



Amended City of Hutto

Agenda

City Council Meeting
Tuesday, August 11, 2020 at 6:00 PM
City Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at www.huttotx.gov

Page

1. CALL SESSION TO ORDER
2. ROLL CALL
3. INVOCATION
4. PLEDGE OF ALLEGIANCE
5. CITY COUNCIL COMMENTS

Pursuant to Texas Government Code Sec. 551.0415, a member of the governance body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interests include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition of the subdivision; (4) a reminder regarding social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and (5) announcements involving imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

5.1. General Comments from City Council

6. PUBLIC COMMENT

Any citizen wishing to speak during public comment may do so after completing the required registration form. The purpose of this item is to allow the residents of Hutto and other interested persons an opportunity to address the City Council on agenda issues and on non-agenda issues that are a matter of the jurisdiction of the City Council (i.e., City policy or legislative issues). Non-agenda issues regarding daily operational or administrative matters should be first dealt with at the administrative level by calling City Hall at (512) 759-4839 during business hours. Each person providing public comment will be limited to 3 minutes.

Toll-Free:

+1 (800) 717-4201

Conference ID:

242-3288

Press *5 to notify the Council that you would like to speak during public comment.

[Note: The Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits the City Council from fully discussing, debating, or considering subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the City Staff for action may be placed on the agenda of a future City Council Session.]

7. CITY MANAGER COMMENTS

8. CONSENT AGENDA ITEMS

- 8.1. Consideration and possible action on approving the June 18, 2020 City Council work session meeting minutes. 5

[June 18, 2020 Work Session Minutes](#)

- 8.2. Consideration and possible action on approving the June 18, 2020 City Council meeting minutes. 6 - 13

[June 18, 2020 Minutes](#)

- 8.3. Consideration and possible action on approving the July 2, 2020 City Council meeting minutes. 14 - 19

[July 2, 2020 Minutes](#)

9. ORDINANCES

- 9.1. Consideration and possible action on Ordinance No. O-2020-022 -Public Information Act Policy. (First Reading) 20 - 49

[Ordinance No. O-2020-022 Adopting PIA Policy
Hutto PIA Policy 8720](#)

- 9.2. Consideration and possible action on Ordinance No. O-2020-025 Amending City Code and Creating the Right of Setoff. (First Reading) 50 - 52

[Ordinance No. O-2020-025 Right of Setoff](#)

- 9.3. Consideration and possible action on the first reading of an Ordinance of the City Council of the City of Hutto, Texas, postponing the May 2, 2020 general election for municipal officers until November 3, 2020; and providing for other related matters; and providing an effective date. (First Reading) 53 - 55

[Hutto Postpone Election Ordinance Final 8 11 20 \(002\)](#)

10. OTHER BUSINESS

- 10.1. Outside agency funding presentation- Hutto Resource Center. 56 - 68

[2020 HRC Outside Agency Presentation](#)

- 10.2. Outside agency funding presentation- Opportunities for Williamson and Burnet Counties. 69 - 84

[OWBC Annual Report 2019](#)

- 10.3. Outside agency funding presentation - Hutto Education Foundation 85 - 100

[Building For Growth Raising Funds to Operate](#)

- 10.4. Outside agency funding presentation- The Sandbox at Madeline's Place 101 - 107

[The Sandbox at Madeline's Place Presentation](#)

- 10.5. Discussion on the fiscal year 2020-2021 budget.

11. EXECUTIVE SESSION

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 [Litigation/Consultation with Attorney], 551.072 [Deliberations regarding real property], 551.073 [Deliberations regarding gifts and donations], 551.074 [Deliberations regarding personnel matters] or 551.076 [Deliberations regarding deployment/implementation of security personnel or devices] and 551.087 [Deliberations regarding Economic Development negotiations].

- 11.1. Discussion and deliberation regarding potential business prospects seeking to locate, stay, or expand in or near the territory of the City of Hutto and with which economic development proposals, negotiations, deliberations, offers of a financial or other incentive may be provided by the City of Hutto. [551.087 Deliberations regarding Economic Development Negotiations]
- 11.2. Receive legal advice pursuant to Texas Government Code Sec. 551.071 related to the River Creek Development Corporation and underlying public improvement districts.

12. ACTION RELATIVE TO EXECUTIVE SESSION

- 12.1. Discussion and possible action regarding potential business prospects seeking to locate, stay, or expand in or near the territory of the City of Hutto and with which economic development proposals, negotiations, deliberations, offers of a financial or other incentive may be provided by the City of Hutto. [551.087 Deliberations regarding Economic Development Negotiations]
- 12.2. Discussion and possible action regarding legal advice pursuant to Texas Government Code Sec. 551.071 related to the River Creek Development Corporation and underlying public improvement districts.

13. ADJOURNMENT

14. CERTIFICATION

I certify that this notice of the August 11, 2020 Hutto City Council meeting was posted on the City of Hutto website and the City Hall bulletin board of the City of Hutto on **August 7, 2020 at 5:00 P.M. Amended and Re-posted 8/7/20 @ 2:20 PM**



Holly Nagy

The City of Hutto is committed to comply with the Americans Disability Act. The Hutto City Council Chamber is wheelchair accessible. Request for reasonable special accommodations must be made 48 hours prior to the meeting. Please email the City Secretary's office at City.Secretary@huttox.gov or call (512) 759-4033 for assistance.



City of Hutto

MINUTES

**Special Called City Council Meeting
Thursday, June 18, 2020 at 5:00 PM
City Council Chambers**

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at www.huttotx.gov

1. CALL SESSION TO ORDER *5:00 PM*
2. ROLL CALL

Members of the City Council present were Mayor Doug Gaul, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez, Councilmember Tanner Rose, Councilmember Scott Rose.

Absent: Councilmember Tanner Rose

Staff members present: Charles W. Daniels, Interim City Manager, Michel Sorrell, ACM, CFO, Byron Franklin, ACM, Stacy Schmitt, Assistant to the City Manager, Holly Nagy, City Secretary, Dottie Palumbo, City Attorney

3. CITY MANAGER COMMENTS
 - 3.1. Introduction of Work Session and Speakers.
 - Jim Sabonis, Financial Advisor
 - John Snyder, P3 Works
 - Kevin Pearce
 - Steven Metcalf
4. OTHER BUSINESS
 - 4.1. A presentation on special finance district tools available to cities for the purposes of economic development to include Public Improvement Districts (PIDs), Tax Increment Reinvestment Zones (TIRZs), and Municipal Utility Districts (MUDs) (Michel Sorrell)

Presentation ensued by Jessica Geray

5. ADJOURNMENT: *7:00 PM*

ATTESTED:

Doug Gaul, Mayor

Holly Nagy, City Secretary



City of Hutto

MINUTES

City Council Meeting
Thursday, June 18, 2020 at 7:00 PM
City Council Chambers

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Page

1. CALL SESSION TO ORDER *7:01 PM*
2. ROLL CALL

Members of the City Council present were Mayor Doug Gaul, MPT Tom Hines (via video conference) Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez (via video conference) Councilmember Scott Rose.

Absent: Councilmember Tanner Rose

Staff members present: Charles W. Daniels, Interim City Manager, Michel Sorrell, ACM, CFO, Byron Franklin, ACM, Stacy Schmitt, Assistant to the City Manager, Holly Nagy, City Secretary, Dottie Palumbo, City Attorney

3. INVOCATION- *Mayor Doug Gaul*
4. PLEDGE OF ALLEGIANCE
5. CITY COUNCIL COMMENTS

Pursuant to Texas Government Code Sec. 551.0415, a member of the governance body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interests include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition of the subdivision; (4) a reminder regarding social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and (5) announcements involving imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

- 5.1. General Comments from City Council

Councilmember S. Rose: I would like an agenda item on the next agenda in executive session regarding personnel matters pertaining to the City Attorney. Councilmember Martinez seconded the request.

Councilmember Snyder: Requested an agenda item for the update on the drainage ditches in the Legends of Hutto neighborhood.

Councilmember Martinez: Requested an update on the Co-Op.

6. PROCLAMATIONS – None.

7. PUBLIC COMMENT

-Robin Sutton
-Ida Weaver
-James Weaver
-Nicole Calderone
-Lucas Evans
-Crystal Kinsy
-Jerica Lawyer *via email
-Kelly Lewis *via email
-Barbara McMillen *via email
-Jordie Matthews *via email

8. PUBLIC HEARING:

8.1. Public Hearing on Authorizing and Creating the Durango Farms Public Improvement District within the City of Hutto pursuant to Chapter 372 Texas Local Government Code (Jessica Geray). (Public Hearing 2 of 2)

Closed: 7:37 PM

9. CITY MANAGER COMMENTS

9.1. Presentation of the City Financials for the Month of May as well as the Monthly Investment Report as Required by the Fiscal and Budgetary Policy.

-

Interim City Manager Daniels stated as of June 15th Officer Chad Rogers of the Police Department has volunteered to do code enforcement work in the city in addition to his normal duties. Mr. Daniels has also volunteered to do some code enforcement work for the city.

Tony Host discussed the change from total cholorine to free cholorine in the city water system taking place on July 8th and will continue to July 28th.

Mr. Host discussed the need for a resolution to continue concrete work through out the city.

Financial presentation ensued.

10. CONSENT AGENDA ITEMS

Councilmember Gordon pulled item 10.8, Councilmember Snyder seconded the motion with the amendment to also pull item 10.7.

The motion passed unanimously.

Councilmember S. Rose made a motion to approve items 10.1, 10.2, 10.3, 10.4, 10.5, 10.6. and 10.9 MPT Hines seconded the motion. The motion passed unanimously.

10.1. Consideration and Approval of April 16, 2020 City Council Meeting Minutes.

10.2. Consideration and Approval of June 4, 2020 City Council Meeting Minutes.

10.3. Consideration and Possible Action on Resolution No. R-2020-030 amending the Fiscal and Budgetary Policy.

10.4. Consideration and Possible Action regarding Resolution No. R-2020-032-A Approving an Interlocal Agreement between the City of Hutto and River Creek Development Corporation.

10.5. Consideration and Possible Action on Resolution No. R-2020-033-A Approving an Agreement between River Creek Development Corporation and Underlying Public Improvement Districts and Norton Rose Fulbright as Bond Counsel.

10.6. Consideration and Possible Action regarding Resolution No. 2020-034-A Approving an Interlocal Agreement between the City of Hutto and Cottonwood Development Corporation.

10.7. Consideration and possible action on Resolution No. R-2020-040 approving the proposed Co-Op District Resubdivision of Lot 6A-4 Amended Plat, 2.7406 acres, more or less, of land, 3 commercial lots, located on Co Op Boulevard.(Ashley Lumpkin)

Councilmember S. Rose made a motion to approve item 10.7 as presented. MPT Hines seconded the motion. The motion passed unanimously.

10.8. Consideration and possible action on Resolution No. R-2020-041 approving the proposed Southgate Phase 4 Final Plat, 27.4806 acres, more or less, of land, 113 residential lots, located north of CR 138.(Ashley Lumpkin)

Discussion ensued regarding a temporary construction entrance. All construction traffic needs to go through a main road not residential.

Crystal Kinsy resident of Riverwalk spoke on this item.

Councilmember Snyder made a motion to approve item 10.8 - Resolution No. R-2020-041 approving the proposed Southgate Phase 4 Final Plat, 27.4806 acres, more or less, of land, 113 residential lots, located north of CR 138 following stipulations prior to recording the final plat:

- 1.) A Traffic Impact Analysis be completed and approved by Hutto Staff.*
- 2.) Temporary access be off of CR 138.*
- 3.) The only road allowed for construction is CR 138 no residential access permitted.*

Councilmember Gordon seconded the motion. The motion passed unanimously.

- 10.9. Consideration and possible action on a resolution authorizing the City Manager to execute a Professional Services Agreement with DCS Engineering, Inc. for completion of a Water and Wastewater Impact Fee Study for an amount not to exceed \$79,340.00. (Samuel Ray)

11. ORDINANCES

- 11.1. Consideration and Possible Action on an Ordinance Repealing the City Council Protocols Policy. (First Reading)

Councilmember Snyder made a motion to approve item 11.1, Councilmember Gordon seconded the motion. The motion passed.

VOTE:	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines		X		
Councilmember Scott Rose		X		
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose				X

ACTION: The motion **carried** by a vote of 4 ayes to 2 nays.

Councilmember Gordon made a motion to dispense with the second reading.

Councilmember Snyder seconded the motion, the motion passed.

VOTE:	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines		X		
Councilmember Scott Rose		X		
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose				X

ACTION: The motion carried by a vote of 4 ayes to 2 nays.

12. RESOLUTIONS

10 minute recess at 8:10 PM

Reconvened at 8:30 PM

Councilmember S. Rose made a motion to table items 12.1, 12.2, 12.3, seconded by MPT Hines. The motion passed unanimously. The item must be brought back within two weeks.

- 12.1. Consideration and Possible Action on Resolution No. R-2020-036 Approving the Public Improvement District (PID) Policy. (Michel Sorrell)
- 12.2. Consideration and Possible Action on Resolution No. R-2020-037 Approving the Tax Increment Reinvestment Zone (TIRZ) Policy. (Michel Sorrell)
- 12.3. Consideration and Possible Action on Resolution No. R-2020-038 Approving the Municipal Utility District (MUD) Policy. (Michel Sorrell)
- 12.4. Consideration and Possible Action on Resolution No. R-2020-042 Authorizing the Creation of the Hutto Park Foundation.

Councilmember S. Rose made a motion to approve Resolution No. R-2020-042, Councilmember Snyder seconded the motion. The motion passed unanimously.

- 12.5. Consideration and possible action to adopt Resolution No. R-2020-043 approving a Community Development Corporation budget amendment and expenditure approved by the Community Development Corporation Board of Directors in the amount of \$300,000 to fund program administration and loans made available through the Small Business Loan and Disaster Relief Project and \$50,000 to fund General Counsel legal services to the Corporation.

MPT Hines made a motion to approve Resolution No. R-2020-043, Councilmember Martinez seconded the motion.

Councilmember S. Rose made an amendment to the motion to bring this item back as an Ordinance at the next meeting. Councilmember Martinez seconded the motion passed unanimously.

Councilmember S. Rose made a motion to approve item with the amendment, Councilmember Martinez seconded the motion. The motion passed unanimously.

13. OTHER BUSINESS

13.1. Consideration and Possible Appointments to City Boards and Commissions.

Councilmember S. Rose appointed Ms. Ramona Egly to the Planning and Zoning Commission. MPT Hines seconded the motion. The motion passed unanimously.

Councilmember S. Rose appointed Mr. Lucas Evans to the EDC Board. MPT Hines seconded the motion. The motion passed unanimously.

13.2. Updates and Discussion on Parks Bond Projects. (Tony Host)

Tony Host presented his update.

13.3. Consideration and Possible Action on Adopting an Authorized Broker List and Independent Training Sources. (Michel Sorrell)

Discussion ensued. Councilmember S. Rose made a motion to approve item 13.3 with the removal of Hilltop Securities. Councilmember Gordon seconded the motion. The motion passed unanimously.

13.4. Consideration and Possible Action on Resolution No. R-2020-045 Entering into a Donation Agreement with Hutto Option Mezz Holdings, LLC for 26.95 Acres of Land also known as the Carmel Creek Parkland Donation.(City Attorney)

MPT Hines made a motion to approve Resolution No. R-2020-045. Councilmember Martinez seconded the motion. The motion passed unanimously.

** Councilmember S.Rose was unavailable for this vote.*

13.5. Update on the Lakeside Estates lift station decommission and wastewater interceptor project. (Samuel Ray)

Samual Ray presented his update.

14. EXECUTIVE SESSION *Entered: 9:34 PM*

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 [Litigation/Consultation with Attorney], 551.072 [Deliberations regarding real property], 551.073 [Deliberations regarding gifts and donations], 551.074 [Deliberations regarding personnel matters] or 551.076 [Deliberations regarding deployment/implementation of security personnel or devices] and 551.087 [Deliberations regarding Economic Development negotiations].

14.1. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071 (1) about pending litigation, to wit: Legacy Hutto, LLC. V. City of Hutto , pending in the District Court of Williamson County, Texas.

- 14.2. Receive legal advice concerning the Hutto Sports, Health and Entertainment District in accordance with Tex. Govt. Code § 551.07: the Multi-Party Development Agreement; deliberations regarding Economic Development pursuant to Tex. Govt. Code § 551.087; and deliberate the purchase or sale of real property within the Hutto Sports, Health and Entertainment District.
- 14.3. Receive legal advice concerning legal representation of the City and River Creek Development Corporation.
- 14.4. Receive legal advice pursuant to Tex. Gov't Code Sec. 551.071 related to the River Creek Development Corporation and underlying public improvement districts.
- 14.5. Receive legal advice pursuant to Tex. Gov't Code Sec. 551.071 and deliberate a negotiated contract for a donation of parkland to the City pursuant to Texas Government Code Sec. 551.073.
- 14.6. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071 (1) about pending litigation, to wit: Brushy Creek, Ltd. V City of Hutto , Cause No. 19-1497-C395 (395th Judicial District Court, Williamson County, Texas).
- 14.7. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071 concerning the Management Agreement between the City of Hutto and Ry-Sanders Baseball, L.P.
- 14.8. Receive legal advice from the City Attorney on pending legal matters and Council legal requests pursuant Tex. Govt. Code § 551.071.
15. ACTION RELATIVE TO EXECUTIVE SESSION *Reconvened: 11:16 PM*
 - 15.1. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071 (1) about pending litigation, to wit: Legacy Hutto, LLC. V. City of Hutto , pending in the District Court of Williamson County, Texas.

Councilmember Snyder made a motion that City Council authorize the City Attorney to take all action necessary or appropriate to represent the city in a lawsuit styled as Legacy Hutto, LLC vs. City of Hutto, Texas filed in the Williamson County District Court. Councilmember Gordon seconded the motion. The motion passed unanimously.

**Councilmember S.Rose was not available for this vote.*

- 15.2. Receive legal advice concerning the Hutto Sports, Health and Entertainment District in accordance with Tex. Govt. Code § 551.07: the Multi-Party Development Agreement; deliberations regarding Economic Development pursuant to Tex. Govt. Code § 551.087; and deliberate the purchase or sale of real property within the Hutto Sports, Health and Entertainment District.

No action taken.

- 15.3. Receive legal advice concerning legal representation of the City and River Creek Development Corporation. *No action taken.*
- 15.4. Receive legal advice pursuant to Tex. Gov't Code Sec. 551.071 related to the River Creek Development Corporation and underlying public improvement districts. *No action taken.*
- 15.5. Receive legal advice pursuant to Tex. Gov't Code Sec. 551.071 and deliberate a negotiated contract for a donation of parkland to the City pursuant to Texas Government Code Sec. 551.073. *No action taken.*
- 15.6. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071 (1) about pending litigation, to wit: Brushy Creek, Ltd. V City of Hutto , Cause No. 19-1497-C395 (395th Judicial District Court, Williamson County, Texas). *No action taken.*
- 15.7. Receive legal advice from the City Attorney in accordance with Tex. Gov't Code § 551.071 concerning the Management Agreement between the City of Hutto and Ry-Sanders Baseball, L.P. *No action taken.*
- 15.8. Receive Legal Advice from the City Attorney on Pending Legal Matters and Council Legal Requests Pursuant Tex. Govt. Code § 551.071. *No action taken.*
16. ADJOURNMENT *11:18 PM*

PASSED and APPROVED this ____ of August, 2020.

ATTESTED:

Holly Nagy, City Secretary

Doug Gaul, Mayor



City of Hutto

AMENDED MINUTES

City Council Meeting

Thursday, July 2, 2020 at 7:00 PM

City Council Chambers

In accordance with the Texas Open Meetings Act this meeting agenda is posted for public information, continuously, for at least 72 hours prior to the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 500 West Live Oak, Hutto, Texas. This meeting agenda is also accessible via the Internet at www.huttotx.gov

Page

1. CALL SESSION TO ORDER **7:00 PM**
2. ROLL CALL
Members of the City Council present were Mayor Doug Gaul, Councilmember Scott Rose, Councilmember Mike Snyder, Councilmember Peter Gordon, Councilmember Patti Martinez, Councilmember Tanner Rose.

Absent: MPT Hines

Members of staff that were present were Byron Frankland, Assistant City Manager; Michel Sorrell, Assistant City Manager and CFO; Holly Nagy, City Secretary and; Dorothy Palumbo, City Attorney.
3. INVOCATION - Led by Councilmember Peter Gordon.
4. PLEDGE OF ALLEGIANCE- Mayor Gaul opened the meeting with the Pledge of Allegiance and the Texas Pledge.
5. CITY COUNCIL COMMENTS
Pursuant to Texas Government Code Sec. 551.0415, a member of the governance body may make an announcement about items of community interest during a meeting of the governing body without given notice of the subject of the announcement. Items of Community Interest include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedule; (3) an honorary or salutary recognition of public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition of the subdivision; (4) a reminder regarding social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and (5) announcements involving imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.
 - 5.1. General Comments from City Council

Councilmember Snyder: stated that earlier this year a request was made for the release of all transition, separation, and termination agreements. This Council as a whole received 17 different documents, last month it was brought

to my attention that there was another group of transition agreements that not all of the council received. This batch is exclusively for certain members of the executive team of the City of Hutto. Not sure why Council as a whole didn't receive the documents that was requested. It is because of ongoing issues with what Councilmembers ask for on information, and what Councilmembers receive that I am requesting an agenda item to discuss and have possible action to have regarding a 316 investigation into this matter. I would like the item to include the ability to subpoena witnesses as needed to help understand essentially what is going on in this city. Councilmember Tanner Rose seconded the request for agenda item.

Councilmember Martinez: would like to address the concerns Ms. Nicole Calderone had about the lack of my physical presence during council meetings lately. Typically, not one to share my personal business, but since it's been brought to the public's attention, I'll be happy to explain. I have torn two discs in my back in October and have and multiple bilateral steroid injections. I'd much rather be here in person, I know the connection is very poor over video conference and has prohibited my ability to have a good debate with you guys, you all can't hear me. That's why I'm here, I'm just going to suffer through it, and conduct business as usual. I apologize for my lack of presence and thank you for your understanding.

6. PROCLAMATIONS

7. PUBLIC COMMENT

- Nicole Calderone- via telephone
- Robin Sutton – in person
- Onnesha Williams- in person
- Mary Senibaldi- via email
- Mark McGivern- via email
- David Roark- via email
- Ida Weaver- via email
- James Weaver- via email
- Kathleen Cook- via email

8. CITY MANAGER COMMENTS

- Misti Hancock presented the budget calendar.

July 23rd and August 13th are special meetings for the budget hearings for public comment and votes.

9. CONSENT AGENDA ITEMS

*Councilmember T. Rose made a motion to pull Items 9.1 and 9.2,
Councilmember Martinez seconded the motion. The motion passed. (5:1)*

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines				X
Councilmember Scott Rose		X		
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose	X			

ACTION: The motion carried by a vote of 5 ayes to 1 nays.

- 9.1. Resolution authorizing the Interim City Manager to execute an engagement letter with the audit firm Whitley Penn, LLP for fiscal year 2020 audit. (Michel Sorrell)

Councilmember S. Rose made a motion to approve Item 9.1. Councilmember Martinez seconded the motion. The motion passed. (4:2)

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines				X
Councilmember Scott Rose	X			
Councilmember Mike Snyder		X		
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X	X		
Councilmember Tanner Rose				

ACTION: The motion carried by a vote of 4 ayes to 2 nays.

- 9.2. Consideration and possible action on a resolution authorizing the Interim City Manager to execute an agreement for bond counsel legal services with McCall Parkhurst & Horton. (Michel Sorrell)

Councilmember S. Rose made a motion to approve Item 9.2, Councilmember Martinez seconded the motion. The motion passed (5:1)

<u>VOTE:</u>	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines				X
Councilmember Scott Rose	X			
Councilmember Mike Snyder	X			
Councilmember Peter Gordon	X			
Councilmember Patti Martinez	X			
Councilmember Tanner Rose		X		

ACTION: The motion carried by a vote of 5 ayes to 1 nay.

10. ORDINANCES

- 10.1 Consideration and possible action on the first reading of an ordinance approving a Community Development Corporation budget amendment and expenditure approved by the Community Development Corporation Board of Directors in the amount of \$300,000 to fund program administration and loans made available through the Small Business Loan and Disaster Relief Project and \$50,000 to fund General Counsel legal services to the Corporation.

*Recessed 8:10 PM
Returned 8:20 PM*

Councilmember S. Rose made a motion to table Item 10.1 until the next meeting (7/16) and would like to have a CDC Member present. Councilmember Martinez seconded the motion.

Councilmember Snyder would like to see some back up documentation.

The motion passed unanimously.

11. RESOLUTIONS

12. OTHER BUSINESS

- 12.1. Discussion and possible action on the next steps, schedule and interview process for the search for the City Manager.

Mr. Doug Thomas from SGR presented. Presentation ensued.

Councilmember Snyder made a motion to keep the candidate names confidential until top 5 candidates are chosen. Councilmember Martinez seconded the motion. The motion passed unanimously.

- 12.2. Discussion, consideration and possible action on the Mayor's order of June 29, 2020, issued pursuant to the authority of Governor Abbott's Executive Order GA-28 to make any necessary modifications to protect the public health and safety and reduce the substantial risk of harm to the public related to COVID-19 consistent with the Governor's executive orders.

Councilmember Snyder made a motion to revoke the Mayor's Order of June 29, 2020 at 12:00 AM on 7/3/2020. Councilmember S. Rose seconded the motion. The motion passed unanimously.

- 12.3. Consideration and Possible Appointments, Re-appointments and/or Removals to City Boards and Commissions.

Discussion ensued regarding starting a diversity task force/commission.

Councilmember Martinez made a motion to add the following item to the next agenda: Discussion and possible action on a resolution creating a diversity board or commission.

Mayor Gaul suggested soliciting input from various individuals.

Councilmember Martinez appointed Jerica Lawyer to the Planning & Zoning Commission. Councilmember S.Rose seconded the motion. The motion passed unanimously.

Councilmember Gordon appointed Kevin Grimm to the Parks Advisory Board. Councilmember Martinez seconded the motion. The motion passed unanimously.

13. EXECUTIVE SESSION – *Held in open session.*

The City Council for the City of Hutto reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by the Texas Government Code Sections 551.071 [Litigation/Consultation with Attorney], 551.072 [Deliberations regarding real property], 551.073 [Deliberations regarding gifts and donations], 551.074 [Deliberations regarding personnel matters] or 551.076 [Deliberations regarding deployment/implementation of security personnel or devices] and 551.087 [Deliberations regarding Economic Development negotiations].

- 13.1 Deliberate the duties of the Mayor and City Council Members pursuant to Texas Government Code Section 551.074, Personnel Matters.

Councilmember S. Rose made a motion to table Items 13.1 and 14.1 to be held in open session and when all 7 members can be present. Councilmember Martinez seconded the motion.

VOTE:	Ayes	Nays	Abstain	Absent
Mayor Doug Gaul	X			
Mayor Pro Tem Tom Hines				X
Councilmember Scott Rose	X			
Councilmember Mike Snyder		X		
Councilmember Peter Gordon		X		
Councilmember Patti Martinez	X			
Councilmember Tanner Rose		X		

ACTION: The motion **failed** by a vote of 3 ayes to 3 nays.

Discussion ensued regarding the specifics of discussing the item.

Brief 5-minute recess was taken. Councilmember Martinez rejoined the meeting via video conference.

Item 13.1 was discussed in open session at this time.

14. ACTION RELATIVE TO EXECUTIVE SESSION

- 14.1. Deliberate the duties of the Mayor and City Council Members pursuant to Texas Government Code Section 551.074, Personnel Matters.

Item was held in open session. No action taken.

15. ADJOURNMENT – *11:39 PM*

PASSED and APPROVED this 6th day of August, 2020.

Doug Gaul, Mayor

ATTEST:

Holly Nagy, City Secretary

ORDINANCE NO. O-2020-022

**AN ORDINANCE OF CITY OF HUTTO, TEXAS,
ADOPTING THE PUBLIC INFORMATION POLICY OF
THE CITY OF HUTTO; ESTABLISHING STANDARDS FOR
REQUESTING, PROCESSING, DISCLOSING, AND
WITHOLDING CITY RECORDS; PROVIDING FOR THE
FINDINGS OF FACT; ENACTMENT; REPEALER;
SEVERABILITY; EFFECTIVE DATE; AND PROPER
NOTICE & MEETING**

WHEREAS, the City Council of the City of Hutto (“City Council”) seeks to provide standards for requesting, processing, disclosing, and withholding records of the City of Hutto, Texas (“City”); and

WHEREAS, the City Council desires to adopt a public information policy as a guide for conducting city business in a professional and uniform manner; and

WHEREAS, the City Council finds that such policy will promote and increase efficiency, responsiveness to the public and economy in city government; and

WHEREAS, the City Council finds that such guidelines will also provide a fair and equal opportunity for obtaining access to information; and

WHEREAS, the City Council finds that reducing the duplication of efforts and increase the efficiency with which requests are handled is necessary; and

WHEREAS, the City Council finds that such guidelines will demonstrate the city’s commitment to an informed citizenry so as to further the public’s control over the instruments they have created; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance adopting a public information policy.

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

SECTION I Findings of Fact

That the findings set forth, above, are incorporated into the body of this Ordinance as if fully set forth, herein.

SECTION II Enactment

The City Council of the City of Hutto hereby adopts its policy regarding requests for public information under the Texas Public Information Act to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

SECTION III Severability Clause

If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Ordinance and those provisions or applications shall remain in full force and effect.

SECTION IV Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION V Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION VI Open Meetings Clause

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

SECTION VIII Effective Date

This Ordinance shall be effective immediately upon passage.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Holly Nagy, City Secretary

(SEAL)

City of Hutto
Ordinance – Public Information Policy

August 6, 2020
Page 2 of 3

READ and **APPROVED** on first reading on the **6th** day of **August**, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.001, *et. seq.*, of the Texas Government Code.

READ and **APPROVED** on second reading on the **20st** day of **August**, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.001, *et. seq.*, of the Texas Government Code.

City of Hutto Public Information Policy

I. General

A. Purpose

Pursuant to Government Code section 552.230(a) the City of Hutto (the “City”) promulgates these reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay. The purpose of this policy is to set out guidelines to ensure that all requests for public information are handled uniformly, fairly, timely, and within the statutes set out by the Texas Public Information Act (“the Act”). In the event of any conflict between the City’s Policy and the Act, the Act and other applicable state laws shall prevail.

B. The Public Information Act

The Texas Public Information Act gives the public the right to request access to government information through a written request to a governmental body. The request must ask for records or information already in existence. The Act does not require a governmental body to create new information, to do legal research, or to answer questions.

A governmental body has no duty to comply with standing requests for copies of records. If a requestor seeks documents that are not in existence at the time of the request, the governmental body may notify the requestor of this fact and ask the requestor to resubmit the request at a later time when such a record may be available. Also, the governmental body has no duty to notify the requestor in the future that the information has come into existence.

The Act requires that an officer for public information of a governmental body promptly produce public information for inspection, duplication, or both on application by any person to the officer. “Promptly” means as soon as possible under the circumstances, that is, within a reasonable time, without delay.

If an officer for public information cannot produce public information for inspection or duplication within ten (10) business days after the date the information is requested, the officer must certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

C. Scope

Public information includes information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business. The Act applies to records regardless of their format. It includes information that is maintained in paper, tape, microfilm, video, electronic data held in a computer memory, as well as other mediums specified under law.

All City officials and employees shall ensure that any information they create, transmit, receive, or maintain in their official capacity, or while performing official business or a governmental function on behalf of the City, which pertains to official business of the City is preserved in

accordance with the City's records retention schedule and promptly produced in response to a request for public information.

II. Duties and Responsibilities

A. Public Information Officer

The City Manager serves as the City's officer for public information ("OPI") and is responsible for the effective disposition of public information requests submitted to the City of Hutto. An effective and efficient means of receiving, cataloging, retrieving, and dispensing of records is essential to comply with the laws of the State of Texas. It is the duty of the OPI to:

1. make public information available for public inspection and copying;
2. protect public information from deterioration, alteration, mutilation, loss, or unlawful removal;
3. repair, renovate, or rebind public information as necessary to maintain it properly; and
4. make reasonable efforts to obtain public information from a temporary custodian if:
 - (i) the information has been requested from the governmental body;
 - (ii) the officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
 - (iii) the officer for public information is unable to comply with the duties imposed by the Act without obtaining the information from the temporary custodian; and
 - (iv) the temporary custodian has not provided the information to the officer for public information or the officer's agent.

B. Department Heads

Each department head is an agent of the officer for public information for the purposes of complying with this policy.

1. City Secretary. It is the responsibility of the City Secretary to take charge of, arrange, and maintain the records of the City. The City Secretary's office is primarily responsible for locating and compiling documents responsive to all requests. The City Secretary is responsible for operating and maintaining the City's online Public Records Center.

2. Police Chief. The Police Chief is the department head for the Hutto Police Department. It is the responsibility of the Police Chief to take charge of, arrange, and maintain the records of

the Hutto Police Department. The Police Chief's office is primarily responsible for locating and compiling documents responsive to requests for police department information.

3. Executive Director of Organizational Development and Human Resources. The Director is a department head responsible for taking charge of, arranging, and maintaining the records of the City's Human Resources Department.

4. Director of Budget and Finance. The Director is a department head responsible for taking charge of, arranging, and maintaining the records of the City's Finance Department.

5. Director of City Planning. The Director is a department head responsible for taking charge of, arranging, and maintaining the records of the City's Planning Department.

6. City Engineer. The City Engineer is a department head responsible for taking charge of, arranging, and maintaining the records of the City's Engineering Department.

C. Temporary Custodians

Any current or former officer or employee of the City who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the OPI or OPI's agent is considered a temporary custodian of that information. Temporary custodians have the following responsibilities:

1. A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the City not later than the 10th day after the date the OPI or the OPI's agent requests the temporary custodian to surrender or return the information.

2. A temporary custodian's failure to surrender or return public information as required in/by this policy and the Act is grounds for disciplinary action by the City that employs the temporary custodian or any other applicable penalties provided by the Act or other law.

3. The City is considered to receive the request for information held by a temporary custodian on the date the information is surrendered or returned to the City by the temporary custodian.

4. Temporary custodians do not have, by virtue of the officer's or employee's position or former position, a personal or property right to public information the officer or employee created or received while acting in an official capacity.

III. Procedures

A. Signage Required

1. As required by the Act, the City's OPI shall prominently display the sign prescribed by the Attorney General that contains basic information about the rights of a requestor, the responsibilities of a governmental body, and the procedures for inspecting or obtaining a copy of public information at the following locations:

- i. The City's online Public Records Center.

- ii. The reception desk located at City Hall.
 - iii. The employee breakroom at City Hall.
 - iv. The reception desk at the Hutto Police Department.
 - v. The briefing room at the Hutto Police Department.
2. The physical sign must be displayed on paper at least 8-1/2" x 14".

B. Method of Making Written Request for Public Information

1. The City designates the following mailing address and electronic mail for receiving written requests for public information. The City shall provide the designated mailing address and electronic mailing address to any person on request. The City will only respond to a written request for public information that is delivered to the City's OPI by one of the following methods:

- i. United States mail addressed as follows:

The City of Hutto
Office of the City Secretary
500 W. Live Oak St.
Hutto, TX 78634

- ii. electronic mail sent to Openrecords@huttotx.gov

- iii. hand delivery to the City's OPI or designated representative; or

- iv. electronic submission through the Hutto Public Records Center located on the City's website at the following address URL:

https://www.huttotx.gov/government/city_secretary/public_information_request.php.

2. Only the four methods listed above are approved methods for submitting requests for public information to the City. The City's OPI shall include a statement, including the mailing address and electronic mail address designated by the City, that a request for public information may be made by those methods only on:

- i. the sign required to be displayed by section III. A. of this policy and section 552.205 of the Act; and
- ii. the City's website

B. Hutto Public Records Center

The City utilizes software to help track and manage Public Information Requests. This tool is accessible through the Hutto website and is publicly referred to as the "Hutto Public Records Center." Internally, this software is referred to as "GovQA." The GovQA software assists the City in managing and maintaining correspondence between the City and requestors through a "Records Center" and allows the City to easily and efficiently track requests and responsive information.

Specifically, the software can track the date the request was received, date of any correspondence with the requestor, estimated cost of producing information, amounts paid, and amounts owed.

All requestors are encouraged to utilize the online Public Records Center. As detailed in the intake procedures below, any agent of the OPI that received a request via any other approved method shall immediately forward the request to the City Secretary's Office to be entered into the GovQA system.

C. Receiving Requests for Information

1. Written Requests

All requests for information must be submitted in writing via one of the approved methods detailed in this policy. If an officer or employee is approached and asked for information verbally, they shall direct the requestor to the City's website to make the request using the Public Records Center or provide them with the form prescribed the Attorney General's Office.

2. Date/Time Stamp

All requests submitted via the online Public Records Center are automatically date and time stamped at the time they are submitted. Any written requests for public information not submitted via the Public Records Center shall be immediately date and time stamped by the agent accepting the request with the date and time the request was submitted.

3. Receiving a Request

i. Requests submitted on an official city holiday, weekend or after 5PM on a regular business day will be considered received on the next business day. When calculating deadlines, the first business day is the day after the City officially *receives* the request. As noted above, weekends and holidays (including skeleton crew days) when the City's administrative office is closed do not count as business days, therefore, the day a request is submitted may differ from the day it is received.

ii. If the City receives a written request by United States mail and cannot adequately establish the actual date on which the City received the request, the written request is considered to have been received by the City on the third business day after the date of the postmark on a properly addressed request.

4. Intake

i. Requests not submitted via the Public Records Center shall be immediately, but no later than one (1) business day after the request was received, forwarded to the City Secretary or their designated agent.

ii. Upon receipt of a request not submitted via the Public Records Center, the City Secretary or their agent shall immediately, but no later than one (1) business day after the request was received, upload the request to GovQA.

ii. Within three (3) business days of receiving a request the City Secretary or their agent will review the request and either assign the request in GovQA to the appropriate department for compilation of the responsive documents or if the request is unclear or particularly voluminous the City Secretary will seek clarification from the requestor.

iv. Requests for clarification should be made as soon as possible, but no later than the 10th business day from the date the request was received. All correspondence with a requestor shall be made through the GovQA system so that proper records can be kept. If clarification is sought, the 10-day deadline to respond to the request is suspended and restarts upon receipt of the clarification from the requestor.

v. After a department head is assigned a request, they have three (3) business days to do one of the following:

a. upload the responsive documents to GovQA for further review prior to release;

b. notify the City Secretary's office that more time is needed to compile the responsive information; or

c. if the department head anticipates it will take longer than three (3) hours to compile the responsive information, provide the City Secretary's Office with an estimate of the personnel time required to respond to the request.

vi. After receiving responsive information from the appropriate department, the City Secretary will review the information to determine if it includes any information that must be redacted or withheld because it is confidential by law or subject to a discretionary exception to disclosure.

vii. The City Secretary shall promptly, but no later than ten (10) business days from when the request was received, respond to the requestor with one of the following:

a. the responsive information;

b. a letter providing the exact date and time when the information will be available;

c. a clarification or narrowing letter;

d. a cost estimate letter;

e. a letter notifying the requestor that the City is seeking an Attorney General ruling regarding the request.

5. Questions

i. As stated above, the Act does not require the City to answer questions. However, it is the primary duty of City officials and employees to serve the citizens of Hutto. Accordingly, when a written request is submitted through an approved method seeking answers to specific questions, but does not specify what, if any, documentation is being sought, the City Secretary or their designee will proceed as follows:

a. First, they will attempt to identify any documents in existence that might provide the requestor with the answers they are seeking.

b. If unable to identify any documentation, the City Secretary shall seek clarification notifying the requestor that the Act does not require the City to answer questions and asking them to clarify what documentation they are seeking.

c. If a requestor is unable to identify any documentation they are seeking, the City Secretary shall notify the requestor that the Act does not require the City to answer questions, but that their request is being processed as a “citizen inquiry” and has been forwarded to the Public Information Officer for a response.

ii. Citizen requests seeking the answers to questions not submitted in writing do not need to be considered requests submitted under the Act and processed in accordance with the procedures stated in this policy.

iii. However, any request for any kind of documentation (paper or electronic copies) should be considered a request submitted under the Act, reduced to writing and processed in accordance with these procedures and the Act.

D. Responding to Routine Requests for Information

1. Requests for the following documents are considered “routine” and may be immediately released to the requestor upon receipt of payment, if required, and do not have to be logged and processed in accordance with the procedures detailed in this policy:

- i. Agendas
- ii. Meeting Minutes
- iii. Meeting Recordings
- iv. City Ordinances

2. Much of this routine information is identifiable and readily available on the City’s website. Accordingly, rather than provide hard copies of this information, the City will be deemed to have complied with the Act by referring the requestor to the exact Internet location or uniform resource locator (URL) address on the City’s website. However, if a Requestor indicates they would prefer the information in a physical format the information should promptly be provided.

E. Responding to Requests for Non-Confidential Information

1. Release Requested Documents

If responding to the request would incur less than forty dollars \$40 in personnel charges and there are no concerns regarding the confidentiality of the requested information, the City Secretary shall promptly send responsive documents and an invoice of the costs to the requestor as soon as possible, but no later than ten (10) business days from the date of the request.

2. Request for Additional Time.

If there are no confidentiality concerns regarding the requested information, but the information requested cannot be promptly produced because of the number of documents sought or availability of records, the City Secretary shall notify the requestor, in writing, of an estimated date and time on which the responsive information will be available.

3. Cost Estimate

If there are no confidentiality concerns regarding the requested information, but it will incur charges of more than forty dollars (\$40) the City Secretary shall generate an itemized cost estimate letter and send it to the requestor as soon as possible, but no later than ten (10) business days from the date of the request.

4. Automatic Redactions

i. The Attorney General's Office and/or the Texas Legislature has held that a City may redact the information listed below without the necessity of requesting a decision from the Attorney General. Therefore, any documents requested that include any of the following information shall be immediately redacted and promptly produced to the requestor without seeking the Attorney General's permission.

- a. a direct deposit authorization form;
- b. a Form I-9 and attachments;
- c. W-2 and W-4 forms;
- d. a certified agenda and tape of a closed meeting;
- e. a fingerprint;
- f. L-2 and L-3 declarations;
- g. a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number;**
- h. a credit card number, debit card number, charge card number, insurance policy number, bank account number, bank routing number; or access device number;**
- i. an e-mail address of a member of the public;
- j. a Form DD-214 or other military discharge record that is first recorded or first comes into the possession of a governmental body on or after September 1, 2003;
- k. a social security number of a living person;
- l. the home address, home telephone number, emergency contact information, or information that reveals whether the person has family members of an employee, official or peace officer who has elected in writing that they wish to keep this information private;**

m. Information maintained by a family violence shelter center or sexual assault program;**

ii. If the City is redacting or withholding information denoted above with a double asterisk (**) the City shall provide the following information to the requestor on a form prescribed by the Attorney General:

a. a description of the redacted or withheld information;

b. a citation to the section of the Act allowing the redaction; and

c. instructions regarding how the requestor may seek a decision from the Attorney General regarding whether the redacted or withheld information is excepted from required disclosure.

iii. The City has received a previous determination from the Attorney General, OR2018-29623, allowing the City to redact dates of birth of all living individuals without seeking permission from the Attorney General's Office.

F. Responding to Requests for Confidential or Excepted Information

1. Attorney General Rulings

i. If the City Secretary identifies information is confidential or excepted from public disclosure and there has not been a previous determination about whether the information falls within one of the exceptions, the City must ask for a ruling from the Attorney General about whether the information is excepted from disclosure.

ii. The City Secretary shall ask for a decision from the Attorney General by submitting a letter requesting a ruling to the Attorney General's Office - Open Records Division via certified mail or using the e-file portal on the Attorney General's website.

iii. The request for ruling letter must state the exceptions that apply to the requested documents and include all information required by the Act.

iv. The request for ruling letter must be submitted to the Attorney General's Office within a reasonable time but not later than the 10th business day after the date of receiving the written request. This letter is sometimes referred to as a "10-day letter."

v. If the City seeks a ruling from the Attorney General's Office, the City Secretary or City Attorney's Office must provide a copy of the 10-day letter, redacted, if necessary, and without attachments, to the requestor via the GovQA portal or by certified mail within a reasonable time but not later than the 10th business day after the date of receiving the requestor's written request.

vi. If a ruling from the Attorney General's Office has been requested, within fifteen (15) business days of receipt of the request the City Secretary or the City Attorney's Office must submit via certified mail or the e-file portal on the Attorney General's website written comments stating the reasons why the stated exceptions apply that would allow the information to be

withheld. This letter is sometimes referred to as a “15-day brief.” The following must be included with the brief:

- a. a copy of the written request for information;
 - b. a signed statement as to the date on which the written request for information was received by the City or evidence sufficient to establish that date; and
 - c. a copy of the specific information requested, or a representative sample of the information, if a voluminous amount of information was requested, labeled to indicate which exceptions apply to which parts of the copy.
- vii. Not later than the 15th business day after the date of receiving the written request, the City Secretary or the City Attorney’s Office must forward a copy of the 15-day brief, redacted if necessary, and without attachments, to the requestor via the GovQA portal or by certified mail.

2. Legal Consultation for Disclosure Exceptions

i. If the City Secretary has a question or concern regarding the confidentiality of responsive information, the City Secretary will immediately forward said question or concern along with the written request and responsive documents to the City Attorney’s Office for review.

ii. Any requests concerning the following individuals or subjects must be immediately forwarded to the City Attorney’s Office, for review:

- a. Juveniles
- b. Sexual assault/abuse/harassment
- c. Attempted Suicide
- d. Traffic accidents
- e. Medical conditions
- f. References to an individual’s mental or physical injuries or defects
- g. Personal financial information
- h. Law enforcement investigations
- i. Domestic violence
- j. Body Worn Camera footage
- k. Police officer personnel files
- l. Pending litigation

IV. Policies Regarding Confidential and Discretionary Exceptions

A. Police Department Records

1. Pending Investigation Previous Determination Letter (OR2018-28758)

i. It is the policy of the City to withhold information, as allowed by Texas Government Code section 552.108, that deals with the detection, investigation, or prosecution of crime the release of which would interfere with the detection, investigation, or prosecution of an

open or pending criminal matter. The City agrees with the Attorney General's findings that where an investigation or prosecution is still pending at the time of the request a presumption exists that release of the investigatory information would interfere with law enforcement or prosecution. Accordingly, it is the City's policy to exercise its discretion provided by the Act and withhold any information requested that relates to a pending criminal investigation or prosecution unless the Chief of Police or prosecutor for the State specifically approves the release.

ii. Generally, the City must seek permission from the Attorney General's Office to withhold a police report that relates to an incident that is pending investigation or prosecution, but the City has received a predetermination ruling from the Attorney General, OR2018-28758 allowing the City to withhold this information without first seeking a ruling if the following conditions are met:

a. The City Secretary makes a good-faith determination that the requested information deals with the detection, investigation, or prosecution of crime and the release of the records would interfere with the detection, investigation, or prosecution of an open or pending criminal matter.

b. The City Secretary confirms that the requestor has not previously requested the same information.

c. Within five (5) business days of receiving the request the City Secretary provides the requestor with the "basic information" as required by the Act and written notice as prescribed by the Attorney General's Office of the previous determination and the exception that applies.

2. Audio Files and Dash Camera Videos.

i. All audio files and dash camera video files are stored in an electronic format on the City's servers, therefore, making this information available to the public may require the manipulation of data and if so, should be processed in accordance with the manipulation of data policy. Do we have this policy?

ii. Prior to public release, all audio files and dash camera video files should be reviewed for confidential information such as driver's license numbers, license plate numbers and other information deemed confidential by law.

a. If it is determined that an audio or video file includes information confidential by law the City Secretary shall seek permission from the Attorney General in accordance with the Act and this policy to withhold the file in its entirety as the City does not have the technological capabilities to redact this information from the audio or video files and is prohibited by law from releasing this information.

3. Body Worn Camera ("BWC") Videos

Requesting BWC Videos

i. Access to information recorded by a body worn camera is governed not only by the Act, but also Chapter 1701 of the Texas Occupations Code. The City adopts this policy in accordance with section 1701.655(b)(4) of the Occupations Code.

ii. A peace officer or other employee of a law enforcement agency commits a Class A misdemeanor offense if the officer or employee releases a recording created with a body worn camera without permission of the Hutto Police Department. *See* Tex. Occ. Code § 1701.659. Only a release of a recording in compliance with this policy is considered a release with permission of the Department.

iii. Only information recorded by a BWC and held by the Department that is or could be used as evidence in a criminal prosecution is subject to public release under this policy and the Public Information Act.

iv. As required by the Texas Occupations Code, a requestor is required to provide all of the following information when submitting a written request for information recorded by a BWC:

- a. the date and approximate time of the recording;
- b. the specific location where the recording occurred; and
- c. the name of one or more persons known to be a subject of the recording.

v. If a requestor fails to provide this information the City Secretary shall respond in writing by making him or her aware of these requirements and requesting he or she provide the appropriate information.

vi. A failure to provide all of the information required to be part of a request for recorded information does not preclude the requestor from making a future request for the same recorded information.

Exceptions to Releasing BWC Videos

vii. In addition to the exceptions to public disclosure included in the Act, the Occupations Code also prohibits release of BWC Videos in the following circumstances:

viii. BWC Videos Related to a Pending Investigation. A BWC video documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded, unless the department determines that the release furthers a law enforcement purpose.

a. If the City receives a request for a BWC Video related to a pending investigation as described above, the City Secretary will assign the request to the Chief of Police and the Chief of Police shall notify the City Secretary, via the GovQA portal, no later than five (5) business days after receipt of the request whether release of the video would further a law enforcement purpose.

b. If the City Secretary receives no written response from the Chief or if the Chief does not believe release would further a law enforcement purpose, the City shall seek permission from the Attorney General, in accordance with this policy and applicable law, to withhold the video from public release.

ix. BWC Videos Recorded in a Private Space. To comply with state law, the City may not release any portion of a recording made in a private space without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative. Such permission should be procured by the requestor. If the City receives a request for this type of information without the proper written authorization the City Secretary shall first seek to clarify with the requestor whether they can provide written authorization and if they cannot provide written documentation of that permission, the City shall seek permission from the Attorney General, in accordance with this policy and applicable law, to withhold the video from release.

x. BWC Videos Involving Class C misdemeanor with No Arrest. To comply with state law, the City may not release any portion of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative. If the City receives a request for this type of information without the proper written authorization the City Secretary shall first seek to clarify with the requestor whether they can provide written authorization and if they cannot provide written documentation of that permission, the City shall seek permission from the Attorney General, in accordance with this policy and applicable law, to withhold the video from release.

xi. Accidental Recordings. The City shall not release a BWC recording if the recording was not required to be made under Subchapter N, Occupations Code, or another law or under a policy adopted by the Hutto Police Department and does not relate to a law enforcement purpose. If the City receives a request for this type of information, the City Secretary shall seek permission from the Attorney General, in accordance with this policy and applicable law, to withhold the video from release pursuant to section 1701.661(h) of the Texas Occupations Code.

Procedures for Responding to Requests for BWC Videos

- xii. Upon receiving a request for a BWC video the City Secretary shall:
- a. Confirm that the request includes all the necessary information.
 - b. If it does, assign the request to appropriate police department contact.
 - c. The police department shall locate the video, review it, provide a copy to the City Secretary's Office and notify the City Secretary's Office within five (5) business days if there are any exceptions or written authorizations required before the video can be released.
 - d. If the requested BWC video is subject to a discretionary exception or includes confidential information, the City Secretary shall submit the request to the Attorney General's office as required by the Act, the Occupations Code and this policy.

e. The City does not have the capability to redact confidential information from BWC videos. Accordingly, if any information in the video is deemed to be confidential by law the City Secretary must seek permission to withhold the video in its entirety.

f. If the City determines it is necessary to seek the Attorney General's permission to withhold a BWC video it shall submit the initial "10-day letter" to the Attorney General and submit a copy to the requestor, no later than twenty (20) business days from the date the request was received and submit the "15-day brief" to the Attorney General and requestor no later than twenty-five (25) business days from the date the request was received.

g. If the requested BWC video is not subject to an exception and all necessary written authorizations are received the City Secretary shall promptly, but no later than ten (10) business days from the date the request was received, make the video available to the requestor in accordance with the Act and these policies.

h. A request for BWC recordings is considered voluminous if it includes:

1. a request for body worn camera recordings from more than five separate incidents;

2. more than five separate requests for body worn camera recordings from the same person in a 24-hour period, regardless of the number of incidents included in each request; or

3. a request or multiple requests from the same person in a 24-hour period for body worn camera recordings that, taken together, constitute more than five total hours of video footage.

i. The City Secretary is considered to have promptly responded to a voluminous request for BWC recordings if he or she makes the requested videos available in accordance with the Act and these policies within twenty-one (21) business days of receiving the written request.

B. Request Affecting Critical Infrastructure

1. The Texas Homeland Security Act ("HSA").

i. Section 418.181 of the Texas Government Code makes documents or portions of documents confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.

ii. The Attorney General's Office has held that the fact that information may relate to a governmental body's security concerns does not make the information per se confidential under the HSA. A City asserting confidentiality provisions of the HSA must adequately explain how the responsive records fall within the scope of the claimed provisions.

iii. The Attorney General's Office has held that information that identifies the physical locations and technical details of critical infrastructure, including the city's electrical

systems, water distribution system, sewer system, as well as the locations of gas lines, telephone lines, and fire hydrants is excepted from disclosure pursuant to the HSA.

iv. The City asserts, by adopting this policy, that the City's electrical, water and wastewater utilities are part of the City's critical infrastructure for purposes of section 418.181. Release of any information, including site plans or as-built surveys, that include information regarding the City's treatment plants, lift stations, or elevated storage tanks would expose this critical infrastructure to possible acts of terrorism and criminal activity by exposing potential vulnerabilities in the critical infrastructure.

v. Accordingly, it is the policy of the City to seek the Attorney General's permission to withhold any information that references or details the City's treatment plants, lift stations, or elevated storage tanks.

C. Requests for Agency Memoranda

1. Deliberative Process Privilege

i. Section 552.111 of the Government Code excepts from disclosure an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency. This exception encompasses the deliberative process privilege. This is a discretionary exception, the purpose of which is to protect advice, opinion, and recommendation in the decisional process and to encourage open and frank discussion in the deliberative process.

ii. Section 552.111 excepts from disclosure internal communications, including communications between the City and a third party with a privity of interest, that consist of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body.

iii. Section 552.111 excepts from disclosure a preliminary draft of a document intended for public release in its final form as it necessarily represents the drafter's advice, opinion, and recommendation with regard to the form and content of the final document.

iv. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes reflects the policymaking process of the City.

D. Requests for Information Related to Certain Legal Matters

1. Attorney Client Communications

i. Section 552.107 of the Government Code excepts from public disclosure information that the Attorney General or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct. The Texas Supreme Court has held the Texas Rules of Evidence and Texas Rules of Civil Procedure are "other law" within the meaning of section 552.022.

ii. Texas Rule of Evidence 503 encompasses the attorney-client privilege which generally allows a client to refuse to disclose and to prevent any other person from disclosing confidential communications made to facilitate the rendition of professional legal services to the client.

iii. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes to be a confidential attorney-client communication.

2. Attorney Work Product

i. Texas Rule of Civil Procedure 192.5 encompasses the attorney work product privilege. "Attorney work product" is confidential under rule 192.5 if it reveals an attorney's core work product. Core work product is the work product of an attorney or an attorney's representative, developed in anticipation of litigation or for trial, that contains the mental impressions, opinions, conclusions, or legal theories of the attorney or the attorney's representative.

ii. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes to be confidential attorney work product.

E. Requests Regarding Real Estate and other Competitive Bidding

1. Location or Price of Property

i. Section 552.105 of the Government Code excepts from disclosure information relating to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. Section 552.105 is a discretionary exception designed to protect the City's planning and negotiating position with respect to particular transactions.

ii. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes if released, would impair or tend to impair the City's planning and negotiating position in regard to particular transactions.

2. Competition or Bidding

i. Section 552.104(a) of the Government Code excepts from disclosure information that, if released, would give advantage to a competitor or bidder. Section 552.104 is a discretionary exception that allows the City to withhold information if knowing another bidder's or competitor's information would be an advantage.

ii. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's office, believes if released, would give advantage to a competitor or bidder.

F. Requests Regarding Litigation

1. Pending or Anticipated Litigation

i. Section 552.103 of the Government Code provides exception from disclosure information relating to pending or anticipated litigation of a civil or criminal nature to which the City is or may be a party or to which an officer or employee of the City, as a consequence of the person's office or employment, is or may be a party. Section 552.103 is a discretionary exception the purpose of which is to enable a City to protect its position in litigation by forcing parties seeking information relating to the litigation to obtain such information through discovery procedures.

ii. It is the policy of the City to seek the Attorney General's permission to withhold any information that the City Secretary, in consultation with the City Attorney's Office, believes to be related to pending or anticipated litigation.

V. Requests for Information Not Subject to the Act

A. Requests by City Officials in their Official Capacity

1. The purpose of the Act is to prescribe conditions under which members of the general public may obtain information from a governmental body. An official of the City who, in an official capacity, requests information held by the City does not act as a member of the public in doing so. Thus, the exceptions requiring public disclosure under the Act do not control the right of access of an official of the City to information maintained by the City.

2. Accordingly, information may be released to City officials requesting the information in their official capacity in compliance with the following policy:

i. Requests for information from a city official must be submitted to the City Secretary in writing.

ii. As soon as possible, but no later than 10 business days from the receipt of the request, the City Secretary will respond to the request from the city official with either copies of the requested information, notice that the information is available for inspection, or notice that the request will be added to the next council agenda for consideration and direction.

iii. Information provided in response to a request by a city official will be made available to all city officials.

iv. City officials will not be charged for information sought in their official capacity.

v. Information that is protected by confidentiality laws and/or common law privacy laws that has no relationship to the transaction of official business, such as individuals' dates of birth, social security numbers and personal financial information, will be redacted prior to release to city officials.

vi. The City Secretary will mark all information provided in response to a request from a city official as "Confidential – For Official Eyes Only."

3. Any employee or city official who has access to confidential information pursuant to this policy must maintain the confidentiality of the information. Misuse of confidential information, including disclosing the information to person who is not authorized to receive the information or allowing an unauthorized person to inspect the information is a criminal offense.

B. Intergovernmental Transfers

1. Information subject to the Act may be transferred between governmental bodies without waiving exceptions to the public disclosure of that information or affecting its confidentiality.

2. It is well-settled policy of this state that governmental agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties.

3. However, the transfer of confidential information from one governmental body to another is prohibited where a relevant confidentiality statute authorizes release of the confidential information only to specific entities, and the requesting governmental body is not among the statute's enumerated entities.

4. When the City received a request from another governmental body, it is the policy of the City to exercise its discretion to voluntarily transfer unredacted copies of the requested information, if not statutorily prohibited. The City Secretary is instructed to notify any governmental body that receives information through an intergovernmental transfer that the information being sent is not a release to the general public and the receiving governmental body must keep said information confidential and immediately inform the City if said information is requested by the public so that the City may assert any applicable exceptions, if necessary.

C. Requests for Municipal Court Records

1. Judiciary Not Subject to the Act

i. Courts and judicial branch agencies are not subject to the Act nor to the federal Freedom of Information Act. However, to ensure efficient and consistent responses to requests for information held by the judiciary it is the City's policy that requests for information held by the Hutto Municipal Court be processed in accordance with these guidelines.

2. Court Case Records

i. Court case records are records of any nature created, produced, or filed in connection with any matter that is or has been before a court. Court case records are considered information held by the judiciary. Therefore, the Act neither authorizes this information to be withheld nor requires it to be disclosed. Access to court case records is governed by common law, other statutory law and court rules. The Clerk of the Court serves as the custodian of court case records.

ii. Requests from the public for court case records shall be immediately directed to the Court Clerk and processed in accordance with the following guidelines:

a. Generally, court case records filed with the Court are considered public and will be released to the public unless access is restricted by law or court order.

b. The following is a non-exhaustive list of court case records that are considered records of the judiciary and therefore not subject to the Act, but are considered public records under other law and may be released to the public unless a specific court order prohibits release in a particular case:

1. Summons and complaints;
2. Final judgments;
3. Final court orders, including orders of deferred disposition; and
4. Executed arrest warrants and supporting affidavits.

iii. The following is a non-exhaustive list of court case records that are considered records of the judiciary and therefore not subject to the Act, but which are subject to other law prohibiting their release to the public:

1. Records related to charges against or the conviction of a child, for a non-traffic related offense, *see* Article 45.0217 of the Code of Criminal Procedure.
2. Records related to the conviction of or deferral of disposition for a child, for a non-traffic related offense, *see* Article 45.0217 of the Code of Criminal Procedure.

vi. A request for a court case record from a defendant or attorney of record related to a pending municipal court case shall be forwarded to the City Prosecutor and processed in accordance with applicable discovery rules.

v. Prior to release the court clerk will redact any information that is confidential by law, such as dates of birth, driver's license numbers and license plate numbers, from any court case record.

vi. The Court Clerk should promptly respond to requests for court case records, but because the records are not subject to the Act the Act's deadlines do not apply. However, it is the policy of the City, to within fourteen (14) days of the request, provide the requestor with either a copy of the records, or written notice of a date and time when the records will be available for duplication or inspection.

3. Judicial Records.

i. Judicial records are records made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function. Judicial records are considered information held by the judiciary. Therefore, the Act neither authorizes this information to be withheld nor requires it to be disclosed. Access to judicial records is governed by Rule 12 of the Rules of Judicial Administration. The custodian of judicial records is the presiding judge of the Hutto Municipal Court.

ii. Any request to inspect or copy a judicial record received by the City and properly directed to the Municipal Court Judge should be immediately, but no later than two (2) business days after being received, forwarded to the Presiding Judge to be processed in accordance with Rule 12 of the Rules of Judicial Administration.

iii. All requests to inspect or copy a judicial record must be in writing, must include sufficient information to identify the record, and must be directed to the records custodian, the Presiding Judge and not to a court clerk or other agent for the records custodian.

D. Discovery Requests for Records

1. Subpoena Duces Tecum

i. Section 552.0055 of the Act clearly states that a subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Act.

ii. Accordingly, any subpoena or discovery request received by the City shall be immediately forwarded to the City Attorney's Office so that the City Attorney can prepare a response in compliance with all applicable laws.

2. Business Records Affidavit

i. Texas Rule of Evidence 902 allows certain documents to be self-authenticated and admitted into a court proceeding if they are accompanied by a business records affidavit.

ii. The Act does not require the City to create documents, including a business records affidavit. Accordingly, a request for a business records affidavit to be executed is not governed by the Act. Such a request should be considered a discovery request and should be forwarded to the City Attorney's Office to determine the necessary and appropriate response.

VI. Costs

A. Charges for Copies

1. Administrative Code Charges Apply

i. A requestor may ask to inspect information, get copies of the information, or both. If charges are approved by the Act, it is the policy of the City to charge the rates found in Rule §70.3 of the Texas Administrative Code.

ii. The City Secretary will be responsible for applying the charges in accordance with this policy, issuing cost estimates, invoicing, and collecting payment from requestors. The City Secretary will fully document the amounts, paid and unpaid, for every request in the GovQA system.

2. Charges for Paper and other Physical Copies of Information

i. The following are the most common fees associated with hard copies of information.

Copies and/or printouts, standard and legal size	\$.10/page
Oversize paper copy	\$.50/page

Specialty Paper (map)	\$1.50/page
Postage	Actual Cost
Diskettes/CD's	\$1.00
DVD	\$3.00
Body Worn Camera Recording	10 per recording + \$1 per full minute, if first time released
Labor charge for locating, compiling, manipulating data, reproducing, and if necessary, redacting confidential information	\$15/hour Does not apply to requests for 50 or fewer pages of paper records.
Overhead	20% of the charge made to cover any labor costs. Only applicable when labor charges are appropriate.

3. Charges for Electronic Copies.

i. In an effort to respond to requests as efficiently as possible, it is the policy of the City to respond to a request with electronic copies whenever possible.

ii. Per page charges will not apply to copies of information provided electronically, but the following charges will apply:

a. labor charges at the rate of \$15/hour for locating, compiling, manipulating data, and producing the information;

b. overhead at the rate of 20% of the charge made to cover any labor costs;

c. \$6 per flash drive, \$1 per CD and \$3 per DVD, if applicable.

4. Charges for Certified Copies

i. The Act does not require the City to create documents; therefore, the City is not required to create and produce certified copies of city records. However, it is the City's policy to issue standard or legal-size certified copies of city records upon request for \$2.00 per page.

B. Charges for Inspection of Information

1. Charges for Inspection of Physical Records

i. If the requestor does not request a copy of public information, no charge will be imposed for making the public information that exists in a paper record available for inspection unless:

a. the information being requested completely fills, or when assembled will completely fill, six (6) or more archival boxes and would take five (5) or more personnel hours to make available; or

b. the information being requested is more than five (5) years old and would take five (5) or more personnel hours to make available; or

c. a page being requested contains confidential information that must be edited from the record before the information can be made available for inspection.

ii. If the information completely fills, or when assembled will completely fill, six (6) or more archival boxes or is over five (5) years old as described above, the City will charge the requestor the labor charges associated with making the documents available for inspection.

iii. If a redaction from a page is required, the City will charge \$0.10 per page for the cost of making a photocopy of the page from which confidential information must be edited.

2. Charges for Inspection of Electronic Records

i. In response to a request to inspect information that exists only in an electronic medium and that is not available directly online to the requestor, the City will not charge to inspect this information unless complying with the request will require programming or manipulation of data.

ii. If programming or manipulation of data is required, the City Secretary shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed to make the information available.

iii. The time necessary to redact confidential information from electronic records meets the definition of manipulation of data.

iv. A charge under this section will be assessed in accordance with the Act and the section of this policy related to programming or manipulation of data.

C. Waiver of Costs

1. Waiver for the General Public

i. It is the policy of the City to waive the costs associated with producing physical or electronic copies of the information if the total is less than \$15.00 because the actual cost of processing and collecting a charge less than \$15.00 will exceed the amount of the charge.

2. Waiver for the Press

i. It is the policy of the City to reduce the costs associated with requests made by members of the media associated with local publications by \$10.00 because providing the public information to members of the media primarily benefits the general public.

3. Waiver by the Chief of Police

i. The City may provide a copy of a BWC recording without charge or at a reduced charge if it is determined by the Chief of Police that waiver or reduction of the charge is in the public interest.

D. Communicating Costs to Requestors

1. Written Itemized Estimate of Charges

i. If it is estimated by city staff that a request for a copy of public information will result in the imposition of a charge that exceeds forty dollars (\$40.00), or a request to inspect a paper record will result in the imposition of a charge that exceeds forty dollars (\$40.00), the City Secretary shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs before compiling and redacting the responsive information. Said statement must comply with the requirements of section 552.2615 of the Texas Government Code. Said statement must also notify the requestor if a deposit will be required per the City's policy. The statement must advise the requestor they may contact the City if there is a less costly method of viewing the records.

2. Invoices

i. If it is estimated by city staff that a request for a copy of public information will result in the imposition of a charge that is forty dollars (\$40.00) or less, or a request to inspect a paper record will result in the imposition of a charge that is forty dollars (\$40.00) or less, the City Secretary shall compile the responsive information, redact as necessary and release it to the requestor with an invoice for the associated charges. Said invoice must include information on how to pay and the City's policy regarding overdue balances.

3. Deposits

i. A deposit of fifty percent (50%) of the entire estimated amount shall be imposed when the anticipated costs for the preparation of a copy of public information exceed one hundred dollars (\$100.00).

ii. If a requestor has accrued over one hundred dollars (\$100.00) of overdue and unpaid balances related to previous requests, a deposit in the amount of the unpaid amounts owing to the City must be received before the City Secretary will begin preparing a copy of public information in response to a new request.

iii. If a deposit is required as detailed above, the request for a copy of public information is considered to have been received on the date the City receives the deposit for payment of anticipated costs or unpaid amounts.

iv. If a requestor modifies the request in response to the requirement of a deposit, the modified request is considered a separate request and is considered received on the date the City receives the written modified request.

v. A requestor who fails to make a deposit before the 10th business day after the date the deposit is required is considered to have withdrawn the request for the copy of the public information that precipitated the requirement of the deposit or bond.

E. Requests Requiring Programming or Manipulation of Data

1. Definitions

i. “Manipulation” means the process of modifying, reordering, or decoding of information with human intervention.

ii. “Programming” means the process of producing a sequence of coded instructions that can be executed by a computer.

2. Circumstances when Required

i. The City shall provide to a requestor written “programming or manipulation of data” statement described below if it is determined that responding to a request will require programming or manipulation of data; and

a. compliance with the request is not feasible or will result in substantial interference with its ongoing operations; or

b. the information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

3. Contents of Written Statement

i. The written “programming or manipulation of data” statement must include:

a. a statement that the information is not available in the requested form;

b. a description of the form in which the information is available;

c. a description of any contract or services that would be required to provide the information in the requested form;

d. a statement of the estimated cost of providing the information in the requested form; and

e. a statement of the anticipated time required to provide the information in the requested form.

4. Timing of Written Statement

i. The City Secretary shall provide the written “programming or manipulation of data” statement to the requestor within twenty (20) days after the date of the receipt of the request.

ii. If the City Secretary needs additional time to provide the written statement they must provide written notice to the requestor, within twenty (20) days after the date of receipt of the request, that the additional time is needed.

iii. If written notice above is provided the City Secretary has an additional ten (10) days to provide the written “programming or manipulation of data” statement.

iv. After providing the requestor with the written statement, the City does not have any further obligation to provide the information in the requested form or in the form in which it is available unless within thirty (30) days the requestor states in writing to the City that the requestor:

a. Wants the City to provide the information in the requested form according to the cost and time parameters set out in the statement or according to other terms to which the requestor and the City agree; or

b. Wants the information in the form in which it is available.

c. If a requestor does not make a timely written statement under the above provisions of this policy, the requestor is considered to have withdrawn the request for information.

v. The City Secretary shall maintain a file containing all programming and manipulation of data written statements issued under this section in a readily accessible location.

F. Requests Requiring Excessive Personnel Time

1. Time Limit Established

i. Section 552.275, Texas Government Code authorizes the City Council to establish a reasonable limit on the amount of time that City personnel are required to spend producing public information for inspection by a requestor or providing copies of public information to a requestor without recovering labor charges.

ii. The City Council has determined that 36 hours is a reasonable limit for the 12-month period and 15 hours is a reasonable limit for a one-month period to be imposed under Section 552.275.

iii. The City may charge for the time spent by City personnel producing, locating, compiling, manipulating data, and reproducing information for inspection or duplication, or otherwise providing copies of public information, in response to one or more requests for public information from a person, that exceeds 15 cumulative hours during a one-month period or exceeds 36 cumulative hours during a 12-month period, said period to correspond with the fiscal year of the city.

iv. For the purposes of this section, “person” shall mean an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

2. Written Statements

The City Secretary or the City Secretary’s designee shall provide the requestor with a written statement of the amount of personnel time spent complying with each request and the cumulative amount of time spent complying with requests from that requestor during the applicable monthly and yearly period. The time spent preparing the written statement of total time spent may not be included.

3. Written Cost Estimate

i. When in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the limits established by the governmental body under this policy,

the City Secretary or the City Secretary's designee shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses necessary to comply with the request. The estimate must be provided on or before the 10th day after the date on which the public information was requested. The amount of the cost shall be established by rules prescribed by the attorney general and this policy.

ii. If the City Secretary or the City Secretary's designee determines that additional time is required to prepare the written estimate of costs and provides the requestor with a written statement of that determination, the City Secretary or the City Secretary's designee must provide the written estimate of costs as soon as practicable, but on or before the 10th day after the date the City provides the written statement that additional time is required.

4. Requestor's Response to Cost Estimate

i. After the City Secretary or the City Secretary's designee has provided the requestor with the written estimate of costs, the City will not produce public information for inspection or duplication or provide copies of public information in response to the requestor's request unless on or before the 10th day after the date the City provided the written statement, the requestor submits payment of the amount stated in the written statement.

ii. If the requestor fails or refuses to submit payment, the requestor shall be considered to have withdrawn the requestor's pending request for public information.

5. Exceptions

i. This division does not apply if the requestor is:

a. An individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

1. dissemination by a news medium or communication service provider, including:

(i) an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or

(ii) an individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or

2. creation or maintenance of an abstract plant as described by Section 2501.004, Insurance Code.

3. "Communication service provider" has the meaning assigned by Section 22.021, Civil Practice and Remedies Code.

4. "News medium" means a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or Internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including:

(i) print;

(ii) television;

(iii) radio;

(iv) photographic;

(v) mechanical;

(vi) electronic; and

(vii) other means, known or unknown, that are accessible to the public.

5. An elected official of the United States, this state, or a political subdivision of the state.

6. A representative of a publicly funded legal services organization that is exempt from federal income taxation under section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under section 501(c)(3) of that code.

ORDINANCE NO. O-2020-025

**ORDINANCE OF CITY OF HUTTO, TEXAS, AMENDING
CITY CODE AND CREATING THE RIGHT OF SETOFF**

WHEREAS, the City has an inherent right to setoff against the amount of claims against the City the amount of claims that the City has against the claimant, thereby eliminating or reducing the amount of the claim against the City; and

WHEREAS, even if the City did not have an inherent right of setoff, under the City's home-rule powers it should, and hereby does, create that right; and

WHEREAS, it is in the public interest for the City to invoke its right of setoff to reduce public expenditures, collect obligations owed to the City, and vindicate City rights; and

WHEREAS, it is in the public interest to codify the City's right of setoff by incorporating the same in an ordinance and into the City Code;

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

Section 1. City Code Amended

Article 2 of the City Code of the City of Hutto is amended to add the following section 2.08:

2.08 SETOFF.

(a) The allowable amount of any claim for tort, contract, tax refund, or any other claim against the City is hereby reduced and setoff by the amount that the claimant for such claim owes the City relating to any transaction, event, or otherwise, including, without limitation, any obligation to the City arising from or constituting any contract, tort, condemnation, tax, fee, penalty, fine, or obligation arising under any statute, rule, regulation, or ordinance, and also including the fair value of any non-monetary obligation, plus any interest allowed by law. The City has and will exercise this right of setoff regardless of whether the claim against the City and the City's claim did or did not arise from the same transaction or the same set of operative facts. In exercising its right of setoff, the City may treat multiple claims against the City as a single claim and may treat multiple claims by the City as a single claim.

(b) Failure of the City fully to assert such setoff does not waive any City claim nor estop or otherwise prevent the City from pursuing and collecting upon such claim or remaining uncollected portion of such claim in any manner not prohibited by law, including, without limitation, future setoffs.

(c) The City's exercise of its right to setoff that does not realize the full value of any claim by the City including, without limitation, any interest allowed by law, does not extinguish any uncollected claim by the City, nor constitute any election of remedies by the City.

(d) The City Manager and any City officer or employee designated by the City Manager, and any consultant or other person with whom the City may contract for this purpose are authorized and directed to ascertain whether any claimant against the City owes money to the City, to quantify such obligation to the City, and to see that the amount so found is properly setoff against the claim against the City.

(e). As used in this section, the term “claimant” includes alter egos, partners, joint venturers, parents, guardians, trustees, and any other person who at law or equity is responsible for the obligations of the claimant against the City.

Section 2. Severability Clause

If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Ordinance and those provisions or applications shall remain in full force and effect.

Section 3. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

Section 4. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

Section 5. Open Meetings Clause

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

Section 6. Effective Date

This ordinance shall take effect and be in force from and after the date of the second publication of the ordinance in the official newspaper of the City of Hutto.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Holly Nagy, City Secretary

(SEAL)

READ and **APPROVED** on first reading on the **11th** day of **August**, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.00, et. seq., of the Texas Government Code.

READ and **APPROVED** on second reading on the _____ day of _____, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.00, et. seq., of the Texas Government Code.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF HUTTO, TEXAS, POSTPONING THE MAY 2, 2020
GENERAL ELECTION FOR MUNICIPAL OFFICERS
UNTIL NOVEMBER 3, 2020; AND PROVIDING FOR
OTHER RELATED MATTERS; AND PROVIDING AN
EFFECTIVE DATE**

WHEREAS, a general election has been previously ordered to be held on May 2, 2020 for the purposes of electing Council Member Places 1 and 4 for the City of Hutto, Texas; and

WHEREAS, on March 13, 2020 the Governor of the State of Texas declared a state of disaster for all counties in the State of Texas arising out of the COVID-19 pandemic; and

WHEREAS, in response to the COVID-19 pandemic on March 18, 2020 the Governor of Texas did issue a proclamation authorizing all political subdivisions that would otherwise hold general election on May 2, 2020 to move their general election for 2020 only to the November 3, 2020 uniform election date; and

WHEREAS, it is necessary to postpone the May 2 general election for municipal officers to November 3, 2020 in order to minimize gatherings of persons at candidate forums and polling places in order to maintain social distancing and reduce the possibility of transmission of the COVID-19 virus; and

WHEREAS, Williamson County Elections Administrator Chris Davis notified the City that Williamson County Elections Department would not be conducting a May 2, 2020 election for any political subdivision and asked that the City postpone the May 2, 2020 election until the Nov. 3, 2020 election; and

WHEREAS, in accordance with the Texas Secretary of State's Office Elections Advisory No. 2020-12, candidate filings, for the May 2, 2020, election will remain valid for the election to be held on November 3, 2020; the filing period related to the May 2, 2020, election will not be re-opened for the November 3, 2020, election; all applications for a ballot by mail ("ABBM") for voters that are voting by mail due to being over the age of 65 or due to a qualifying disability will still be valid for the November 3, 2020, election; and any ABBM for voters who submitted ABBMs based on expected absence from the county will not be valid for the November 3, 2020, election; and

WHEREAS, on July 27, 2020, the Governor of Texas issued a Proclamation extending the early voting period to allow Texans greater flexibility to cast their ballots in the November 3rd election, while at the same time protecting themselves and others from COVID-19; and

WHEREAS, the City Council now finds it reasonable and necessary to adopt this Ordinance to postpone the May 2, 2020, election to November 3, 2020, and make other necessary changes in accordance with the Governor's Proclamations and Texas Secretary of State's Office Elections Advisory No. 2020-12.

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

SECTION I.

That the findings set forth, above, are incorporated into the body of this Ordinance as if fully set forth, herein.

SECTION II.

Pursuant to the authority granted by the Proclamation of the Governor of the State of Texas issued on March 18, 2020 the May 2, 2020 general election for Council Members for Place 1 and Place 4 for the City of Hutto, Texas is moved to November 3, 2020.

SECTION III.

All candidate filings for the May 2, 2020 general election remain valid for the November 3, 2020 uniform election date and the candidate filing period will not be reopened for the November 3, 2020 election date.

SECTION IV.

All absentee ballot by mail (ABBM) applications for voters that are voting by mail due to being over the age of 65 or due to disability will remain valid for the November 3, 2020 election but no ABBM application based on an expected absence from the county on May 2, 2020 shall be valid for the November 3 elections.

SECTION V.

The voter registration deadline for the November 3 elections shall be October 5, 2020. The deadline to submit applications for ballot by mail (ABBM) shall be October 23, 2020. Early voting for the November 3 elections shall be conducted during the period from October 13 to October 30, 2020.

SECTION VI.

On or before August 17, 2020, the City Council shall make such other and further revisions to the orders for the May 2 elections as are necessary to conform to the schedule for the November 3 election date.

SECTION VIII. Severability Clause

If any subsection, sentence, clause, phrase, or word of this Ordinance or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Ordinance and those provisions or applications shall remain in full force and effect.

SECTION IX. Publication Clause

The City Secretary of the City of Hutto is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION X. Repealing Clause

All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed insofar as they conflict.

SECTION XI. Open Meetings Clause

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

SECTION XII. Effective Date

This ordinance shall take effect immediately upon its passage allowed by law.

THE CITY OF HUTTO, TEXAS

Doug Gaul, Mayor

ATTEST:

Holly Nagy, City Secretary

(SEAL)

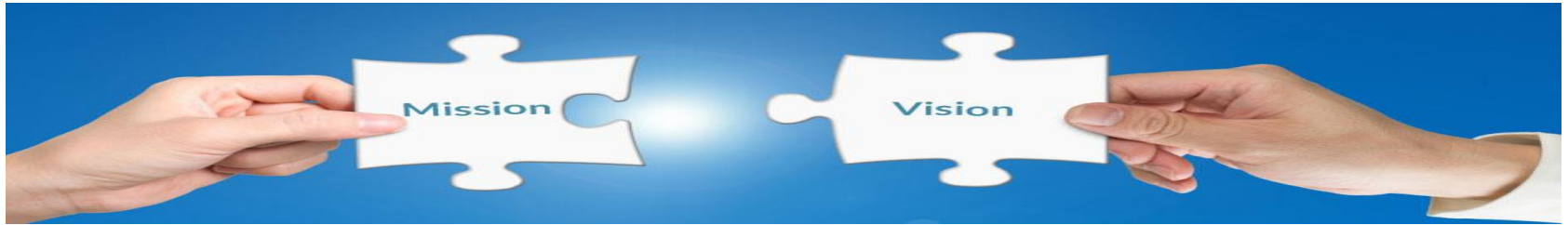
READ and **APPROVED** on first reading on the **11th** day of **August**, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.001, *et. seq.*, of the Texas Government Code.

READ and **APPROVED** on second reading on the **13th** day of **August**, 2020, at a meeting of the City Council of the City of Hutto, Texas at which a quorum was present and for which due notice was given pursuant to Section 551.001, *et. seq.*, of the Texas Government Code.



Donna Jones
Executive Director

www.HuttoResourceCenter.org



MISSION:

To provide resources and assistance to the Hutto community that will improve lives and outcomes.

VISION:

To have a thriving community comprised of healthy individuals.

What We Do.....

- Provide Financial Assistance
- Provide Food To Insecure Families
- Connect Hutto with Local Resources
- Promote Volunteer Opportunities
- Give Hope To Struggling Families
- Network with Local Agencies
- NEW: Senior Connection Program



Why We Do It.....

STATEWIDE:

Texas is 1 of 15 states with the highest food insecurity rates

1 in 7 struggle with food insecurities with 1 in 4 children

ALICE in Williamson County: 2016 (Asset Limited, Income Constrained, Employed) Classified as households that earn more than the Federal Poverty Level, but less than the basic cost of living.

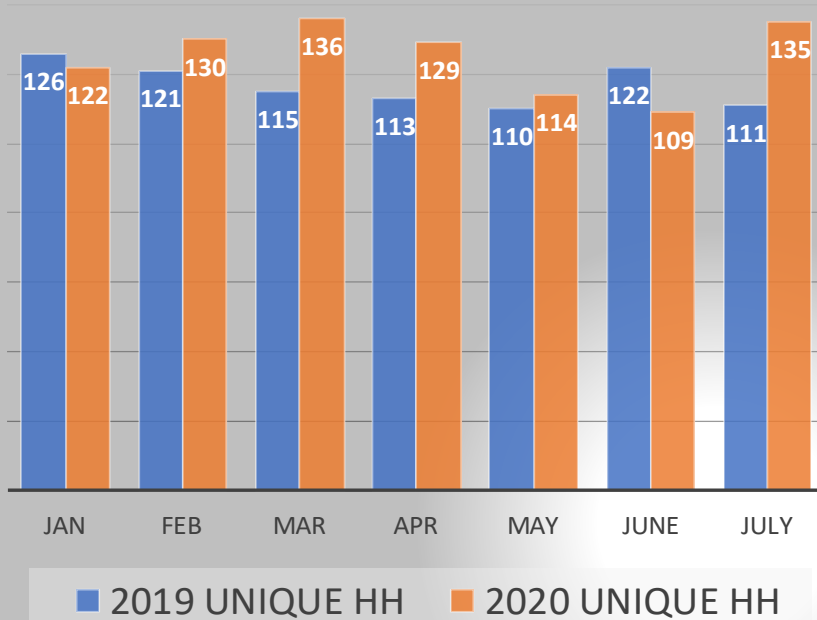
58% of ALICE households are most likely ineligible for SNAP benefits or other assistance because income level is above 185% poverty level.

35% Hutto resident are ALICE households.

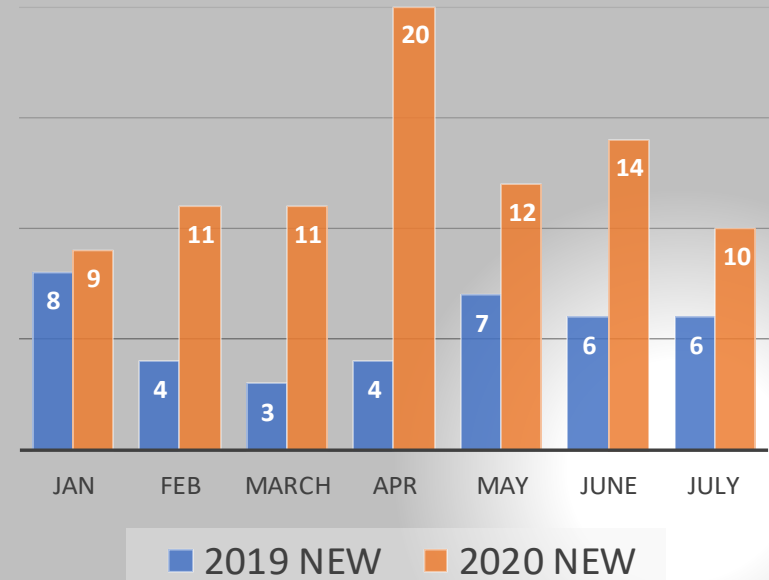
Data Source: Williamson County and Cities Health District

Our Impact: Food Pantry

2019-2020 Unique Households



2019-2020 New Families



YTD Comparison- 129% in households served, 95% increase in individuals served

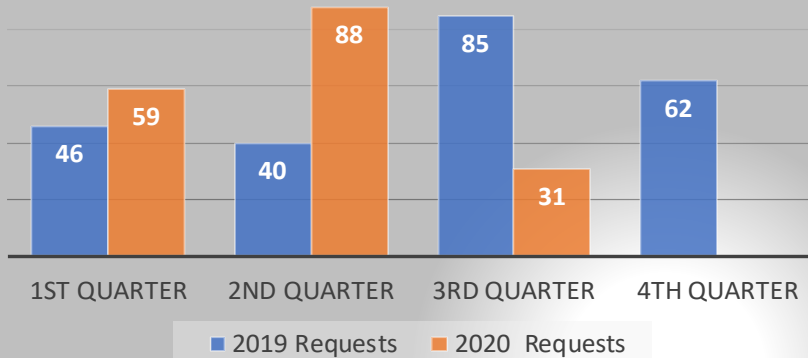
COVID-19 Impact: 158% increase from this time last year

NOTABLE MONTH: April the HRC had a 400% increase in NEW families compared to last April

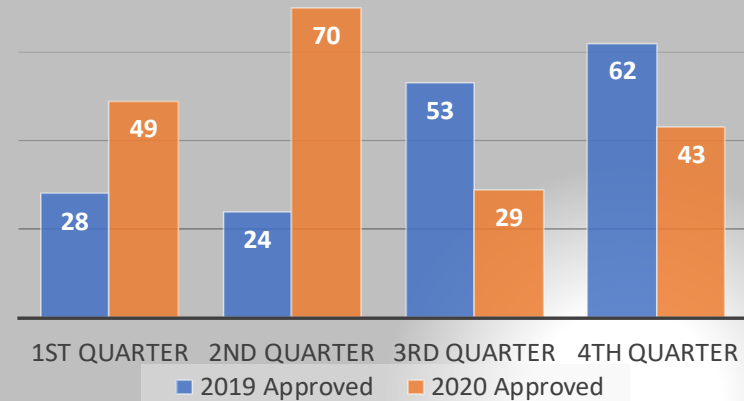
RECENT DISTRIBUTIONS: Last 3 distributions HRC served over 100 families....104 being highest

Our Impact: Financial Assistance

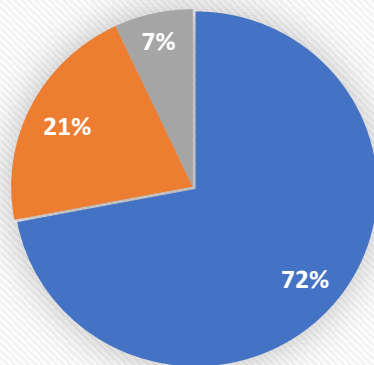
2019-2020 Requests



2019-2020 Approvals

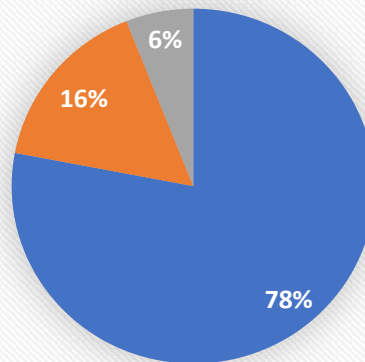


2019



■ Utilities ■ Other ■ Medical

2020 To Date



■ Utilities ■ Other ■ Medical ■

YTD Comparison: 64% increase/2019

COVID Impact: 63% increase from March-July of last year

Funds Distributed:

2019: \$27,073

2020 to date: \$40,900

33% increase in giving

Approval Rate:

2019-64%

2020-83%

Funding Possible due to City of Hutto Grant & All Together ATX

Golden Connections Program

- Kicked off in April 2020
- Food Delivery
- Weekly Wellness Chats
- Coming Soon.....Virtual Activities



FUNDING SOURCES JULY '19-PRESENT

GRANTOR	AMOUNT	PURPOSE
CITY OF HUTTO	\$68,000 (ON LAST QUARTER)	FOOD PANTRY/FINANCIAL ASSIST.
UNITED WAY OF WILCO	\$20,000 (JULY 1, 2020-JUNE 30, 2021)	FOOD PANTRY
WAL-MART	\$2,500	DISCRETIONARY FUNDS
ALL TOGETHER ATX PHASE 1	\$25,000 (MAY 1, 2020-AUG 31, 2020)	FOOD PANTRY/FINANCIAL ASSISTANCE
WILCO FORWARD PHASE 1	\$3,246 (JULY 2020-SEPT 2020)	PERSONNEL EXPENSES
PAYCHECK PROTECTION	\$9,754 (MAY-JULY)	PERSONNEL EXPENSES
ALL TOGETHER ATX PHASE 2	\$25,000 (AUG 1, 2020-DEC 30, 2020)	DIGITAL EQUITY

PENDING GRANTS

GRANTOR	AMOUNT	PURPOSE
CDBG	\$60,000	FOOD PANTRY
ST. DAVID'S	\$50,000	FOOD PANTRY/FINANCIAL ASST.
HAHL PROCTOR	\$10,000	DISCRETIONARY
JONI ELAINE TEMPLETON	\$10,000	DISCRETIONARY

OUR ASK

\$40,000- Financial Assistance

- Will allow HRC to approve between 200-250 applications

\$6,000- Food Pantry Assistance

- Provides 24,000 meals
- Equivalent to feeding 87 individuals for an entire year

The HRC is requesting 32% less than last year

AGENCY PARTNERS



COMMUNITY PARTNERS



Hutto Lutheran Church
Evangelical Lutheran Church in America
God's work. Our hands.







Contact Us

Donna Jones

512.688.0176

director@HuttoResourceCenter.org

www.HuttoResourceCenter.org

Opportunities

for Williamson & Burnet Counties

2019 ANNUAL REPORT



(512) 763 -1400
information@owbc-tx.org
www.owbc-tx.org

📍 604 High Tech Dr.
Georgetown, TX 78626
f @OpportunitiesforWBC

TABLE OF CONTENTS

OWBC-TX.ORG | 02



Who We Are.....	Page 3
What We Do.....	Page 4
You Are the Change.....	Page 5
Agency Impact.....	Page 6
Development.....	Page 7-8
Finance.....	Page 9
Senior Nutrition.....	Page 10
Community Services.....	Page 11
Head Start.....	Page 12-13
Affordable Housing.....	Page 14
Board of Directors.....	Page 15-16



WHO WE ARE

OWBC-TX.ORG | 03

Mission

To empower children, families and seniors to achieve and maintain independence by partnering with area organizations to provide education, nutrition, housing and community support.

Vision

A healthy, educated community in which all people live independently and with dignity.

Our Counties

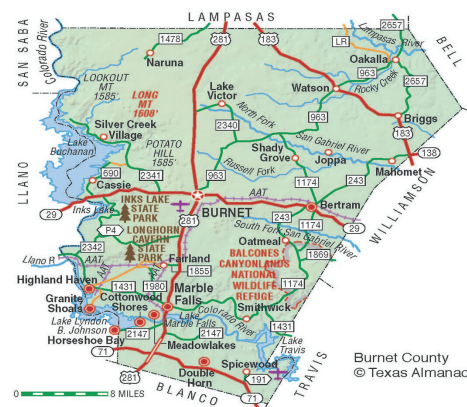
Williamson County:

Williamson County is one of the fastest growing counties in the country! Located in Central Texas just north of the state capital in Austin, Williamson County is gaining in its reputation as an exceptional place to live. Physically, the eastern part of the county is level black land soil and the western part rolling limestone hills, all drained by the San Gabriel River and tributaries. The county has a lively history including Comanche's, outlaws, Texas Rangers, the Chisholm Trail, cowboys, and sturdy pioneers. Today, the county is a center for agribusiness, education, and high-tech industry. —wilco.org



Burnet County:

One of the fastest growing counties in Texas, Burnet County is located in the heart of the Texas Hill Country, with almost 1,000 square miles of beautiful lakes and rolling hills. Burnet County was organized in 1852, and like many counties of its time, had agriculture as its primary economic base. Although agriculture continues to play an active role in the lives of Burnet County citizens, tourism has taken a front seat in driving the economy of the county. —burnetcountytexas.org



WHAT WE DO

OWBC-TX.ORG | 04

Opportunities for Williamson & Burnet Counties (OWBC) was established in 1965 as the area's official Community Action Agency. We are a private, non-profit corporation governed by elected officials, community leaders and target area representatives. Throughout our history, we have administered a wide range of social service and economic opportunity programs benefiting many. We have an annual operating budget of over \$14 million and a staff of more than 200.

We serve thousands of people annually in Williamson and Burnet Counties. Working cooperatively with other agencies, we are an advocate for those who might not otherwise have a voice in the community. We are dedicated to providing services to help those in need achieve a better, more productive life.

As a local community action agency, we also frequently partner with local businesses, and even other non-profits. For instance, we collaborate with the Round Rock Area Serving Center for one of our annual online fundraisers. We are always looking for ways to provide or recommend services to community members in need.

Our Programs



YOU ARE THE CHANGE

OWBC-TX.ORG | 05



Dear Friends,

While each year provides its own challenges, this report will reflect our success and provide us insight into new goals for next year.

I would like to start by thanking those who continue to strive for positive results in the lives of those that we serve. I want to thank our community partners as they continue to support our mission. Thank you for taking on fundraising events that allow us to operate our programs. Your contributions make all the difference to our clients. Thank you to our wonderful Board of Directors for their guidance and for representing their communities. I would also like to thank our volunteers, whose passion to serve their community helps us sustain our agency. Lastly, I want to recognize our staff for continuing to assist persons who struggle to meet every day needs. I am proud that we have provided the community education through early childhood programs, senior nutrition, housing, and assistance with essential services including, utilities, food, family advocacy, and case management.

This year will bring on new, unseen challenges that will make our Mission to eliminate poverty, provide education, and promote self-sufficiency even more relevant today. I have great optimism that people in our community will help us overcome any challenges we may face. Thank you, and I look towards a fruitful 2020.

Marco Cruz, Executive Director

AGENCY IMPACT

OWBC-TX.ORG | 06



4,592

**TOTAL NUMBER OF
CLIENTS SERVED**

\$305,315

**TOTAL INDIVIDUAL
DONATIONS**

109,461

**TOTAL VOLUNTEER
HOURS**

\$3,179,932

**TOTAL IN-KIND
CONTRIBUTIONS**

314

**HOURS OF BOARD
MEMBERS IN TRAINING
& DEVELOPMENT**

4,954

**HOURS OF AGENCY
STAFF IN TRAINING &
DEVELOPMENT**

What is a Community Action Agency?

Community Action Partnership is a national, 501(c)3 nonprofit membership organization that provides technical assistance, training, and other resources to Community Action Agencies, nonprofit and public groups funded by the Community Services Block Grant (CSBG), a federal program that allocates funding to states to connect Americans to greater opportunity. The nation's Community Action Agencies embody our nation's spirit of hope, change people's lives, and improve communities. - communityactionpartnership.com

DEVELOPMENT

OWBC-TX.ORG | 07



The Development Committee has continued to grow its donor database and event attendance for annual signature fundraisers and smaller fundraising events, as well. Every year, the Development committee holds three signature fundraising events, including two style shows and one clay shoot.

The "Style in Action" Luncheon and Fashion Show is held twice a year. The first is held in the spring in Burnet County's Marble Falls Lakeside Pavilion. The second is held in the fall in Williamson County in the Sun City Ballroom. Funds from the style shows are directed exclusively to operations for our Meals on Wheels program in both counties.

The "Pull, Shoot and Serve" Clay Shoot is held each year in late fall, and funds raised are unrestricted. In 2019, the 3rd annual clay shoot was held at Reunion Ranch in Georgetown.

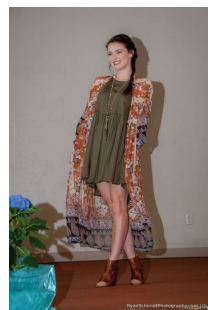


2019 Style Shows

Revenue	\$39,306.64
Expenses	\$18,875.01
Net	\$20,431.63

2019 Clay Shoot

Revenue	\$34,995.98
Expenses	\$19,552.11
Net	\$15,443.87



"Partnership and collaboration are critical components to a healthy community. We are blessed to have amazing community partnerships that help us meet the needs of our clients. St. David's Foundation, the Georgetown Health Foundation, United Way of Williamson County and so many others provide grants and opportunities for collaboration. Individual and group volunteers, the WHO Ladies of Sun City, The Gun and Rod Club of Sun City, Dell Technologies, ERCOT, and H-E-B, to name a few, are not only vital to our success but also contribute to our positive morale. I am so proud to live and work in this amazing community with such dedicated and generous people." - Lauren McAndrews, Director of Development

DEVELOPMENT

OWBC-TX.ORG | 08



At the style shows, lunch is included, as well as wine, raffles, a silent auction, and door prizes. Local boutiques provide ladies' apparel and accessories for their models to represent on the runway. Lunch is served by "Distinguished Gentlemen" from both Williamson and Burnet Counties. These gentlemen have included county judges, police chiefs, fire chiefs, elected officials, and local businessmen. Notably, for 2019, we would like to thank attendees and donors, but also volunteers from the WHO Ladies of Sun City who have helped make these events possible.

At the clay shoot, we offer special thanks to The Sun City Gun and Rod Club and other volunteers who have made our annual event possible. In 2019, the event held raffles for a full-size ATV that was donated, among other items.

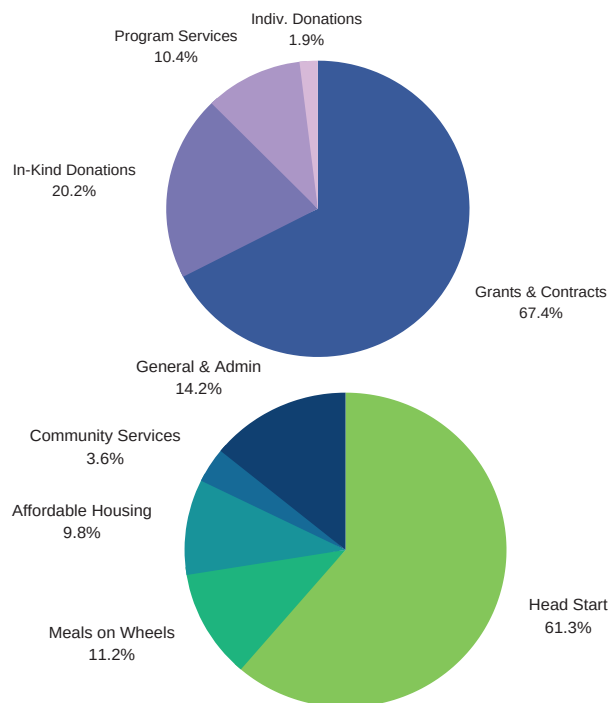


Another notable fundraising activity each year is the Amplify Austin online fundraiser that is held in late February and early March. Amplify Austin inspires donations for non-profits and charities in the greater Austin area, asking residents to give locally. The kickoff event was held at the Mellow Mushroom in Round Rock to start the 24 hour period of online giving. **In 2019, Amplify Austin raised over \$6,500 for Meals on Wheels of Williamson and Burnet Counties.**

FINANCE

fiscal year ending 11/30/2019

OWBC-TX.ORG | 09



Revenues: \$15,734,916

Grants & Contracts: \$10,607,376
 In-Kind Donations: \$3,179,932
 Program Services: \$1,642,293
 Individual Donations: \$305,315

Expenses: \$15,869,482

Head Start: \$9,722,436
 Meals on Wheels: \$1,774,802
 Affordable Housing: \$1,556,461
 Community Services: \$569,900
 General & Admin: \$2,245,883

Statement of Financial Position

Cash:
\$1,078,134

Accounts Receivable:
\$913,573

Pre-paids:
\$75,115

Property & Equipment:
\$9,321,010

Total Assets:
\$11,387,832

Current Liabilities:
\$1,112,932

Long-Term Liabilities:
\$7,611,963

Total Liabilities:
\$8,724,895

Net Assets:
\$2,662,937

Total Liabilities & Net Assets:
\$11,387,832

*There was no property held for re-sale in 2019.

SENIOR NUTRITION

OWBC-TX.ORG | 10

The services offered through Meals on Wheels are becoming more vital and increasingly critical as our senior population continues to grow. As the area's senior nutrition program, we provide consistent and healthy meals to seniors in need each day.

We offer meals at select OWBC centers, as well as home-delivered meals to those whose mobility is limited. One of the goals of our home delivered meals, provided 5 days a week, 52-weeks a year, is to enable seniors to remain living independently for as long as possible. Meals are delivered by caring volunteers that offer a human connection for seniors who are often isolated and lonely. For many seniors, these volunteers may be the only people they see on a consistent basis. Therefore, volunteers also provide a daily wellness check and can alert staff to any concerns they may have.

Congregate meals are provided at senior and community centers located in Williamson and Burnet counties. Seniors enjoy a noon time meal and have multiple opportunities to engage in social and educational activities. Seniors form bonds and enjoy companionship with other seniors, staff and volunteers.

93% of seniors reported being able to stay in their homes longer because of Meals on Wheels.

16,996
Volunteer
Hours

177,836
Delivered
Meals

113
New
Volunteers

33,209
Congregate
Meals Served



"Meals on Wheels promotes health and independence for seniors in our community. Our Meals on Wheels program is becoming a critical program as our senior population continues to grow. We provide home-delivered meals five days a week in 5 different locations, while enabling seniors to remain living independently for as long as possible. Home-delivered meals are for those whose mobility is limited. Our faithful volunteer drivers also provide a daily wellness check and can alert staff to any concerns they may have, in case additional support or services are needed. Last year, we provided almost 178,000 hot home cooked meals to more than 1,800 seniors. Together, with our volunteers, we deliver more than just a meal." - Marco Cruz, Executive Director

COMMUNITY SERVICES

OWBC-TX.ORG | 11

The Community Services programs are what make OWBC a community action agency. As the area's community action agency, Community Services offers two programs to assist residents in Williamson and Burnet Counties: the Comprehensive Energy Assistance Program and the Self-Sufficiency Program.

Comprehensive Energy Assistance Program (CEAP)

CEAP is designed to assist low income households in meeting their energy needs. We help pay heating and electric bills, for those who qualify. We also educate our clients on how to control energy costs, now and in the future. CEAP is for any household at 150% of the poverty level, as calculated within the past 30 days.

Self-Sufficiency Program

For qualifying families, we provide one-on-one coaching and assistance to help households increase their job skills, education, and wages. Case Management services, for low income residents, are designed to eliminate poverty and foster self-sufficiency. Trained case management professionals guide and support clients to successful outcomes, like obtaining employment, education, budget training and more.



- **13 clients transitioned out of poverty**
- **73 clients are working towards transitioning out of poverty**



Self-Sufficiency Program client, Staci Norman (shown left with her son), graduated with a certification in the medical field in early 2020 after receiving case management for one year.



About Our Clients

- 1,543 total clients served
- 708 households served
- 58% female / 42% male clients
- 481 seniors served
- 28 Veterans served
- 65% not Hispanic, Latino, or Spanish
- 34% Hispanic, Latino, or Spanish
- 37% clients experience a disabling condition
- 50% of clients are out of work
- 54% of clients receive SSDI

"As a Community Action Agency, we are able to collaborate with community businesses, educational institutions, other non-profits and local agencies in order to create a net of support for our clients. At OWBC, our Comprehensive Energy Assistance Program is essential to our senior population and young families, providing assistance with energy costs. OWBC also has case managers who work closely with individuals and families, looking to increase job skills and income. These clients receive the benefits of coaching, advocacy, learned life skills, budgeting, job searching, and so much more. It has been a pleasure to see these families become confident in their ability to become self-sufficient."

- Kori Ince, Director of Community Services

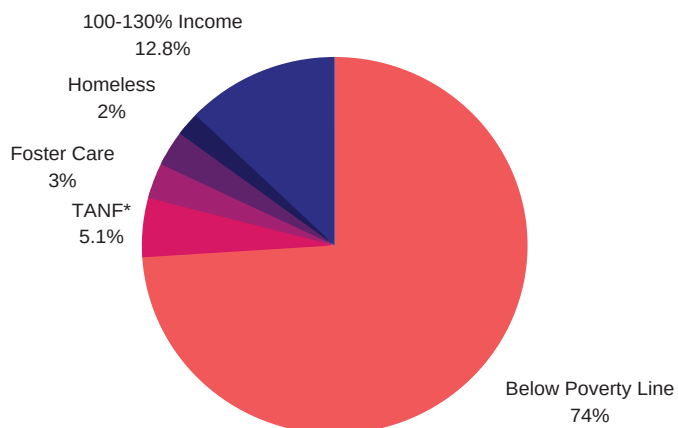
HEAD START

OWBC-TX.ORG | 12

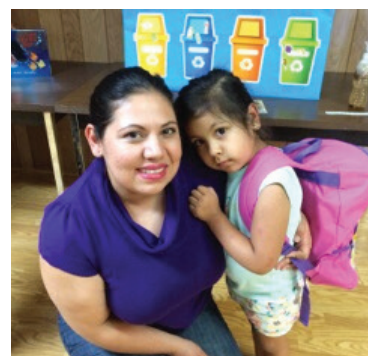
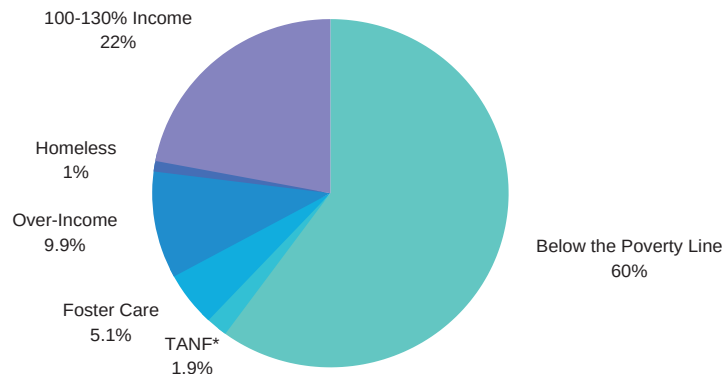
Head Start and Early Head Start are comprehensive child and family development programs that prepare children from birth to five years of age to become successful school students and members of society.

"Being a part of Head Start has changed my life, in many ways, for the better. I have had wonderful people helping me. My daughter is getting the extra therapy that she needs. Thanks to Head Start for caring and teaching my three children." -Jazmyne Johnson

Early Head Start / Total: 296



Head Start / Total: 513



HEAD START

OWBC-TX.ORG | 13

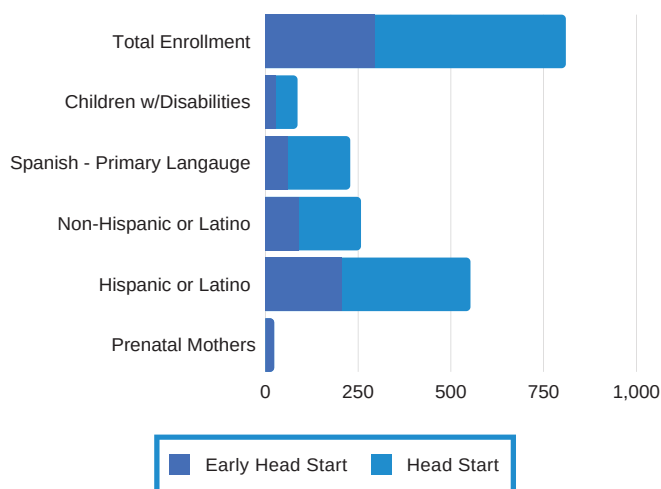
Head Start Communities



- Bartlett
- Burnet
- Florence
- Georgetown
- Granite Shoals
- Hutto
- Leander
- Liberty Hill
- Marble Falls
- Round Rock
- Taylor

Our Head Start program, in collaboration with local school districts, operates 31 Early Head Start classrooms from infancy through 3 years old, and 36 Head Start classrooms for three to five year olds. Eligible families are enrolled based on their level of need.

Our Families



Early Head Start



255 have health insurance
163 up-to-date dental care
354 up-to-date immunizations
17 with private insurance
238 with medicaid/CHIP
15 no health insurance

Head Start



451 have health insurance
467 up-to-date dental care
354 up-to-date immunizations
40 with private insurance
407 with medicaid/CHIP
62 no health insurance



"We provide education to our children as well as to our families by setting goals and providing resources to them, to promote independence as well as close the achievement gap. Data is consistent that a healthy child is able to learn better. We educate all families on the importance of obtaining health insurance and finding a medical and dental home so they can stay up to date on their preventative visits. Our goal is to grow the whole family and give them a firm foundation to build upon. We start services as early as prenatal and continue providing school readiness transitions for the family and children until they begin kindergarten." -Lynore Samford, Director of Head Start

AFFORDABLE HOUSING

OWBC-TX.ORG | 14

Did you know? A family with one full-time worker earning the minimum wage cannot afford the fair-market rent for a two-bedroom apartment anywhere in the United States.

In Texas, the hourly wage needed to afford a two-bedroom apartment is \$20.29, according to the National Low Income Housing Coalition.

Opportunities for Williamson and Burnet Counties maintains two affordable housing properties for low-income residents.

In 2019, OWBC had 54 residents utilizing the one and two-bedroom apartments at Highview Retirement Village. The village provides services including informative health programs and screenings, food distribution, and social activities to the resident seniors. Residents pay a percentage of rent based on income, assets, and out-of-pocket medical expenses.

Highview Retirement Village

200 Highway 1431-E
Marble Falls, TX 78654

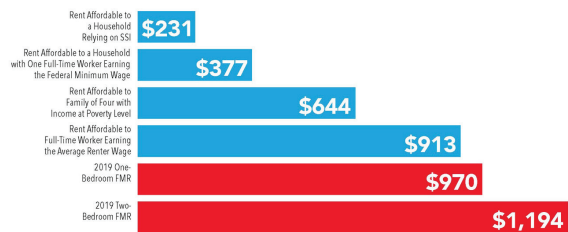


Cedar Ridge Apartments

2702 S Bagdad Road
Leander, TX 78641

OUT of REACH

RENTS ARE OUT OF REACH FOR MANY RENTERS



Fair Market Rent = Fair Market Rent.
Source: NLIHC calculation of weighted-average HUD fair market rent. NLIHC calculation of affordable rents based on income and benefits data from BLS QCEW, 2017 adjusted to 2019 dollars; HUD 2019 Income Limits; and Social Security Administration, 2019 maximum federal SSI benefit for individual.

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www.nlihc.org/orr



"Highview Retirement Village is a very peaceful, lovely place to live. Residents stroll through a park-like setting with wide walkways and open spaces that give a real sense of neighborhood. Each one-bedroom apartment is approximately 600 square feet and equipped with central heat and air, electric range, and refrigerator. Wheelchair accessible units are available. Amenities include: paid water & trash, reserved parking, on site laundry, front & back patios, and an outside storage closet. Income restrictions apply. We Do Business in Accordance with the Federal Fair Housing Law."

- Pamela Gilliam, Highview Retirement Village Manager

BOARD OF DIRECTORS

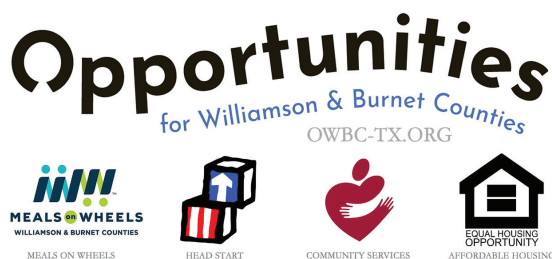
OWBC-TX.ORG | 15

Since 1968, local community action agencies have been required to have tripartite governing boards to gain and retain designation as eligible entities receive Community Services Block Grant (CSBG) funding.

Our board is one-third democratically selected representatives of the low income community, one-third local elected officials (or their representatives), and members from major groups and interests in the community.

Effective tripartite boards reflect and promote the unique anti-poverty leadership, action, and mobilization responsibilities assigned by law to community action agencies. Our board is responsible for assuring we continue to assess and respond to causes and conditions of poverty in Williamson and Burnet Counties, achieve anticipated family and community outcomes, and remain administratively and fiscally sound.

The three fiduciary responsibilities of all Directors are the duty of care, the duty of loyalty, and the duty of obedience, as mandated by state and common law.



Executive Committee

Frank Reilly, Chair - Burnet County
Potts & Reilly, LLP; Municipal Judge

Kelly Dix, Vice-Chair - Burnet County
City of Burnet; City Secretary

Valerie Covey, Treasurer - Williamson County
Williamson County; Commissioner

Tracy Waters, Secretary - Williamson County
Mel's Food & Beverage; Director

Sandy Anderson, Member-at-large - Williamson County
NCI-WFS Rural Capital; Area Director
Williamson County; Early Childhood Representative

Private Sector

Nina Stancil - Williamson County; Georgetown
Susie Rodgers - Burnet County; Bertram
Paul Emerson - Williamson County; Round Rock
Lenwood Nelson - Burnet County; Marble Falls

Public Sector

Mark Tummons - Williamson County
City of Leander; Parks & Recreation Director

Karen Hardin - Burnet County
Burnet County; Director of Public Services

Target Area Representatives

Allison Milliorn - Burnet County; Bertram
TX Housing Foundation

Rhonda Mundhenk - Williamson County; Georgetown
Lone Star Circle of Care; CEO

Tianna Lopez - Williamson County; Taylor
Head Start; Policy Council Chair

Leslie Hill - Williamson County; Taylor

BOARD OF DIRECTORS

OWBC-TX.ORG | 16



"It is important to me to give back to the community in which I am blessed to live. OWBC is an organization that does just that. It provides support for those in need and I want to be a part of it."

- Valerie Covey, Williamson County Commissioner

"I was a Head Start parent and saw first hand the quality of education. I believe in the mission of community action organizations and want very much to give back."

- Tracy Waters, Mel's Food & Beverage - Director

"Senior nutrition and care, education for children and adults, assisting individuals and families in locating needed services and housing in Burnet and Williamson County is very important to me personally. When asked to represent the City of Burnet City Council on the Opportunities for Williamson and Burnet Counties (OWBC) Board of Directors, I humbly accepted the opportunity to participate in the growth of an organization that is so vital to these communities."

-Kelly Dix, City of Burnet - City Secretary



Building

FOR GROWTH

Raising Funds To Operate







Mission

The Hutto Education Foundation partners with Hutto ISD to enrich, enhance, and maximize the quality of education for all students by providing grants and scholarships to teachers, staff and students for programs not funded by the state.

HEF TIMELINE

2006-2011

TOTAL GIVING

\$120,149, funding Teacher & Faculty Grants, Student grants & student scholarships

2012-2014

TOTAL GIVING

\$291,028, funding Teacher & Faculty Grants, Student grants & student scholarships

2015-2017

TOTAL GIVING

\$518,049, funding Teacher & Faculty Grants, Student grants & student scholarships



2018-
2020

TOTAL GIVING

Over \$798,000,
funding Teacher & Faculty Grants,
Student Grants,
Student Scholarships



I AM HERE
TO CREATE
A STRONG
FOUNDATION

Kristen
Smith



**IF YOU DON'T KNOW WHERE YOU'VE COME FROM,
YOU DON'T KNOW WHERE YOU'RE GOING**

-Maya Angelou





*Lizzy
Samples*

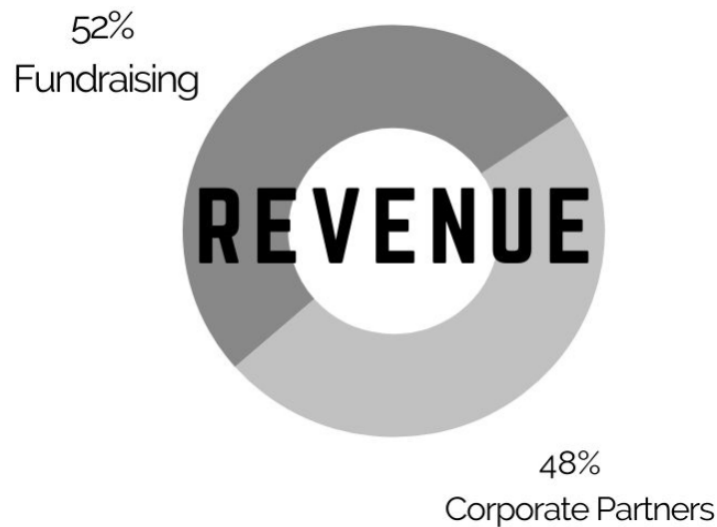
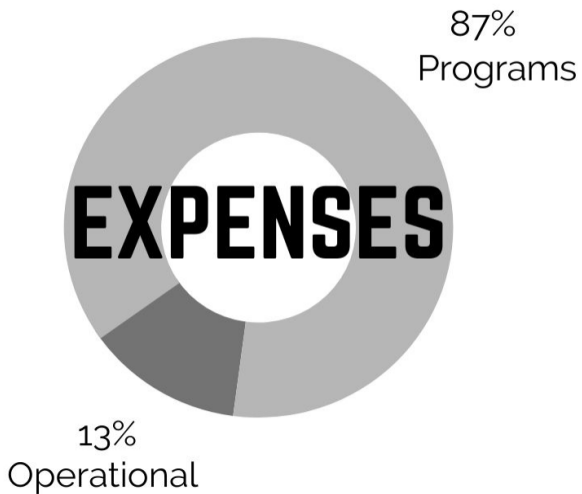




BEHIND THE SCENES

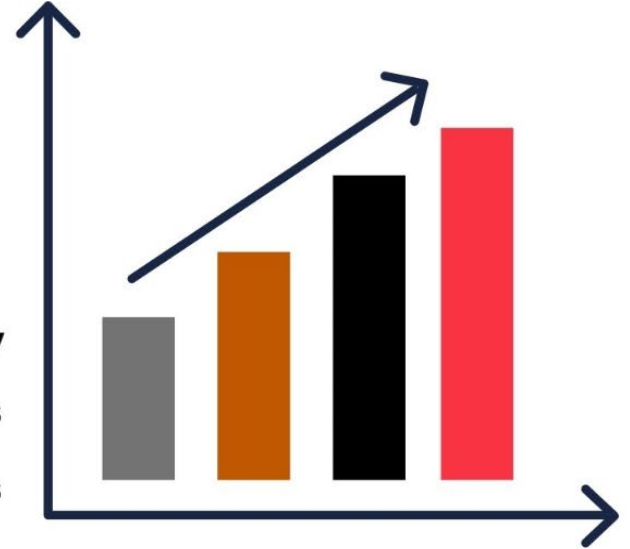


2019 Funding



funding 2020-2021

Hutto ISD Teachers & Faculty
kinder-12th Students
Graduating Seniors

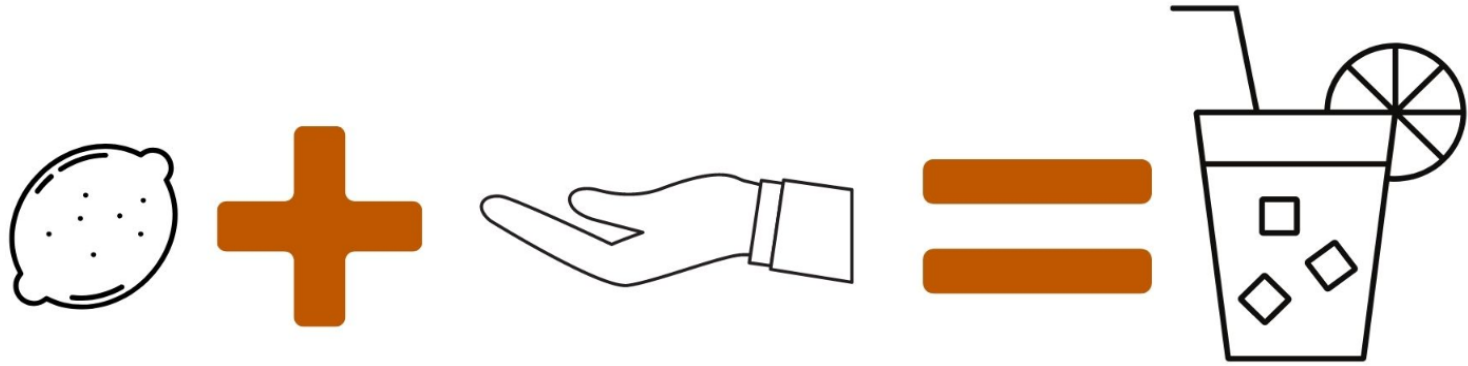


2,880+

Fundraising

50%

Decrease



"Lack of funding is detrimental to our organization. In order for HEF to continue to raise money for innovative programs that benefits our school district; Hutto Education Foundation's focus would have to shift to seeking operation and administration grants. Our education foundation is an essential service to our community. HEF seeks the City of Hutto's partnership in order to adapt to the new normal."

- Lizzy Samples, Director of HEF

OUR IMPACT

on the lives of others is our
legacy







Our Mission! Our Purpose! Our Future!

THE SANDBOX AT MADELINE'S PLACE

OUR WHY...



Meet Madeline Claire Haynes: a charming, fun, full of life 15 year old sophomore athlete at Hutto High School who had a bright future ahead of her, until "that one day."

OUR MISSION & OUR MESSAGE

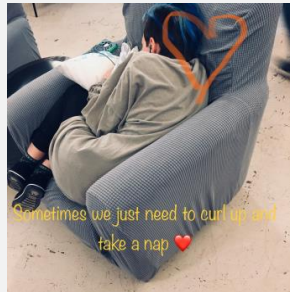
- *To empower teenagers to navigate adolescences, safely, happily and with a healthy sense of self. We carry this out through relational activities, relationship building, mentoring and community engagement.*
- **Be Honest ~ Be Kind ~ Speak Up**
- Be honest in your relationships, Be kind in your communication, Speak up if you or someone you know is in trouble

THE SANDBOX (PRE-COVID)

Thanks to the grant we received last year, we were able to purchase a 2nd van which allowed us to increase our after-school pick to an average of 30 students each week.



- Bonfires w/s'mores
- Quiet time in the tree
- Gaga Ball
- Arts & Crafts
- Cupcake decorating
- Christmas Party & Games
- Even a safe space for a quick nap!
- Dinner for the students

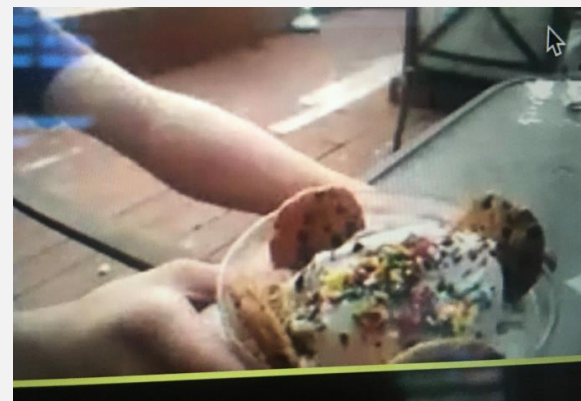


THE SANDBOX (POST-COVID)



Zoom...Personal Connections...Checking In

- Personal Pizza Kits
- Cupcake Baking/Decorating Kits
 - Yoga
- Safe Space for Chatting
- Ice Cream Sundae Kits
- Phone calls to check in
- Socially distant lunch & chats
 - Virtual Bingo
- Refinished the living room floor



The background is a dark charcoal grey. It is decorated with several stylized, hand-drawn flowers. Some flowers are pink with thin black outlines, some are light blue with thin black outlines, and some are white with thin black outlines. The flowers have multiple petals, some of which are elongated and pointed. There are also small, solid-colored circles in pink, blue, and white scattered throughout the background. A semi-transparent white rectangular box is centered horizontally and vertically, containing the text "OUR NEEDS FOR OUR FUTURE...".

OUR NEEDS FOR OUR FUTURE...

OUR 2020 GRANT REQUEST:

An additional \$1000 per month will help us increase our capacity and availability by:

- ☐ To help fund our need for overhead, insurance and food, to support the growing number of students we are impacting.
- ☐ Increase our hours & staff in order to reach more students.
- ☐ Due to an increase in our student pick ups, which required an additional vehicle, our auto insurance more than doubled on an annual basis.

Total Request: \$12,000

QUESTIONS?

Contacts:

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sandboxatmadelines@gmail.com
512-431-1347

Billie Logiudice, Teen Center Director
blogiudice1121@gmail.com
512-365-4855

John Haynes, President