees

(1) The City shall offset the present value of any area-related facilities listed in the CIP, pursuant to rules established in this section, and which have been dedicated to and have been received by the City, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement.

(2) The City shall credit impact fees which have been paid pursuant to Ordinance No. 84-14, Ordinance No. 90-22, Ordinance No. 98-02, Ordinance No. 2001-12, Ordinance No. 2005-67, Ordinance No. 2006-27, Ordinance No. 2009-15, Ordinance No. 2014-01, Ordinance 2014-38, and Ordinance 2015-03 prior to the effective date of this Ordinance, against the amount of an impact fee due for that category of capital improvement, subject to guidelines established by the City.

(3) All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Ordinance and additional standards promulgated by the City, which may be adopted as administrative guidelines:

(a) No offset or credit shall be given for the dedication or construction of site-related facilities.



(b) The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for the category of facility within the service area for which the impact fee is imposed.

(c) If an offset or credit applicable to a plat has not been exhausted within ten (10) years from the date of the acquisition of the first building permit issued or connection made after the effective date of this ordinance or within such period as may be otherwise designated by contract, such offset or credit shall lapse.

(d) In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Ordinance or for any amount exceeding the total impact fees due for the development for that category of capital improvement as specified in Section 1.10(5), unless otherwise agreed to by the City.

(4) An applicant for new development must apply for an offset or credit against impact fees due for the development either at the time of application for final plat approval or at the time of application for City Utility Service, unless the City agrees to a different time. The applicant shall file a petition for offsets or credits with the City on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The City must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which amount and the date of the determination shall be associated with the plat for the new development.

(5) The available offset or credit associated with the plat shall be applied against an impact fee at time of final plat (if fees are paid at that time), or alternatively in the following manner:

(a) Such offset or credit shall be prorated equally among all living unit equivalents, as calculated in Section 1.09, and remain applicable to such LUE's, to be applied at time of filing and acceptance of an application for City Utility Service, as appropriate, against impact fees due.

(b) If the total number of LUE's used by the City in the original offset or credit calculation described in (a) is eventually exceeded by the number of total LUE's realized by the actual development, the City may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess LUE's.

(c) At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the City.

#### Section 1.15 Establishment of Accounts

(1) The City shall establish separate interest bearing accounts, in an institution authorized in the City's Investment Policy, for the two major categories of water and wastewater facilities for which an impact fee is imposed pursuant to this Ordinance.

(2) Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in Section 1.16.

(3) The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the accounts are utilized solely for the purposes authorized in Section 1.16. Disbursement of funds shall be authorized by the City Council of Boerne at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.

(4) The City Manager shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the capital improvements program as area-related facilities. The City shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provision in Section 1.18 of this Ordinance.

#### Section 1.16 Use of Proceeds of Impact Fee Amounts

(1) The impact fees collected pursuant to this Ordinance may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to retire bonds or pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such water and wastewater capital improvements or facilities expansions as included in the CIP.

(2) Impact fees collected pursuant to this Ordinance shall not be used to pay for any of the following expenses:

(a) Construction, acquisition or expansion of capital improvements or assets other than those identified for the appropriate utility in the capital improvements plan;

(b) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;

(c) Upgrading, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(d) Upgrading, expanding, or replacing existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding, or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or

(e) Administrative and operating costs of the City of Boerne.

#### Section 1.17 Appeals

(1) The property owner or applicant for new development may appeal the following decisions to the City Council of Boerne:

- (a) The applicability of an impact fee to the development;
- (b) The availability or the amount of an offset or credit;
- (c) The application of an offset or credit against an impact fee due;
- (d) The amount of the refund due, if any.

(2) The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable impact fee schedule or the guidelines established for determining offsets and credits.

(3) The appellant must file a notice of appeal with the City Manager of Boerne within thirty (30) days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Secretary in an amount equal to the original determination of the impact fee due, the development application or Application for City Utility Service may be processed while the appeal is pending.

#### Section 1.18 Refunds

(1) Any impact fee or portion thereof collected pursuant to this Ordinance which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Tex. Rev. Civ. Stat. Art. 5069-1.03, or any successor statute.

(2) An impact fee collected pursuant to this Ordinance shall be considered expended if the total expenditures for capital improvements or facilities expansions authorized in Section 1.16 within ten (10) years following the date of payment exceed the total fees collected for such improvements or expansions during such period.

(3) If a refund is due pursuant to subsections (1) and (2), the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(4) Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:

- (a) Existing service is available and service is denied; or

(b) Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

(c) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

(5) The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased water meter is replaced with a smaller meter, based on the LUE differential of the two meter sizes and the per-LUE fee at the time of the original fee payment, less an administrative charge of \$50.

(6) Petition for refunds shall be submitted to the City Manager on a form provided by the City for such purpose. Within two months of the date of receipt of a petition for refund, the City Manager must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the City Manager shall cause a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Council of Boerne, as set forth in Section 1.17.

#### Section 1.19 Updates to the Plan and Revision of Fees

The City shall review the land use assumptions and capital improvements plan for water and wastewater facilities at an interval consistent with the requirements set forth in Texas Local Government Code Chapter 395, or any successor statute. The City Council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in Texas Local Government Code Chapter 395, or any successor statute, either update the fees or make a determination that no update is necessary.

#### Section 1.20 Functions of the Advisory Committee

(1) The functions of the Advisory Committee are those set forth in Texas Local Government Code Chapter 395, or any successor statute, and shall include the following:

(a) Advise and assist the City in adopting land use assumptions;

(b) Review the capital improvements plan regarding water and wastewater capital improvements and file written comments thereon;

(c) Monitor and evaluate implementation of the capital improvements plan;

(d) Advise the City of the need to update or revise the land use assumptions, capital improvements program, and impact fees; and

(e) File a semiannual report evaluating the progress of the City in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.

(2) The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

(3) The Council shall adopt procedural rules for the committee to follow in carrying out its duties.

#### Section 1.21 Agreement for Capital Improvements

The City Council of Boerne may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the City prior to fee collection. The agreement shall be on a form approved by the City, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to City standards, and any other terms and conditions the City deems necessary. The City Manager shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee before submitting the proposed agreement to the Council for approval.

#### Section 1.22 Use of Financing Mechanisms

(1) The City may finance water and wastewater capital improvements of facilities expansions designated in the capital improvements plan through the use of operating cash transfers, issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

(2) Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge, or assessment which is lawfully imposed on and due against the property.

#### Section 1.23 Impact Fees as Additional and Supplemental Regulation

(1) Impact fees established by this Ordinance are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or water or wastewater utility service or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of City's Comprehensive Plan, capital improvements plan, zoning ordinance, subdivision regulations, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(2) This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision

regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

#### Section 1.24 Relief Procedures

(1) Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

(2) The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, and only upon finding that a strict application of such requirement would when regarded as a whole, result in confiscation of the property.

(3) The Council may grant a waiver from any requirement of this ordinance on other grounds, as may be set forth in administrative guidelines.

(4) If the Council grants a variance or waiver to the amount of the impact fees due for a new development under this Section, it shall cause to be appropriated from other City funds the amount of the reduction in the impact fees to the account in which the fees would have been deposited.

#### Section 1.25 Exemption from Ordinance

No exemptions will be granted from payment of applicable water and wastewater impact fees, except as provided for in Section 1.14.

## ARTICLE II

### WATER FACILITIES FEES

#### Section 2.01 Water Service Area

(1) There is hereby established a conceptual water service area for planning and impact fee calculation purposes as depicted in Exhibit A, attached hereto and incorporated by reference.

(2) The boundaries of the water service area may be amended from time to time, and new water service areas may be delineated, pursuant to the procedures in Section 1.07.

#### Section 2.02 Water Improvements Plan

(1) The Water Improvements Plan for the City of Boerne for impact fee calculation purposes is hereby adopted as Exhibit D attached hereto and incorporated by reference herein.

(2) The Water Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Texas Local Government Code Chapter 395 and its successors.

#### Section 2.03 Water Facilities Fees

(1) The maximum base impact fees per service unit for water facilities are hereby adopted and incorporated in Exhibit C attached hereto and made a part hereof by reference.

(2) The impact fees per service unit for water facilities may be amended from time to time, pursuant to the procedures in Section 1.10.

### ARTICLE III

#### WASTEWATER FACILITIES FEES

##### Section 3.01 Wastewater Service Area

(1) There is hereby established a conceptual wastewater service area for planning purposes and impact fee calculation as depicted on Exhibit A, attached hereto and incorporated herein by reference.

(2) The boundaries of the conceptual wastewater service area may be amended from time to time, and new wastewater service areas may be delineated, pursuant to the procedures in Section 1.07.

##### Section 3.02 Wastewater Improvements Plan

(1) The Wastewater Improvements Plan for the City of Boerne for impact fee calculation purposes is hereby adopted as Exhibit E attached hereto and incorporated by reference herein.

(2) The Wastewater Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Texas Local Government Code Chapter 395 and its successors.

##### Section 3.03 Wastewater Facilities Fees

(1) The maximum base impact fees per service unit for wastewater facilities are hereby adopted and incorporated in Exhibit C attached hereto and made a part hereof by reference.

(2) The impact fees per service unit for wastewater facilities may be amended from time to time, pursuant to the procedures in Section 1.10.

## ARTICLE IV

### MISCELLANEOUS PROVISIONS

If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare. Any member of the City Council, City official, or employee charged with the enforcement of this ordinance, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Boerne in court of competent jurisdiction, and this remedy shall be in addition to any penalty provision in this ordinance.

This Ordinance shall take effect immediately upon passage on the second reading.

PASSED and APPROVED on first reading this the \_\_\_\_ day of May, 2023.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of May, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

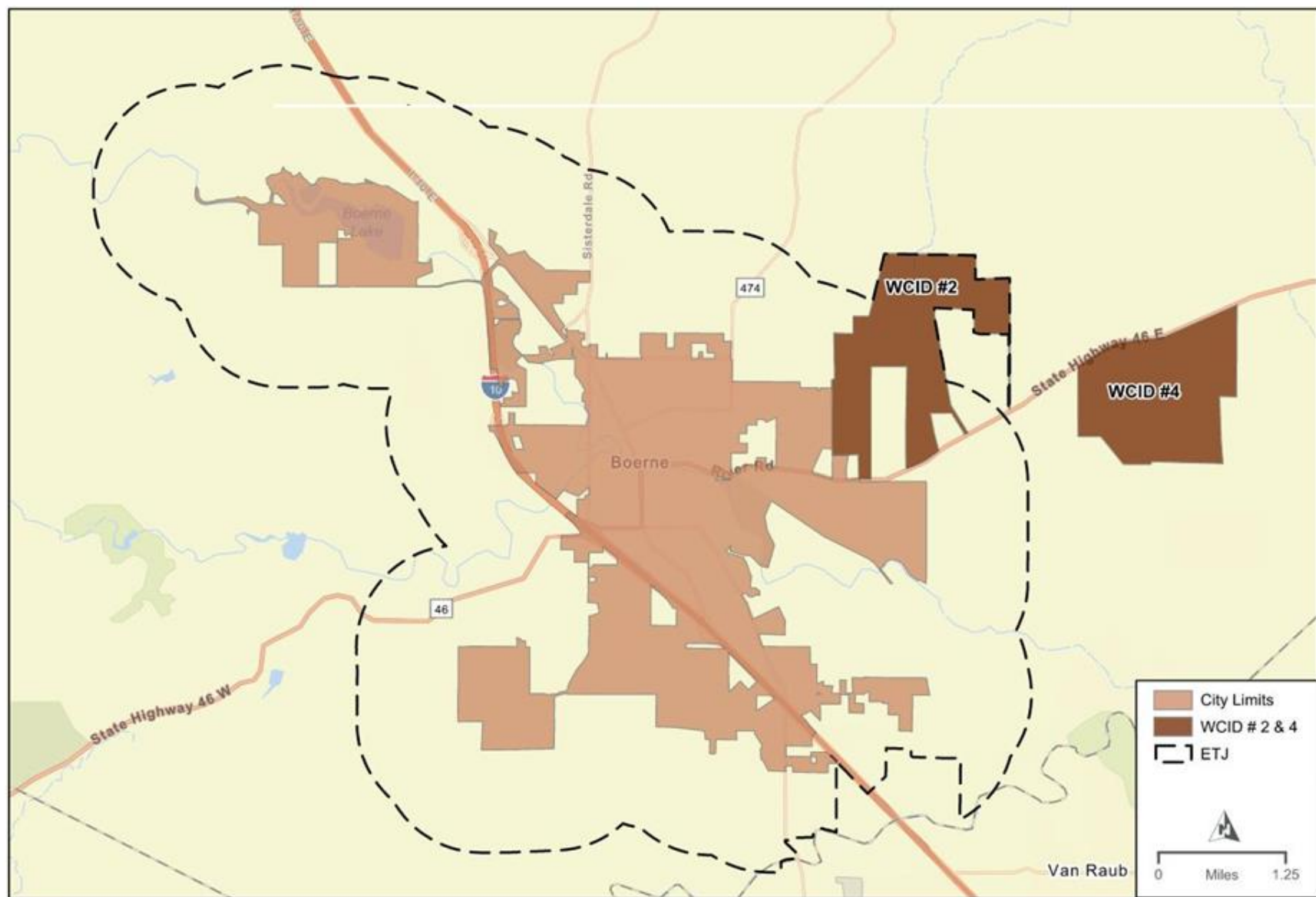
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

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



**EXHIBIT A**  
**POTENTIAL SERVICE AREA MAP**



## EXHIBIT B

### LAND USE ASSUMPTIONS

#### Current and Projected Land Use

<i>Item</i>	<i>Current</i>		<i>Future (Including ETJ)</i>	
	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>
Rural Residential	3,750	13.4%	3,500	12.5%
Single-Family Residential	8,000	30.4%	12,000	46.5%
Multi-Family Residential	250	0.9%	400	1.4%
Mobile/Manufactured Homes	150	0.5%	150	0.5%
Commercial/Schools/Churches	2,750	9.8%	3,500	12.5%
Utility/Transportation	400	1.4%	500	1.8%
Industrial	60	0.2%	120	0.4%
Government Owned/Parks	1,000	3.6%	1,500	5.4%
Agricultural/Undeveloped/Open Space	10,473	39.7%	5,163	19.0%
<b>Total Land Use Acreage</b>	<b>26,833</b>	<b>100%</b>	<b>26,833</b>	<b>100%</b>
Source: Adapted from Boerne 2018 Master Plan – Technical Plan, August 28, 2018. Land values have been projected from those contained in the plan to be consistent with recent and current growth forecast. Acreage includes the land area of WCID #4.				

## EXHIBIT C

### SCHEDULE OF MAXIMUM IMPACT FEES

UTILITY	CALCULATED FEE	RATE CREDIT	MAXIMUM FEE
WATER	\$3,294	\$786	\$2,509
WASTEWATER	\$5,637	\$517	\$5,120

## EXHIBIT C1

### IMPACT FEES BY METER SIZE

ASSESSED BEGINNING XXXXXXXXXXXXXXXX

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,509.00	\$5,120.00	\$7,629.00
3/4"	1.5	\$3,763.50	\$7,680.00	\$11,443.50
1"	2.5	\$6,272.50	\$12,800.00	\$19,072.50
1 1/2"	5.0	\$12,545.00	\$25,600.00	\$38,145.00
2" Non-turbine	8.0	\$20,072.00	\$40,960.00	\$61,032.00
2" Compound	8.0	\$20,072.00	\$40,960.00	\$61,032.00
2" Turbine	10.0	\$25,090.00	\$51,200.00	\$76,290.00
3" Compound	16.0	\$40,144.00	\$81,920.00	\$122,064.00
3" Turbine	25.0	\$62,725.00	\$128,000.00	\$190,725.00
4" Compound	25.0	\$62,725.00	\$128,000.00	\$190,725.00
4" Turbine	42.0	\$105,378.00	\$215,040.00	\$320,418.00
6" Compound	50.0	\$125,450.00	\$256,000.00	\$381,450.00
6" Turbine	92.0	\$230,828.00	\$471,040.00	\$701,868.00
8" Turbine	160.0	\$401,440.00	\$819,200.00	\$1,220,640.00
10" Turbine	250.0	\$627,250.00	\$1,280,000.00	\$1,907,250.00
12" Turbine	330.0	\$827,970.00	\$1,689,600.00	\$2,517,570.00

## EXHIBIT C2

### IMPACT FEES BY METER SIZE

ASSESSED DECEMBER 10, 2019 to XXXXXXXXXXXXXXXX

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$5,743.00	\$3,814.00	\$9,557.00
3/4"	1.5	\$8,614.50	\$5,721.00	\$14,335.50
1"	2.5	\$14,357.50	\$9,535.00	\$23,892.50
1 1/2"	5.0	\$28,715.00	\$19,070.00	\$47,785.00
2" Non-turbine	8.0	\$45,944.00	\$30,512.00	\$76,456.00
2" Compound	8.0	\$45,944.00	\$30,512.00	\$76,456.00
2" Turbine	10.0	\$57,430.00	\$38,140.00	\$95,570.00

3" Compound	16.0	\$91,888.00	\$61,024.00	\$152,912.00
3" Turbine	25.0	\$143,575.00	\$95,350.00	\$238,925.00
4" Compound	25.0	\$143,575.00	\$95,350.00	\$238,925.00
4" Turbine	42.0	\$241,206.00	\$160,188.00	\$401,394.00
6" Compound	50.0	\$287,150.00	\$190,700.00	\$477,850.00
6" Turbine	92.0	\$528,356.00	\$350,888.00	\$879,244.00
8" Turbine	160.0	\$918,880.00	\$610,240.00	\$1,529,120.00
10" Turbine	250.0	\$1,435,750.00	\$953,500.00	\$2,389,250.00
12" Turbine	330.0	\$1,895,190.00	\$1,258,620.00	\$3,153,810.00

**EXHIBIT C3**  
**IMPACT FEES BY METER SIZE**  
 ASSESSED OCTOBER 15, 2014 to DECEMBER 9, 2019

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$4,081.00	\$3,218.00	\$7,299.00
3/4"	1.5	\$6,121.50	\$4,827.00	\$10,948.50
1"	2.5	\$10,202.50	\$8,045.00	\$18,247.50
1 1/2"	5.0	\$20,405.00	\$16,090.00	\$36,495.00
2" Non-turbine	8.0	\$32,648.00	\$25,744.00	\$58,392.00
2" Compound	8.0	\$32,648.00	\$25,744.00	\$58,392.00
2" Turbine	10.0	\$40,810.00	\$32,180.00	\$72,990.00
3" Compound	16.0	\$65,296.00	\$51,488.00	\$116,784.00
3" Turbine	22.0	\$89,782.00	\$70,796.00	\$160,578.00
4" Compound	25.0	\$102,025.00	\$80,450.00	\$182,475.00
4" Turbine	42.0	\$171,402.00	\$135,156.00	\$306,558.00
6" Compound	50.0	\$204,050.00	\$160,900.00	\$364,950.00
6" Turbine	92.0	\$375,452.00	\$296,056.00	\$671,508.00
8" Turbine	160.0	\$652,960.00	\$514,880.00	\$1,167,840.00
10" Turbine	250.0	\$1,020,250.00	\$804,500.00	\$1,824,750.00
12" Turbine	330.0	\$1,346,730.00	\$1,061,940.00	\$2,408,670.00

**EXHIBIT C4**  
**IMPACT FEES BY METER SIZE**  
 ASSESSED JUNE 10, 2009 – OCTOBER 14, 2009

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,563.00	\$4,580.00	\$7,143.00
3/4"	1.5	\$3,844.50	\$6,870.00	\$10,714.50
1"	2.5	\$6,407.50	\$11,450.00	\$17,857.50
1 1/2"	5.0	\$12,815.00	\$22,900.00	\$35,715.00
2" Simple	8.0	\$20,504.00	\$36,640.00	\$57,144.00
2" Turbine	12.0	\$30,756.00	\$54,960.00	\$85,716.00

3" Compound	16.0	\$41,008.00	\$73,280.00	\$114,288.00
3" Turbine	25.0	\$64,075.00	\$114,500.00	\$178,575.00
4" Compound	25.0	\$64,075.00	\$114,500.00	\$178,575.00
4" Turbine	42.0	\$107,646.00	\$192,360.00	\$300,006.00
6" Compound	50.0	\$128,150.00	\$229,000.00	\$357,150.00
6" Turbine	92.0	\$235,796.00	\$421,360.00	\$657,156.00
8" Compound	80.0	\$205,040.00	\$366,400.00	\$571,440.00
8" Turbine	160.0	\$410,080.00	\$732,800.00	\$1,142,880.00
10" Compound	115.0	\$294,745.00	\$526,700.00	\$821,445.00
10" Turbine	250.0	\$640,750.00	\$1,145,000.00	\$1,785,750.00
12" Turbine	330.0	\$845,790.00	\$1,511,400.00	\$2,357,190.00

**EXHIBIT C5**  
**IMPACT FEES BY METER SIZE**  
 ASSESSED OCTOBER 26, 2005 – JUNE 9, 2009

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,536.16	\$3,154.12	\$5,690.28
3/4"	1.5	\$3,804.24	\$4,731.18	\$8,535.42
1"	2.5	\$6,340.40	\$7,885.30	\$14,225.70
1 1/2"	5.0	\$12,680.80	\$15,770.60	\$28,451.40
2" Simple	8.0	\$20,289.28	\$25,232.96	\$45,522.24
3" Compound	16.0	\$40,578.56	\$50,465.92	\$91,044.48
3" Turbine	25.0	\$63,404.00	\$78,853.00	\$142,257.00
4" Compound	25.0	\$63,404.00	\$78,853.00	\$142,257.00
4" Turbine	42.0	\$106,518.72	\$132,473.04	\$238,991.76
6" Compound	50.0	\$126,808.00	\$157,706.00	\$284,514.00
6" Turbine	92.0	\$233,326.72	\$290,179.04	\$523,505.76
8" Compound	80.0	\$202,892.80	\$252,329.60	\$455,222.40
8" Turbine	160.0	\$405,785.60	\$504,659.20	\$910,444.80
10" Compound	115.0	\$291,658.40	\$362,723.80	\$654,382.20
10" Turbine	250.0	\$634,040.00	\$788,530.00	\$1,422,570.00
12" Turbine	330.0	\$836,932.80	\$1,040,859.60	\$1,877,792.40

**EXHIBIT C6**  
**IMPACT FEES BY METER SIZE**  
 ASSESSED MAY 9, 2001 – OCTOBER 25, 2005

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$1,464.00	\$1,173.00	\$2,637.00
3/4"	1.5	\$2,196.00	\$1,759.50	\$3,955.50
1"	2.5	\$3,660.00	\$2,932.50	\$6,592.50
1 1/2"	5.0	\$7,320.00	\$5,865.00	\$13,185.00
2" Simple	8.0	\$11,712.00	\$9,384.00	\$21,096.00

2" Compound	8.0	\$11,712.00	\$9,384.00	\$21,096.00
2" Turbine	10.0	\$14,640.00	\$11,730.00	\$26,370.00
4" Compound	25.0	\$36,600.00	\$29,325.00	\$65,925.00
4" Turbine	42.0	\$61,488.00	\$49,266.00	\$110,754.00
6" Compound	50.0	\$73,200.00	\$58,650.00	\$131,850.00
6" Turbine	92.0	\$134,688.00	\$107,916.00	\$242,604.00
8" Compound	80.0	\$117,120.00	\$93,840.00	\$210,960.00
8" Turbine	160.0	\$234,240.00	\$187,680.00	\$421,920.00
10" Turbine	250.0	\$366,000.00	\$293,250.00	\$659,250.00
12" Turbine	330.0	\$483,120.00	\$387,090.00	\$870,210.00

### EXHIBIT C7

#### IMPACT FEES BY METER SIZE ASSESSED MARCH 11, 1998 – MAY 8, 2001

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$1,746.00	\$1,065.00	\$2,811.00
3/4"	1.5	\$2,619.00	\$1,597.50	\$4,216.50
1"	2.5	\$4,365.00	\$2,662.50	\$7,027.50
1 1/2"	5.0	\$8,730.00	\$5,325.00	\$14,055.00
2" Simple	8.0	\$13,968.00	\$8,520.00	\$22,488.00
2" Compound	8.0	\$13,968.00	\$8,520.00	\$22,488.00
2" Turbine	10.0	\$17,460.00	\$10,650.00	\$28,110.00
4" Compound	25.0	\$43,650.00	\$26,625.00	\$70,275.00
4" Turbine	42.0	\$73,332.00	\$44,730.00	\$118,062.00
6" Compound	50.0	\$87,300.00	\$53,250.00	\$140,550.00
6" Turbine	92.0	\$160,632.00	\$97,980.00	\$258,612.00
8" Compound	80.0	\$139,680.00	\$85,200.00	\$224,880.00
8" Turbine	160.0	\$279,360.00	\$170,400.00	\$449,760.00
10" Turbine	250.0	\$436,500.00	\$266,250.00	\$702,750.00
12" Turbine	330.0	\$576,180.00	\$351,450.00	\$927,630.00

### EXHIBIT C8

#### IMPACT FEES ASSESSED NOVEMBER 14, 1990 – MARCH 10, 1998

WATER FEE PER LUE	WASTEWATER FEE PER LUE	TOTAL FEE PER LUE
\$465.00	\$560.00	\$1,025.00

Fee assessment per LUE = Unit fee x (1.03)<sup>n</sup>

Unit Fee = the base amount of effective impact fee per service unit, as set forth above.

<sup>n</sup> = the elapsed time in years or portion of years from November 14, 1990.

## EXHIBIT C9

### IMPACT FEES BY USE/METER SIZE ASSESSED JUNE 12, 1984 – NOVEMBER 13, 1990

	WATER FEE	WASTEWATER FEE	TOTAL FEE
Single family dwellings	\$350.00	\$675.00	\$1,025.00
Multi-family dwellings up to 4 units	\$350.00**	\$600.00**	\$950.00**
Multi-family dwellings greater than 4 units	\$350.00**	\$575.00**	\$925.00**
Hospitals and/or Nursing Homes	\$250.00*	\$500.00*	\$750.00*
Hotels and Motels	\$125.00**	\$250.00**	\$375.00**

\* Bed

\*\* Unit

All other commercial and industrial fees will be based on water meter size as follows:

METER SIZE	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	\$350.00	\$675.00	\$1,025.00
1"	\$875.00	\$1,688.00	\$2,563.00
1 1/2"	\$1,750.00	\$3,375.00	\$5,125.00
2"	\$2,800.00	\$5,400.00	\$8,200.00
4"	\$8,750.00	\$16,875.00	\$25,625.00
6"	\$28,000.00	\$54,000.00	\$82,000.00



**EXHIBIT D**

**WATER IMPROVEMENTS PLAN**

<i>Water Capital Projects</i>	<i>Cost</i>
<b>WATER TREATMENT</b>	
WTP Expansion	\$20,000,000
<b>WATER PUMPING</b>	
Amman Road Water Tank & Pump Station	2,240,000
<b>WATER SUPPLY</b>	
GBRA Amman Road Main	2,570,000
WCID #4 Supply Main (Amman)	2,000,000
WCID #4 Supply Main (SH-46) – Oversizing	175,000
<b>RECLAIMED WATER</b>	
Reclaimed Main Transmission Upgrade	1,050,000
Trails of Herff Ranch Reclaimed Main	1,100,000
Reclaimed Water Elevated Storage	1,800,000
SH-46 Main Bore	200,000
WWTRC Storage Tank and Pumps	1,660,000
<b>Total 10-Year Projects for Growth</b>	<b>\$32,795,000</b>

**EXHIBIT E**

**WASTEWATER IMPROVEMENTS PLAN**

<i>Wastewater Capital Projects</i>	<i>Cost</i>
<b>WASTEWATER TREATMENT</b>	
1st WWTRC Expansion	\$8,805,000
2 <sup>nd</sup> WWTRC Expansion	14,000,000
<b>PUMPING (Lift Stations)</b>	
School Lift Station 3 <sup>rd</sup> Wet Well Addition	1,200,000
<b>INTERCEPTORS</b>	
South Cibolo Collector	7,000,000
Suggs Creek Sewer Main	2,250,000
Trails of Herff Ranch Main	2,090,000
<b>Total 10-Year Projects for Growth</b>	<b>\$35,.345,000</b>



## **ORDINANCE NO. 2023-18**

### **AN ORDINANCE OF THE CITY OF BOERNE, TEXAS REPEALING AND REPLACING ORDINANCE NO. 2019-56 AND ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES**

**WHEREAS**, the City of Boerne, Texas, is responsible for and committed to the provision of public facilities and services (including water and wastewater service) at levels necessary to cure any existing public service deficiencies in already developed areas; and

**WHEREAS**, such facilities and service levels shall be provided by the City of Boerne utilizing funds allocated in the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein; and

**WHEREAS**, new residential and nonresidential development causes and imposes increased and excessive demands upon Boerne Water and Wastewater Utilities public facilities and services, including water and sewer facilities, that would not otherwise occur; and

**WHEREAS**, planning and zoning projections indicate that such development will continue and will place ever-increasing demands on the City of Boerne to provide necessary public facilities; and

**WHEREAS**, the development potential and property values of properties are strongly influenced and encouraged by City policy as expressed in the Comprehensive Plan and as implemented via the City zoning ordinance and map; and

**WHEREAS**, to the extent that such new development places demands upon the public facility infrastructure, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

**WHEREAS**, the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in a capital improvements program, and

**WHEREAS**, the City Council, after careful consideration of the matter, hereby finds and declares that impact fees imposed upon residential and nonresidential development to finance specified major public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such development;

**WHEREAS**, in 1987 the Texas Legislature adopted Senate Bill 336; now Texas Local Government Code Chapter 395; and

**WHEREAS**, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation, and methodology necessary to adopt Impact Fees; and

**WHEREAS**, the City has completed a review and update of the land use assumptions, the capital improvements plan for water and wastewater facilities, and the impact fees in accordance with the procedures set forth in Texas Local Government Code Chapter 395; and

**WHEREAS**, from time to time it becomes necessary for the City Council to repeal and reestablish ordinances of the City of Boerne, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS;**

That Ordinance No. 2019-56 is hereby repealed and replaced with the following:

## WATER AND WASTEWATER IMPACT FEES

### ARTICLE I

#### GENERAL PROVISIONS

##### Section 1.01 Short Title

This Ordinance shall be known and cited as the Water and Wastewater Impact Fee Ordinance.

##### Section 1.02 Intent

This Ordinance is intended to impose water and wastewater impact fees, as established in this Ordinance, in order to finance public facilities, the demand for which is generated by new development in the designated service area.

##### Section 1.03 Authority

The City is authorized to enact this Ordinance by Texas Local Government Code Chapter 395 (Senate Bill 336 enacted by the 70th Texas Legislature) and its successors, which authorizes cities, among others, to enact or impose impact fees (impact fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. The provisions of this Ordinance shall not be construed to limit the power of the City to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance. Guidelines may be developed by resolution or otherwise to implement and administer this chapter.

##### Section 1.04 Definitions

As applied in this Ordinance, the following words and terms shall be used:

- (1) Area Related Facility - A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site-related service facility. An area-related service facility may include a capital improvement which is located off-site, within, or on the perimeter of the development site.
- (2) Assessment - The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Ordinance.

- (3) Boerne Utilities - The municipal water and wastewater utilities of the City of Boerne, Texas.
- (4) Capital Construction Cost of Service - Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the City.
- (5) Capital Improvement Advisory Committee (Advisory Committee) - Advisory committee, appointed by the City Council, consisting of at least five members which are not employees of the City, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity. The Planning and Zoning Commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the Planning and Zoning Commission, one such member may be appointed as an ad hoc member. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area. The advisory committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Texas Local Government Code Chapter 395, and its successors.
- (6) Capital Improvements Plan (CIP) - Plan which identifies water and wastewater capital improvements or facility expansions pursuant to which impact fees may be assessed.
- (7) City – City of Boerne, Texas.
- (8) City Council - Governing body of the City of Boerne, Texas.
- (9) City Manager - The chief administrative and executive officer of the City, appointed by the City Council and responsible to the City Council for the administration of all the affairs of the city. City Manager includes any city employee designated to act in the City Manager's behalf.
- (10) Commercial Development - For the purposes of this Ordinance, all development which is neither residential nor industrial. Commercial development includes any structure or structures on a single lot designed to accommodate more than four dwelling units.
- (11) Comprehensive Plan - The comprehensive long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City which includes analysis, recommendations and proposals for the City regarding such

topics as population, economy, housing, transportation, community facilities, and land use.

- (12) Cottage – A small home within a Cottage development per Article 5. Zoning Districts and Use Regulations, Section 31.CHD – Cottage Housing Development Overlay District.
- (13) Duplex - A structure on a single lot designed to accommodate two dwelling units, as authorized under the City's zoning regulations.
- (14) Dwelling Unit - a structure or portion of an overall structure in which a typical household or person or unrelated persons would reside together. A single dwelling unit would include a single family detached house or individual units of attached housing, i.e. one unit within a duplex, triplex, fourplex, or larger apartment building.
- (15) Effective Impact Fee - Amount of impact fee collected per service unit, which may be equal to or less than the maximum impact fees as set forth in Exhibit C to this ordinance.
- (16) Existing Development - All development within the service area which has a water or wastewater utility service, whether on the Boerne Utilities' system or other centralized water or sewer system, as of the date of the adoption of this Ordinance.
- (17) Facility Expansion - The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.
- (18) Final Subdivision Plan or Final Plat - The map, drawing, or chart on which is provided a subdivider's plan of a subdivision, and which has received final approval by the Planning and Zoning Commission or City Council and which is recorded with the office of the County Clerk.
- (19) Fourplex – A structure on a single lot designed to accommodate four dwelling units, as authorized under the City's zoning regulations.
- (20) Growth-Related Costs - Capital Construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions, or from new capital facilities. Growth-related costs do not include:
  - (a) Construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;
  - (b) Repair, operation, or maintenance of existing or new capital improvements or facility expansions;

- (c) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
  - (d) Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
  - (e) Administrative and operating costs of the Boerne Utilities; and
  - (f) Principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for facilities contained in the capital improvements plan.
- (21) Impact Fee - Fee to be imposed upon new development, calculated based upon the growth-related costs of facilities in proportion to development creating the need for such facilities, fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities required by other ordinances of the City Code or policy; or pro rata fees placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains.
- (22) Industrial Development - Development which will be assigned to the industrial customer class of the water or wastewater utilities; generally development in which goods are manufactured, or development which is ancillary to such manufacturing activity.
- (23) Land Use Assumptions - Projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time, upon which the capital improvement plan is based.
- (24) Living Unit Equivalent (LUE) - Basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 5/8" diameter non-turbine water meter, using American Water Works Association C700-C703 standards and AWWA Manual of Practice M22. For purposes of this ordinance, 5/8" water meters are considered to equal one (1) LUE. LUE's for various water meter sizes are as follows:

#### METER SIZE AND TYPE

5/8" Non-turbine	1.0
3/4" Non-turbine	1.5*
1" Non-turbine	2.5
1-1/2" Non-turbine	5.0
2" Non-turbine	8.0
2" Compound	8.0
2" Turbine	10.0



3" Compound	16.0
3" Turbine	25.0
4" Compound	25.0
4" Turbine	42.0
6" Compound	50.0
6" Turbine	92.0
8" Turbine	160.0
10" Turbine	250.0
12" Turbine	330.0

\* Where a residential 3/4" combined domestic/fire service is allowed, a required 3/4" meter shall be considered to equal one (1) LUE if a 5/8" domestic meter would normally suffice.

- (25) New Development - Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units for water or wastewater service. New development includes the provision of water or wastewater service resulting from the conversion of an individual well or septic or other individual waste disposal system, to the Boerne Utilities' water or wastewater utility.
- (26) Offset - The amount of the reduction of an impact fee designed to fairly reflect the value of area-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.
- (27) Preliminary Subdivision Plan or Preliminary Plat - The initial map, drawing, or chart on which is provided a subdivider's plan of a subdivision, and which accompanies the completed application for preliminary plat approval filed pursuant to Article 2 of the City's Subdivision Ordinance.
- (28) Residential - A lot developed for use and occupancy as a single-family residence, a duplex, a triplex, or a fourplex.
- (29) Service Area - Area within the corporate boundaries and/or within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Chapter 42, Section 42.021, Local Government Code), or such areas as contractually defined to be served by the water and wastewater capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.
- (30) Service Unit - Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions, expressed in living units equivalent.
- (31) Single-Family Residence - Single-family dwelling unit, as authorized under the City's zoning regulations.

- (32) Site-related Facility - Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.
- (33) Application for City Utility Service - The filing with the City of a written application for water or wastewater service and the acceptance of applicable fees by the City. The term "Application for City Utility Service" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.
- (34) Triplex - A structure on a single lot designed to accommodate three dwelling units, as authorized under the City's zoning regulations.
- (35) Wastewater Facility - Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site wastewater collection facilities required by valid ordinances or policies of the City and necessitated by and attributable to the new development.
- (36) Wastewater Facility Expansion - Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization, or expansion of an existing wastewater facility to serve existing development.
- (37) Wastewater Improvements Plan (Wastewater CIP) - Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of wastewater facilities fees pursuant to this Ordinance.
- (38) Water Facility - Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.
- (39) Water Facility Expansion - Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair,

maintenance, modernization, or expansion of an existing water facility to serve existing development.

- (40) Water Improvement Plan (Water CIP) - Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of water facilities fees pursuant to this Ordinance.

#### Section 1.05 Applicability of Impact Fees

(1) No new development shall be exempt from the assessment of impact fees as defined in this Ordinance. However, the City Council of Boerne may determine that for reasons of applicant hardship or for reasons of general community welfare, the applicable fees may be paid by the City into the appropriate utility funds in lieu of payment by the applicant.

#### Section 1.06 Impact Fees as Conditions of Development Approval

No application for new development shall be approved without assessment of impact fees pursuant to this Ordinance, and no Application for City Utility Service or building Certificate of Occupancy shall be issued unless the applicant has paid the impact fees imposed by and calculated herein.

#### Section 1.07 Establishment of Water and Wastewater Service Areas

(1) The conceptual water and wastewater service area(s) for development of impact fee purposes are established as shown on the Service Area Map(s) which is Exhibit A for this Ordinance.

(2) The conceptual service areas shall be established consistent with any facility service area established in the CIP for each utility. Additions to the service area may be designated by the City Council consistent with the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

#### Section 1.08 Land Use Assumptions

Land use assumptions used in the development of the impact fees are contained in Exhibit B of this Ordinance. These assumptions may be revised by the City Council according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

#### Section 1.09 Service Units

(1) Service units are established in accordance with generally accepted engineering and planning standards.

(2) Upon application for City Utility Service or Building Permit, the number of service units for levy of impact fees related to water and wastewater utilities shall be based on the size of the water

meter(s) for the development. Development which consists of more than four dwelling units on a single lot is considered to be commercial development and impact fees shall be based on the size of the water meter(s).

- (3) In the case of multi-family customers with greater than four living units on a single lot with individual meters and a separate meter for all irrigation, the levy of Impact Fees can alternately be based upon the potential size of a hypothetical master meter that would serve all of the units on the lot exclusive of irrigation. Impact Fees shall be assessed based on the irrigation meter size and the hypothetical master meter size. All irrigation for the lot shall be through the irrigation meter. The hypothetical master meter shall be sized by a licensed professional engineer to provide the maximum water demand exclusive of irrigation calculated using the following procedure:

- (a) Compute the load value in water supply fixture units (wsfu) of all the plumbing fixtures being served on the lot per the Appendix: "Sizing of Water Piping System", of the City adopted plumbing code.
- (b) Use the load value in wsfu in the table for estimating demand per the City adopted plumbing code to determine the total demand for the units served on the lot. Add continuous demands for air conditioners and other equipment to the total from the table. Linear interpolation between values in the plumbing code table is acceptable.
- (c) Use the following table to determine the meter size and number of LUE's to be assessed by selecting a hypothetical master meter size with the Maximum Continuous Flow greater than the estimated total demand plus continuous demands:

High Normal Flow Rate(qpm)	Meter Size	LUE's
10	5/8" Non-turbine	1.0
15	3/4" Non-turbine	1.5
25	1" Non-turbine	2.5
50	1-1/2" Non-turbine	5.0
80	2" Non-turbine	8.0
100	2" Turbine	10.0
160	3" Compound	16.0
220	3" Turbine	25.0
250	4" Compound	25.0
420	4" Turbine	42.0
500	6" Compound	50.0
920	6" Turbine	92.0
1,600	8" Turbine	160.0
2,500	10" Turbine	250.0
3,300	12" Turbine	330.0

- (4) If the City Manager determines that the water pressure in the Boerne Utilities' main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the City Manager may adjust the number of LUE's based on

a smaller or larger sized meter which more accurately reflects the flow rate and the system pressure conditions.

(5) If a fire demand meter is purchased for a property, the meter size utilized to calculate the number of LUE's shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of LUE's. The meter types used to calculate the number of LUE's shall be either non-turbine or compound meters.

(6) Upon application for Utility Service for lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the State of Texas, and shall be approved by the City Manager.

(7) The City Council may revise the service units' designation according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

(8) When a Cottage development per Article 5. Zoning Districts and use Regulations, Section 31. CHD – Cottage Housing Development Overlay District includes a master irrigation meter for the common areas and all other irrigated space including lawns on individual lots and the services to the Cottages will not be used for irrigation the number of water service units for a 5/8" Non-turbine meter shall be .65 LUE. Each cottage shall have its own 5/8" domestic water meter

#### Section 1.10 Impact Fees per Service Unit

(1) The maximum impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development and based on the land use assumptions for that service area. The initial base amount of maximum impact fee per service unit for each service area shall be established by category of capital improvements and shall be set forth in Exhibit C to this Ordinance.

(2) Exhibit C may be amended by the City Council according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

(3) The effective Impact Fees per service unit may be amended from time to time by the City Council through ordinance amendment to any amount less than or equal to that set forth in Exhibit C to this ordinance.

(4) The effective Impact Fees per service unit shall be equal to or less than the maximum Impact Fees per service unit as set forth in Exhibit C to this ordinance.

(5) Unless changed by subsequent ordinance the effective Impact Fees per Living Unit Equivalent (LUE) for water and wastewater shall be:

Seven Thousand Six Hundred Twenty Nine Dollars (\$7,629) broken down as follows: Two Thousand Five Hundred Nine Dollars (\$2,509) for water facilities and Five Thousand One Hundred Twenty Dollars (\$5,120) for wastewater facilities.

(6) The impact fees per service unit set forth in Section 1.10 (5) shall apply to any plat application filed after the effective date of this ordinance.

(7) Impact fees assessed by previous ordinances are attached hereto as Exhibits C1 – C9, and incorporated herein by reference.

#### Section 1.11 Assessment of Impact Fees

(1) The approval of any subdivision of land or of any new development shall include as a condition the assessment of the impact fee applicable to such development.

(2) Assessment of the impact fee for any new development shall be made as follows:

(a) For a development which is submitted for approval pursuant to the City's subdivision ordinances, regulations and policies, and/or the Development Plat Ordinance, following the effective date of this Ordinance, assessment shall be on the date of filing of a completed application for preliminary plat approval, and shall be the amount as set forth in Section 1.10(5).

(b) For a development which has received final plat approval but for which there has been no prior assessment of fees, fees shall be assessed pursuant to Exhibit C, except as provided for in section 1.11(2)(d).

(c) For land on which new development occurs or is proposed to occur without platting, assessment shall be made at the time upon which an Application for City Utility Service is filed, and shall be calculated as set forth in Section 1.10(5).

(d) For any assessments made after the effective date of this ordinance, the impact fee per service unit set forth in Section 1.10 (5) shall apply. Any development that has received final plat approval, and has been assessed an impact fee under a previous ordinance, which is noted on the subdivision or development plat, shall not have the previously assessed impact fee changed. Any development that has received final plat approval prior to December 11, 1990 shall be assessed a unit fee per Exhibit C9.

(e) Because fire protection is of critical concern to the community as a whole, water demand related solely to fire protection is not subject to assessment of an impact fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City of Boerne's meter-reading and billing systems, the current owner of the property shall be assessed the current impact fees, as set forth in Section 1.10(5), for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.

(3) Following assessment of the impact fee pursuant to subsection (2), no additional impact fees or increases thereof shall be assessed against that development unless the number of service

units increases, as set forth under Section 1.09. An increase in service units shall be deemed to have occurred when existing development with existing services for which impact fees have been paid is redeveloped or otherwise altered to require additional water and/or wastewater capacity. The additional service units provided to the lot shall be assessed impact fees based on difference in LUE's between the new services and previous services multiplied by the Effective Impact fee per LUE in accordance with Section 1.10(5).

(4) Following the lapse or expiration of approval for a preliminary plat, which was made pursuant to the Subdivision Ordinance, the assessment made at the time the completed application for a preliminary plat was filed expires, and a new assessment shall be made in accordance with the procedure described in Section 1.11 (2)

#### Section 1.12 Calculation of Impact Fees

(1) Following the request for new development as provided in Section 1.11 of this Ordinance, the City shall compute impact fees due for the new development in the following manner:

- (a) The applicable number of service units per dwelling unit or per water meter size shall be determined according to Section 1.09 of this Ordinance;
- (b) Service units for all land uses for the development shall be summed;
- (c) The total service units shall be multiplied by the appropriate per-unit fee amount determined as set forth in Section 1.10; and
- (d) Fee credits and offsets shall be subtracted as determined by the process prescribed in Section 1.14 of this Ordinance.

(2) The amount of each impact fee due for a new development, whether calculated at time of final plat approval or at time of Application for City Utility Service, shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to Section 1.10 by the number of service units generated by the development.

#### Section 1.13 Collection of Impact Fees

(1) No approval of Application for City Utility Service shall be made until all relevant impact fees have been paid to the City, or until a "notice of impact fee due" is recorded as provided in this Section, except as provided otherwise by contract.

(2) For a platted or unplatted development which is submitted in accordance with all applicable ordinance submission requirements for approval pursuant to the City's subdivision regulations and Utilities policies subsequent to the effective date of this Ordinance, impact fees shall be collected at the time of Application for City Utility Service or Application for Building Permit for use of water and wastewater utility facilities in an amount as determined in Section 1.11 and 1.12 above.

(3) For a development which has received final plat approval prior to the effective date of this Ordinance and for which no replatting is necessary prior to provision of a water or wastewater utility services, impact fees shall be collected at the time of Application for City Utility Service or Application for Building Permit except as provided by Section 1.14.

(4) In the event that a water or wastewater utility service is provided as the result of a conversion from an individual well, or septic or other individual waste disposal system, the appropriate fee shall be collected at the time of Application for City Utility Service, except as provided below:

(a) At the request of the applicant, and with the approval of the City Manager, the impact fees for such customers may be paid in increments over a period of not more than one year, with interest computed on the unpaid balance at the statutory rate as set forth in Tex. Rev. Civ. Stat.art.5069-1.03, or any successor statute.

(b) If the applicant chooses this extended payment option, the applicant shall, as a condition of utility service, sign and file with the City Manager, and consent to the recordation of, a "notice of impact fee due", which shall be recorded as a lien against the subject property. The City shall release the lien held only upon payment in full of the impact fees and any late penalties and applicable interest.

(c) Late payments shall subject the applicant to a penalty of ten percent of the amount due and additional interest in addition to all other remedies available to the City as lien holder.

(5) In no case will the unit fee collected be higher than the assessed fee per LUE, as specified herein.

#### Section 1.14 Offsets and Credits Against Impact Fees

(1) The City shall offset the present value of any area-related facilities listed in the CIP, pursuant to rules established in this section, and which have been dedicated to and have been received by the City, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement.

(2) The City shall credit impact fees which have been paid pursuant to Ordinance No. 84-14, Ordinance No. 90-22, Ordinance No. 98-02, Ordinance No. 2001-12, Ordinance No. 2005-67, Ordinance No. 2006-27, Ordinance No. 2009-15, Ordinance No. 2014-01, Ordinance 2014-38, and Ordinance 2015-03 prior to the effective date of this Ordinance, against the amount of an impact fee due for that category of capital improvement, subject to guidelines established by the City.

(3) All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Ordinance and additional standards promulgated by the City, which may be adopted as administrative guidelines:

(a) No offset or credit shall be given for the dedication or construction of site-related facilities.



(b) The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for the category of facility within the service area for which the impact fee is imposed.

(c) If an offset or credit applicable to a plat has not been exhausted within ten (10) years from the date of the acquisition of the first building permit issued or connection made after the effective date of this ordinance or within such period as may be otherwise designated by contract, such offset or credit shall lapse.

(d) In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Ordinance or for any amount exceeding the total impact fees due for the development for that category of capital improvement as specified in Section 1.10(5), unless otherwise agreed to by the City.

(4) An applicant for new development must apply for an offset or credit against impact fees due for the development either at the time of application for final plat approval or at the time of application for City Utility Service, unless the City agrees to a different time. The applicant shall file a petition for offsets or credits with the City on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The City must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which amount and the date of the determination shall be associated with the plat for the new development.

(5) The available offset or credit associated with the plat shall be applied against an impact fee at time of final plat (if fees are paid at that time), or alternatively in the following manner:

(a) Such offset or credit shall be prorated equally among all living unit equivalents, as calculated in Section 1.09, and remain applicable to such LUE's, to be applied at time of filing and acceptance of an application for City Utility Service, as appropriate, against impact fees due.

(b) If the total number of LUE's used by the City in the original offset or credit calculation described in (a) is eventually exceeded by the number of total LUE's realized by the actual development, the City may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess LUE's.

(c) At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the City.

#### Section 1.15 Establishment of Accounts

(1) The City shall establish separate interest bearing accounts, in an institution authorized in the City's Investment Policy, for the two major categories of water and wastewater facilities for which an impact fee is imposed pursuant to this Ordinance.

(2) Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in Section 1.16.

(3) The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the accounts are utilized solely for the purposes authorized in Section 1.16. Disbursement of funds shall be authorized by the City Council of Boerne at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.

(4) The City Manager shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the capital improvements program as area-related facilities. The City shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provision in Section 1.18 of this Ordinance.

#### Section 1.16 Use of Proceeds of Impact Fee Amounts

(1) The impact fees collected pursuant to this Ordinance may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to retire bonds or pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such water and wastewater capital improvements or facilities expansions as included in the CIP.

(2) Impact fees collected pursuant to this Ordinance shall not be used to pay for any of the following expenses:

(a) Construction, acquisition or expansion of capital improvements or assets other than those identified for the appropriate utility in the capital improvements plan;

(b) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;

(c) Upgrading, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(d) Upgrading, expanding, or replacing existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding, or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or

(e) Administrative and operating costs of the City of Boerne.

#### Section 1.17 Appeals

(1) The property owner or applicant for new development may appeal the following decisions to the City Council of Boerne:

- (a) The applicability of an impact fee to the development;
- (b) The availability or the amount of an offset or credit;
- (c) The application of an offset or credit against an impact fee due;
- (d) The amount of the refund due, if any.

(2) The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable impact fee schedule or the guidelines established for determining offsets and credits.

(3) The appellant must file a notice of appeal with the City Manager of Boerne within thirty (30) days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Secretary in an amount equal to the original determination of the impact fee due, the development application or Application for City Utility Service may be processed while the appeal is pending.

#### Section 1.18 Refunds

(1) Any impact fee or portion thereof collected pursuant to this Ordinance which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Tex. Rev. Civ. Stat. Art. 5069-1.03, or any successor statute.

(2) An impact fee collected pursuant to this Ordinance shall be considered expended if the total expenditures for capital improvements or facilities expansions authorized in Section 1.16 within ten (10) years following the date of payment exceed the total fees collected for such improvements or expansions during such period.

(3) If a refund is due pursuant to subsections (1) and (2), the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(4) Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:

- (a) Existing service is available and service is denied; or

(b) Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

(c) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

(5) The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased water meter is replaced with a smaller meter, based on the LUE differential of the two meter sizes and the per-LUE fee at the time of the original fee payment, less an administrative charge of \$50.

(6) Petition for refunds shall be submitted to the City Manager on a form provided by the City for such purpose. Within two months of the date of receipt of a petition for refund, the City Manager must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the City Manager shall cause a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Council of Boerne, as set forth in Section 1.17.

#### Section 1.19 Updates to the Plan and Revision of Fees

The City shall review the land use assumptions and capital improvements plan for water and wastewater facilities at an interval consistent with the requirements set forth in Texas Local Government Code Chapter 395, or any successor statute. The City Council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in Texas Local Government Code Chapter 395, or any successor statute, either update the fees or make a determination that no update is necessary.

#### Section 1.20 Functions of the Advisory Committee

(1) The functions of the Advisory Committee are those set forth in Texas Local Government Code Chapter 395, or any successor statute, and shall include the following:

(a) Advise and assist the City in adopting land use assumptions;

(b) Review the capital improvements plan regarding water and wastewater capital improvements and file written comments thereon;

(c) Monitor and evaluate implementation of the capital improvements plan;

(d) Advise the City of the need to update or revise the land use assumptions, capital improvements program, and impact fees; and

(e) File a semiannual report evaluating the progress of the City in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.

(2) The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

(3) The Council shall adopt procedural rules for the committee to follow in carrying out its duties.

#### Section 1.21 Agreement for Capital Improvements

The City Council of Boerne may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the City prior to fee collection. The agreement shall be on a form approved by the City, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to City standards, and any other terms and conditions the City deems necessary. The City Manager shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee before submitting the proposed agreement to the Council for approval.

#### Section 1.22 Use of Financing Mechanisms

(1) The City may finance water and wastewater capital improvements of facilities expansions designated in the capital improvements plan through the use of operating cash transfers, issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

(2) Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge, or assessment which is lawfully imposed on and due against the property.

#### Section 1.23 Impact Fees as Additional and Supplemental Regulation

(1) Impact fees established by this Ordinance are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or water or wastewater utility service or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of City's Comprehensive Plan, capital improvements plan, zoning ordinance, subdivision regulations, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(2) This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision

regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

#### Section 1.24 Relief Procedures

(1) Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

(2) The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, and only upon finding that a strict application of such requirement would when regarded as a whole, result in confiscation of the property.

(3) The Council may grant a waiver from any requirement of this ordinance on other grounds, as may be set forth in administrative guidelines.

(4) If the Council grants a variance or waiver to the amount of the impact fees due for a new development under this Section, it shall cause to be appropriated from other City funds the amount of the reduction in the impact fees to the account in which the fees would have been deposited.

#### Section 1.25 Exemption from Ordinance

No exemptions will be granted from payment of applicable water and wastewater impact fees, except as provided for in Section 1.14.

## ARTICLE II

### WATER FACILITIES FEES

#### Section 2.01 Water Service Area

(1) There is hereby established a conceptual water service area for planning and impact fee calculation purposes as depicted in Exhibit A, attached hereto and incorporated by reference.

(2) The boundaries of the water service area may be amended from time to time, and new water service areas may be delineated, pursuant to the procedures in Section 1.07.

#### Section 2.02 Water Improvements Plan

(1) The Water Improvements Plan for the City of Boerne for impact fee calculation purposes is hereby adopted as Exhibit D attached hereto and incorporated by reference herein.

(2) The Water Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Texas Local Government Code Chapter 395 and its successors.

#### Section 2.03 Water Facilities Fees

(1) The maximum base impact fees per service unit for water facilities are hereby adopted and incorporated in Exhibit C attached hereto and made a part hereof by reference.

(2) The impact fees per service unit for water facilities may be amended from time to time, pursuant to the procedures in Section 1.10.

### ARTICLE III

#### WASTEWATER FACILITIES FEES

##### Section 3.01 Wastewater Service Area

(1) There is hereby established a conceptual wastewater service area for planning purposes and impact fee calculation as depicted on Exhibit A, attached hereto and incorporated herein by reference.

(2) The boundaries of the conceptual wastewater service area may be amended from time to time, and new wastewater service areas may be delineated, pursuant to the procedures in Section 1.07.

##### Section 3.02 Wastewater Improvements Plan

(1) The Wastewater Improvements Plan for the City of Boerne for impact fee calculation purposes is hereby adopted as Exhibit E attached hereto and incorporated by reference herein.

(2) The Wastewater Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Texas Local Government Code Chapter 395 and its successors.

##### Section 3.03 Wastewater Facilities Fees

(1) The maximum base impact fees per service unit for wastewater facilities are hereby adopted and incorporated in Exhibit C attached hereto and made a part hereof by reference.

(2) The impact fees per service unit for wastewater facilities may be amended from time to time, pursuant to the procedures in Section 1.10.

## ARTICLE IV

### MISCELLANEOUS PROVISIONS

If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare. Any member of the City Council, City official, or employee charged with the enforcement of this ordinance, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Boerne in court of competent jurisdiction, and this remedy shall be in addition to any penalty provision in this ordinance.

This Ordinance shall take effect immediately upon passage on the second reading.

PASSED and APPROVED on first reading this the \_\_\_\_ day of May, 2023.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of May, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

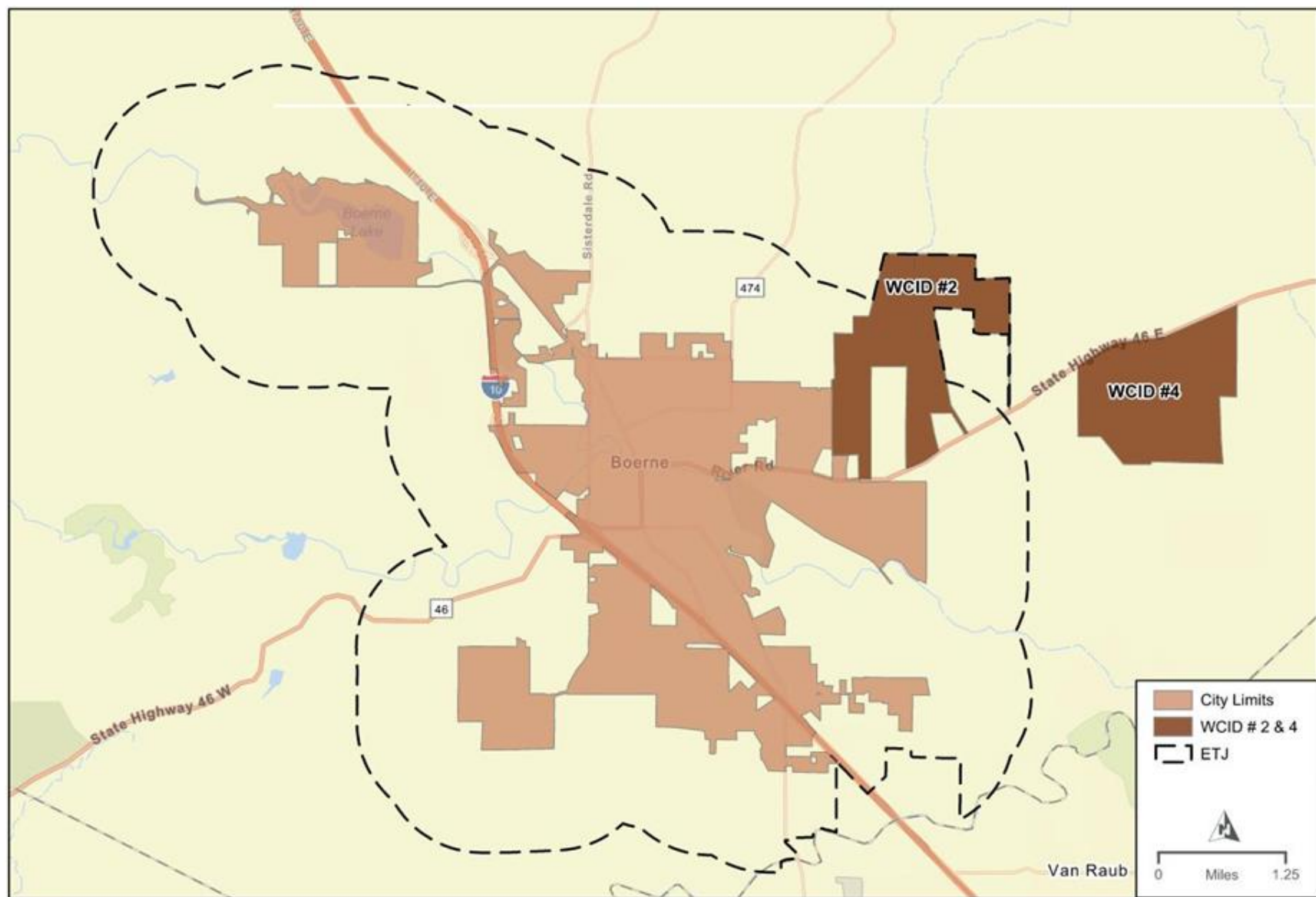
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

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



**EXHIBIT A**  
**POTENTIAL SERVICE AREA MAP**



## EXHIBIT B

### LAND USE ASSUMPTIONS

#### Current and Projected Land Use

<i>Item</i>	<i>Current</i>		<i>Future (Including ETJ)</i>	
	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>
Rural Residential	3,750	13.4%	3,500	12.5%
Single-Family Residential	8,000	30.4%	12,000	46.5%
Multi-Family Residential	250	0.9%	400	1.4%
Mobile/Manufactured Homes	150	0.5%	150	0.5%
Commercial/Schools/Churches	2,750	9.8%	3,500	12.5%
Utility/Transportation	400	1.4%	500	1.8%
Industrial	60	0.2%	120	0.4%
Government Owned/Parks	1,000	3.6%	1,500	5.4%
Agricultural/Undeveloped/Open Space	10,473	39.7%	5,163	19.0%
<b>Total Land Use Acreage</b>	<b>26,833</b>	<b>100%</b>	<b>26,833</b>	<b>100%</b>
Source: Adapted from Boerne 2018 Master Plan – Technical Plan, August 28, 2018. Land values have been projected from those contained in the plan to be consistent with recent and current growth forecast. Acreage includes the land area of WCID #4.				

## EXHIBIT C

### SCHEDULE OF MAXIMUM IMPACT FEES

UTILITY	CALCULATED FEE	RATE CREDIT	MAXIMUM FEE
WATER	\$3,294	\$786	\$2,509
WASTEWATER	\$5,637	\$517	\$5,120

## EXHIBIT C1

### IMPACT FEES BY METER SIZE

ASSESSED BEGINNING XXXXXXXXXXXXXXXX

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,509.00	\$5,120.00	\$7,629.00
3/4"	1.5	\$3,763.50	\$7,680.00	\$11,443.50
1"	2.5	\$6,272.50	\$12,800.00	\$19,072.50
1 1/2"	5.0	\$12,545.00	\$25,600.00	\$38,145.00
2" Non-turbine	8.0	\$20,072.00	\$40,960.00	\$61,032.00
2" Compound	8.0	\$20,072.00	\$40,960.00	\$61,032.00
2" Turbine	10.0	\$25,090.00	\$51,200.00	\$76,290.00
3" Compound	16.0	\$40,144.00	\$81,920.00	\$122,064.00
3" Turbine	25.0	\$62,725.00	\$128,000.00	\$190,725.00
4" Compound	25.0	\$62,725.00	\$128,000.00	\$190,725.00
4" Turbine	42.0	\$105,378.00	\$215,040.00	\$320,418.00
6" Compound	50.0	\$125,450.00	\$256,000.00	\$381,450.00
6" Turbine	92.0	\$230,828.00	\$471,040.00	\$701,868.00
8" Turbine	160.0	\$401,440.00	\$819,200.00	\$1,220,640.00
10" Turbine	250.0	\$627,250.00	\$1,280,000.00	\$1,907,250.00
12" Turbine	330.0	\$827,970.00	\$1,689,600.00	\$2,517,570.00

## EXHIBIT C2

### IMPACT FEES BY METER SIZE

ASSESSED DECEMBER 10, 2019 to XXXXXXXXXXXXXXXX

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$5,743.00	\$3,814.00	\$9,557.00
3/4"	1.5	\$8,614.50	\$5,721.00	\$14,335.50
1"	2.5	\$14,357.50	\$9,535.00	\$23,892.50
1 1/2"	5.0	\$28,715.00	\$19,070.00	\$47,785.00
2" Non-turbine	8.0	\$45,944.00	\$30,512.00	\$76,456.00
2" Compound	8.0	\$45,944.00	\$30,512.00	\$76,456.00
2" Turbine	10.0	\$57,430.00	\$38,140.00	\$95,570.00

3" Compound	16.0	\$91,888.00	\$61,024.00	\$152,912.00
3" Turbine	25.0	\$143,575.00	\$95,350.00	\$238,925.00
4" Compound	25.0	\$143,575.00	\$95,350.00	\$238,925.00
4" Turbine	42.0	\$241,206.00	\$160,188.00	\$401,394.00
6" Compound	50.0	\$287,150.00	\$190,700.00	\$477,850.00
6" Turbine	92.0	\$528,356.00	\$350,888.00	\$879,244.00
8" Turbine	160.0	\$918,880.00	\$610,240.00	\$1,529,120.00
10" Turbine	250.0	\$1,435,750.00	\$953,500.00	\$2,389,250.00
12" Turbine	330.0	\$1,895,190.00	\$1,258,620.00	\$3,153,810.00

**EXHIBIT C3**  
**IMPACT FEES BY METER SIZE**  
 ASSESSED OCTOBER 15, 2014 to DECEMBER 9, 2019

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$4,081.00	\$3,218.00	\$7,299.00
3/4"	1.5	\$6,121.50	\$4,827.00	\$10,948.50
1"	2.5	\$10,202.50	\$8,045.00	\$18,247.50
1 1/2"	5.0	\$20,405.00	\$16,090.00	\$36,495.00
2" Non-turbine	8.0	\$32,648.00	\$25,744.00	\$58,392.00
2" Compound	8.0	\$32,648.00	\$25,744.00	\$58,392.00
2" Turbine	10.0	\$40,810.00	\$32,180.00	\$72,990.00
3" Compound	16.0	\$65,296.00	\$51,488.00	\$116,784.00
3" Turbine	22.0	\$89,782.00	\$70,796.00	\$160,578.00
4" Compound	25.0	\$102,025.00	\$80,450.00	\$182,475.00
4" Turbine	42.0	\$171,402.00	\$135,156.00	\$306,558.00
6" Compound	50.0	\$204,050.00	\$160,900.00	\$364,950.00
6" Turbine	92.0	\$375,452.00	\$296,056.00	\$671,508.00
8" Turbine	160.0	\$652,960.00	\$514,880.00	\$1,167,840.00
10" Turbine	250.0	\$1,020,250.00	\$804,500.00	\$1,824,750.00
12" Turbine	330.0	\$1,346,730.00	\$1,061,940.00	\$2,408,670.00

**EXHIBIT C4**  
**IMPACT FEES BY METER SIZE**  
 ASSESSED JUNE 10, 2009 – OCTOBER 14, 2009

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,563.00	\$4,580.00	\$7,143.00
3/4"	1.5	\$3,844.50	\$6,870.00	\$10,714.50
1"	2.5	\$6,407.50	\$11,450.00	\$17,857.50
1 1/2"	5.0	\$12,815.00	\$22,900.00	\$35,715.00
2" Simple	8.0	\$20,504.00	\$36,640.00	\$57,144.00
2" Turbine	12.0	\$30,756.00	\$54,960.00	\$85,716.00

3" Compound	16.0	\$41,008.00	\$73,280.00	\$114,288.00
3" Turbine	25.0	\$64,075.00	\$114,500.00	\$178,575.00
4" Compound	25.0	\$64,075.00	\$114,500.00	\$178,575.00
4" Turbine	42.0	\$107,646.00	\$192,360.00	\$300,006.00
6" Compound	50.0	\$128,150.00	\$229,000.00	\$357,150.00
6" Turbine	92.0	\$235,796.00	\$421,360.00	\$657,156.00
8" Compound	80.0	\$205,040.00	\$366,400.00	\$571,440.00
8" Turbine	160.0	\$410,080.00	\$732,800.00	\$1,142,880.00
10" Compound	115.0	\$294,745.00	\$526,700.00	\$821,445.00
10" Turbine	250.0	\$640,750.00	\$1,145,000.00	\$1,785,750.00
12" Turbine	330.0	\$845,790.00	\$1,511,400.00	\$2,357,190.00

**EXHIBIT C5**  
**IMPACT FEES BY METER SIZE**  
 ASSESSED OCTOBER 26, 2005 – JUNE 9, 2009

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$2,536.16	\$3,154.12	\$5,690.28
3/4"	1.5	\$3,804.24	\$4,731.18	\$8,535.42
1"	2.5	\$6,340.40	\$7,885.30	\$14,225.70
1 1/2"	5.0	\$12,680.80	\$15,770.60	\$28,451.40
2" Simple	8.0	\$20,289.28	\$25,232.96	\$45,522.24
3" Compound	16.0	\$40,578.56	\$50,465.92	\$91,044.48
3" Turbine	25.0	\$63,404.00	\$78,853.00	\$142,257.00
4" Compound	25.0	\$63,404.00	\$78,853.00	\$142,257.00
4" Turbine	42.0	\$106,518.72	\$132,473.04	\$238,991.76
6" Compound	50.0	\$126,808.00	\$157,706.00	\$284,514.00
6" Turbine	92.0	\$233,326.72	\$290,179.04	\$523,505.76
8" Compound	80.0	\$202,892.80	\$252,329.60	\$455,222.40
8" Turbine	160.0	\$405,785.60	\$504,659.20	\$910,444.80
10" Compound	115.0	\$291,658.40	\$362,723.80	\$654,382.20
10" Turbine	250.0	\$634,040.00	\$788,530.00	\$1,422,570.00
12" Turbine	330.0	\$836,932.80	\$1,040,859.60	\$1,877,792.40

**EXHIBIT C6**  
**IMPACT FEES BY METER SIZE**  
 ASSESSED MAY 9, 2001 – OCTOBER 25, 2005

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$1,464.00	\$1,173.00	\$2,637.00
3/4"	1.5	\$2,196.00	\$1,759.50	\$3,955.50
1"	2.5	\$3,660.00	\$2,932.50	\$6,592.50
1 1/2"	5.0	\$7,320.00	\$5,865.00	\$13,185.00
2" Simple	8.0	\$11,712.00	\$9,384.00	\$21,096.00

2" Compound	8.0	\$11,712.00	\$9,384.00	\$21,096.00
2" Turbine	10.0	\$14,640.00	\$11,730.00	\$26,370.00
4" Compound	25.0	\$36,600.00	\$29,325.00	\$65,925.00
4" Turbine	42.0	\$61,488.00	\$49,266.00	\$110,754.00
6" Compound	50.0	\$73,200.00	\$58,650.00	\$131,850.00
6" Turbine	92.0	\$134,688.00	\$107,916.00	\$242,604.00
8" Compound	80.0	\$117,120.00	\$93,840.00	\$210,960.00
8" Turbine	160.0	\$234,240.00	\$187,680.00	\$421,920.00
10" Turbine	250.0	\$366,000.00	\$293,250.00	\$659,250.00
12" Turbine	330.0	\$483,120.00	\$387,090.00	\$870,210.00

### EXHIBIT C7

#### IMPACT FEES BY METER SIZE ASSESSED MARCH 11, 1998 – MAY 8, 2001

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	\$1,746.00	\$1,065.00	\$2,811.00
3/4"	1.5	\$2,619.00	\$1,597.50	\$4,216.50
1"	2.5	\$4,365.00	\$2,662.50	\$7,027.50
1 1/2"	5.0	\$8,730.00	\$5,325.00	\$14,055.00
2" Simple	8.0	\$13,968.00	\$8,520.00	\$22,488.00
2" Compound	8.0	\$13,968.00	\$8,520.00	\$22,488.00
2" Turbine	10.0	\$17,460.00	\$10,650.00	\$28,110.00
4" Compound	25.0	\$43,650.00	\$26,625.00	\$70,275.00
4" Turbine	42.0	\$73,332.00	\$44,730.00	\$118,062.00
6" Compound	50.0	\$87,300.00	\$53,250.00	\$140,550.00
6" Turbine	92.0	\$160,632.00	\$97,980.00	\$258,612.00
8" Compound	80.0	\$139,680.00	\$85,200.00	\$224,880.00
8" Turbine	160.0	\$279,360.00	\$170,400.00	\$449,760.00
10" Turbine	250.0	\$436,500.00	\$266,250.00	\$702,750.00
12" Turbine	330.0	\$576,180.00	\$351,450.00	\$927,630.00

### EXHIBIT C8

#### IMPACT FEES ASSESSED NOVEMBER 14, 1990 – MARCH 10, 1998

WATER FEE PER LUE	WASTEWATER FEE PER LUE	TOTAL FEE PER LUE
\$465.00	\$560.00	\$1,025.00

Fee assessment per LUE = Unit fee x (1.03)<sup>n</sup>

Unit Fee = the base amount of effective impact fee per service unit, as set forth above.

<sup>n</sup> = the elapsed time in years or portion of years from November 14, 1990.

### EXHIBIT C9

#### IMPACT FEES BY USE/METER SIZE ASSESSED JUNE 12, 1984 – NOVEMBER 13, 1990

	WATER FEE	WASTEWATER FEE	TOTAL FEE
Single family dwellings	\$350.00	\$675.00	\$1,025.00
Multi-family dwellings up to 4 units	\$350.00**	\$600.00**	\$950.00**
Multi-family dwellings greater than 4 units	\$350.00**	\$575.00**	\$925.00**
Hospitals and/or Nursing Homes	\$250.00*	\$500.00*	\$750.00*
Hotels and Motels	\$125.00**	\$250.00**	\$375.00**

\* Bed

\*\* Unit

All other commercial and industrial fees will be based on water meter size as follows:

METER SIZE	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	\$350.00	\$675.00	\$1,025.00
1"	\$875.00	\$1,688.00	\$2,563.00
1 1/2"	\$1,750.00	\$3,375.00	\$5,125.00
2"	\$2,800.00	\$5,400.00	\$8,200.00
4"	\$8,750.00	\$16,875.00	\$25,625.00
6"	\$28,000.00	\$54,000.00	\$82,000.00



**EXHIBIT D**

**WATER IMPROVEMENTS PLAN**

<i>Water Capital Projects</i>	<i>Cost</i>
<b>WATER TREATMENT</b>	
WTP Expansion	\$20,000,000
<b>WATER PUMPING</b>	
Amman Road Water Tank & Pump Station	2,240,000
<b>WATER SUPPLY</b>	
GBRA Amman Road Main	2,570,000
WCID #4 Supply Main (Amman)	2,000,000
WCID #4 Supply Main (SH-46) – Oversizing	175,000
<b>RECLAIMED WATER</b>	
Reclaimed Main Transmission Upgrade	1,050,000
Trails of Herff Ranch Reclaimed Main	1,100,000
Reclaimed Water Elevated Storage	1,800,000
SH-46 Main Bore	200,000
WWTRC Storage Tank and Pumps	1,660,000
<b>Total 10-Year Projects for Growth</b>	<b>\$32,795,000</b>

**EXHIBIT E**

**WASTEWATER IMPROVEMENTS PLAN**

<i>Wastewater Capital Projects</i>	<i>Cost</i>
<b>WASTEWATER TREATMENT</b>	
1st WWTRC Expansion	\$8,805,000
2 <sup>nd</sup> WWTRC Expansion	14,000,000
<b>PUMPING (Lift Stations)</b>	
School Lift Station 3 <sup>rd</sup> Wet Well Addition	1,200,000
<b>INTERCEPTORS</b>	
South Cibolo Collector	7,000,000
Suggs Creek Sewer Main	2,250,000
Trails of Herff Ranch Main	2,090,000
<b>Total 10-Year Projects for Growth</b>	<b>\$35,.345,000</b>



***2023 Update of the  
Water and Wastewater Impact Fees  
of the City of Boerne***

*Prepared for:*



*Prepared by:*

**HDR Engineering, Inc.  
4401 West Gate Blvd, Suite 400  
Austin, Texas 78745**



**January 2023**

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## **1.0 Introduction and Summary**

The City of Boerne (City) is in the process of updating its water and wastewater impact fees to keep the fee current with its service area and updated CIP information. This report presents HDR Engineering, Inc.'s (HDR) maximum impact fee determination for consideration by the City's Capital Improvements Advisory Committee and the Boerne City Council.

Chapter 395 of the Texas Local Government Code requires an impact fee analysis before impact fees can be created or updated and assessed. Chapter 395 defines an impact fee as "a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development." Chapter 395 identifies the following items as impact fee eligible costs:

- Construction contract price;
- Surveying and engineering fees;
- Land acquisition costs;
- Fees paid to the consultant preparing or updating the capital improvements plan (CIP); and
- Projected interest charges and other financing costs for projects identified in the CIP.

Chapter 395 also identified items that impact fees cannot be used to pay for, such as:

- Construction, acquisition, or expansion of public facilities or assets other than those identified in the capital improvements plan;
- Repair, operation, or maintenance of existing or new capital improvements;
- Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
- Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
- Administrative and operating costs of the political subdivision
- Principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed above.

The methodology to determine the maximum fee amount considers two options. Consistent with State law, each fee component is calculated with either: (1) consideration of a credit for other methods of payments for utility capital by a new customer, such as through utility rates or taxes, or alternatively, (2) a reduction of the maximum fee amount equal to 50% of the unit capital cost of providing new service. By maximum amounts, this means that the determined fee amount was calculated as the highest that can be lawfully levied by the City, given the prospective land uses and capital improvements plan, the cost of existing and new utility capacity, and consideration of a credit to new customers for capital contributions made through rate payments. The City Council can decide to enact fees less than the maximum amounts shown in this report.

As detailed later in this report, the maximum impact fees were developed in component pieces. For instance, the overall water fee is comprised of separate amounts for water supply, treatment, pumping, elevated storage, ground storage, and transmission. This will facilitate the consideration of offsets or credits from the applicable fee if a developer builds and dedicates eligible facilities to the City or the City provides wholesale service to a neighboring utility and wishes to charge only certain portions of the fee. The maximum fee amounts do not include capital costs for facilities required to be provided by developers at their own expense.

Planning, service demand, and design factor assumptions used in the water and wastewater facility sizing and costing were provided by the City. Data on current utility demand, existing utility assets, needed future facilities, outstanding utility debt, and prospective cash versus debt financing were obtained from or coordinated with the City of Boerne staff. HDR combined these elements into the maximum impact fee calculations presented in this report.

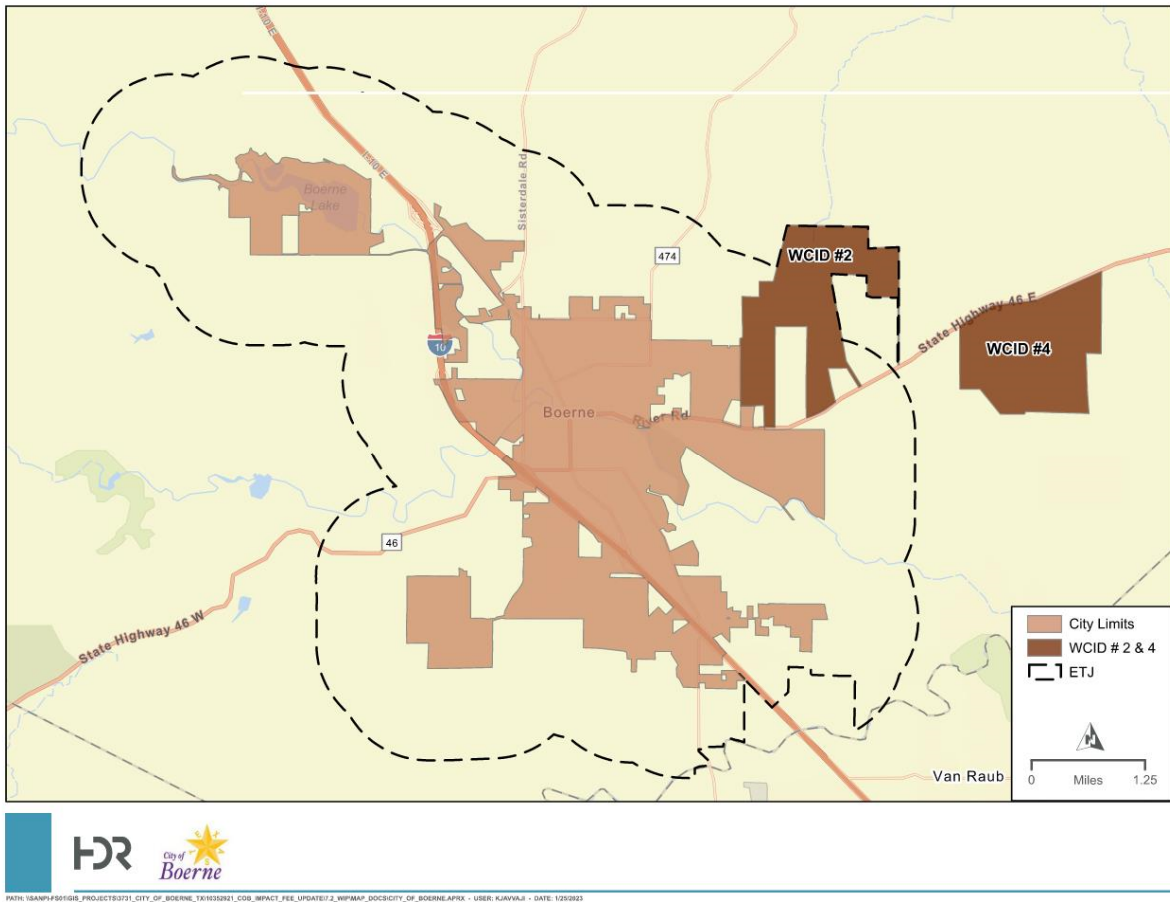
## **2.0 Utility Service and Fee Application Area**

The City's extraterritorial jurisdiction (ETJ) is the City's existing and anticipated 10-year future water and wastewater service area (shown in Figure 1) in which existing and projected land uses, water and wastewater utility demands, and capital improvements needs were assessed.

These fee application areas in its ETJ would be the locations in which Boerne may levy the impact fees, in-part or in-full, if City service is provided. This includes the area served by WCID #2. In addition to the ETJ boundary, the City also provides service to WCID #4 and has



an agreement to collect impact fees from this area, thus this area is also included in the impact fee boundary. This boundary does not, however, imply a legal obligation of the City to serve beyond its incorporated limits. If the City does not provide service, in-full or in-part, then the impact fees would not apply.



**Figure 1. Water and Wastewater Impact Fees Application Area**

### 3.0 Land Use Assumptions

Table 1 provides an estimate of the current and future land use patterns of the potential water and wastewater service area with information obtained from the 2018 Master Plan. This data was adjusted to account for estimated growth patterns since the plan's completion. This was then modified to show potential changes in land use over a 10-year pattern consistent with the projected land uses in the 2018 Master Plan. Maps of the current and future (10-year) land uses as developed in the 2018 Master Plan are included as Appendix A. About 45.2% of the total impact fee area is currently in residential land uses with 10.0% in commercial or industrial uses. It is estimated that 39.7% of the land area within the impact fee boundary is agricultural, undeveloped, or in open space use.

**Table 1.**  
**Current and Projected Land Use**

<i>Item</i>	<i>Current</i>		<i>Future (Including ETJ)</i>	
	<i>Acres</i>	<i>%</i>	<i>Acres</i>	<i>%</i>
Rural Residential	3,750	13.4%	3,500	12.5%
Single-Family Residential	8,000	30.4%	12,000	46.5%
Multi-Family Residential	250	0.9%	400	1.4%
Mobile/Manufactured Homes	150	0.5%	150	0.5%
Commercial/Schools/Churches	2,750	9.8%	3,500	12.5%
Utility/Transportation	400	1.4%	500	1.8%
Industrial	60	0.2%	120	0.4%
Government Owned/Parks	1,000	3.6%	1,500	5.4%
Agricultural/Undeveloped/Open Space	10,473	39.7%	5,163	19.0%
<b>Total Land Use Acreage</b>	<b>26,833</b>	<b>100%</b>	<b>26,833</b>	<b>100%</b>
Source: Adapted from Boerne 2018 Master Plan – Technical Plan, August 28, 2018. Land values have been projected from those contained in the plan to be consistent with recent and current growth forecast. Acreage includes the land area of WCID #4.				

Over time as the City grows into the planning area, developed land areas will both increase and become a higher percentage of overall land uses. Projected residential land uses are expected to increase to 60.9% of total potential service land area and commercial/industrial land use is expected to increase to 12.9% of total land use. Also during this time, the City is likely to experience some growth in other supporting land use types such as utility uses and other

government owned land. It is projected that agricultural, undeveloped land or open space will shrink to 19.0% of the total planning area over the 10-year planning period.

Table 2 shows the current population as well as the projected future population for both the water and wastewater utilities' service area. These were developed to be consistent with the recently completed water demand study.

**Table 2.**  
**Water and Wastewater Service Area Population**

<i>Utility</i>	<i>2022</i>	<i>2032</i>	<i>% Increase</i>
Water	23,981	37,563	56.6%
Wastewater	22,217	34,745	56.4%

#### **4.0 Current and Projected Utility Demand and Supply**

Table 3 relates the number of water and wastewater utility connections by water meter size and what is termed a Living Unit Equivalent (or LUE) conversion factor for meters of varying sizes. The values in Table 3 represent the number of LUEs as of June 2022. The standard meter size for a single-family residential house in Boerne is a 5/8" water meter, which is considered to be one LUE.

Based on American Water Works Association standards, the equivalent number of 5/8" meters can be determined for water meters of larger size. In this manner, meters of larger size (i.e., larger potential service demands) can be presented in terms of the equivalent demand of a number of typical single-family homes. For this reason, the LUE concept is a useful tool for being able to apply a base fee amount to service requests of varying meter sizes.

Tables 4 and 5 summarize the City's current and projected water and wastewater service demands and existing supply (service) capabilities by facility. Current and future service demands are also compared with the existing service capacity of the utility systems.

Water demand was forecast using population forecasts from the City of Boerne Supply and Demand Assessment completed in October 2022, water use factors have been determined from City billing data, and meter count/LUE estimates from the City Utility Billing Section. The water demand and wastewater demands are also consistent with recent modeling data to determine the future water and wastewater capital improvement program.

With the anticipated growth of the City and surrounding area, potable water utility demand in certain service areas is expected to exceed the existing capacity of water treatment, water pumping, ground storage, and elevated water storage. The City has identified a 10-year water CIP to meet all needs during the planning period, including additional water treatment, water pumping, and ground storage projects. A need for additional wastewater treatment and wastewater pumping capacity was also identified. The City is planning to add additional wastewater treatment and wastewater pumping capacity in the next 10-years. In addition, the City has identified wastewater interceptor projects within the future 10-year period that will be needed to service additional growth in certain portions of the wastewater service area.

**Table 3.**  
**LUE Equivalent Conversion Factors**

<b>Water Meter Size</b>	<b>Living Units Equivalent (LUEs) per Meter (a)</b>	<b>Number of Meters in 2022 (b)</b>	<b>Number of LUEs in 2022</b>
<b>Water</b>			
5/8"	1.0	6,780	6,780
3/4"	1.5	169	254
1"	2.5	119	298
1.5"	5.0	91	455
2"	8.0	198	1,584
3"	16.0	24	384
4"	25.0	11	275
6"	50.0	5	250
8"	80.0	1	80
<b>Total Water</b>		<b>7,398</b>	<b>10,359</b>
<b>Reclaimed Water</b>			
5/8"	1.0	569	569
3/4"	1.5	0	0
1"	2.5	0	0
1.5"	5.0	10	50
<b>Total Reclaimed</b>		<b>579</b>	<b>619</b>
<b>Wastewater (c)</b>			
5/8"	1.0	6,272	6,272
3/4"	1.5	156	234
1"	2.5	110	275
1.5"	5.0	84	420
2"	8.0	183	4,464
3"	16.0	22	352
4"	25.0	10	250
6"	50.0	5	250
8"	80.0	1	80
<b>Total Wastewater</b>		<b>6,843</b>	<b>9,597</b>
(a) Derived from AWWA C700-C703 standards for continuous rated flow performance scaled to 5/8" meter. (b) Source: City of Boerne, meter count as of June 2022. (c) Based on water meter size.			

**Table 4.**  
**Estimated Water Service Demands and Available Capacity**

<i>Facility Type</i>	<i>2022</i>	<i>2032</i>	<i>10-yr Demand Increment</i>
<b>Supply</b>			
Existing 2022 Capacity (mgd) *	5.600	5.600	
Est. Service Demand	3.543	5.549	2.007
Excess (Deficiency)	2.057	0.051	
Existing 2022 Capacity (LUEs) *	16,374	16,374	
Est. Service Demand	10,359	16,226	5,867
Excess (Deficiency)	6,015	148	
<b>Treatment</b>			
Existing 2022 Capacity (mgd)	9.700	9.700	
Est. Service Demand	7.334	11.487	4.154
Excess (Deficiency)	2.366	(1.787)	
Existing 2022 Capacity (LUEs) *	13,702	13,702	
Est. Service Demand	10,359	16,226	5,867
Excess (Deficiency)	3,343	(2,524)	
<b>Pumping</b>			
Existing 2022 Capacity (mgd)	8.200	8.200	
Est. Service Demand	8.857	13.873	5.016
Excess (Deficiency)	(0.657)	(5.673)	
Existing 2022 Capacity (LUEs) *	9,591	9,591	
Est. Service Demand	10,359	16,226	5,867
Excess (Deficiency)	(768)	(6,635)	
<b>Ground Storage</b>			
Existing 2022 Capacity (mg)	4.000	4.000	
Est. Service Demand	3.543	5.549	2.007
Excess (Deficiency)	0.457	(1.549)	
Existing 2022 Capacity (LUEs) *	11,696	11,696	
Est. Service Demand	10,359	16,226	5,867
Excess (Deficiency)	1,337	(4,530)	
<b>Elevated Storage</b>			
Existing 2022 Capacity (mg)	1.700	1.700	
Est. Service Demand	1.554	2.434	0.880
Excess (Deficiency)	0.146	(0.734)	
Existing 2022 Capacity (LUEs) *	11,333	11,333	
Est. Service Demand	10,359	16,226	5,867
Excess (Deficiency)	974	(4,893)	
<b>Transmission</b>			
Existing 2022 Capacity (mgd)	26.600	26.600	
Est. Service Demand	12.400	19.423	7.023
Excess (Deficiency)	14.200	7.177	
Existing 2022 Capacity (LUEs) *	22,222	22,222	
Est. Service Demand	10,359	16,226	5,867
Excess (Deficiency)	11,863	5,996	

**Table 4 (cont.).**  
**Estimated Water Service Demands and Available Capacity**

<i>Facility Type</i>	<i>2022</i>	<i>2032</i>	<i>10-yr Demand Increment</i>
<b>Reclaimed Water</b>			
Existing 2022 Capacity (mgd)	7.400	7.400	
Est. Service Demand	0.836	4.518	3.682
Excess (Deficiency)	6.564	2.882	
Existing 2022 Capacity (LUEs) *	5,481	5,481	
Est. Service Demand	619	3,347	2,728
Excess (Deficiency)	4,862	2,135	
* Assume LUE conversion factor of :	342	gpd/LUE for wtr supply facilities	
	708	gpd/LUE for treatment	
	855	gpd/LUE for pumping	
	342	gals/LUE for ground storage	
	150	gals/LUE for elevated storage	
	1,197	gpd/LUE for transmission	
	1,350	gpd/LUE for reclaimed water	

**Table 5.**  
**Estimated Wastewater Service Demands and Available Capacity**

<b>Facility Type</b>	<b>2022</b>	<b>2032</b>	<b>10-yr Demand Increment</b>
<b>Treatment</b>			
Existing 2022 Capacity (mgd) *	2.900	2.900	
Est. Service Demand	2.591	4.052	1.461
Excess (Deficiency)	0.309	(1.152)	
Existing 2022 Capacity (LUEs) *	10,741	10,741	
Est. Service Demand	9,597	15,009	5,412
Excess (Deficiency)	1,144	(4,268)	
<b>Pumping</b>			
Existing 2022 Capacity (mgd)	1.300	1.300	
Est. Service Demand**	1.296	2.026	0.731
Excess (Deficiency)	0.004	(0.726)	
Existing 2022 Capacity (LUEs) *	1,926	1,926	
Est. Service Demand	1,929	3,002	1,082
Excess (Deficiency)	7	(1,076)	
<b>Interceptors</b>			
Existing 2022 Capacity (mgd)	24.500	24.500	
Est. Service Demand	9.069	14.183	5.114
Excess (Deficiency)	15.431	10.317	
Existing 2022 Capacity (LUEs) *	25,926	25,926	
Est. Service Demand	9,597	9,597	5,412
Excess (Deficiency)	16,329	10,917	
* Assume LUE conversion factor of :	270	gpd/LUE for ww treatment	
	675	gpd/LUE for ww pumping	
	945	gpd/LUE for interceptors	
** Assumes:	20.0%	of ww demand pumped	



## **5.0 Identified Major Capital Improvement Needs and Costs**

Given the projected growth in water and wastewater demands, existing capacity, and the modeling of infrastructure needs, various additional facilities have been identified to meet the needs for the next 10 years. The City's 10-year capital need for new capacity totals \$32.8 million for water and \$35.3 million for wastewater (see Appendix B). It is important to note that not all this cost is assigned to new customers in the 10-year planning period.

Given the growth facing the City in the next ten years, improvements are needed in the areas of water, supply, water treatment, pumping, and expansion of the reclaimed water system. Boerne will also need noticeable improvements to its wastewater system, including wastewater treatment plant expansions, pumping and wastewater interceptors that would serve future growth.

Specific projects that accomplish these service capacity goals are identified in Tables 6a and 6b along with their cost and allocation of existing and projected demand to these facilities. The 2022 percent utilization is the portion of a project's capacity required to serve existing development. It is not included in the impact fee eligible analysis and cost calculation. The 2032 percent utilization is the portion of the project's capacity that will be required to serve projected growth and existing customers in the City's service area in 2032. The difference between the 2032 and 2022 percent utilization is the portion of the project's capacity required to serve development from 2022 to 2032. This portion of the project's total cost that is used to serve development projected to occur from 2022 to 2032 is calculated as the total actual cost multiplied by the 2022 to 2032 percent utilization. Only this portion of the cost is used in the impact fee analysis. A weighted unit cost of service (\$ per LUE) is then calculated by facility type, based on the proportionate share of use of existing versus new facility capacity by the growth anticipated over the next ten years.

Table 6a.									
Water Cost Allocation									
No.	Description of Project	Project Type	Percent Utilization			Project Cost	Cost Allocation		
			2022	2032	2022-2032		Current Development	10-year (2022-2032)	Beyond 2032
EXISTING PROJECTS									
1	Water Supply	Water Supply	50.7%	63.6%	12.9%	\$ 10,711,173	\$ 5,425,360.59	\$ 1,381,867.25	\$ 3,903,945.16
2	Water Treatment	Water Treatment	76.1%	100.0%	23.9%	\$ 381,513	\$ 290,371.24	\$ 91,141.76	\$ -
3	Water Pumping	Water Pumping	89.5%	100.0%	10.5%	\$ 797,398	\$ 713,625.95	\$ 83,772.05	\$ -
4	Ground Storage	Ground Storage	43.4%	65.0%	21.7%	\$ 1,285,101	\$ 557,219.79	\$ 278,609.90	\$ 449,271.31
5	Elevated Storage	Elevated Storage	54.2%	81.3%	27.1%	\$ 868,652	\$ 470,809.38	\$ 235,404.69	\$ 162,437.92
6	Water Transmission	Water Transmission	41.4%	62.0%	20.6%	\$ 6,984,422	\$ 2,893,546.26	\$ 1,436,270.24	\$ 2,654,605.50
7	Reclaimed	Reclaimed	33.9%	100.0%	66.1%	\$ 2,991,728	\$ 1,014,920.20	\$ 1,976,807.80	\$ -
Existing Project Totals						\$ 24,019,987	\$ 11,365,853	\$ 5,483,874	\$ 7,170,260
PROPOSED PROJECTS									
1	WTP Expansion	Water Treatment	0.0%	20.0%	20.0%	\$ 20,000,000	\$ -	\$ 4,000,000	\$ 16,000,000
2	Amman Road Water Tank & Pump Station	Water Pumping	0.0%	35.0%	35.0%	\$ 2,240,000	\$ -	\$ 784,000	\$ 1,456,000
3	GBRA Amman Road Main	Water Supply	0.0%	35.0%	35.0%	\$ 2,570,000	\$ -	\$ 899,500	\$ 1,670,500
4	WCID #4 Supply Main (Amman)	Water Supply	0.0%	50.0%	50.0%	\$ 2,000,000	\$ -	\$ 1,000,000	\$ 1,000,000
5	Miscellaneous Mains Oversizing	Water Supply	0.0%	50.0%	50.0%	\$ 175,000	\$ -	\$ 87,500	\$ 87,500
6	Reclaimed Main Transmission Upgrade	Reclaimed	0.0%	65.0%	65.0%	\$ 1,050,000	\$ -	\$ 682,500	\$ 367,500
7	Trails of Herff Ranch Reclaimed Main	Reclaimed	0.0%	15.0%	15.0%	\$ 1,100,000	\$ -	\$ 165,000	\$ 935,000
8	Reclaimed Water Elevated Storage	Reclaimed	0.0%	15.0%	15.0%	\$ 1,800,000	\$ -	\$ 270,000	\$ 1,530,000
9	SH-46 Main Bore	Reclaimed	0.0%	15.0%	15.0%	\$ 200,000	\$ -	\$ 30,000	\$ 170,000
10	WWTRC Storage Tank and Pumps	Reclaimed	0.0%	65.0%	65.0%	\$ 1,660,000	\$ -	\$ 1,079,000	\$ 581,000
Proposed Project Totals						\$ 32,795,000	\$ -	\$ 8,997,500	\$ 23,797,500

Project Type	10-Year Cost	Growth in LUEs	Cost/LUE
Water Supply	\$ 3,368,867	5,867	\$ 574
Water Treatment	\$ 4,091,142	5,867	\$ 697
Water Pumping	\$ 867,772	5,867	\$ 148
Ground Storage	\$ 278,610	5,867	\$ 47
Elevated Storage	\$ 235,405	5,867	\$ 40
Water Transmission	\$ 1,436,270	5,867	\$ 245
Reclaimed	\$ 4,203,308	2,728	\$ 1,541
<b>Total Cost/LUE</b>	<b>\$ 14,481,374</b>	<b>5,867</b>	<b>\$ 3,293</b>

Table 6b. Wastewater Cost Allocation									
No.	Description of Project	Project Type	Percent Utilization			Project Cost	Cost Allocation		
			2022	2032	2022-2032		Current Development	10-year (2022-2032)	Beyond 2032
EXISTING PROJECTS									
1	Wastewater Treatment	Wastewater Treatment	69.0%	100.0%	31.0%	\$ 34,359,916	\$ 23,696,493.79	\$ 10,663,422.21	\$ -
2	Wastewater Pumping	Wastewater Pumping	60.0%	85.0%	25.0%	\$ 213,000	\$ 127,800.00	\$ 53,250.00	\$ 31,950.00
3	Interceptors	Interceptors	43.3%	75.5%	32.2%	\$ 9,538,579	\$ 4,126,895.40	\$ 3,071,811.77	\$ 2,339,871.83
Existing Project Totals						\$ 44,111,495	\$ 27,951,189	\$ 13,788,484	\$ 2,371,822
PROPOSED PROJECTS									
1	1st WWTRC Expansion	Wastewater Treatment	0.0%	100.0%	100.0%	\$ 8,805,000	\$ -	\$ 8,805,000	\$ -
2	2nd WWTRC Expansion	Wastewater Treatment	0.0%	20.0%	20.0%	\$ 14,000,000	\$ -	\$ 2,800,000	\$ 11,200,000
3	South Cibolo Collector	Interceptors	0.0%	40.0%	40.0%	\$ 7,000,000	\$ -	\$ 2,800,000	\$ 4,200,000
4	Suggs Creek Sewer Main	Interceptors	0.0%	40.0%	40.0%	\$ 2,250,000	\$ -	\$ 900,000	\$ 1,350,000
5	School Lift Station 3rd Wet Well Addition	Wastewater Pumping	0.0%	30.0%	30.0%	\$ 1,200,000	\$ -	\$ 360,000	\$ 840,000
6	Trails of Herff Ranch Main	Interceptors	0.0%	50.0%	50.0%	\$ 2,090,000	\$ -	\$ 1,045,000	\$ 1,045,000
Proposed Project Totals						\$ 35,345,000	\$ -	\$ 16,710,000	\$ 18,635,000

Project Type	10-Year Cost	Growth in LUEs	Cost/LUE
Wastewater Treatment	\$ 22,268,422	5,412	\$ 4,115
Wastewater Pumping	\$ 413,250	5,412	\$ 76
Interceptors	\$ 7,816,812	5,412	\$ 1,444
<b>Total Cost/LUE</b>	<b>\$ 30,498,484</b>	<b>5,412</b>	<b>\$ 5,636</b>

## **6.0 Consideration of Other Methods of Capital Payment**

For utilities that charge an impact fee, the new customer pays for capital in two ways: (1) initially through the up-front impact fee, and (2) over the longer-term through utility rate payments, where typically some portion of customer rate payments also funds capital projects.

The 77th Texas Legislature amended Chapter 395 of the Local Government Code to require either: (1) a calculated credit for rate payments be reflected in the fee amount, or (2) a credit equal to 50% of the total projected cost of the capital improvements plan be given in calculating the maximum fee amount.

Table 7 indicates the estimated cost per LUE that is projected to be borne in the utility rates by the average new customer. The rate credit calculation considered: (1) existing debt, (2) future debt payments incurred in the year in which the facilities would be built and financed, and (3) the projected LUEs at the mid-point year of the weighted average life of the debt for the facilities that are part of the impact fee calculation for each utility.

## **7.0 Alternative Impact Fee Calculations**

Table 8 summarizes the unit capital cost of providing new service and the two alternative credit calculations for new customers. The alternative approach that calculates a specific rate credit (Option A) results in the maximum impact fee calculation of \$2,509 per LUE for water and \$5,120 per LUE for wastewater, totaling \$7,629 per LUE.

As shown in Table 8, the alternative 50% of capital cost method for calculating a rate credit (Option B) results in a lesser water impact fee of \$1,648 per LUE and wastewater fee of \$2,819 per LUE, yielding an overall fee of \$4,467 per LUE.

**Table 7.**  
**Existing or Anticipated Debt to be Paid through Utility Rates**

<i>Facility Type</i>	<i>Est. Debt in Rates</i>	<i>Mid-Point LUEs</i>	<i>Est. Debt in Rates per LUE</i>
<b>WATER UTILITY</b>			
<b>Supply</b>			
Existing Debt	\$ 146,394	13,293	\$ 11
Series 2022-2032	679,048	13,293	51
<b>Subtotal Water Supply</b>	<b>852,442</b>		<b>62</b>
<b>Treatment</b>			
Existing Debt	0	13,293	0
Series 2022-2032	2,862,164	13,293	215
<b>Subtotal Water Treatment</b>	<b>2,862,164</b>		<b>215</b>
<b>Pumping</b>			
Existing Debt	123,691	13,293	9
Series 2022-2032	320,562	13,293	24
<b>Subtotal Water Pumping</b>	<b>444,254</b>		<b>33</b>
<b>Ground Storage</b>			
Existing Debt	198,845	13,293	15
Series 2022-2032	0	13,293	0
<b>Subtotal Ground Storage</b>	<b>198,845</b>		<b>15</b>
<b>Elevated Storage</b>			
Existing Debt	56,366	13,293	4
Series 2022-2032	0	13,293	0
<b>Subtotal Elevated Storage</b>	<b>56,366</b>		<b>4</b>
<b>Transmission</b>			
Existing Debt	218,417	13,293	16
Series 2022-2032	0	13,293	0
<b>Subtotal Transmission Lines</b>	<b>218,417</b>		<b>16</b>
<b>Reclaimed Water</b>			
Existing Debt	39,143	1,983	20
Series 2022-2032	831,459	1,983	419
<b>Subtotal Reclaimed Water</b>	<b>870,602</b>		<b>439</b>
<b>Total Water</b>			<b>\$786</b>

**Table 7 (cont.).**  
**Existing or Anticipated Debt to be Paid through Utility Rates**

<i>Facility Type</i>	<i>Est. Debt in Rates</i>	<i>Mid-Point LUEs</i>	<i>Est. Debt in Rates per LUE</i>
<b>WASTEWATER UTILITY</b>			
<b>Treatment</b>			
Existing Debt	\$ 1,990,612	12,303	\$ 162
Series 2022-2032	2,077,361	12,303	169
<b>Subtotal WWTP</b>	<b>4,067,974</b>		<b>331</b>
<b>Pumping</b>			
Existing Debt	288,859	12,303	23
Series 2022-2032	109,311	12,303	9
<b>Subtotal Wastewater Pumping</b>	<b>398,169</b>		<b>29</b>
<b>Interceptors</b>			
Existing Debt	860,296	12,303	70
Series 2022-2032	1,032,987	12,303	84
<b>Subtotal Interceptors</b>	<b>1,893,284</b>		<b>154</b>
<b>Total Wastewater</b>			<b>\$517</b>
<b>Total Water and Wastewater</b>			<b>\$1,302</b>

**Table 8.**  
**Derivation of Alternative Maximum Water and Wastewater**  
**Impact Fee Amounts**

Item	Capital Cost of New Service per LUE	Optional Adjustments		Option A	Option B	Highest of Option A or B
		Option A Rate Credit	Option B 50% Cost Adjustment			
WATER						
Supply	\$ 574	\$ 62	\$ 287	\$ 512	\$ 287	
Treatment	697	215	349	482	349	
Pumping	148	33	74	114	74	
Ground Storage	47	15	24	33	24	
Elevated Storage	40	4	20	36	20	
Transmission	245	16	122	228	122	
Reclaimed	1,541	439	770	1,102	770	
Allocated Impact Fee Study Cost	2			2	2	
Total Water	\$3,294	\$786	\$1,646	\$2,509	\$1,648	\$2,509
WASTEWATER						
Treatment	\$ 4,115	\$ 331	\$ 2,057	\$ 3,784	\$ 2,057	
Pumping	76	32	38	44	38	
Interceptors	1,444	154	722	1291	722	
Allocated Impact Fee Study Cost	2			2	2	
Total Wastewater	\$5,637	\$517	\$2,818	\$5,120	\$2,819	\$5,120
TOTAL WATER/WASTEWATER	\$8,931	\$1,302	\$4,464	\$7,629	\$4,467	\$7,629

The fee methodology was replicated for each major facility type in the utility system (e.g., supply, treatment, pumping, elevated storage, ground storage, and transmission) so that the total fee amount is the sum of the component facility fees. This provides a basis for extending the fee to wholesale customers of the City or granting fee offsets if a developer cost-participates with the City on CIP projects.

For comparison purposes, the current impact fees of other near-by cities are listed in Table 9.

**Table 9.**  
**Area Impact Fee Comparison**

<i>City/Utility</i>	<i>Water</i>	<i>Wastewater</i>	<i>Total</i>
New Braunfels Utilities	\$19,448	\$6,244	\$25,692
Fair Oaks Ranch	\$8,670	\$6,069	\$14,739
<b>Boerne – Current</b>	<b>\$5,743</b>	<b>\$3,814</b>	<b>\$9,557</b>
Leander	\$4,309	\$4,452	\$8,761
<b>Boerne – New Maximum</b>	<b>\$2,509</b>	<b>\$5,120</b>	<b>\$7,629</b>
San Antonio Water System	\$4,908	\$2,664	\$7,572
San Marcos	\$3,801	\$2,684	\$6,485
Round Rock	\$4,025	\$2,099	\$6,124
Hutto	\$3,625	\$2,128	\$5,753
Universal City	\$3,881	\$655	\$4,536

## **8. Advisory Committee Actions and Recommendations**

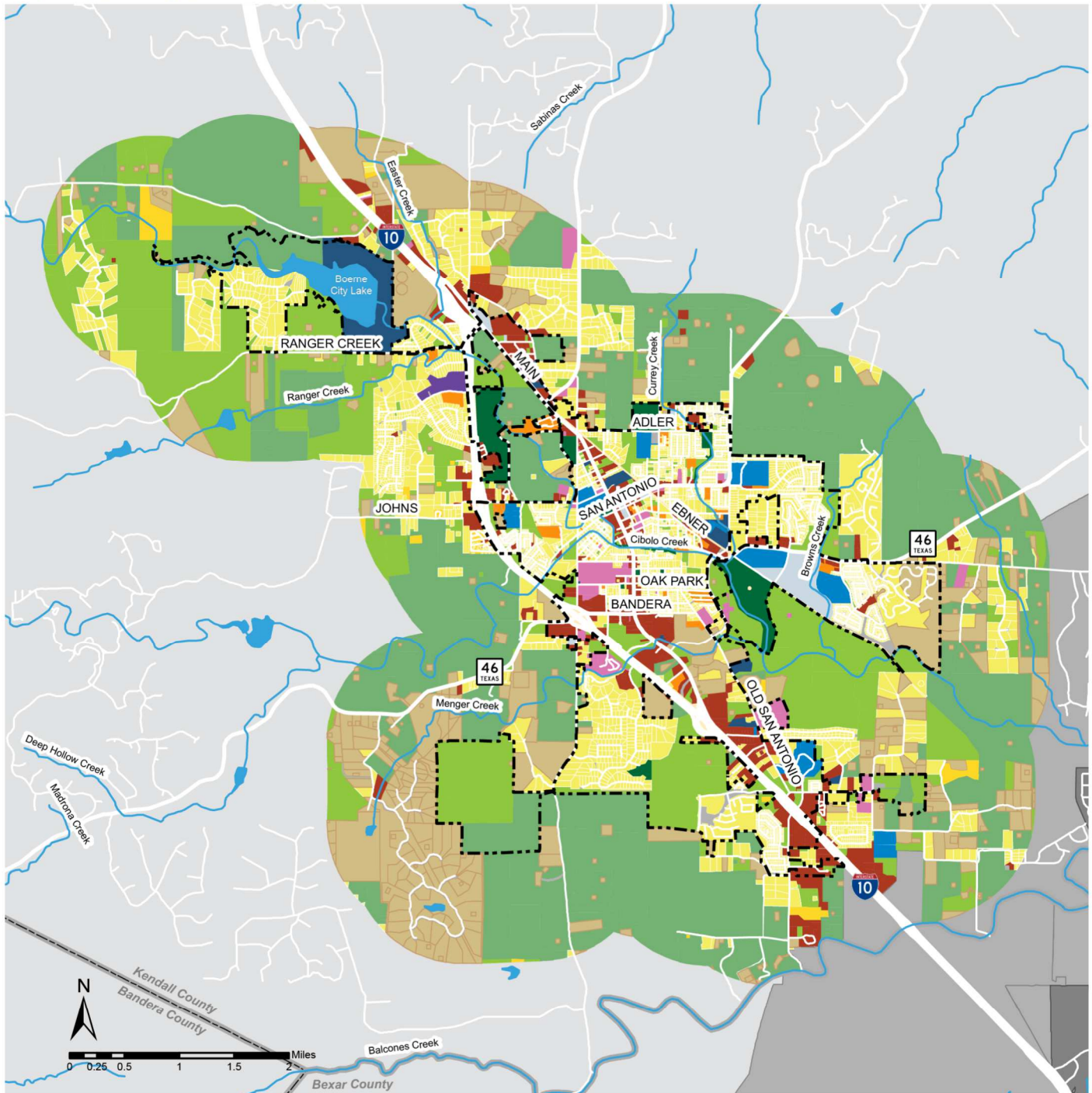
The following summarizes the Capital Improvements Advisory Committee activities during the impact fee updating process:

- ❑ On January 10, 2023, the Committee met to:
  - Review Chapter 395 Impact Fee process and requirements.
- ❑ On February 6, 2023, the Committee met to:
  - Review population and land use information; and
  - Review CIP information.
  - Review methodology for maximum fee calculation;
  - Review unit cost calculations and maximum fee calculation; and
  - Receive draft report for review.
- ❑ On March 6, 2023, the Committee met to:
  - Approve the Impact Fee Report. By approving this report the Committee found the following:
    - The land use assumptions used in the report are reasonable;
    - The CIP used in the report is reasonable; and
    - The method used to calculate the maximum impact fee is reasonable.
  - In addition, the Committee recommends to City Council that the maximum impact fee amount in this document be adopted.



***Appendix A***  
***Current and Future Land Use***

Map 2.6, Existing Land Use Map



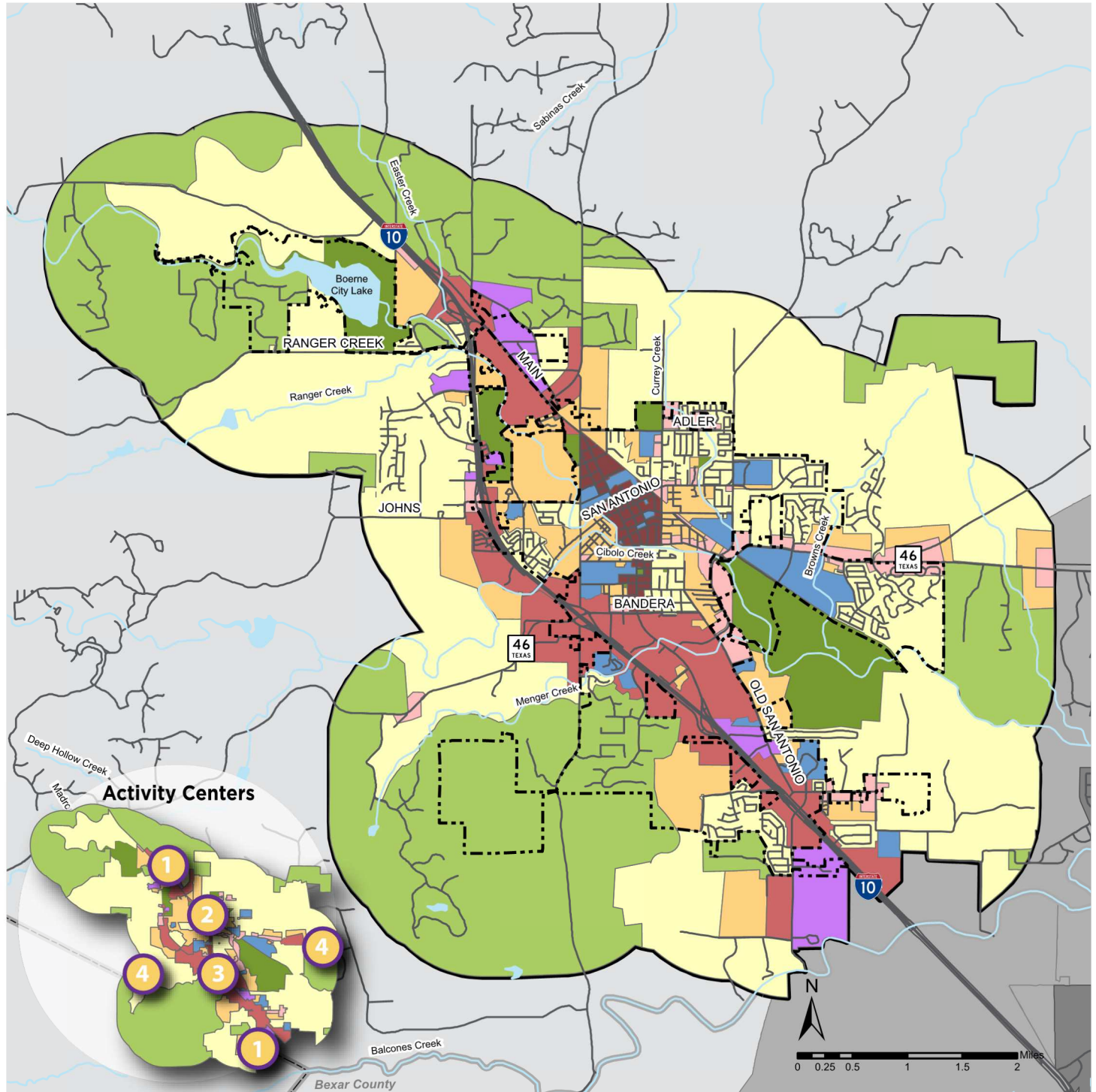
- Boerne City Limits
- Boerne ETJ
- Nearby Cities
- Nearby ETJs
- Major Roads
- Minor Roads

- Counties
- Creeks
- Water Bodies

**Existing Land Use**

- Agriculture
- Undeveloped/Open Space
- Rural Residential
- Single-Family Residential
- Multi-Family Residential
- Manufactured Homes
- Commercial
- School
- Church/Charitable
- City
- State/County/Federal
- Parks
- Industrial
- Utilities

Map 4.2, Boerne Future Land Use Plan



### Activity Centers

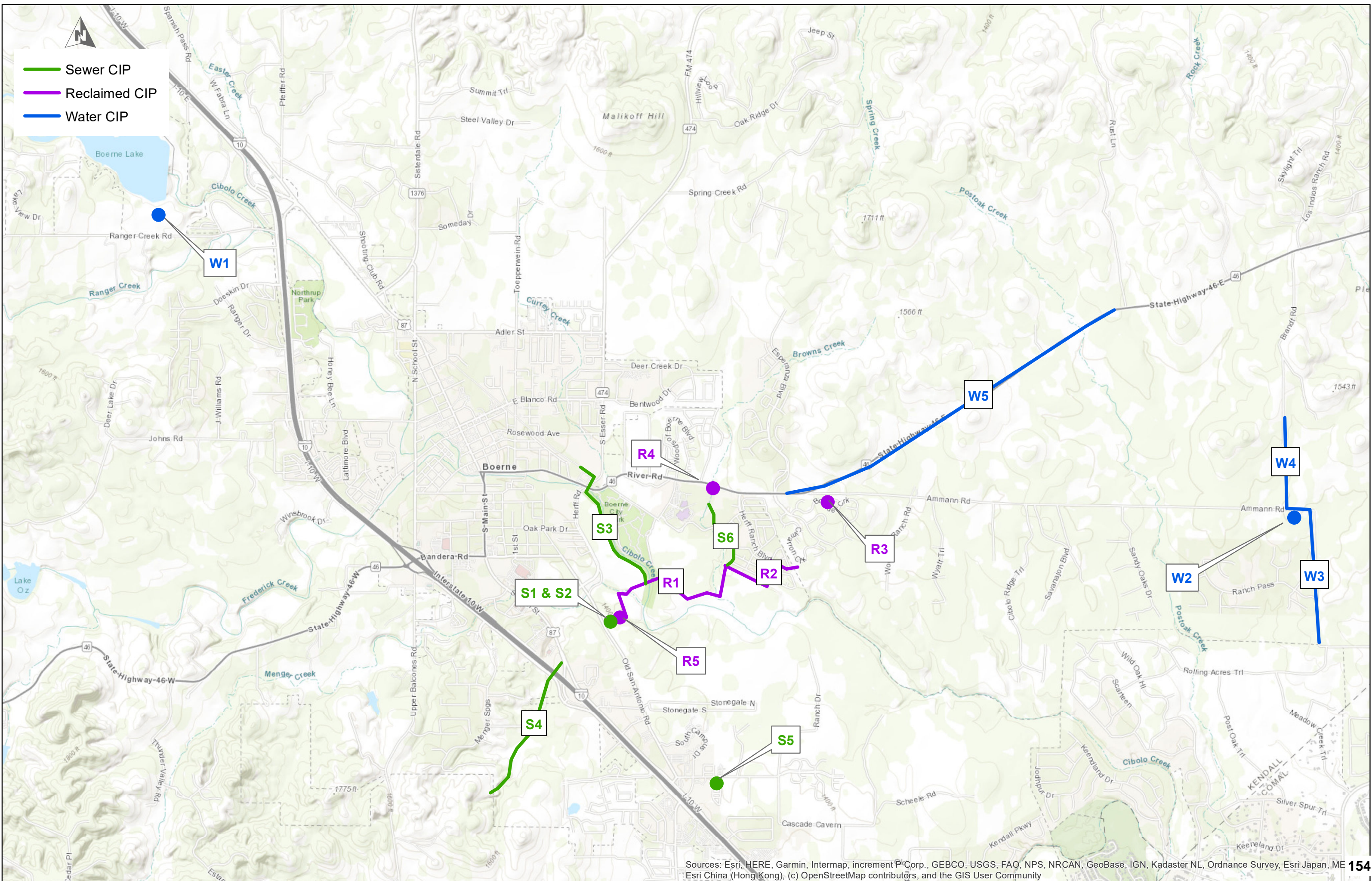
- 1 Employment/Commercial
- 2 Downtown and Urban Neighborhood
- 3 Regional Commercial
- 4 Neighborhood Commercial

- Parks & Open Space
- Rural Estate
- Neighborhood Residential
- Transitional Residential
- Neighborhood Commercial
- Auto-Oriented Commercial
- Business/Office Park
- Downtown
- Public & Institutional
- Boerne City Limits
- Boerne ETJ
- Nearby Cities
- Nearby ETJs
- Counties

***Appendix B***  
***Summary of 10-Year Water & Wastewater***  
***CIP Projects***

<b>Map Identifier</b>	<b>Project Name</b>
W1	Water Treatment Plant Expansion
W2	Amman Road Water Tank & Pump Station
W3	GBRA Amman Road Main
W4	WCID #4 Supply Main (Amman)
W5	Miscellaneous Mains Oversizing
R1	Reclaimed Main Transmission Upgrade
R2	Trails of Herff Ranch Reclaimed Main
R3	Reclaimed Water Elevated Storage
R4	SH-46 Main Bore
R5	WWTRC Storage Tanks and Pumps
S1	1 <sup>st</sup> WWTRC Expansion
S2	2 <sup>nd</sup> WWTRC Expansion
S3	South Cibolo Collector
S4	Suggs Creek Sewer Main
S5	School Lift Station 3 <sup>rd</sup> Wet Well Addition
S6	Trails of Herff Ranch Main







***Appendix C***  
***LUE Fee Conversion Table***

<b>Meter Size</b>	<b>Living Units Equivalent (LUEs) per Meter (a)</b>	<b>Maximum Base Fee per 5/8" Meter (b)</b>	<b>Maximum Impact Fee by Meter Size</b>
<b>WATER UTILITY</b>			
5/8"	1.0	<b>\$2,509</b>	\$2,509
3/4"	1.5		\$3,764
1"	2.5		\$6,273
1.5"	5.0		\$12,545
2"	8.0		\$20,072
3"	16.0		\$40,144
4"	25.0		\$62,725
6"	50.0		\$125,450
8"	80.0		\$200,720
10"	115.0		\$288,535
<b>WASTEWATER UTILITY</b>			
5/8"	1.0	<b>\$5,120</b>	\$5,120
3/4"	1.5		\$7,680
1"	2.5		\$12,800
1.5"	5.0		\$25,600
2"	8.0		\$40,960
3"	16.0		\$81,920
4"	25.0		\$128,000
6"	50.0		\$256,000
8"	80.0		\$409,600
10"	115.0		\$588,800
(a) Derived from AWWA C700-C703 standards for continuous rated flow performance scaled to 5/8" meter.			
(b) Based on maximum fee presented to Impact Fee Advisory Committee on 2/6/23.			





## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Boddie
- ☐ 5 = Macaluso
- ☒ All

<b>Agenda Date</b>	May 9, 2023
<b>Requested Action</b>	<p>5.B</p> <p>CONSIDER ON FIRST READING ORDINANCE NO. 2023- ; AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. CONSTRUCTION STANDARDS, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021. <i>(Adopt International Residential and Energy Conservation Codes 2021 Edition)</i></p>
<b>Contact Person</b>	Laura Haning, Director, Planning and Community Development Department
<b>Background Information</b>	<p>In August 2022, Council adopted the most recent Building Codes and Fire Code except for the Energy and Residential Code. Those sections were called out in the ordinance but were not part of the official approval. At this Council meeting, we will officially adopt the new Energy and Residential Codes and recommend several amendments to those Codes which are both specific to Boerne and in coordination with surrounding jurisdictions.</p> <p><b>CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS</b>  <b>ARTICLE II. CONSTRUCTION STANDARDS</b>  <b>Sec. 5-36. Codes adopted.</b>  (b) The International Residential Code, 2021 Edition:</p> <p>The 2021 IRC does provide exemptions, most of which fall in line with our current regulations and don't need consideration, but there are a few requiring Council input. They are as follows:</p> <p><b>R105.2 Work Exempt From Permit</b></p> <ul style="list-style-type: none"> <li>• <b>Building:</b> <ol style="list-style-type: none"> <li>1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>). <i>Note: commercial accessory structures in the IBC</i></li> </ol> </li> </ul>

	<p>are not to exceed 120 square feet without a permit. <i>(This conflicts with our Engineering Design Manual - 100 sf requires a permit)</i></p> <p>5. Sidewalks and driveways. <i>(Because we regulate impervious cover, receiving these plans with the building permit would be beneficial)</i></p> <p>10. Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4. <i>(This conflicts with our Engineering Design Manual – 100 sf requires a permit)</i></p> <p>(c) The International Energy Conservation Code, 2021 Edition.</p> <p>The Energy Code categorizes regions of the United States into distinct Climate Zones. Kendall County falls under Zone 3 while Bexar County falls under Zone 2. As a result, Zone 3 requires higher levels of insulation and air sealing than Zone 2. Our Building Official is proposing amendments enabling the City to enforce Zone 2 requirements, which most builders are currently utilizing due to our proximity to San Antonio. Zone 2 standards are appropriate for our area and would provide a smoother transition to the 2021 Energy Code requirements. This amendment would have the effect of:</p> <ul style="list-style-type: none"> <li>Reducing the required wall insulation from R20 to R13 and wall thickness to 2 by 4-inch-thick walls plus insulated sheathing. <i>(Ceiling insulation would be required to be R49 either way).</i></li> <li>Removes requirement to insulate foundation perimeter walls. <i>(The insulation is to protect foundations from extreme long-term weather conditions not typical of our area).</i></li> <li>Air infiltration requirements are lessened. <i>(Structures allow a little more air transfer from interior to exterior and require a 3<sup>rd</sup> party test of air ceiling with a blower door test and duct sealing test).</i></li> </ul> <p>Adopting these amendments to the 2021 IECC standards satisfies the ISO and FEMA guidelines of adopting current codes. It also provides relief to builders by easing the requirements of new code compliance and coordinating our regulations with those of surrounding jurisdictions.</p>
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<b>Item Justification</b>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input checked="" type="checkbox"/> Customer Demand <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Service Enhancement <input type="checkbox"/> Drive Down Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan <input type="checkbox"/> Other: _____ Recommendation    _____
<b>Financial Considerations</b>	
<b>Citizen Input/Board Review</b>	
<b>Legal Review</b>	
<b>Alternative Options</b>	
<b>Supporting Documents</b>	

## ORDINANCE NO. 2023-19

**AN ORDINANCE AMENDING THE CITY OF BOERNE, TEXAS, CODE OF ORDINANCES, CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, CONSTRUCTION STANDARDS, SECTION 5-36, ADOPTING THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION AND THE INTERNATIONAL ENERGY CONSERVATION CODE 2021 EDITION; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION IN THE NEWSPAPER**

**WHEREAS**, the City Council previously deemed it necessary to adopt building regulations to help promote the public health, safety and general welfare of the citizens of the City of Boerne; and

**WHEREAS**, the building regulations are designed to minimize public and private losses due to inferior construction within the corporate limits of the City of Boerne; and

**WHEREAS**, the building regulations will help maintain a stable tax base by providing sound construction standards to minimize future blight; and

**WHEREAS**, from time to time it becomes necessary for the City to update and adopt the new editions with amendments to the various codes.

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

That the following Articles of Chapter 5, Buildings and Building Regulations, City of Boerne, Texas, are hereby amended to read as follows:

### Section 1.

## **CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS**

### **ARTICLE II. CONSTRUCTION STANDARDS**

#### **Sec. 5-36. Codes adopted.**

(b) The International Residential Code, 2021 Edition, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully with the following amendment to:  
Section R105.2, Work Exempt from Permit.  
5. ~~Sidewalks and driveways.~~

(c) The International Energy Conservation Code, 2021 Edition, together with all appendices as published by the International Code Council, is hereby adopted and incorporated by reference as though was copied herein fully with the following amendment to:  
Table C301.1 Climate Zones, amending Kendall County climate zone from 3A to 2A.

### Section 2.

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a

misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 5-8 of the Code of Ordinances, City of Boerne, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

Section 3.

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance as required by Section 3.11 of Article III of the Charter of the City of Boerne.

Section 4.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 5.

This ordinance will take effect upon the second and final reading of same.

PASSED and APPROVED on first reading this \_\_\_\_ day of May, 2023.

PASSED, APPROVED and ADOPTED on the second reading this \_\_\_\_ day of May, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

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



## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☒ 4 = Boddie
- ☐ 5 = Macaluso
- ☐ All

<b>Agenda Date</b>	May 9, 2023												
<b>Requested Action</b>	PUBLIC HEARING AND CONSIDER RESOLUTION NO. 2023-R37; A RESOLUTION OF NO OBJECTION BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S HOUSING TAX CREDIT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS. <i>(Proposed construction or rehabilitation of a 107 unit complex located at 711 River Road.)</i>												
<b>Contact Person</b>	Ben Thatcher, City Manager												
<b>Background Information</b>	<p>We have received a request from Evolve Communities, LLC to provide a resolution of no objection for their Texas Department of Housing and Community Affairs application for Housing Tax Credits in relation to proposed building rehabilitation of the apartments located at 711 River Road.</p> <p>A requirement of the application process is the opportunity for public hearing on the subject matter.</p>												
<b>Item Justification</b>	<table border="0"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan</td> <td><input checked="" type="checkbox"/> Other: <u>Request from</u></td> </tr> <tr> <td>Recommendation</td> <td><u>outside entity</u></td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan	<input checked="" type="checkbox"/> Other: <u>Request from</u>	Recommendation	<u>outside entity</u>
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<input type="checkbox"/> Master Plan	<input checked="" type="checkbox"/> Other: <u>Request from</u>												
Recommendation	<u>outside entity</u>												
<b>Financial Considerations</b>	No direct financial impact												
<b>Citizen Input/Board Review</b>	N/A												

<b>Legal Review</b>	Staff has consulted the City Attorney and have learned that the City has no liability with approving or denying the resolution request.
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Request Package and Accompanying Resolution



April 18, 2023

Ben Thatcher  
City Manager  
Boerne, TX

CC: Bryce Boddie, Council District 4

Re: Trails at River Road Memo: Additional Information for Resolutions Request

Included is the additional information for Envolve's proposed substantial rehabilitation of Trails at River Road, located at 711 River Road, Boerne, TX 78006.

- Envolve will serve as Developer, Owner and will continue to Manage the property
- Affordability will be maintained throughout the compliance and extended use periods (total of 30 years) to be defined within the Land Use Restrictive Covenants
- The unit mix will remain the same with 50%, 60% AMI restricted units, and market rate units.
  - Rents for the restricted units will not exceed the HUD/TDHCA 50%/60% AMI Rent Limits
- Envolve is confirming that a property tax abatement/exemption is not being pursued
- The proposed rehabilitation (\$44,000+ per unit) will include improvements to the building exteriors/interiors, common areas, and overall site itself.
  - The major services that are planned to be upgraded for the residents are listed below:
    - Upgrade Kitchen with new energy star appliances
    - Replace Kitchen and Bathroom Cabinets
    - Replace toilets, sinks, and tubs
    - Flooring replacement
    - Install new roofs
    - Replace and install new A/C units
    - Replace existing water heaters
    - Replace windows and exterior/interior doors
- The rehabilitation will not require tenants to relocate and will be completed as tenant in-place rehab as done with all other projects completed by Envolve in Texas.
- Resident Services will be offered throughout the compliance period

Envolve is requesting a Resolution of No Objection and a Resolution for a Twice the State Average per Capita. As previously discussed, these resolutions are a requirement to receive Tax Credit and Tax-Exempt Bond approval. Please let us know if you have any further questions or if any additional documentation or information is needed.

We look forward to hearing from you.

105 Tallapoosa St., Suite 300  
Montgomery, Alabama 36104



# Trails at River Road



## Property Description

711 River Road  
Boerne, TX 78006

Development Team:  
Tyler Hunt  
Forrest Yarbrough

## Project Summary

Trails at River Road Apartments (“Trails at River Road” or “the Property”) is a 107-unit affordable multifamily property located in Boerne, TX and was built in 1999. The Property’s 14 residential apartment buildings, which sets on 5.67 acres, include a total of 104,407 net rentable square feet. The Property’s unit mix consists of eight (8) 1BR 50% units, fifteen (15) 1BR 60% units, twelve (12) 1BR market units, seven (7) 2 BR 50%, nineteen (19) 2 BR 60%, twenty-four (24) 2BR market units, nine (9) 3BR 50% units, and thirteen (13) 3 BR 60% units. Community amenities include: laundry facilities, swimming pool, fitness center and a resident clubhouse.

## Transaction Overview

Envolve Communities, LLC (“Envolve” or “the Company”) proposes to complete a substantial rehabilitation of the Property utilizing the IRC Section 42 LIHTC program (4%) paired with tax-exempt bond financing. The Company anticipates closing to occur by July 2023. The proposed rehabilitation (\$44,000+ per unit) will include improvements to the building exteriors/interiors, common areas, and overall site itself. The rehabilitation will not require tenants to relocate and will be completed as a tenant in-place rehab. The major services that are planned to be upgraded for the residents are listed below:

- Upgrade Kitchen with new energy star appliances
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- Replace existing water heaters
- Replace windows and exterior/interior doors
- Upgrade tenant common area amenities and leasing office





## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☒ 4 = Boddie
- ☐ 5 = Macaluso
- ☐ All

<b>Agenda Date</b>	May 9, 2023										
<b>Requested Action</b>	CONSIDER RESOLUTION NO. 2023-R38; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS SUPPORTING EC OAKS TRAILS, LLC'S HOUSING TAX CREDIT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS AND ACKNOWLEDGING MORE THAN TWICE THE STATE AVERAGE PER CAPITA SUPPORTED BY HOUSING TAX CREDITS OR PRIVATE ACTIVITY BONDS. <i>(Proposed construction or rehabilitation of 107-unit complex located at 711 River Road)</i>										
<b>Contact Person</b>	Ben Thatcher, City Manager										
<b>Background Information</b>	<p>We have received a request from Evolve Communities, LLC regarding their Texas Department of Housing and Community Affairs application for Housing Tax Credits in relation to proposed building rehabilitation of the apartments located at 711 River Road.</p> <p>As a requirement of their application, they must provide a resolution from the local governing body acknowledging and confirming the more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds.</p>										
<b>Item Justification</b>	<table border="0"> <tr> <td><input type="checkbox"/> Legal/Regulatory Obligation</td> <td><input type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan Recommendation</td> <td><input checked="" type="checkbox"/> Other: <u>Request from outside entity</u></td> </tr> </table>	<input type="checkbox"/> Legal/Regulatory Obligation	<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan Recommendation	<input checked="" type="checkbox"/> Other: <u>Request from outside entity</u>
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<input type="checkbox"/> Master Plan Recommendation	<input checked="" type="checkbox"/> Other: <u>Request from outside entity</u>										
<b>Financial Considerations</b>	No direct financial impact										

<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	Staff has consulted the City Attorney and have learned that the City has no liability with approving or denying the resolution request.
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Request Package and Accompanying Resolution

**RESOLUTION NO. 2023-R38**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS  
SUPPORTING EC OAKS TRAILS, LLC'S APPLICATION FOR HOUSING TAX  
CREDITS TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY  
AFFAIRS (TDHCA) FOR TRAILS AT RIVER ROAD (711 RIVER ROAD) AND  
ACKNOWLEDGING MORE THAN TWICE THE STATE AVERAGE PER  
CAPITA SUPPORTED BY HOUSING TAX CREDITS**

**WHEREAS**, EC Oaks Trails, LLC has proposed a development for affordable rental housing of 107 units at 711 River Road in the City of Boerne, Kendall County, Texas; and

**WHEREAS**, EC Oaks Trails, LLC has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") for 2023 Housing Tax Credits funds for the Trails at River Road Apartments; and

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

**SECTION 1.** As provided for in 10 TAC §11.3(c), it is expressly acknowledged and confirmed that the City of Boerne has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds.

**SECTION 2.** The City of Boerne hereby supports the proposed development known as Trails at River Road and confirms that its governing body has voted specifically to approve the construction or rehabilitation of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Tex. Gov't Code §2306.6703(a)(4).

**SECTION 3.** That for and on behalf of the Governing Body, Mayor Tim Handren and/or Mayor Pro Tem Ty Wolosin, are hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

This resolution shall take effect immediately and upon passage.

PASSED and APPROVED on this the \_\_\_\_ day of May, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



April 18, 2023

Ben Thatcher  
City Manager  
Boerne, TX

CC: Bryce Boddie, Council District 4

Re: Trails at River Road Memo: Additional Information for Resolutions Request

Included is the additional information for Envolve's proposed substantial rehabilitation of Trails at River Road, located at 711 River Road, Boerne, TX 78006.

- Envolve will serve as Developer, Owner and will continue to Manage the property
- Affordability will be maintained throughout the compliance and extended use periods (total of 30 years) to be defined within the Land Use Restrictive Covenants
- The unit mix will remain the same with 50%, 60% AMI restricted units, and market rate units.
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- The rehabilitation will not require tenants to relocate and will be completed as tenant in-place rehab as done with all other projects completed by Envolve in Texas.
- Resident Services will be offered throughout the compliance period

Envolve is requesting a Resolution of No Objection and a Resolution for a Twice the State Average per Capita. As previously discussed, these resolutions are a requirement to receive Tax Credit and Tax-Exempt Bond approval. Please let us know if you have any further questions or if any additional documentation or information is needed.

We look forward to hearing from you.

105 Tallapoosa St., Suite 300  
Montgomery, Alabama 36104



# Trails at River Road



## Property Description

711 River Road  
Boerne, TX 78006

Development Team:  
Tyler Hunt  
Forrest Yarbrough

## Project Summary

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## Transaction Overview

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- Replace windows and exterior/interior doors
- Upgrade tenant common area amenities and leasing office







## AGENDA ITEM SUMMARY

### District Impacted

- ☐ 1 = Wolosin
- ☐ 2 = Woolard
- ☐ 3 = Scott
- ☐ 4 = Boddie
- ☐ 5 = Macaluso
- ☒ All

<b>Agenda Date</b>	May 9, 2023
<b>Requested Action</b>	RECEIVE AND APPROVE THE SECOND QUARTER FINANCIAL AND INVESTMENT REPORT FOR THE PERIOD ENDED MARCH 31, 2023.
<b>Contact Person</b>	Sarah Buckelew, CPA Finance Director
<b>Background Information</b>	The City is required by the Public Funds Investment Act to present an investment report to the City Council at least quarterly.
<b>Item Justification</b>	<div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation  <input type="checkbox"/> Reduce Costs  <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Mitigate Risk  <input type="checkbox"/> Master Plan  <input type="checkbox"/> Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment  <input type="checkbox"/> Customer Pull  <input type="checkbox"/> Service Enhancement  <input type="checkbox"/> Process Efficiency  <input type="checkbox"/> Other: _____            _____ </div> </div>
<b>Financial Considerations</b>	The City's Quarterly Financial and Investment Report for the six months ended March 31, 2023 will be posted to the internet on the Finance webpage
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	N/A
<b>Alternative Options</b>	N/A
<b>Supporting Documents</b>	Quarterly Financial & Investment Report



# ***QUARTERLY FINANCIAL AND INVESTMENT REPORT***

***FOR THE SIX MONTHS ENDED  
MARCH 31, 2023***

**CITY MANAGER:**  
BEN THATCHER

**ASSISTANT CITY MANAGER:**  
KRISTY STARK  
DANNY ZINCKE

**FINANCE DIRECTOR:**  
SARAH BUCKELEW, CPA

CITY OF BOERNE, TEXAS  
GENERAL FUND  
STATEMENT OF REVENUES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL REVENUES	VARIANCE FROM BUDGET	PERCENT OF BUDGET
TAXES	\$ 17,725,132	\$ 11,966,418	\$ (5,758,714)	67.51%
FINES	244,400	110,909	(133,491)	45.38%
LICENSES AND FEES	3,988,533	3,188,884	(799,649)	79.95%
INTERLOCAL/SHARED SERVICES	3,504,096	2,290,766	(1,213,330)	65.37%
OTHER REVENUES	2,544,470	1,533,153	(1,011,317)	60.25%
INTEREST	130,000	538,001	408,001	413.85%
GRANTS AND DONATIONS	8,000	37,542	29,542	469.27%
SUB - TOTAL	<u>\$ 28,144,631</u>	<u>\$ 19,665,673</u>	<u>\$ (8,478,958)</u>	69.87%
TRANSFER FROM OTHER FUNDS	180,000	90,000	(90,000)	50.00%
FUND BALANCE	403,986	-	(403,986)	0.00%
TOTAL REVENUES	<u><u>\$ 28,728,617</u></u>	<u><u>\$ 19,755,673</u></u>	<u><u>\$ (8,972,944)</u></u>	68.77%

**GENERAL FUND SUMMARY**

TOTAL REVENUE INCLUDING TRANSFERS	\$ 28,324,631	\$ 19,755,673	\$ (8,568,958)	69.75%
GENERAL FUND EXPENDITURES	28,728,617	13,105,373	15,623,244	45.62%
BUDGETED FUND BALANCE	403,986	-	(403,986)	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 6,650,300</u>	<u>\$ 6,650,300</u>	

**NOTES:**

The General Fund accounts for the resources used to finance the fundamental operations of the City. It is the basic fund of the City and covers all activities for which a separate fund has not been established.

CITY OF BOERNE, TEXAS  
GENERAL FUND  
STATEMENT OF EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL EXPENDITURES	VARIANCE FROM BUDGET	PERCENT OF BUDGET
<b>ADMINISTRATION</b>				
PERSONNEL	\$ 1,368,302	\$ 773,649	\$ 594,653	56.54%
PROFESSIONAL SERVICES	226,109	53,782	172,327	23.79%
GENERAL	507,192	112,422	394,770	22.17%
OTHER CONTRACTS	261,398	120,987	140,411	46.28%
NON-OPERATING	989,464	432,857	556,608	43.75%
CAPITAL OUTLAY	20,000	-	20,000	0.00%
<b>TOTAL ADMINISTRATION</b>	<b>\$ 3,372,465</b>	<b>\$ 1,493,696</b>	<b>\$ 1,878,769</b>	<b>44.29%</b>
<b>STREET DEPARTMENT</b>				
PERSONNEL	\$ 1,156,721	\$ 520,024	\$ 636,697	44.96%
SUPPLIES	250,800	27,257	223,543	10.87%
MAINTENANCE	354,498	74,595	279,904	21.04%
PROFESSIONAL SERVICES	169,220	18,260	150,960	10.79%
GENERAL	27,957	25,905	2,052	92.66%
CAPITAL OUTLAY	335,000	4,739	330,261	1.41%
<b>TOTAL STREET DEPT</b>	<b>\$ 2,294,196</b>	<b>\$ 670,781</b>	<b>\$ 1,623,416</b>	<b>29.24%</b>
<b>LAW ENFORCEMENT</b>				
PERSONNEL	\$ 6,029,171	\$ 2,967,856	\$ 3,061,315	49.22%
SUPPLIES	30,500	18,569	11,931	60.88%
MAINTENANCE	161,300	50,052	111,248	31.03%
GENERAL	243,534	138,413	105,121	56.84%
CAPITAL OUTLAY	267,017	29,908	237,109	11.20%
<b>TOTAL LAW ENFORCEMENT</b>	<b>\$ 6,731,522</b>	<b>\$ 3,204,798</b>	<b>\$ 3,526,724</b>	<b>47.61%</b>
<b>FIRE DEPARTMENT</b>				
PERSONNEL	\$ 2,991,836	\$ 1,512,063	\$ 1,479,773	50.54%
SUPPLIES	78,500	3,860	74,640	4.92%
MAINTENANCE	178,950	28,665	150,285	16.02%
PROFESSIONAL SERVICES	23,465	10,115	13,350	43.11%
GENERAL	280,268	109,143	171,125	38.94%
CAPITAL OUTLAY	121,786	2,008	119,778	1.65%
<b>TOTAL FIRE DEPARTMENT</b>	<b>\$ 3,674,805</b>	<b>\$ 1,665,853</b>	<b>\$ 2,008,952</b>	<b>45.33%</b>
<b>DISPATCH</b>				
PERSONNEL	\$ 1,404,284	\$ 743,204	\$ 661,080	52.92%
MAINTENANCE	47,360	7,665	39,695	16.18%
GENERAL	61,994	25,901	36,093	41.78%
<b>TOTAL DISPATCH</b>	<b>\$ 1,513,638</b>	<b>\$ 776,769</b>	<b>\$ 736,869</b>	<b>51.32%</b>

CITY OF BOERNE, TEXAS  
GENERAL FUND  
STATEMENT OF EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL EXPENDITURES	VARIANCE FROM BUDGET	PERCENT OF BUDGET
<b>MUNICIPAL COURT</b>				
PERSONNEL	\$ 286,711	\$ 135,356	\$ 151,355	47.21%
SUPPLIES	6,000	-	6,000	0.00%
MAINTENANCE	2,141	-	2,141	0.00%
PROFESSIONAL SERVICES/FEES	50,698	26,474	24,224	52.22%
GENERAL	23,457	9,027	14,430	38.48%
CAPITAL OUTLAY	7,500	7,568	(68)	100.91%
<b>TOTAL MUNICIPAL COURT</b>	<b>\$ 376,507</b>	<b>\$ 178,425</b>	<b>\$ 198,082</b>	<b>47.39%</b>
<b>ANIMAL CONTROL</b>				
PERSONNEL	\$ 349,113	\$ 158,088	\$ 191,025	45.28%
MAINTENANCE	30,320	-	30,320	0.00%
GENERAL	49,551	38,908	10,643	78.52%
<b>TOTAL ANIMAL CONTROL</b>	<b>\$ 428,984</b>	<b>\$ 196,996</b>	<b>\$ 231,988</b>	<b>45.92%</b>
<b>CODE ENFORCEMENT</b>				
PERSONNEL	\$ 536,821	\$ 238,912	\$ 297,909	44.50%
GENERAL	80,931	35,982	44,949	44.46%
<b>TOTAL CODE ENFORCEMENT</b>	<b>\$ 617,752</b>	<b>\$ 274,893</b>	<b>\$ 342,859</b>	<b>44.50%</b>
<b>PLANNING</b>				
PERSONNEL	\$ 1,009,808	\$ 513,278	\$ 496,530	50.83%
MAINTENANCE	32,400	5,650	26,750	17.44%
PROFESSIONAL SERVICES/FEES	158,738	50,999	107,739	32.13%
GENERAL	74,926	13,578	61,349	18.12%
CAPITAL OUTLAY	250	-	250	0.00%
<b>TOTAL PLANNING</b>	<b>\$ 1,276,122</b>	<b>\$ 583,504</b>	<b>\$ 692,617</b>	<b>45.72%</b>
<b>INFORMATION TECHNOLOGY</b>				
PERSONNEL	\$ 693,381	\$ 355,299	\$ 338,082	51.24%
SUPPLIES	3,000	1,143	1,857	38.09%
MAINTENANCE	1,048,701	637,200	411,501	60.76%
PROFESSIONAL SERVICES/FEES	55,000	29,950	25,050	54.45%
GENERAL	576,456	289,970	286,486	50.30%
CAPITAL OUTLAY	85,663	46,180	39,483	53.91%
<b>TOTAL INFORMATION TECHNOLOGY</b>	<b>\$ 2,462,201</b>	<b>\$ 1,359,742</b>	<b>\$ 1,102,460</b>	<b>55.22%</b>

CITY OF BOERNE, TEXAS  
GENERAL FUND  
STATEMENT OF EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL EXPENDITURES	VARIANCE FROM BUDGET	PERCENT OF BUDGET
<b>SPECIAL PROJECTS</b>				
PERSONNEL	\$ 306,473	\$ 157,344	\$ 149,129	51.34%
MAINTENANCE	3,000	43	2,957	1.42%
GENERAL	217,078	149,947	67,131	69.08%
<b>TOTAL SPECIAL PROJECTS</b>	<b>\$ 526,551</b>	<b>\$ 307,333</b>	<b>\$ 219,218</b>	<b>58.37%</b>
<b>HUMAN RESOURCES</b>				
PERSONNEL	\$ 363,669	\$ 180,918	\$ 182,751	49.75%
PROFESSIONAL SERVICES/FEES	8,500	8,230	270	96.82%
GENERAL	123,194	68,903	54,291	55.93%
<b>TOTAL HUMAN RESOURCES</b>	<b>\$ 495,363</b>	<b>\$ 258,051</b>	<b>\$ 237,312</b>	<b>52.09%</b>
<b>LEGAL</b>				
PROFESSIONAL SERVICES/FEES	325,000	150,889	174,111	46.43%
<b>TOTAL LEGAL</b>	<b>\$ 325,000</b>	<b>\$ 150,889</b>	<b>\$ 174,111</b>	<b>46.43%</b>
<b>COMMUNICATIONS</b>				
PERSONNEL	\$ 265,819	\$ 124,593	\$ 141,226	46.87%
MAINTENANCE	31,150	31,287	(137)	100.44%
GENERAL	49,952	19,692	30,260	39.42%
<b>TOTAL COMMUNICATIONS</b>	<b>\$ 346,921</b>	<b>\$ 175,571</b>	<b>\$ 171,350</b>	<b>50.61%</b>
<b>DEVELOPMENT SERVICES</b>				
PERSONNEL	\$ 1,136,730	\$ 548,034	\$ 588,696	48.21%
PROFESSIONAL SERVICES/FEES	503,400	61,399	442,001	12.20%
GENERAL	23,125	16,509	6,616	71.39%
<b>TOTAL DEVELOPMENT SERVICES</b>	<b>\$ 1,663,255</b>	<b>\$ 625,943</b>	<b>\$ 1,037,312</b>	<b>37.63%</b>
<b>FACILITY MAINT</b>				
PERSONNEL	\$ 808,089	\$ 420,722	\$ 387,367	52.06%
MAINTENANCE	306,502	157,507	148,995	51.39%
GENERAL	13,171	8,220	4,951	62.41%
CAPITAL OUTLAY	20,000	18,161	1,839	90.81%
<b>TOTAL FACILITY MAINT</b>	<b>\$ 1,147,762</b>	<b>\$ 604,610</b>	<b>\$ 543,152</b>	<b>52.68%</b>
<b>FLEET MAINTENANCE</b>				
PERSONNEL	\$ 443,535	\$ 218,507	\$ 225,028	49.26%
SUPPLIES	310,994	115,934	195,060	37.28%
MAINTENANCE	710,146	237,405	472,741	33.43%
GENERAL	10,898	5,671	5,227	52.04%
<b>TOTAL FLEET MAINTENANCE</b>	<b>\$ 1,475,573</b>	<b>\$ 577,518</b>	<b>\$ 898,055</b>	<b>39.14%</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 28,728,617</b>	<b>\$ 13,105,373</b>	<b>\$ 15,623,244</b>	<b>45.62%</b>

CITY OF BOERNE, TEXAS  
HOTEL/MOTEL FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Taxes	\$ 925,000	\$ 408,256	\$ (516,744)	44.14%
Penalties	1,000	351	(649)	35.13%
Other Revenues	1,000	-	(1,000)	0.00%
Budgeted Fund Balance	180,000	-	(180,000)	0.00%
TOTAL REVENUES	<u>1,107,000</u>	<u>408,607</u>	<u>(698,393)</u>	<u>36.91%</u>
EXPENDITURES				
Personnel	428,797	198,211	230,586	46.22%
Maintenance	1,000	205	795	20.49%
General	199,593	95,417	104,177	47.81%
Charges For Services	60,810	30,405	30,405	50.00%
Other Contracts	14,500	8,300	6,200	0.00%
Non-Operating	398,000	150,616	247,384	37.84%
Capital Outlay	4,300	-	4,300	0.00%
TOTAL EXPENDITURES	<u>1,107,000</u>	<u>483,153</u>	<u>623,847</u>	<u>43.65%</u>
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ \$ (74,546)</u>	<u>\$ (74,546)</u>	

CITY OF BOERNE, TEXAS  
PARKS FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Taxes	\$ 2,532,590	\$ 2,544,678	\$ 12,088	100.48%
Licenses and Fees	520,633	105,104	(415,529)	20.19%
Facility Fees/Leases	131,500	57,839	(73,661)	43.98%
Other Revenues	156,000	66,591	(89,409)	42.69%
Interest	2,000	58,589	56,589	2929.47%
Grants and Donations	2,500	250	(2,250)	10.00%
Transfers from other funds	55,000	27,500	(27,500)	50.00%
TOTAL REVENUES	<u>3,400,223</u>	<u>2,860,552</u>	<u>(539,671)</u>	<u>84.13%</u>
EXPENDITURES				
Parks:				
Personnel	2,116,949	834,229	1,282,720	39.41%
Supplies	18,500	3,978	14,522	21.50%
Maintenance	372,327	131,284	241,043	35.26%
General	313,173	159,754	153,419	51.01%
Charges For Services	208,318	104,159	104,159	50.00%
Other Contracts	30,000	15,000	15,000	50.00%
Transfer to Other Funds	1,300,000	650,000	650,000	50.00%
Capital Outlay	73,160	23,603	49,557	32.26%
Sub-Total Parks Expenditures	<u>4,432,427</u>	<u>1,922,006</u>	<u>2,510,421</u>	<u>43.36%</u>
Pool:				
Personnel	189,933	51	189,883	0.03%
Supplies	33,520	9,867	23,653	29.44%
Maintenance	30,000	19,563	10,437	65.21%
General	5,800	3,532	2,268	60.89%
Capital Outlay	25,000	-	25,000	0.00%
Sub-Total Pool Expenditures	<u>284,253</u>	<u>33,012</u>	<u>251,241</u>	<u>11.61%</u>
TOTAL EXPENDITURES	<u>4,716,680</u>	<u>1,955,018</u>	<u>2,761,662</u>	<u>41.45%</u>
BUDGETED FUND BALANCE	<u>1,316,457</u>	<u>-</u>	<u>1,316,457</u>	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 905,534</u>	<u>\$ 905,534</u>	



CITY OF BOERNE, TEXAS  
CEMETERY FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Cemetery Revenues	\$ 135,000	\$ 90,410	\$ (44,590)	66.97%
Other Operating Revenues	200	-	(200)	0.00%
Restricted Revenues	30,500	27,732	(2,768)	90.92%
Interest	600	10,342	9,742	1723.60%
TOTAL REVENUES	<u>166,300</u>	<u>128,483</u>	<u>(37,817)</u>	<u>77.26%</u>
EXPENDITURES				
Supplies	3,000	-	3,000	0.00%
Maintenance	23,994	11,832	12,162	49.31%
General	23,481	7,764	15,717	33.06%
Transfer to Other Funds	57,825	27,500	30,325	47.56%
Capital Outlay	58,000	12,246	45,754	21.11%
TOTAL EXPENDITURES	<u>166,300</u>	<u>59,342</u>	<u>106,958</u>	<u>35.68%</u>
BUDGETED FUND BALANCE	<u>-</u>	<u>-</u>	<u>-</u>	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 69,141</u>	<u>\$ 69,141</u>	

CITY OF BOERNE, TEXAS  
LIBRARY FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Taxes	\$ 1,283,011	\$ 1,289,135	\$ 6,124	100.48%
Licenses and Fees	24,000	11,575	(12,425)	48.23%
Interlocal/Shared Services	344,553	217,925	(126,629)	63.25%
Facility Fees/Leases	2,200	1,554	(646)	70.63%
Other Revenues	3,150	20,924	17,774	664.27%
Interest	1,000	15,637	14,637	1563.71%
Grants and Donations	41,335	26,868	(14,467)	65.00%
TOTAL REVENUES	<u>1,699,249</u>	<u>1,583,618</u>	<u>(115,631)</u>	<u>93.20%</u>
EXPENDITURES				
Personnel	1,216,908	599,625	617,283	49.27%
Supplies	6,500	3,609	2,891	55.52%
Maintenance	31,547	23,153	8,394	73.39%
General	283,269	201,073	82,196	70.98%
Charges For Services	128,425	64,213	64,213	50.00%
Capital Outlay	32,600	9,370	23,230	28.74%
TOTAL EXPENDITURES	<u>1,699,249</u>	<u>901,043</u>	<u>798,206</u>	<u>53.03%</u>
BUDGETED FUND BALANCE	<u>-</u>	<u>-</u>	<u>-</u>	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ 682,575</u>	<u>\$ 682,575</u>	

CITY OF BOERNE, TEXAS  
ECONOMIC DEVELOPMENT FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Interest	\$ 2,500	\$ 35,319	\$ 32,819	1412.75%
Transfer from Other Funds	941,750	360,616	(581,134)	38.29%
TOTAL REVENUES	944,250	395,935	(548,316)	41.93%
EXPENDITURES				
Professional Services/Fees	15,000	-	15,000	0.00%
Other Contracts	896,550	219,433	677,117	24.48%
TOTAL EXPENDITURES	944,250	219,433	724,817	23.24%
BUDGETED FUND BALANCE	-		-	
SURPLUS (DEFICIT)	\$ -	\$ 176,501	\$ 176,501	

CITY OF BOERNE, TEXAS  
DEBT SERVICE FUND  
STATEMENT OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
REVENUES				
Taxes	\$ 1,600,302	\$ 1,722,174	\$ 121,872	107.62%
Interest	1,000	34,645	33,645	3464.49%
Transfers from other funds	1,456,089	728,045	(728,045)	50.00%
TOTAL REVENUES	<u>3,057,391</u>	<u>2,484,864</u>	<u>155,517</u>	<u>81.27%</u>
EXPENDITURES				
Fees	3,500	500	3,000	14.29%
Interest	1,056,392	559,081	497,311	52.92%
Principal	1,995,000	1,995,000	-	100.00%
Deposit to Escrow (Refunding)	2,499	-	2,499	0.00%
TOTAL EXPENDITURES	<u>3,057,391</u>	<u>2,554,581</u>	<u>502,810</u>	<u>84%</u>
BUDGETED FUND BALANCE	<u>-</u>	<u>-</u>	<u>-</u>	
SURPLUS (DEFICIT)	<u>\$ -</u>	<u>\$ (69,718)</u>	<u>\$ 658,327</u>	

CITY OF BOERNE, TEXAS  
ELECTRIC UTILITY FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 17,858,400	\$ 9,090,359	\$ (8,768,041)	50.90%
Transfer from other funds	644,247	-	(644,247)	0.00%
TOTAL OPERATING REVENUES	<u>18,502,647</u>	<u>9,090,359</u>	<u>(9,412,288)</u>	<u>49.13%</u>
Operating Expenses				
Personnel	2,571,888	1,129,344	1,442,544	43.91%
Cost of Goods/Services Sold	10,476,350	4,565,386	5,910,964	43.58%
Supplies	57,180	20,646	36,534	36.11%
Maintenance	270,835	191,844	78,991	70.83%
Professional Services/Fees	167,038	84,801	82,237	50.77%
General	408,781	153,328	255,453	37.51%
Shared Services	888,732	444,366	444,366	50.00%
Other Contracts	60,000	32,500	27,500	54.17%
Debt Service	69,928	-	69,928	0.00%
TOTAL OPERATING EXPENSES	<u>14,970,732</u>	<u>6,622,216</u>	<u>8,348,516</u>	<u>44.23%</u>
Non-Recurring (Expenses)/Revenues				
Transfers to Other Funds	(2,810,568)	(732,932)	2,077,637	26.08%
Capital Outlay	(721,347)	(175,506)	545,841	24.33%
Transfer to QOL Reserve	(1,000,000)	(1,000,000)	-	100.00%
Gain on Sale of Asset	-	18,325	18,325	0.00%
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(4,531,915)</u>	<u>(1,890,113)</u>	<u>2,641,803</u>	<u>41.71%</u>
Adjustments For Cash Flow Purposes:				
Transfer from QOL Reserves	1,000,000	1,000,000	-	0.00%
TOTAL CASH FLOW ADJUSTMENTS	<u>1,000,000</u>	<u>1,000,000</u>	<u>-</u>	<u>0.00%</u>
Income/(Loss)	-	1,578,031	1,578,031	
Unreserved Fund Balance at 10/1/22	<u>9,707,733</u>	<u>9,707,733</u>		
Ending Unreserved Fund Balance	<u>\$ 9,707,733</u>	<u>\$ 11,285,764</u>		

CITY OF BOERNE, TEXAS  
WATER UTILITY FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 8,757,811	\$ 3,747,291	\$ (5,010,520)	42.79%
Transfer from other funds	1,100,000	-	(1,100,000)	0.00%
Budgeted Fund Balance	14,557	14,557	-	0.00%
TOTAL OPERATING REVENUES	<u>9,872,368</u>	<u>3,761,848</u>	<u>(5,010,520)</u>	<u>38.10%</u>
Operating Expenses				
Personnel	1,739,961	1,077,444	662,517	61.92%
Cost of Goods/Services Sold	2,469,091	1,285,342	1,183,749	52.06%
Supplies	99,535	56,433	43,102	56.70%
Maintenance	342,070	116,379	225,691	34.02%
Professional Services/Fees	90,520	79,940	10,581	88.31%
General	397,230	226,077	171,153	56.91%
Shared Services	938,077	469,039	469,039	50.00%
Other Contracts	10,000	5,000	5,000	50.00%
TOTAL OPERATING EXPENSES	<u>6,086,484</u>	<u>3,315,652</u>	<u>2,770,832</u>	<u>54.48%</u>
Non-Recurring (Expenses)/Revenues				
Transfers to Other Funds	(665,863)	(421,757)	244,107	63.34%
Capital Outlay	<u>(3,120,021)</u>	<u>(342,411)</u>	<u>2,777,610</u>	<u>10.97%</u>
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(3,785,884)</u>	<u>(764,168)</u>	<u>3,021,716</u>	<u>20.18%</u>
Income/(Loss)	-	(317,972)	(317,972)	
Unreserved Fund Balance at 10/1/22	<u>5,176,345</u>	<u>5,176,345</u>		
Ending Unreserved Fund Balance	<u>\$ 5,176,345</u>	<u>\$ 4,858,373</u>		

CITY OF BOERNE, TEXAS  
WASTEWATER UTILITY FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 7,427,059	\$ 3,434,751	\$ (3,992,308)	46.25%
Transfers from other funds	2,718,735	1,359,368	(1,359,368)	50.00%
Budgeted Fund Balance	93,309	93,309	-	0.00%
TOTAL OPERATING REVENUES	<u>10,239,103</u>	<u>4,887,427</u>	<u>(5,351,676)</u>	<u>47.73%</u>
Operating Expenses				
Personnel	1,789,396	862,693	926,703	48.21%
Cost of Goods/Services Sold	373,390	204,450	168,940	54.75%
Supplies	142,850	88,262	54,588	61.79%
Maintenance	442,470	220,916	221,554	49.93%
Professional Services/Fees	137,387	53,836	83,552	39.19%
General	608,393	372,106	236,287	61.16%
Shared Services	1,019,912	509,956	509,956	50.00%
Other Contracts	215,000	132,173	82,827	61.48%
Debt Service	2,629,480	400	2,629,080	0.02%
TOTAL OPERATING EXPENSES	<u>7,358,278</u>	<u>2,444,791</u>	<u>4,913,487</u>	<u>33.23%</u>
Non-Recurring (Expenses)/Revenues				
Transfers to Other Funds	(10,575)	(5,288)	5,288	50.00%
Capital Outlay	(2,870,250)	(233,403)	2,636,847	8.13%
Gain on Sale of Asset	-	4,951	4,951	0.00%
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(2,880,825)</u>	<u>(233,739)</u>	<u>2,647,086</u>	<u>8.11%</u>
Income/(Loss)	-	2,208,897	2,208,897	
Unreserved Fund Balance at 10/1/22	<u>9,030,092</u>	<u>9,030,092</u>		
Ending Unreserved Fund Balance	<u>\$ 9,030,092</u>	<u>\$ 11,238,989</u>		

CITY OF BOERNE, TEXAS  
STORMWATER FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 630,000	\$ 406,399	\$ (223,601)	64.51%
Budgeted Fund Balance	<u>2,440,462</u>	<u>-</u>	<u>(2,440,462)</u>	<u>0.00%</u>
TOTAL OPERATING REVENUES	<u>3,070,462</u>	<u>406,399</u>	<u>(2,664,063)</u>	<u>13.24%</u>
Operating Expenses				
Professional Services/Fees	175,000	18,750	156,250	10.71%
General	<u>18,100</u>	<u>3,880</u>	<u>14,220</u>	<u>21.43%</u>
TOTAL OPERATING EXPENSES	<u>193,100</u>	<u>22,630</u>	<u>170,470</u>	<u>11.72%</u>
Non-Recurring (Expenses)/Revenues				
Capital Outlay	<u>(2,877,362)</u>	<u>(423,657)</u>	<u>(2,453,705)</u>	<u>14.72%</u>
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(2,877,362)</u>	<u>(423,657)</u>	<u>(2,453,705)</u>	<u>14.72%</u>
Income/(Loss)	-	(39,887)	(39,887)	
Unreserved Fund Balance at 10/1/22	<u>843,152</u>	<u>843,152</u>		
Ending Unreserved Fund Balance	<u>\$ 843,152</u>	<u>\$ 803,265</u>		



CITY OF BOERNE, TEXAS  
GAS UTILITY FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	\$ 4,340,892	\$ 3,202,938	\$ (1,137,954)	73.79%
Transfers from other funds	150,000	75,000	(75,000)	50.00%
Budgeted Fund Balance	9,312	9,312	-	0.00%
TOTAL OPERATING REVENUES	<u>4,500,204</u>	<u>3,287,250</u>	<u>(1,212,954)</u>	<u>73.05%</u>
Operating Expenses				
Personnel	1,289,800	575,543	714,257	44.62%
Cost of Goods/Services Sold	1,800,615	1,178,243	622,372	65.44%
Supplies	25,850	12,642	13,208	48.91%
Maintenance	145,850	49,438	96,412	33.90%
Professional Services/Fees	32,130	20,053	12,078	62.41%
General	146,615	73,240	73,375	49.95%
Shared Services	489,900	244,950	244,950	50.00%
Other Contracts	10,000	5,000	5,000	50.00%
Debt Service	188,267	-	188,267	0.00%
TOTAL OPERATING EXPENSES	<u>4,129,027</u>	<u>2,159,109</u>	<u>1,969,918</u>	<u>52.29%</u>
Non-Recurring (Expenses)/Revenues				
Transfers to Other Funds	(10,575)	(5,288)	(5,288)	50.00%
Capital Outlay	<u>(360,602)</u>	<u>(317,638)</u>	<u>(42,964)</u>	<u>88.09%</u>
TOTAL NON-RECURRING (EXPENSES)/REVENUES	<u>(371,177)</u>	<u>(322,925)</u>	<u>(48,252)</u>	<u>87.00%</u>
Income/(Loss)	-	805,216	805,216	
Unreserved Fund Balance at 10/1/22	<u>-</u>	<u>-</u>		
Ending Unreserved Fund Balance	<u>\$ -</u>	<u>\$ 805,216</u>		

CITY OF BOERNE, TEXAS  
SOLID WASTE FUND  
STATEMENT OF REVENUES AND EXPENSES  
BUDGET AND ACTUAL  
FOR THE SIX MONTHS ENDED MARCH 31, 2023  
(50% OF FISCAL YEAR)

	CURRENT BUDGET	ACTUAL ACTIVITY	VARIANCE FROM BUDGET	PERCENT OF BUDGET
Operating Revenues				
Current Revenues	<u>\$ 1,252,629</u>	<u>\$ 674,350</u>	<u>\$ (578,279)</u>	<u>53.83%</u>
TOTAL OPERATING REVENUES	<u>1,252,629</u>	<u>674,350</u>	<u>(578,279)</u>	<u>53.83%</u>
Operating Expenses				
Cost of Goods/Services Sold	1,078,930	462,610	616,320	42.88%
General	30,699	16,204	14,495	52.78%
Other Contracts	<u>143,000</u>	<u>9,000</u>	<u>134,000</u>	<u>6.29%</u>
TOTAL OPERATING EXPENSES	<u>1,252,629</u>	<u>487,815</u>	<u>764,814</u>	<u>38.94%</u>
Income/(Loss)	-	186,535	186,535	0.00%
Unreserved Fund Balance at 10/1/22	<u>202,529</u>	<u>202,529</u>		
Ending Unreserved Fund Balance	<u><u>\$ 202,529</u></u>	<u><u>\$ 389,064</u></u>		

**City of Boerne  
Investment Report  
For the Quarter Ended March 31, 2023**

**Interest Rate Comparison**

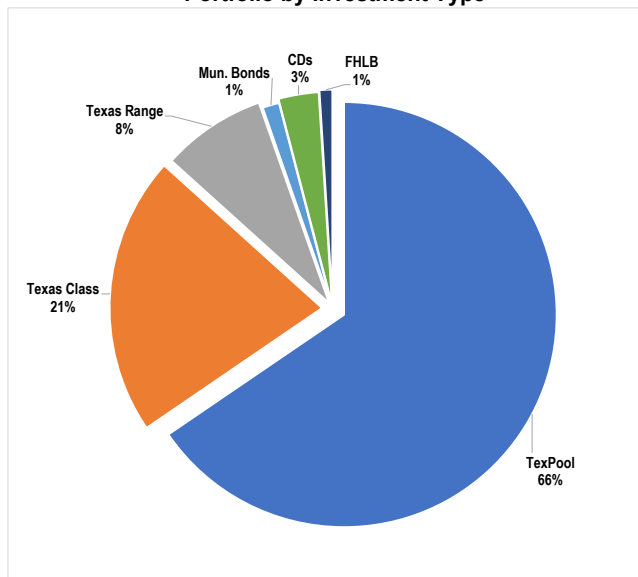
MONTH	CITY	3-MO T-BILL	6-MO T-BILL	1-YR T-BILL
DECEMBER	3.45%	4.04%	4.41%	4.41%
MARCH	4.34%	4.63%	4.75%	4.54%
JUNE				
SEPTEMBER				

HIGH	4.34%	4.63%	4.75%	4.54%
LOW	3.45%	4.04%	4.41%	4.41%

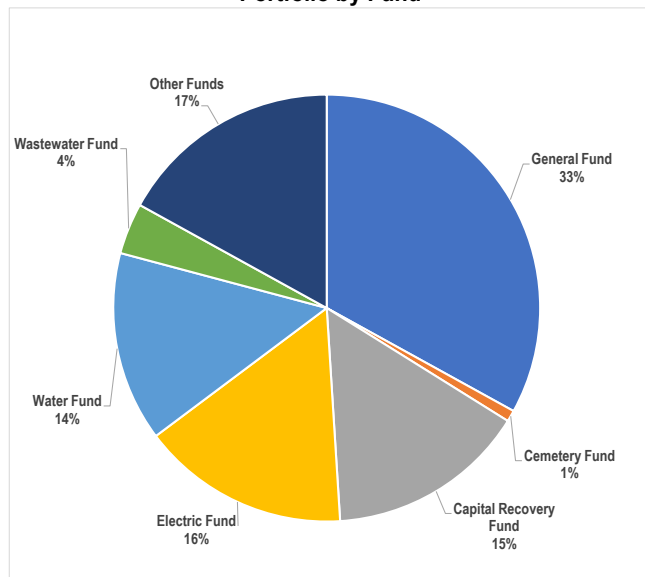
<b>YEAR AVERAGE</b>	<b>3.90%</b>	<b>4.34%</b>	<b>4.58%</b>	<b>4.48%</b>
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DESCRIPTION	BOOK VALUE	MARKET VALUE	QTD INTEREST	YTD INTEREST	WAIR	WAM
TexPool	65,543,739	65,543,739	725,182	1,274,213	4.450	16
Texas Class	21,240,721	21,240,721	240,292	430,899	4.730	70
Texas Range	7,956,553	7,956,553	88,429	157,691	4.465	26
TexStar	22,671	22,671	247	441	4.450	9
Certificates of Deposit	3,063,099	3,036,644	892	6,464	0.729	175
Municipal Bonds	1,288,646	1,257,259	4,458	29,217	2.026	99
Agency Bonds	1,000,000	978,106	9,250	10,813	2.163	284
<b>Total Investments</b>	<b>100,115,429</b>	<b>100,035,692</b>	<b>1,068,750</b>	<b>1,909,738</b>	<b>4.34</b>	<b>37</b>

**Portfolio by Investment Type**




**Portfolio by Fund**




Investment Inventory  
For the Quarter Ended March 31, 2023

DESCRIPTION	MATURITY DATE	INTEREST RATE	BOOK VALUE	MARKET VALUE	QTD INTEREST	YTD INTEREST
<b>General Fund</b>						
TexPool	N/A	N/A	24,691,321	24,691,321	252,516	425,927
Texas Class	N/A	N/A	1,680,943	1,680,943	19,487	35,321
Texas Range	N/A	N/A	4,326,576	4,326,576	48,086	84,898
TexStar	N/A	N/A	22,671	22,671	247	441
Financial Federal Savings	12/19/2022	0.400	-	-	-	995
T Bank	7/27/2023	0.250	248,000	248,000	-	-
BMW BK of NA	11/22/2022	1.800	-	-	-	2,223
Thornton Dev Auth	12/1/2022	5.000	-	-	-	6,250
Calhoun CO	12/1/2022	0.500	-	-	-	713
Murphy-Wall St Bk & Trust	6/28/2023	0.300	99,873	98,854	74	149
Federal Home Loan Bank	2/22/2024	0.625	500,000	481,622	-	1,563
Prospect Bank	4/26/2023	0.300	248,000	248,000	-	-
First National Bank Spearman	7/27/2023	0.250	248,000	248,000	-	-
NY Community Bank	11/9/2023	0.250	244,755	237,990	-	309
GBC International Bank	7/27/2023	0.250	248,000	248,000	-	-
First Bank of Ohio	8/11/2023	0.300	248,000	248,000	-	-
American Exp Natl Bk CD	6/29/2023	2.900	245,000	243,644	-	-
<b>Total General Fund</b>			<b>33,051,139</b>	<b>33,023,620</b>	<b>320,409</b>	<b>558,787</b>
<b>Cemetery Fund</b>						
TexPool Operating	N/A	N/A	519,301	519,301	5,656	10,170
TexPool Endowment	N/A	N/A	22,230	22,230	242	435
Texas Class Endowment	N/A	N/A	330,942	330,942	3,837	6,954
Wells Fargo Bank NA	10/18/2022	1.900	-	-	-	383
<b>Total Cemetery Endowment</b>			<b>872,473</b>	<b>872,473</b>	<b>9,735</b>	<b>17,942</b>
<b>Capital Recovery Fund</b>						
TexPool	N/A	N/A	13,008,319	13,008,319	141,690	252,756
Texas Class	N/A	N/A	827,354	827,354	9,591	17,385
Cook Cnty IL Sch Dist 101	11/1/2022	3.000	-	-	-	2,550
Bedford Park II Tax Inc Rev	12/30/2022	3.900	-	-	-	9,750
Vance Govt Etc Rev	6/1/2023	0.800	185,479	183,687	-	740
Oklahoma Dev Fin Auth	6/1/2023	0.950	407,223	402,598	-	1,924
Gary IN Cmnty Sch	7/15/2023	4.000	197,759	180,625	3,600	3,600
Federal Home Loan Bank	9/27/2023	3.700	500,000	496,485	9,250	9,250
<b>Total Capital Recovery Fund</b>			<b>15,126,135</b>	<b>15,099,067</b>	<b>164,132</b>	<b>297,954</b>
<b>Electric Fund</b>						
TexPool - Revenue Bds Int Sink Fund	N/A	N/A	147,114	147,114	4,547	5,804
TexPool - Operating	N/A	N/A	3,627,269	3,627,269	39,853	71,948
TexPool - Capital Reserve	N/A	N/A	3,701,431	3,701,431	40,317	72,489
TexPool - Rate Reserve	N/A	N/A	702,759	702,759	7,655	13,763
Texas Class	N/A	N/A	2,480,573	2,480,573	28,757	52,123
Texas Range	N/A	N/A	3,629,977	3,629,977	40,343	72,793
Western Alliance	7/14/2023	0.250	248,000	248,000	-	-
CFG Community Bank	7/14/2023	0.300	248,000	248,000	-	-
Global Bank	9/20/2023	0.350	248,000	248,000	-	-
Pennsylvania Turnpike	12/1/2022	2.111	-	-	-	1,583
Carlstadt Borough GO	6/15/2023	1.000	253,185	248,735	-	1,250
Wells Fargo Nat Bk	1/17/2023	1.900	-	-	395	1,556
Greenstate CR Union	6/17/2024	0.450	245,000	231,687	272	547
Goldman Sachs	8/21/2023	0.250	244,471	240,469	151	304
<b>Total Electric Fund</b>			<b>15,775,779</b>	<b>15,754,014</b>	<b>162,290</b>	<b>294,160</b>
<b>Water Fund</b>						
TexPool - Operating	N/A	N/A	1,286,271	1,286,271	14,010	25,191
TexPool - W/WWTP Capital Reserve	N/A	N/A	8,904,080	8,904,080	96,986	174,379
Texas Class - Operating	N/A	N/A	2,878,672	2,878,672	33,372	60,488
Texas Class - W/WWTP Capital Reserve	N/A	N/A	1,105,590	1,105,590	12,817	23,231
Midland ISD - Ref	2/15/2023	0.320	-	-	-	-
Carpinteria CA Ref	8/1/2023	0.700	245,000	241,614	858	858

DESCRIPTION	MATURITY DATE	INTEREST RATE	BOOK VALUE	MARKET VALUE	QTD INTEREST	YTD INTEREST
<b>Total Water Fund</b>			14,419,613	14,416,227	158,042	284,145
<b>Wastewater Fund</b>						
TexPool	N/A	N/A	1,557,220	1,557,220	25,453	47,659
Texas Class	N/A	N/A	2,314,217	2,314,217	26,828	48,627
<b>Total Wastewater Fund</b>			3,871,437	3,871,437	52,281	96,286
<b>Other Funds</b>						
Hotel/Motel	N/A	N/A	-	-	-	-
Park	N/A	N/A	2,991,674	2,991,674	32,586	58,589
Library	N/A	N/A	798,457	798,457	8,697	15,637
Economic Development	N/A	N/A	1,803,429	1,803,429	19,643	35,319
Capital Projects Construction	N/A	N/A	4,983,355	4,983,355	51,826	89,294
Debt Service	N/A	N/A	400,504	400,504	19,346	34,622
Gas	N/A	N/A	661,833	661,833	8,134	15,415
Garbage	N/A	N/A	720,526	720,526	7,848	14,111
American Resue Plan	N/A	N/A	-	-	-	-
Stormwater	N/A	N/A	4,639,075	4,639,075	53,779	97,478
<b>Total Other Funds</b>			16,998,853	16,998,853	201,860	360,464
<b>Total All Funds</b>			<b>100,115,429</b>	<b>100,035,692</b>	<b>1,068,750</b>	<b>1,909,738</b>

	<div data-bbox="1268 149 1511 390"> <p><b>District Impacted</b></p> <p><input type="checkbox"/> 1 = Wolosin</p> <p><input type="checkbox"/> 2 = Woolard</p> <p><input type="checkbox"/> 3 = Scott</p> <p><input type="checkbox"/> 4 = Boddie</p> <p><input type="checkbox"/> 5 = Macaluso</p> <p><input checked="" type="checkbox"/> All</p> </div> <h2 style="text-align: center;">AGENDA ITEM SUMMARY</h2>
<b>Agenda Date</b>	May 9, 2023
<b>Requested Action</b>	APPROVE THE MAYORAL APPOINTMENT TO THE HISTORIC LANDMARK COMMISSION AND THE PLANNING AND ZONING COMMISSION.
<b>Contact Person</b>	Mayor Tim Handren and Lori Carroll, City Secretary
<b>Background Information</b>	<p>Recently Ben Adam resigned from the Historic Landmark Commission. It is the recommendation of Mayor Handren to move Justin Boerner who has been on the Historic Landmark Commission since 2009 to the Chair position.</p> <p>Also, with the recent resignation of Patrick Cohoon from the Planning and Zoning Commission, it is the recommendation of Mayor Handren to appoint Carlos Vecino to fill the unexpired term.</p>
<b>Item Justification</b>	<div> <div> <input type="checkbox"/> Legal/Regulatory Obligation  <input type="checkbox"/> Reduce Costs  <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Mitigate Risk  <input type="checkbox"/> Master Plan Recommendation </div> <div> <input type="checkbox"/> Infrastructure Investment  <input type="checkbox"/> Customer Pull  <input type="checkbox"/> Service Enhancement  <input type="checkbox"/> Process Efficiency  <input checked="" type="checkbox"/> Other: Mayoral appointment </div> </div>
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	
<b>Alternative Options</b>	
<b>Supporting Documents</b>	

	<div data-bbox="1268 149 1511 390"> <p><b>District Impacted</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 1 = Wolosin</li> <li><input type="checkbox"/> 2 = Woolard</li> <li><input type="checkbox"/> 3 = Scott</li> <li><input type="checkbox"/> 4 = Boddie</li> <li><input type="checkbox"/> 5 = Macaluso</li> <li><input checked="" type="checkbox"/> All</li> </ul> </div> <h2 style="text-align: center;">AGENDA ITEM SUMMARY</h2>
<b>Agenda Date</b>	May 9, 2023
<b>Requested Action</b>	PRESENTATION OF UPDATED CITY WEBSITE AND NEW COMMUNITY CALENDAR
<b>Contact Person</b>	Chris Shadrock
<b>Background Information</b>	<p>The City of Boerne website format was last updated in 2019. Since then the Communications Office has taken over editorial content management for the website and launched a formal web standards guide.</p> <p>Starting in 2021, our office began updating all webpages to ensure they were following our web standards and remained in compliance with ADA and other accessibility requirements.</p> <p>As we completed our City rebranding in 2022, work began on our contractual update to the website which entails many changes to the current design. Our focus included increasing valuable information on the homepage, including smaller pictures highlighting our community, and adding new hyperlinks to important information. Homepage “buttons” are increasing from 6 to 12 with convenient access to the departments most visited by residents and the inclusion of department logos.</p> <p>To coincide with the website redesign, the City is launching its first all-inclusive Community Calendar with expanded event capabilities through the Timely calendars function. Visit Boerne, Parks and Recreation, and the Library have their own calendars for events and programs that will feed into the new Community Calendar that lives on the City’s website. In addition to internal City-sponsored events and tourism events, this calendar will provide an opportunity for local event coordinators to promote events that are aimed at residents, rather than tourists, by submitting community events to the calendar directly from the City of Boerne website.</p>

<b>Item Justification</b>	<div> <input checked="" type="checkbox"/> Legal/Regulatory Obligation         <input type="checkbox"/> Infrastructure Investment       </div> <div> <input type="checkbox"/> Reduce Costs         <input type="checkbox"/> Customer Pull       </div> <div> <input type="checkbox"/> Increase Revenue         <input checked="" type="checkbox"/> Service Enhancement       </div> <div> <input type="checkbox"/> Mitigate Risk         <input checked="" type="checkbox"/> Process Efficiency       </div> <div> <input type="checkbox"/> Master Plan         <input type="checkbox"/> Other: _____       </div> <div>         Recommendation         _____       </div>
<b>Financial Considerations</b>	
<b>Citizen Input/Board Review</b>	N/A
<b>Legal Review</b>	
<b>Alternative Options</b>	
<b>Supporting Documents</b>	



**RESOLUTION NO. 2023-R39**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A UTILITY EASEMENT OF \_\_\_\_ ACRES, MORE OR LESS, LOCATED AT \_\_\_\_\_, BOERNE, TEXAS, 78006, FROM \_\_\_\_\_; AND EXECUTE ALL NECESSARY DOCUMENTATION**

**WHEREAS**, the City Council of Boerne finds it necessary to authorize the City Manager to purchase a utility easement of \_\_\_\_ acres, more or less, located at \_\_\_\_\_ identified in Volume \_\_\_\_, Pages \_\_\_\_, Official Records of Kendall County, Texas, and execute all necessary documentation.

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

that the City Council hereby authorizes the City Manager to purchase a utility easement of \_\_\_\_ acres, more or less, located at \_\_\_\_\_ identified in Volume \_\_\_\_, Pages \_\_\_\_, Official Records of Kendall County, Texas, and execute all necessary documentation.

PASSED and APPROVED on this the \_\_\_\_ day of May, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary