

HEWITT TEXAS

CITY COUNCIL MEETING AGENDA

October 2, 2017

Workshop/Regular Meeting – 5:30 PM/7:00 PM

CITY HALL, 200 PATRIOT COURT

HEWITT, TX 76643

MAYOR AND CITY COUNCIL

Travis Bailey – Mayor, Ward 1

Ed Passalugo – Mayor Pro Tem, Ward 3

Wilbert Wachtendorf – Council Member, Ward 1

Bill Fuller – Council Member, Ward 2

James Vidrine – Council Member, Ward 2

Steve Fortenberry – Council Member, Ward 3

Alex Snider – Council Member At-Large

CITY STAFF

Adam Miles, City Manager

Charlie Buenger, City Attorney

Miles Whitney, City Engineer

Lydia Lopez, City Secretary

Jim Devlin, Police Chief

Lee Garcia, Finance Director

Lance Bracco, Fire Chief

Waynette Ditto, Library Director

Katie Allgood, Managing Director

Tracy Lankford, Community Dev. Director

Tuck Saunders, Assistant Police Chief

HEWITT TEXAS

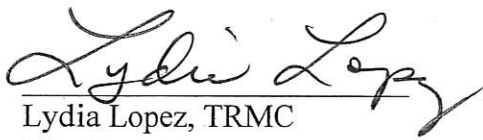
NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Workshop** meeting of the governing body of the City of Hewitt will be held on the **2nd day of October, 2017, at 5:30 PM in Hewitt City Hall, Council Workshop Room, 200 Patriot Court**, Hewitt, Texas, at which time the following subjects will be discussed:

1. Call meeting to order.
2. City Manager's update on municipal business:
 - a. Report from City Engineer
 - b. Briefing and discussion concerning proposed CO Issuance.
 - c. Briefing and discussion concerning upcoming events:
 - Spooktacular (Warren Park) – October 31 (Greater Hewitt Chamber)
 - d. Briefing and discussion concerning Public Safety operations – Police & Fire:
3. Review regular meeting agenda items.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
5. Close Executive Session.
6. Adjourn.

I, the undersigned authority, do hereby certify that the above notice of meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 4:30 AM/PM on September 29, 2017.

CITY OF HEWITT


Lydia Lopez, TRMC
City Secretary

HEWITT TEXAS

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **2nd day of October, 2017, at 7:00 PM in the City Council Chambers at Hewitt City Hall, 200 Patriot Court, Hewitt, Texas,** at which time the following subjects will be discussed:

1. Call meeting to order.
2. Pledge of Allegiance to the U.S. Flag
3. Presentation of proclamation in recognition of "Power Up at Your Library Week – October 1-7, 2017."
4. Consider approval of minutes of the City Council Workshop and Regular Meeting of September 18, 2017.
5. Hear visitors on matters pertaining to city business. *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda.*
6. Consideration of and action on a resolution submitting candidate nominations for the McLennan County Appraisal District Board of Directors for the years 2018-2019.
7. Authorize the City Manager to implement and enforce the City of Hewitt Social Media Policy.
8. Authorize the City Manager to enter into a Joint Participation Agreement at the Reserve at Dry Creek concerning upsizing water lines from 8 inch diameter to 12 inch diameter.
9. Authorize the City Manager to negotiate and execute a lease agreement with the American Red Cross concerning use of city facilities for storage of emergency relief supplies.
10. Consideration of and action on a resolution amending the City of Hewitt's Investment Policy.
11. Consideration of and action on a resolution directing publication of notice of intention to issue combination tax and limited surplus revenue certificates of obligation.
12. Authorize purchase of an aerial fire apparatus from Metro Fire Apparatus Specialist, Inc., in an amount not to exceed \$1,299,579.
13. Authorize purchase of an 800 mHz Public Safety Console system from Motorola Solutions, Inc., in an amount not to exceed \$729,126.
14. Authorize the City Manager to negotiate and execute an interlocal cooperation agreement with the City of Waco for the use of the City of Waco 800 MHZ Trunked Voice Radio System.
15. Adjourn.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 4:30 AM/PM on September 29, 2017.

CITY OF HEWITT

A handwritten signature in cursive script, reading "Lydia Lopez", written over a horizontal line.

Lydia Lopez, TRMC
City Secretary

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Hewitt City Secretary at (254) 666-6171 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.

HEWITT TEXAS

COUNCIL WORKSHOP AGENDA ITEM #2.a



CITY ENGINEER'S REPORT
September 28, 2017

2015 Bond Projects:

Lift Station No. 5 Removal

Plans are completed for the sewer line portion of the project, awaiting easements.

IH - 35 Waterline

- Phase 2; Sun Valley to Flat Rock Trailers
 - Working on finishing up these plans, will be working on submitting forms for TxDOT utility installation permits.
- Phase 3; South side of Castleman Creek to Glenleigh Dr.
 - No work performed on this project since our last meeting.

Lift Station No. 4; Gravity Line Extension

Lines are installed; just awaiting pressure testing.

Sun Valley Rd.; Waterline Bores.

I have received the topo shots will begin to put preliminary alignments together.

Alamo Lift Station (Lift Station No. 7)

Working on the draft Inter-Local Agreement.

Drainage

2016 - Hewitt Park / Park Meadows Drainage Improvements

Should be holding a final walk through shortly.

Flat Creek Tributary Drainage

I have no new update, at this time.

209/213 Cross Country Drainage Improvements

Awaiting topography.

HEWITT TEXAS II

CITY ENGINEER'S REPORT

September 28, 2017

Old Temple Rd; Phase 2

A pre-construction meeting has been held and I have begun the review of project submittals.

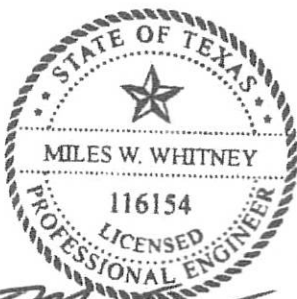
FM 2113 (Spring Valley Rd.)

Awaiting utility conflict analysis from TxDOT.

Ritchie Road Improvements; (From Warren Dr. to Park Place Dr.)

Working on gathering information to begin the design of this project.

By:



Miles W. Whitney P.E.
Miles W. Whitney, P.E.

Note: All dates are approximate and subject to change.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 3

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Presentation of proclamation by Mayor in recognition of "Power Up at Your Library Week – October 1-7, 2017."

STAFF RECOMMENDATION/ITEM SUMMARY:

A proclamation has been prepared to be presented by the Mayor. Library Director Waynette Ditto will receive proclamation.

ATTACHMENTS:

None

OFFICIAL MAYOR'S PROCLAMATION CITY OF HEWITT, TEXAS

- Whereas, Texas libraries serve the people of Texas and help support the incredible innovation and creativity that is a natural Texas asset to the people of our state; and
- Whereas, Texas school, public, and university libraries serve millions of Texans and promote learning, business and entrepreneurship, innovation, workforce development and much more;
- Whereas library programs range broadly from getting every child ready to read and school preparedness, to homework help and building research skills, to GED classes and access to financial aid resources; and
- Whereas, the of the Hewitt Public Library has the potential to transform lives; and
- Whereas, libraries are places where the creation and cultivation of ideas happen and people are encouraged to make big dreams a reality; and
- Whereas, libraries are a resource for economic vitality and education in today's ever-changing, fast-paced digital environment; and
- Whereas, the Hewitt Public Library has achieved State and National recognition of programs and services; and
- Whereas, the City of Hewitt City Council supports wholeheartedly the goals of education and opportunity.

NOW THEREFORE, I, Travis Bailey, by virtue of the power vested in me as Mayor of the City of Hewitt, Texas do hereby proclaim October 1-7, 2017, as "*Power Up at Your Library Week*" in Hewitt and encourage all citizens to visit the library and participate by exploring a personal area of curiosity and innovation.

Signed and sealed this 2nd day of October, 2017.

Ed Passalugo, Mayor

Attest:

Lydia Lopez, City Secretary



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 4

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider approval of minutes of the City Council Workshop and Regular Meeting of September 18, 2017.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a draft copy of the meeting minutes. Please review and advise if any corrections are needed.

ATTACHMENTS:

Draft minutes

HEWITT TEXAS

MINUTES OF A CITY COUNCIL WORKSHOP/REGULAR MEETING HEWITT CITY HALL – 200 PATRIOT COURT September 18, 2017 – 5:30 PM/7:00 PM

Members present: Mayor Travis Bailey (presiding), Mayor Pro Tem Ed Passalugo, Council Members Wilbert “Walky” Wachtendorf, Bill Fuller, James Vidrine, Alex Snider and Steve Fortenberry

Staff present: City Attorney Charlie Buenger, City Engineer Miles Whitney, City Manager Adam Miles, Police Chief Jim Devlin, Assistant Police Chief Tuck Saunders, Fire Chief Lance Bracco, Managing Director Katie Allgood, Utilities Superintendent Kevin Reinke, Library Director Waynette Ditto, Community Development Director Tracy Lankford, Human Resources Generalist Stephanie Fenty, Parks & Media Coordinator Cassie Muske, and City Secretary Lydia Lopez

Staff absent: Finance Director Lee Garcia

WORKSHOP – 5:30 PM

1. Mayor Travis Bailey called the meeting to order at 5:30 PM.
2. City Manager presented updates on municipal business:
 - a. Report from City Engineer
 - b. Briefing and discussion concerning upcoming events:
 - Dog Days (Hewitt Park) – September 30
 - Spooktacular (Warren Park) – October 31 (Greater Hewitt Chamber)
 - c. Briefing and discussion concerning proposed park developments.
 - Dog Park presentation (Presented by Parks & Media Coordinator Caz Muske)
 - d. Splash Pad presentation (Presented by Managing Director Katie Allgood)
 - e. The Council interviewed prospective Parks & Beautification Committee member – Davis D. Thigpen.
3. The regular meeting agenda items were reviewed.

*A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to recess the Workshop at 6:53 pm; all in favor, motion passed. **Note: The remainder of the Workshop was held following the Regular Session.***

REGULAR MEETING – 7:00 PM

1. **CALL TO ORDER.** Mayor Travis Bailey called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE TO THE U.S. FLAG** – Mayor Travis Bailey asked Miss Charlotte Guess to lead the Pledge of Allegiance.
3. **CONSIDER APPROVAL OF MINUTES OF THE SPECIAL CALLED CITY COUNCIL REGULAR MEETING OF AUGUST 14, 2017.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Alex Snider to approve the minutes as submitted but allow for corrections; all seven in favor, motion passed.*
4. **HEAR VISITORS ON MATTERS PERTAINING TO CITY BUSINESS.** *Under the Texas Open Meetings Act, the Council is prohibited from discussing, responding, or acting on any comments or items that have not been properly posted on the agenda. NONE*
5. **SPECIAL PRESENTATION OF THE MAYOR’S LIBRARY AWARD.** Mayor Travis Bailey and Library Director Waynette Ditto presented the Mayor’s Reading Awards to the following Young individuals who participated in the Library’s Summer Reading Program:

TOP CHILD READERS

Eli Hudson
Malachi Hudson
Sadie Hudson
Aariz Velji
Madrid Vaughan
Oakley Powell
Adlesi Roberts
Hudson Kuykendall
Kaidan Ryan
Michael Stripling

TOP TEEN READERS

Emma Guess
Kordelia Lawson
Molly Stripling
Charlotte Guess
Isaac Callahan
Daniel Miller
Isaac Miller
Sandie Preddy
Haylee Ryan
Foster Trice
Thomas Guess
Maheen Lalani
Ethan Trice

6. **SPECIAL PRESENTATION OF THE LIBRARY’S “BUILD A BETTER HEWITT PROJECT.”** Library staff members Amy Wilhite and Sarah Miller presented a PowerPoint presentation highlighting the Build a Better Hewitt project and what maker education programming the library has planned for the future.
7. **CONSIDER APPOINTMENT TO THE PARKS & BEAUTIFICATION COMMITTEE.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to approve appointment of Davis Thigpen; all seven in favor, motion passed.*

8. **ADMINISTER OATH OF OFFICE TO NEWLY APPOINTED PARKS & BEAUTIFICATION COMMITTEE MEMBER.** Mayor Travis Bailey administered the oath of office to Davis Thigpen
9. **AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH LEWIS CONCRETE RESTORATION FOR RESTORATION AND RE-COATING OF SANITARY SEWER MANHOLES IN AN AMOUNT NOT TO EXCEED \$30,000.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Bill Fuller to approve; all seven in favor, motion passed.*
10. **AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A UTILITIES ENCROACHMENT EASEMENT AS REQUESTED BY THE CITY OF WACO.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Alex Snider to approve; all seven in favor, motion passed.*
11. **AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WALKER PARTNERS IN AN AMOUNT NOT TO EXCEED \$138,530.** *A motion was made by Council Member Alex Snider and seconded by Mayor Pro Tem Ed Passalugo to approve; all seven in favor, motion passed.*
12. **CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING SECTION 70-45, HOTEL OCCUPANCY TAX, ALLOWING A DISCOUNT OF 1% FOR EARLY PAYMENT OF HOTEL TAXES.** *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Steve Fortenberry to deny ordinance; four in favor (Passalugo, Fortenberry, Snider and Bailey); three (Wachtendorf, Fuller, Vidrine) in opposition, motion to deny passed.*
13. **ADJOURN.** *A motion was made by Council Member Bill Fuller and seconded by Mayor Pro Tem Ed Passalugo to adjourn the regular meeting at 7:54 PM and reconvene the workshop; all seven in favor, motion passed.*

WORKSHOP - Continued

- f. Briefing and discussion concerning right of way management policy.
- g. Briefing and discussion concerning proposed social media policy.
- h. Briefing and discussion concerning Public Safety operations – Police & Fire.
Council Member Wilbert “Walky” Wachtendorf read a poem he wrote entitled, “An Ode to Gus”.
4. Convene Executive Session pursuant to the Open Meetings Act, Chapter 551, Texas Government Code to discuss the following:
 - **Pursuant to §551.072 – Purchase, Exchange, Lease, or Value of Real Property.**
5. Close Executive Session.

6. Adjourn. *A motion was made by Mayor Pro Tem Ed Passalugo and seconded by Council Member Alex Snider to adjourn the meeting at 8:44 PM, all seven in favor, motion passed.*

Approved: October 2, 2017

Lydia Lopez, City Secretary

Travis Bailey, Mayor

HEWITT TEXAS

ITEM #5 – HEARING OF VISITORS

PROCEDURES FOR CITIZEN PARTICIPATION AT MEETINGS

1. Citizens are encouraged to discuss matters of concern with the staff and individual council members prior to placing items on the agenda. This will allow the matter to be properly investigated before it is presented to the entire council and will often expedite a resolution.

NO CITIZEN OR STAFF MEMBER MAY SPEAK OR OTHERWISE INTERRUPT ANY MEETING UNTIL RECOGNIZED BY THE PRESIDING OFFICER.

2. To maintain decorum at public hearings, the mayor will ask citizens in attendance if they wish to speak for or against the item on the agenda. If so, they will be given an opportunity to speak at the proper time and when recognized by the chair. If more than five citizens wish to address the council on any single agenda item, those citizens are advised to select a spokesperson to present their case.

Only under the agenda item “Hear Visitors” are citizens permitted to speak regarding matters that pertain to city business or address an item on the agenda. **The council is prohibited by law from discussing or acting on any item that has not been posted on the agenda.**

3. Individual citizens that discuss items not listed on the agenda shall be limited to **five minutes**. If five or more citizens wish to discuss a single item or topic that is not listed on the agenda, then the total presentation will be limited to a maximum of twenty-five minutes. City council members shall **not** enter into discussion on any subject that has not been properly placed on the agenda; however, council members may ask questions for clarification purposes.
4. As a general rule, citizens may not participate or address the council or staff during the workshop session.



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 6

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Consider and act on a resolution submitting candidate nominations for the McLennan County Appraisal District (McCAD) Board of Directors for the Years 2018-2019.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a copy of the Board of Directors Eligibility requirements for service on the CAD Board. The attached resolution is the official format where nominees can be submitted to the Chief Appraiser. The deadline for submitting nominees is October 15, 2017. The voting entitlements will be sent within the next week or so once all the 2017 levies have been received from the County.

ATTACHMENTS:

McCAD Board of Directors Voting Procedures
McCAD Board of Directors Eligibility
Draft resolution

McLENNAN COUNTY APPRAISAL DISTRICT



2018-2019 BOARD OF DIRECTORS TAXING UNIT VOTING PROCEDURES

McLennan CAD Taxing Units:

It is again time to deliver the voting entitlements, for eligible taxing units, to nominate candidates for the five (5) positions serving on the McLennan County Appraisal District Board of Directors.

Each taxing unit is entitled to nominate, via resolution adopted by its governing body (sample enclosed), one (1) candidate for **each** of the five (5) open positions of the board of directors. The presiding officer of the governing body of each taxing unit shall submit the name and address of the unit's nominee(s) to the chief appraiser **before October 15th**. **Before October 30th**, the chief appraiser shall prepare a ballot, listing the candidates, and shall deliver a copy of said ballot to the presiding officer of each taxing unit that is entitled to vote.

Each governing body shall determine its vote, via resolution, and submit it to the chief appraiser **before December 15th**. Your voting entitlement may be cast for one candidate or it may be distributed amongst any number of candidates the governing body would like to choose. The chief appraiser shall count the votes, declare the five (5) newly elected board members, who received the largest, cumulative total votes and submit those results, **before December 31st**, to each governing body.

Please mark these important dates on your calendar for the governance of the McLennan County Appraisal District:

- **Before October 15th**: Each governing body will submit their choice of nominee names and addresses, via resolution, to the chief appraiser.
- **Before October 30th**: The chief appraiser will prepare and deliver a ballot to the presiding officer of each taxing unit.
- **Before December 15th**: Each governing body will vote, via resolution, and return the ballot to the chief appraiser.
- **Before December 31st**: The chief appraiser will send the election results to each governing body, as well as to the candidates.

There is a very small window of time in which to consider this issue. Please remember to include these procedures and dates on the agenda of your next scheduled meeting, in order to plan how your taxing unit would like to prepare for and act on this matter. Your vote is extremely important in order to ensure the continued dedicated leadership of this board.

As soon as we receive the 2017 tax levies from the McLennan County Tax Assessor Collector, (normally around the first of October), we will calculate each entities' voting entitlement. We will then send the voting entitlements, along with the ballot, to each taxing unit.

Respectfully submitted,

Andrew J. Hahn, Jr. RPA, RTA
Chief Appraiser

September 1, 2017-eobrate

**McLENNAN COUNTY APPRAISAL DISTRICT
BOARD OF DIRECTORS ELIGIBILITY**

Eligibility:

To be eligible to serve, a person must have resided in the appraisal district for at least two (2) years immediately preceding the date of taking office. The person may not be an employee of a taxing entity served by the appraisal district, but may be an elected official or a member of the governing body. A person may not be appointed if related within the second degree of consanguinity (blood) or affinity (marriage) to either an appraiser who appraises property for use in the appraisal district's appraisal review board proceedings or a tax representative who represents taxpayers for compensation before the appraisal district's appraisal review board. Owing delinquent taxes for more than 60 days after the date the person knew or should have known of the delinquency, disqualifies a person from serving on the CAD board of directors.

Term:

All directors, other than the county tax assessor collector, serves a two (2) year term, beginning on January 1st of an even-numbered year.

Meetings:

Meetings are held at least once a calendar quarter, at the convenience of the majority of the board.

Compensation:

Directors may not receive a salary, per diem, or other compensation. The appraisal district may reimburse for reasonable and necessary expenses incurred in the performance of a director's duties, if included in the appraisal district budget.

General Statement of Functions:

The board of directors has the following primary responsibilities:

- Establish the appraisal district's appraisal office;
- Adopt the appraisal district's annual operating budget;
- Contract for necessary services;
- Hire a chief appraiser;
- Hire a taxpayer liaison officer (districts in counties having a population of over 125,000); and
- Make general policy on the appraisal district's operation.

The board's authority over appraisals is limited. The board does not appraise property or review values on individual properties. The board has no authority to officially review ARB decisions. The board does have some authority over appraisals through its duties to contract and budget.

RESOLUTION NO. 2017-10-02-

**RESOLUTION OF CANDIDATE NOMINATIONS FOR THE
McLENNAN COUNTY APPRAISAL DISTRICT BOARD OF
DIRECTORS FOR THE YEARS 2018-2019.**

WHEREAS, Section 6.03 (f) of the Texas Property Tax Code, requires that each taxing unit entitled to vote may nominate by resolution one candidate for each of the five positions to be filled and submit those nominations to the Chief Appraiser of the McLennan County Appraisal District before October 15, 2015.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS:

That the Council submits the following nomination(s) for Board of Directors of the McLennan County Appraisal District for 2018-2019:

ACTION TAKEN this 2nd day of October, 2017, in Regular Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of nominating candidates to the Board of Directors of the McLennan County Appraisal District.

CITY OF HEWITT

Travis Bailey, Mayor

ATTEST:

Lydia Lopez, City Secretary

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 7

SUBMITTED BY: Katie Allgood, Managing Director of Administration

ITEM DESCRIPTION:

Authorize the City Manager to implement and enforce the City of Hewitt Social Media Policy.

STAFF RECOMMENDATION/ITEM SUMMARY:

City staff has worked to compile the attached policy on Social Media. The policy outlines the roles, responsibilities, guidelines, and proper etiquette for employees and City officials while representing the City through social media. The policy also defines inappropriate posts or materials and allows for their removal. Special consideration was given to the Open Meetings Act and Public Information Act while developing this policy.

A copy of the City of Hewitt Social Media Policy is attached, along with a memo outlining the policy's design.

ATTACHMENTS:

Memo
City of Hewitt Social Media Policy

Memo on City of Hewitt Social Media Policy

With recommendations from Katie Allgood, the Managing Director of Administration, Cassie Muske, the Parks and Media Coordinator and Adam Miles, City Manager, I compiled a list of expectations to outline a Social Media Policy for the City of Hewitt.

The recommendations reflected an emphasis on the implementation and incorporation of the Open Meetings Act and minor changes to structure of responsibilities and formatting.

Cassie provided sample policies from West Hollywood, Minneapolis and the City of Waco in order to help me focus my purview. After looking at each of the policies, the City of Waco provided the most effective policy by dividing the policy into five branches: Purpose, Scope, Definitions, Policy and Responsibilities.

Purpose defines the objective of social media in the context of the City of Hewitt. By establishing purpose, the City outlines how it will utilize social media to inform the public.

Scope explicates the purview of the policy.

Definitions help identify key and recurring terms of the policy.

Policy is divided into six subsections, identifying stages and aspects of social media development and sustainment: Creation and Maintenance, Public Records, Posting, Design and Content, Employee Time and Use By Boards or Commissions

Responsibilities define a structure that emphasizes oversight and enforcement.

Jared DeVries
Administrations Intern
City of Hewitt

A. Purpose

This Social Media Policy serves to facilitate social media communications between the City of Hewitt and members of the general public. The City encourages the use of social media to further the goals of the City and the mission of its departments, where appropriate.

The City of Hewitt has an expectation and a responsibility in deciding what is “spoken” on behalf of the City. This policy establishes guidelines for the use of City Social Media Sites.

B. Scope

This policy applies to all civil service, full-time regular, part-time, temporary and seasonal employees as defined in the City of Hewitt Employee Policies and Procedures Manual.

C. Definitions

1. SOCIAL MEDIA SITES – Third party websites which allow for the creation of content and dialogue around a specific issue or area of interest, including Facebook, Twitter, and Instagram.
2. CITY SOCIAL MEDIA SITES – Pages, sections, or posting locations in Social Media that are established or maintained by an employee of the City who is authorized to do so as part of the employee’s job and that are used to conduct City business, communicate with office holders, or city staff, and/or communicate with or gather feedback from residents and other interested persons.
3. CITY SOCIAL MEDIA CONTENT – Information, images, or photographs posted or provided to a City Social Media Site by a City employee or authorized representative when such activity is a part of the employee’s job duties.
4. SOCIAL MEDIA CONTENT -- Content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet

D. Policy**1. CREATION AND MAINTENANCE OF CITY SOCIAL MEDIA SITE**

City Social Media Sites may contain information that represents, or may create the appearance of representing, the City’s position on policy issues, and/or the positions of its leadership. Before any employee or department representative creates a City Social Media Site, approval must be sought from the office of the City Manager. The request must state the business necessity for the City Social Media Site. For any City Social Media Sites currently in existence, the department must submit a request within 30 days of the effective date of this policy.

Once a City Social Media Site is approved by the office of the City Manager, the following information must be shared with the City Manager's office:

- a. All City Social Media Site login and password information (in the case of Facebook, you may make the City Manager's office as an administrator of the site instead of providing the password);
- b. Any changes to the login and password; and
- c. The names of any employees who are authorized to maintain the City Social Media Site or to Post City Social Media Content ("Administrators")

The office of the City Manager may disable a City Social Media and prohibit posting of any City Social Media Content to a site anytime and for any reason, including any violation of this policy, unprofessional use of these resources, lack of use or disinterest by the public, or a department's failure to maintain the site.

2. PUBLIC RECORDS

City Social Media Sites create city records that are subject to the Texas Public Information Act and document retention rules of the state of Texas. Each departmental records administrator shall ensure that such records are retained and archived in conformance with Texas law.

3. POSTING ON CITY SOCIAL MEDIA SITES

Employees creating, maintaining, or posting Social Media Content on the City Social Media Site:

- a. Must at all times conduct themselves as representatives of the City of Hewitt and in accord with all the City of Hewitt Employee Policies and Procedures and other departmental or management rules or directives;
- b. Will follow these guiding principles:
 - i. Unless the employee is posting or responding as the City Social Media Site Administrator, the employee should maintain transparency by using his/her given name and job title and clearly stating the employee's role regarding the subject;
 - ii. Use correct grammar and spelling;
 - iii. Use plain language and avoid jargon;
 - iv. Write and post only about the employee's area of expertise;
 - v. Keep postings factual and accurate;
 - vi. Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions or providing comments, do so in a meaningful, respectful, and relevant manner;
 - vii. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time; all content should be carefully considered;
 - viii. Ensure that Social Media Content does not violate another person's privacy interests;
 - ix. Refrain from posting Social Media Content that is proprietary, copy-righted, attorney-client privileged, subject to state or federal

- privacy laws, and information not subject to the Texas Public Information Act;
- x. City Social Media Content should abide by Texas Government Code chapter 551 regarding meetings of governmental bodies;
- xi. Never comment on anything related to legal matters, litigation or any parties with whom the City may be in litigation without the approval of the City Attorney or the City Manager;
- xii. Refrain from the expression of personal opinions or positions regarding:
 - (a) programs or practices of other public agencies, political organizations, private companies, or non-profit groups;
 - (b) political campaigns; or
 - (c) Religion.

4. DESIGN AND CONTENT OF SOCIAL MEDIA SITES

Membership by the public in a City Social Media Site should not be required in order for the public to post on the site. If this is not possible on a particular City Social Media Site, then a City e-mail contact must be posted as an alternative for posting comments.

City Social Media Sites should be focused and limited in scope and topic. Sites that are limited in scope and topic are “limited forum” sites. Sites that do not limit the topic of discussion are “open forum” sites.

- a. The following should be clearly posted on any City Social Media Site:
 - i. A clear statement of the intent, purpose, and subject matter of the site;
 - ii. City contact information; and
 - iii. The link to the City of Hewitt website.
- b. In addition, City Social Media Sites that permit interactivity with the public, comments, or postings should post clear statements of the following:
 - i. All content and postings are subject to public disclosure;
 - ii. Disclaimer that postings do not necessarily reflect the views or position of the City;
 - iii. The site is not monitored 24 hours a day and that in case of an emergency the public should call 911.
 - iv. The City reserves the right to terminate any City social media site at any time without notice.
 - v. The City reserves the right to delete completely or hide, when necessary and as soon as is feasible, any posting that involves:
 - (a) Advertisements or content that is commercial in nature;
 - (b) Obscenity or profanity;
 - (c) Content that promotes, perpetuates, or fosters discrimination on the basis of age, gender, race, religion, color, national origin, physical or mental disability, sexual orientation, marital status,

- and/or gender identity;
 - (d) Sexual content;
 - (e) Content that implies, promotes, or encourages illegal activity;
 - (f) Content that is contrary to the safety of City employees or the public;
 - (g) Content that opposes or supports political candidates or propositions;
 - (h) Content unrelated to a particular posting by the city; or
 - (i) Content that violates the legal ownership of another party.
- vi. All City social media sites shall adhere to applicable federal, federal, state, and local laws, regulations and policies.
 - vii. Employees representing the City on City Social Media Sites shall conduct themselves at all times as a professional representative of the City and in accordance with all City policies.
- c. In addition, for City Social Media Sites that are limited forum sites and permit interactivity with the public, comments, or postings, the following statement should be clearly posted:

The City reserves the right to delete completely or hide, when necessary and as soon as is feasible, any posting unrelated to the purpose and topical scope of the page.

Each posting on a City Social Media Site shall contain a clear statement of the discussion topic introduced for public comment so that the public is aware of the limited nature of the discussion.

Links placed on City Social Media Sites should only be to a resource on the City's website, a city-owned website, a local, state or federal government site, an educational website, or an organization with an official partnership or supportive business relationship with the City. Exemptions to this rule will be at the discretion of the Municipal Information Office.

The provision of links from the City of Hewitt website to other websites does not constitute an endorsement by the City of Hewitt of those websites, or any links or pointers on those websites.

All of the content on City social media sites is subject to oversight by the office of the City Manager.

5. EMPLOYEE TIME SPENT MAINTAINING OR CREATING CITY SOCIAL MEDIA SITES

Non-exempt employees who serve as City Social Media Site Administrators shall work on the City Social Media Site (monitoring, creating, maintaining or

posting) only during normal office hours unless specifically pre-approved in writing by the employee's supervisor. Any time spent in excess of a 40-hour work week by a City Social Media Site Administrator monitoring, creating, maintaining or posting on a City Social Media Site will be paid overtime in compliance with federal law and city policy.

6. USE BY BOARDS OR COMMISSIONS

Due to open meetings requirements, individual members of a city board or commission are prohibited from participating in postings or discussion threads on City Social Media Sites created and maintained by the department or group of which they advise. With permission of the City Attorney or the City Manager, a department may set up an online message board or similar Internet application that complies with Texas Government Code Section 551.006: *(a) A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of this chapter if: (1) the communication is in writing; (2) the writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and (3) the communication is displayed in real time and displayed on the online message board or similar Internet application to be used for the purposes described in Subsection (a).* If such an online message board or similar Internet application is created and after training of that board and commission on use of the site, members of that board or commission may post on that site in compliance with Texas Government Code Section 551.006.

Failure to comply with any aspect of this policy may result in disciplinary action up to and including termination.

E. Responsibilities

1. The office of the City Manager is responsible for:

- a. Deciding who is authorized to serve as City Social Media Site Administrator and designating appropriate access levels;
- b. Ensuring that approval is sought from the office of the City Manager prior to the creation of a City Social Media Site.

2. Department Heads are responsible for:

- a. Ensuring that employees are aware of this policy for creating and maintaining City Social Media Sites;
- c. Ensuring that content that is inappropriate or violates this Policy is not posted on the City Social Media Site established and maintained by the Department;

3. Employees are responsible for:

- a. Ensuring that all contributions to City Social Media Sites adhere to this Policy.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 8

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize the City Manager to enter into a Joint Participation Agreement at the Reserve at Dry Creek concerning upsizing water lines from 8 inch diameter to 12 inch diameter.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Reserve at Dry Creek apartment complex is in the process of replacing a 295 foot section of 8" water line, due to conflicts with their site grading plan. After review and analysis, the City Engineer is recommending for the City of Hewitt to participate with the developer to upsize this segment up to a 12 inch diameter with a projected cost of approximately \$15,340. It should be noted, the actual cost would be determined after negotiation with the developer and on site contractors. An itemized estimate is included as back up for this item. If approved, city staff would work with the developer to complete the upsizing of this water line. In doing this the City can avoid having replace this section of line at a future date when we increase that segment of line to provide a larger capacity loop between Sun Valley Blvd. and Alliance Parkway.

ATTACHMENTS:

Quantities Estimate
Drawing

QUANTITIES ESTIMATE - 12" vs 8"

PROJECT: THE RESERVE AT DRY CREEK HEWITT WATER MAIN SIZE PRICE COMPARISON
FOR: CITY OF HEWITT

DATE: 9/29/2017

OPTION A - 12" WATERLINE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	PRICE
12" Gate Valve	3	EA	\$ 3,000.00	\$ 9,000.00
12" 11.25 Degree Bend	2	EA	\$ 700.00	\$ 1,400.00
12" 22.5 Degree Bend	2	EA	\$ 700.00	\$ 1,400.00
12" x 8" REDUCER	2	EA	\$ 500.00	\$ 1,000.00
12" x 8" TEE	2	EA	\$ 1,200.00	\$ 2,400.00
12" PVC Pipe	295	LF	\$ 52.00	\$ 15,340.00
			TOTAL	\$ 30,540.00

OPTION B - 8" WATERLINE

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	PRICE
8" 11.25 Degree Bend	2	EA	\$ 500.00	\$ 1,000.00
8" 22.5 Degree Bend	2	EA	\$ 500.00	\$ 1,000.00
8" x 8" TEE	2	EA	\$ 700.00	\$ 1,400.00
8" PVC Pipe	295	LF	\$ 40.00	\$ 11,800.00
			TOTAL	\$ 15,200.00

DIFFERENCE \$ 15,340.00

Quantities Prepared by; 1519
Opinion of Probable Cost Prepared By;



Miles Whitney, P.E.; Cayote Consulting, LLC F-16387

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 9

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize the City Manager to negotiate and execute a lease agreement with the American Red Cross concerning use of city facilities for storage of emergency relief supplies.

STAFF RECOMMENDATION/ITEM SUMMARY:

Local representatives of the American Red Cross (ARC) have requested use of city facilities for storage of disaster relief supplies. City staff worked with ARC to identify a potential site that would be suitable for their needs that would not conflict with city operations. The supplies are contained on approximately 12 pallets and would not be in conflict with City equipment. If approved a formal lease agreement, with a fee of \$100 per year, and reviewed by the City Attorney, would memorialize the arrangement.

ATTACHMENTS:

None

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 10

SUBMITTED BY: Lee Garcia, Finance Director

ITEM DESCRIPTION:

Consideration of and action on a resolution amending the City of Hewitt's Investment Policy.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City's Investment Policy requires Council to review and approve the policy and investment strategies annually, approving any changes or modifications at a regularly scheduled meeting. Due to legislative changes made effective September 1, 2017, the Investment Policy has been updated for annual review in October. Changes made this year include:

- a) Clarification to investment allowed. Specifies including the Federal Home Loan Bank.
- b) Securities purchased and settled into the City's safekeeping agent, rather than depository.
- c) Change in Investment providers that are required to acknowledge review of City's Investment Policy.
- d) Coastal Securities deleted and FTN Financial added due to merger of the two firms.

Staff recommends adopting the following amended Investment Policy.

ATTACHMENTS:

Resolution and Investment Policy 10-2-2017

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS, AMENDING AND APPROVING THE CITY OF HEWITT INVESTMENT POLICY; AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND HAS BEEN OPEN TO THE PUBLIC AS REQUIRED BY LAW

WHEREAS, the Hewitt City Council adopted an Investment Policy governing investment of City funds in compliance with the Public Funds Investment Act; and

WHEREAS, the Public Funds Investment Act requires that an annual review of public fund investment policies and strategies be conducted; and

WHEREAS, amendments to the Investment Policy are required by the Public Funds Investment Act to be approved by the Hewitt City Council; and

WHEREAS, the City's Investment Advisor, City Manager, and Finance Director have reviewed the Investment Policy and are in agreement that it is of benefit to the City of Hewitt to amend the Investment Policy; and

WHEREAS, the attached Investment Policy amends the City's former Investment Policy and complies with the Public Funds Investment Act, and authorizes the investment of City funds in safe and prudent investments.

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

SECTION 1. The facts and recitations contained in the above preamble of this Resolution are hereby incorporated for all purposes.

SECTION 2. The City Council of the City of Hewitt approves the revised investment policy (as shown in the attached Exhibit A) and is hereby adopted by the City of Hewitt to be effective immediately.

SECTION 3. It is hereby officially found and determined that the meeting at which this resolution is passed was noticed and has been open to the public as required by law.

PASSED AND APPROVED this the 2nd day of October 2017.

CITY OF HEWITT, TEXAS

Travis Bailey, Mayor

ATTEST:

Lydia Lopez, City Secretary

**INVESTMENT POLICY
CITY OF HEWITT
Approved by City Council
October 2, 2017**

I. POLICY

It is the policy of the City of Hewitt (the "City") that after allowing for the anticipated cash flow requirements of the City and giving due consideration to the safety and risk of investment, all available funds shall be invested in conformance with these legal and administrative guidelines, seeking to achieve reasonable interest earnings based on market conditions.

Effective cash management is recognized as essential to good fiscal management. Investment interest is a source of revenue to City funds. The City's investment portfolio shall be designed and managed in a manner intended to maximize this revenue source, to be responsive to public trust, and to be in compliance with legal requirements and limitations.

Investments shall be made with the primary objectives of:

- * **Safety** and preservation of principal
- * Maintenance of sufficient **liquidity** to meet operating needs
- * **Diversification** to minimize market risks
- * **Public trust** from prudent investment activities
- * Achievement of **reasonable interest earnings**

II. PURPOSE

The purpose of this Investment Policy is to establish guidelines and policies controlling the investment of the City's funds. The Policy is designed to comply with Chapter 2256 of the Texas Government Code, the Public Funds Investment Act, (the "Act"), which requires the City to adopt a written Investment Policy regarding the investment of its funds and funds under its control. This Investment Policy addresses the methods, procedures and practices that must be exercised to ensure effective and judicious fiscal management of the City's funds. All investments shall be designed and managed in a manner responsive to the public trust and consistent with state and local law.

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction that might impair public confidence in the City's ability to govern effectively.

III. SCOPE

This Policy shall govern the investment of all financial assets of the City. All funds accounted for in the City's Comprehensive Annual Financial Report (CAFR) are to be governed by this Policy and include:

- General Fund
- Capital Projects Funds
- Enterprise Funds
- Debt Service Funds, including reserves and sinking funds
- Any new fund created by the City, unless specifically exempted from this Policy by law.

This Policy shall apply to all transactions involving the financial assets and related activity for all the foregoing funds.

IV. INVESTMENT OBJECTIVES AND STRATEGIES

The City shall manage and invest its cash with five primary objectives, listed in order of priority: **safety, liquidity, diversification, public trust, and yield**. The safety of the principal invested will represent the primary objective.

The City shall maintain a comprehensive cash management program, which includes timely collection of account receivables, timely payments to vendors in accordance with invoice and available discount terms, and prudent investment of all assets.

Attention to cash management principles will assure that cash is available when needed and all funds will be invested to obtain the best use of City assets to obtain a reasonable market rate of earnings.

The City shall maintain a "buy and hold" portfolio strategy. Maturity dates are to be matched with cash flow requirements and investments purchased with the intent to be held until maturity. Investments shall not be sold or redeemed prior to maturity with the following exceptions:

- An investment with declining credit may be sold or redeemed early to minimize loss of principal, or
- Liquidity needs of the portfolio require that the investment be sold or redeemed.

Safety [PFIA 2256.005(b)(2)]

Safety of principal is the foremost objective of the City's investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital throughout the portfolio. Safety will be attained through mitigating credit and interest rate risk.

- Credit Risk – The City will minimize credit risk, the risk of loss due to the failure of the issuer or backer of the investment, by purchasing high credit quality securities and diversifying the investment portfolio by market sector and maturity so that potential losses on individual issuers will be minimized.
- Interest Rate Risk – The City will minimize the realized risk that the market value of investments in the portfolio will fall due to changes in general interest rates, by analyzing cash flow and investing within the parameters of that cash flow and diversifying by market sector and maturity.

Liquidity [PFIA 2256.005(b)(2)]

The investment portfolio shall remain sufficiently liquid to meet all anticipated operating requirements by structuring the portfolio maturities with cash needs to meet anticipated demands. Because all possible cash demands cannot be anticipated, a portion of the portfolio will be invested in cash equivalent alternatives such as financial institution deposits, money market mutual funds, and local government investment pools that offer same-day liquidity.

Diversification

The portfolio will be diversified by investment types and maturity to avoid market risks and issuer default, as appropriate.

Public Trust

All participants in the City's investment process shall act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

Yield (Optimization of Interest Earnings) [PFIA 2256.005(b)(3)]

The investment portfolio shall be designed with the objective of attaining a reasonable market yield at all times, taking into account the investment risk constraints and liquidity needs of the City. Return on investment is of lesser importance compared to the safety and liquidity objectives described above.

Investment Strategies by Fund Type:

1. General, Enterprise, or Operating-type Funds

Suitability – Any investment eligible in the Investment Policy is suitable for General, Enterprise, or Operating-type funds.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, managing the weighted average days to maturity of each fund's portfolio to less than 270 days and restricting the maximum allowable maturity to two years will minimize the price volatility of the portfolio.

Marketability – Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market "spreads" between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity – General, Enterprise, or Operating-type Funds require the greatest short-term liquidity of any of the fund-types. Demand deposit accounts, short-term investment pools and money market mutual funds will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification – Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of the City. Diversifying the appropriate maturity structure up to the two-year maximum will reduce interest rate risk.

Yield - Attaining a competitive market yield for comparable security-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury-Bill portfolio will be the minimum yield objective.

2. Capital Projects Funds

Suitability – Any investment eligible in the Investment Policy is suitable for Capital Projects Funds.

Safety of Principal – All investments will be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Capital Projects Funds to not exceed the anticipated expenditure schedule, the market risk of the overall portfolio will be minimized. No stated final investment maturity shall exceed the shorter of the anticipated expenditure schedule or three years.

Marketability – Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market "spreads" between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity – Most capital projects programs have reasonably predictable draw down schedules. Therefore, investment maturities should generally follow the anticipated cash flow requirements. Demand deposit accounts, short term investment pools and money market mutual funds will provide readily available funds generally equal to one month's anticipated cash flow needs, or a competitive yield alternative for short-term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any expenditure request. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification – Market conditions and arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for bond proceeds. Generally, if investment rates exceed the applicable cost of borrowing, the City is best served by locking in most investments. If the cost of borrowing cannot be exceeded, then current market conditions will determine the attractiveness of diversifying maturities or investing in shorter and larger amounts. At no time shall the anticipated expenditure schedule be exceeded in an attempt to bolster yield.

Yield – Achieving a positive spread to the cost of borrowing is the desired objective, within the limits of the Investment Policy's risk constraints. The yield of an equally weighted, rolling six-month Treasury-Bill portfolio will be the minimum yield objective for non-borrowed funds.

3. Debt Service Funds

Suitability – Any investment eligible in the Investment Policy is suitable for Debt Service Funds.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Funds to not exceed the debt service payment schedule the market risk of the overall portfolio will be minimized.

Marketability – Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.

Liquidity – Debt Service Funds have predictable payment schedules. Therefore, investment maturities should not exceed the anticipated cash flow requirements. Demand deposit accounts, short term investments pools and money market mutual funds may provide a competitive yield alternative for short-term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any debt service payment. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification – Market conditions influence the attractiveness of fully extending maturity to the next “unfunded” payment date. Generally, if investment rates are anticipated to decrease over time, the City is best served by locking in most investments. If the interest rates are potentially rising, then investing in shorter and larger amounts may provide advantage. At no time shall the debt service schedule be exceeded in an attempt to bolster yield.

Yield – Attaining a competitive market yield for comparable security-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury-Bill portfolio shall be the minimum yield objective.

4. Debt Service Reserve Funds

Suitability – Any investment eligible in the Investment Policy is suitable for Debt Service Reserve Funds. Bond resolution and loan documentation constraints and insurance company restrictions may create specific considerations in addition to the Investment Policy.

Safety of Principal – All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Reserve Fund maturities to not exceed the call provisions of the borrowing will reduce the investment’s market risk if the City’s debt is redeemed and the Reserve Fund liquidated. No stated final investment maturity shall exceed the shorter of the final maturity of the borrowing or five years. Annual mark-to-market requirements or specific maturity and average life limitations within the borrowing’s documentation will influence the attractiveness of market risk and influence maturity extension.

Marketability – Securities with less active and efficient secondary markets are acceptable for Debt Service Reserve Funds.

Liquidity – Debt Service Reserve Funds have no anticipated expenditures. The Funds are deposited to provide annual debt service payment protection to the City’s debt holders. The funds are “returned” to the City at the final debt service payment. Market conditions and arbitrage regulation compliance determine the advantage of investment diversification and liquidity. Generally, if investment rates exceed the cost of borrowing, the City is best served by locking in investment maturities and reducing liquidity. If the borrowing cost cannot be exceeded, then current market conditions will determine the attractiveness of locking in maturities or investing shorter and anticipating future increased yields.

Diversification – Market conditions and the arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for Debt Service Reserve Funds. At no time shall the final debt service payment date of the bond issue be exceeded in an attempt to bolster yield.

Yield – Achieving a positive spread to the applicable borrowing cost is the desired objective. Debt Service Reserve Fund portfolio management shall operate within the limits of the Investment Policy's risk constraints.

V. RESPONSIBILITY AND CONTROL

Delegation of Authority [PFI 2256.005(f)]

Investment Officer(s)

In accordance with the Act, the City Council designates the City Manager and the Finance Director as the City's Investment Officers. An Investment Officer is authorized to execute investment transactions and transfer funds between City accounts on behalf of the City. No person may engage in an investment transaction or the management of City funds except as provided under the terms of this Policy. The investment authority granted to an Investment Officer is effective until rescinded by the City Council.

The City Council shall provide periodic training in investments for the Investment Officer(s) through courses and seminars offered by professional organizations, associations, and other independent sources approved by Council. Training will be in accordance with the provisions of the Act and is to ensure the quality and capability of investment management in compliance with the Act.

Investment Officer(s) shall attend ten (10) hours of investment training within twelve (12) months of attaining the position and shall receive eight (8) hours of investment training not less than once in a two-year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date. The Government Finance Officers' Association of Texas (GFOAT), Government Treasurers' Organization of Texas (GTOT), Texas Municipal League (TML), University of North Texas (UNT), Texas Association of Regional Councils, American Institute of Certified Public Accountants (AICPA), and the Government Finance Officers Association (GFOA) are approved independent training sources.

Internal Controls

The Investment Officer is responsible for establishing and maintaining internal controls to protect the assets of the City from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, within the scope of the annual audit, the City shall establish a process for annual independent review by an external auditor to assure compliance with this Policy and supporting procedures. At a minimum, the internal controls shall address the following points:

- Control of collusion.
- Separation of transactions authority from accounting and record keeping.

- Custodial safekeeping.
- Delegation of authority to subordinate staff members.
- Written reporting and confirmation for all investments and wire transfers.

Prudence (PFIA 2256.006)

The standard of prudence as defined by the Act and to be applied by the Investment Officer at all times shall be the “prudent person” rule. This rule states that:

“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

In determining whether an Investment Officer has exercised prudence in the performance of their duty, the determination shall be made taking into consideration:

- The investment of all funds, or funds under the City’s control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.
- Whether the investment decision was consistent with the written approved Investment Policy of the City.

The Investment Officer, if acting in accordance with written procedures and exercising due diligence, shall not be held personally liable for any specific investment’s credit risk or market price changes, provided that these deviations are reported immediately and the appropriate action is taken to control adverse developments.

Ethics and Conflicts of Interest [PFIA 2256.005(i)]

The Investment Officer(s), and employees involved in the investment process, shall refrain from any personal business activity that would conflict with the proper execution and management of the investment program, or that would impair their ability to make impartial decisions.

Investment Officer(s) shall disclose any personal or business relationship involving material interests in financial institutions with which the City conducts business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Investment Officer(s) shall refrain from undertaking personal investment transactions with the same individual or firm with which business is conducted on behalf of the City.

Any Investment Officer(s) of the City who has a personal business relationship with an organization, or is related with the second degree by affinity or consanguinity to an individual, seeking to sell an investment to the City shall file a statement disclosing that relationship, in accordance with the Act, with the Texas Ethics Commission and the City Council.

VI. SUITABLE AND AUTHORIZED INVESTMENTS

City funds may be invested only in the instruments described below, all of which are authorized and further defined by the Act. Investment of City funds in any instrument or security not authorized for investment under the Act is prohibited. The City will not be required to liquidate an investment that becomes unauthorized subsequent to its purchase.

1. Obligations, including letters of credit, of the United States of America, its agencies and instrumentalities, including the Federal Home Loan Banks, but excluding those prohibited by the PFIA.
2. Certificates of Deposit and other evidences of deposit at a financial institution that, i) has its main office or a branch office in Texas and is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, ii) is secured by obligations in a manner and amount provided by law for deposits of the City, or iii) is placed in compliance with the requirements of the PFIA.
3. Fully collateralized repurchase agreements executed in compliance with the Act, under the terms of an executed Master Repurchase Agreement, and secured in accordance with this Policy.
4. AAA-rated, SEC registered money market mutual funds which strive to maintain a net asset value of \$1.0000 per share.
5. AAA-rated, Texas local government investment pools, which meet all the requirements of the Act. Participation in any pool must be authorized by resolution of the City Council.

Un-Authorized Investments [PFIA 2256.009(b)(1-4)]

Mortgage backed securities including interest-only or principal-only collateralized mortgage obligations (CMO), inverse floating interest rate CMO or CMO with a maturity date of over 10 years are strictly prohibited for investment by the City.

Credit Rating and Effect of Loss of Required Rating [PFIA 2256.021]

No less than quarterly, the Investment Officer will obtain the current credit rating for each held investment from a reliable source to ensure that the investment has maintained the required minimum rating. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

VII. INVESTMENT PARAMETERS

Maximum Maturities and Maximum WAM [PFIA 2256.005(b)(4)(B)]

The longer the maturity of investments, the greater the price volatility and market risk. Therefore, it is the City's policy to concentrate its investment portfolio in shorter-term securities which match cash flow needs to limit risks caused by changes in interest rates.

The City shall attempt to match its investments with anticipated cash flow requirements. The City's fund-type investment strategies will determine appropriate maximum maturity and weighted average maturity. Certificates of deposit and repurchase agreements may be collateralized using longer dated investments in accordance with this Policy.

Dollar-weighted average maturity will be calculated using the stated final maturity dates of each security. [PFIA 2256.005(b)(4)(C)]

VIII. AUTHORIZED BANKS AND DEALERS

The process of obtaining and contracting with a primary depository to serve the banking service needs of the City will be governed by Chapter 105 of the Local Government Code: Depositories for Government Funds and Chapter 2257, the Public Funds Collateral Act, Texas Government Code.

At least every five (5) years a primary depository shall be selected for banking services through the City's procurement process, which shall include a formal request for application (RFA). The selection of a depository will be determined through a competitive process and evaluation of applications will include the following selection criteria:

- The ability to qualify as a depository for public funds in accordance with State law.
- The ability to provide required banking services.
- Creditworthiness and financial stability of the depository.
- The ability to provide cost effective services as defined by the City based on the lowest net banking service cost, consistent with the ability to provide the required levels of service.

The City may utilize other financial institutions as depositories for deposits and the purchase of certificates of deposit under the terms of a written depository/collateral agreement as defined by this Policy.

Collateral Policy (PFCA 2257.023)

Collateral Pledged to the City by Depositories

Consistent with the requirements of the Public Funds Collateral Act, it is the policy of the City to require full collateralization of all financial institution deposits in a depository above the FDIC

insurance coverage. In order to anticipate and provide for market price fluctuations and provide a required level of security for all funds, with the exception of deposits secured with irrevocable letters of credit from a U.S. Government Agency at 100% of principal and accrued interest, the depository will provide and maintain collateral whose market value equals or exceeds 102% of the total value of principal and accrued interest on City deposits less an amount insured by the FDIC.

Any financial institution designated as a depository by the City will provide collateral in accordance with this Policy and applicable State law. The City reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Financial institutions serving as a depository will be required to sign a Depository/Collateral Agreement with the City. The collateralized deposit portion of the Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement has to be executed by the Depository and the City contemporaneously with the acquisition of the asset;
- The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the City; and
- The agreement must be part of the Depository's "official record" continuously since its execution.

The written agreement will specify the acceptable collateral, require independent safekeeping of the collateral, require City approval before substitution or release of investment securities, provide for original safekeeping receipts, and complete monthly reporting of collateral including the valuation of securities.

A clearly marked evidence of pledge must be supplied to the City and retained by the Investment Officer(s). A monthly collateral report provided by the custodian shall be reviewed by the Investment Officer(s) to assure that the market value of the pledged securities is adequate.

Collateral may be held only by an independent institution including a Federal Reserve Bank, a Federal Home Loan Bank, or a third-party bank approved by the City.

A Repurchase Agreement, as authorized by the Act, has a defined termination date, is secured by a combination of cash and obligations as described by Section 2256.009(a)(1) and requires the securities being purchased by the City or cash held by the City to be pledged to the City, held in the City's account, and deposited at the time the investment is made with the City or with a third-party selected and approved by the City. Securities (termed as collateral) are bought (i.e. owned) under a Repurchase Agreement and will be maintained at a margin of 102% and delivered versus payment. The collateral terms and conditions will be controlled by a written repurchase agreement.

Authorized Collateral For Depositories and Repurchase Agreements

The City shall accept only the following types of collateral:

- Obligations of the United States or its agencies and instrumentalities, including mortgage backed securities which pass the high-risk mortgage obligation test, and irrevocable letters of credit issued by the Federal Home Loan Bank.
- Direct obligations of any U.S. state or its subdivisions rated at least A by at least one nationally recognized rating agency.

All collateral shall be subject to inspection and audit by the Investment Officer(s) and the City's independent auditors.

Authorized Brokers/Dealers (PFIA 2256.025)

The City Council shall, at least annually, review, revise, and adopt a list of qualified broker/dealers (see Attachment A) authorized to engage in securities transactions with the City. To purchase securities, the City must have a list of no less than two broker/dealers.

Authorized brokerage firms may include primary dealers or regional broker/dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (Uniform Net Capital Rule).

Delivery vs. Payment [PFIA 2256.005(b)(4)(E)]

Securities purchased by the City shall be settled into the City's safekeeping agent on a **delivery versus payment** (DVP) basis. DVP assures that City funds will not be released until the purchased security has been received. Securities will be held by an independent third-party safekeeping agent as evidenced by safekeeping receipts.

PFIA Policy Certificates

All local government investment pools and discretionary investment manager firms (business organizations), will be required to provide information regarding the business organization and the individual representative as required by the City. Each business organization will be required to sign a certification acknowledging that the business organization has received and reviewed the City's current Investment Policy and that reasonable procedures and controls have been implemented to preclude investment transactions that are not authorized by the City's Policy. When material changes are made to the Policy, re-certification is required.

IX. PERFORMANCE BENCHMARK

The City's investment portfolio will be managed in accordance with the parameters specified within this Policy including the objective of a reasonable market yield commensurate with the investment risk constraints and the cash flow requirements of the City.

The weighted average yield to maturity (the standard for calculating portfolio rate of return) on the total portfolio will be calculated and reviewed on at least a quarterly basis. In accordance with the City's cash flow needs and based on the maximum weighted average maturity of the adopted Investment Strategy, the City's portfolio shall be designed with the objective of regularly meeting or exceeding the respective Strategy's average yield on the appropriate US Treasury-Bill for the same period. This benchmark is not just a measure of market performance but equally a measure of the risk in the portfolio.

XI. REPORTING (*PFLA 2256.023*)

The Investment Officers shall prepare for the City Council an investment report on a quarterly basis that summarizes investment strategies employed in the most recent quarter and describes the portfolio in detail and summary information. This reporting shall be made in accordance with the Act.

The quarterly investment report shall include a summary statement of investment activity during the period. This summary will be prepared in a manner that will allow the City Council to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will include the following at a minimum:

- A listing of individual investments held at the end of the reporting period.
- Unrealized gains or losses at the end of the period (the difference between market and book value).
- Average weighted yield to maturity of portfolio.
- Fully accrued interest for the reporting period and total earnings for the period
- The percentage of the total portfolio by type of investment.
- Statement of compliance of the City's investment portfolio with State law and the investment strategy and Policy approved by the City Council.

Market values will be obtained from reputable and independent sources.

In conjunction with the annual audit, an independent auditor will perform a formal annual review of the quarterly reports with the results reported to the City Council by that auditor [*PFLA 2256.023(d)*].

XII. INVESTMENT POLICY ADOPTION [PFIA 2256.005(e)]

The City's Investment Policy shall be reviewed and adopted at least annually by resolution of the City Council. It is the City's intent to comply with State laws and regulations. The City's Investment Policy may be revised by Council consistent with changing laws, regulations, or the needs of the City. The City Council shall review and approve the Policy and investment strategies annually, approving any changes or modifications, at a legally scheduled meeting.

Adopted by Hewitt City Council: October 2, 2017

Attachment A

**City of Hewitt, Texas
Authorized Broker/Dealer List**

FTN Financial Capital Markets
Zach Brewer
920 Memorial City Way, 13th Floor
Houston, TX 77024
713-435-4351

Duncan Williams, Inc.
Patrick Boyer
6750 Poplar Avenue
Suite 100
Memphis, TN 38138
901-604-6811

Raymond James & Associates, Inc.
Polly Moore
2801 Via Fortuna, Ste. 650
Austin, TX 78746-7907
512-306-2503

Wells Fargo Brokerage Services, L.L.C.
Chuck Landry
1445 Ross Avenue
Suite 210
Dallas, TX 75202
800-937-0998
214-777-4018

Note: The firm name is authorized. Contact data informational only.

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 11

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Consideration of and action on a resolution directing publication of notice of intention to issue combination tax and limited surplus revenue certificates of obligation.

STAFF RECOMMENDATION/ITEM SUMMARY:

At the direction of the City Council, staff and financial advisors (SAMCO Capital Markets, Inc.) have developed the attached notice of intent to issue \$5 Million in Certificates of Obligation. The proceeds of the sale are for the specific purposes stated in the notice. Below is printed a summary of the projects that would be funded with this issuance which will be subject to final approval by the City Council. These projects are identified on the City's Long Term Capital Improvements Plan (CIP).

Of note is the major reconstruction of Ritchie Road. Phase I will be a joint project with the City of Waco and McLennan County. Then Phase II would re-construct the remaining portion of Ritchie Road back to Hewitt Drive within Hewitt City Limits. The proposed Aerial Fire Apparatus would replace the aged 1993 model ladder truck and is intended to serve Hewitt citizens well into the future. The Public Safety Radios are a complete replacement of the existing system that would allow connectivity and interoperability on the City of Waco's 800 MHz system. These four main projects are estimated to total \$4.125 Million (83%) of the available funds. The remainder of the funds are slated for street, road, drainage, and park improvements.

If this item is approved, city staff will work with the financial advisors to publish the notice of sale, determine a final bond rating, and market the securities on December 4, 2017. Please see attachments for a detailed description of the timeline and steps involved with the proposed CO issuance. It is highly likely that issuance of this debt will result in a tax rate increase which will be contemplated during the budget process for FY 2018-19. A debt service schedule is included for reference.

Project Description	Estimated Cost
Ritchie Road PH I	1,515,000
Ritchie Road PH II	580,000
Aerial Fire Apparatus	1,300,000
Public Safety Radios	730,000
Street & Drainage Improvements	375,000
Park Improvements	250,000
Micro Slurry Seal	250,000
TOTAL	5,000,000

ATTACHMENTS:

Timetable
 Resolution/Notice for publication
 General Fund Debt Service Chart
 Debt Service Schedule

CITY OF HEWITT TEXAS
\$5,000,000*
COMBINATION TAX AND LIMITED PLEDGE REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2017

Proposed Timetable

October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4					1	2	
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
														31						

Date	Action Required
Monday, October 2, 2017	City Council authorizes the Notice of Intention Resolution ("NOI") to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2017 (the "Certificates") and authorizes SAMCO, Bond Counsel and City officials to proceed with the issuance process (7:00 pm)
Wednesday, October 11, 2017	SAMCO Capital Markets, Inc., ("SAMCO") submits Request for Information to City officials
Tuesday, October 24, 2017	Requested information due back to SAMCO
Thursday, October 26, 2017	First Publication of Notice of Intention published in the City's newspaper
Monday, October 30, 2017	SAMCO submits initial draft of Preliminary Official Statement (POS) and Notice of Sale (NOS) to Bond Counsel and City officials
Thursday, November 2, 2017	Second Publication of Notice of Intention published in the City's newspaper
Friday, November 3, 2017	SAMCO receives comments on POS/NOS from all parties
Wednesday, November 8, 2017	- SAMCO submits POS/NOS draft and other financing documents to S&P rating agency - SAMCO submits second POS/NOS draft to all parties for review
Week of November 13th	Schedule rating conference all with S&P
Thursday, November 16, 2017	Final POS/NOS comments due to SAMCO
Monday, November 27, 2017	Post POS/NOS and electronically distribute POS/NOS website link to potential bidders
Tuesday, November 28, 2017	Received S&P underlying rating
Monday, December 4, 2017	- Receive electronic bids for the COs (11:00 AM) via Internet and the "i-Deal LLC Parity" bidding program - Regular Council meeting to review bids for the Certificates and adopt the Ordinance authorizing and selling the Certificates (7:00 pm)
Monday, December 11, 2017	Print and distribute Final Official Statement (OS) and post Final OS to SAMCO website
Thursday, December 14, 2017	SAMCO notifies all parties of closing/delivery instructions
Thursday, December 21, 2017	Payment for and delivery of the Certificates. Funds wired to City's depository bank

Note: Bold entries indicate dates/actions that require the City's participation.

*Preliminary; subject to change.

SAMCO CAPITAL MARKETS, INC.

RESOLUTION DIRECTING PUBLICATION OF NOTICE
OF INTENTION TO ISSUE COMBINATION TAX AND LIMITED SURPLUS REVENUE
CERTIFICATES OF OBLIGATION

WHEREAS, this City Council deems it advisable to give notice of intention to issue combination tax and revenue certificates of obligation of the City of Hewitt, Texas, as hereinafter provided; and

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

1. Attached hereto is a form of the Notice of Intention to Issue Combination Tax and Limited Surplus Revenue Certificates of Obligation of the City of Hewitt, Texas, the form and substance of which is hereby adopted and approved.
2. The City Secretary shall cause said notice to be published in substantially the form attached hereto, in a newspaper, as defined by Subchapter C, Chapter 2051, Texas Government Code, of general circulation in the area of said City, once a week for two consecutive weeks, the date of the first publication thereof to be at least 30 days prior to the date tentatively set for the adoption of the ordinance authorizing the issuance of such certificates of obligation as shown in said notice.
3. This Resolution shall become effective immediately upon adoption and it is so resolved.

PASSED AND APPROVED THIS 2ND DAY OF OCTOBER, 2017

CITY OF HEWITT, TEXAS

By: Travis Bailey, Mayor

ATTEST:

Lydia Lopez, City Secretary

(CITY SEAL)

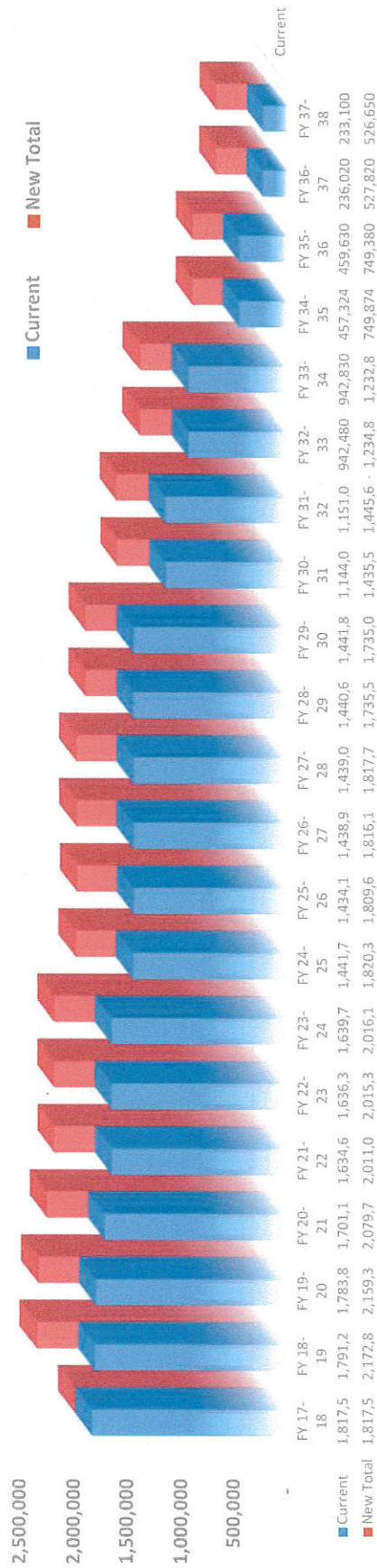
Exhibit A

CITY OF HEWITT, TEXAS
NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND LIMITED SURPLUS REVENUE
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Hewitt, Texas, at its meeting to commence at 7:00 P.M. on December 4, 2017, at its regular meeting place in the City Hall, 200 Patriot Court, Hewitt, Texas, tentatively proposes to adopt an ordinance authorizing the issuance of interest bearing certificates of obligation, in one or more series, in an amount not to exceed \$5,000,000, for paying all or a portion of the City's contractual obligations incurred in connection with: (i) constructing and improving streets, roads and sidewalks including related drainage, signalization, landscaping, lighting, signage and utility relocation; (ii) constructing, acquiring, installing, and equipping municipal park and recreation improvements and related infrastructure for such improvements; (iii) acquisition and installation of public safety radio and communication equipment; (iv) acquisition of equipment for the municipal fire department, including aerial fire apparatus; and (v) legal, fiscal, engineering and other professional fees in connection with such projects. The City proposes to provide for the payment of such certificates of obligation from the levy and collection of ad valorem taxes in the City as provided by law and from a limited pledge of surplus revenues of the City's waterworks and sewer system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or any part of the net revenues of the City's waterworks and sewer system. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of V.T.C.A., Local Government Code, Subchapter C of Chapter 271.

CITY OF HEWITT, TEXAS

General Fund Debt Service Requirements



BOND DEBT SERVICE

City of Hewitt, Texas

\$5,000,000 Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2017

Dated Date 12/15/2017
Delivery Date 12/28/2017

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
01/01/2019			156,666.67	156,666.67	
07/01/2019	150,000	3.000%	75,000.00	225,000.00	
09/30/2019					381,666.67
01/01/2020			72,750.00	72,750.00	
07/01/2020	230,000	3.000%	72,750.00	302,750.00	
09/30/2020					375,500.00
01/01/2021			69,300.00	69,300.00	
07/01/2021	240,000	3.000%	69,300.00	309,300.00	
09/30/2021					378,600.00
01/01/2022			65,700.00	65,700.00	
07/01/2022	245,000	3.000%	65,700.00	310,700.00	
09/30/2022					376,400.00
01/01/2023			62,025.00	62,025.00	
07/01/2023	255,000	3.000%	62,025.00	317,025.00	
09/30/2023					379,050.00
01/01/2024			58,200.00	58,200.00	
07/01/2024	260,000	3.000%	58,200.00	318,200.00	
09/30/2024					376,400.00
01/01/2025			54,300.00	54,300.00	
07/01/2025	270,000	3.000%	54,300.00	324,300.00	
09/30/2025					378,600.00
01/01/2026			50,250.00	50,250.00	
07/01/2026	275,000	3.000%	50,250.00	325,250.00	
09/30/2026					375,500.00
01/01/2027			46,125.00	46,125.00	
07/01/2027	285,000	3.000%	46,125.00	331,125.00	
09/30/2027					377,250.00
01/01/2028			41,850.00	41,850.00	
07/01/2028	295,000	3.000%	41,850.00	336,850.00	
09/30/2028					378,700.00
01/01/2029			37,425.00	37,425.00	
07/01/2029	220,000	3.000%	37,425.00	257,425.00	
09/30/2029					294,850.00
01/01/2030			34,125.00	34,125.00	
07/01/2030	225,000	3.000%	34,125.00	259,125.00	
09/30/2030					293,250.00
01/01/2031			30,750.00	30,750.00	
07/01/2031	230,000	3.000%	30,750.00	260,750.00	
09/30/2031					291,500.00
01/01/2032			27,300.00	27,300.00	
07/01/2032	240,000	3.000%	27,300.00	267,300.00	
09/30/2032					294,600.00
01/01/2033			23,700.00	23,700.00	
07/01/2033	245,000	3.000%	23,700.00	268,700.00	
09/30/2033					292,400.00
01/01/2034			20,025.00	20,025.00	
07/01/2034	250,000	3.000%	20,025.00	270,025.00	
09/30/2034					290,050.00
01/01/2035			16,275.00	16,275.00	

BOND DEBT SERVICE

City of Hewitt, Texas

\$5,000,000 Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2017

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/01/2035	260,000	3.000%	16,275.00	276,275.00	
09/30/2035					292,550.00
01/01/2036			12,375.00	12,375.00	
07/01/2036	265,000	3.000%	12,375.00	277,375.00	
09/30/2036					289,750.00
01/01/2037			8,400.00	8,400.00	
07/01/2037	275,000	3.000%	8,400.00	283,400.00	
09/30/2037					291,800.00
01/01/2038			4,275.00	4,275.00	
07/01/2038	285,000	3.000%	4,275.00	289,275.00	
09/30/2038					293,550.00
	5,000,000		1,701,966.67	6,701,966.67	6,701,966.67

DETAILED BOND DEBT SERVICE

City of Hewitt, Texas
\$5,000,000 Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2017

Dated Date 12/15/2017
Delivery Date 12/28/2017

General Fund Projects (CIB1)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
01/01/2019			134,263.33	134,263.33	
07/01/2019	100,000	3.000%	64,275.00	164,275.00	
09/30/2019					298,538.33
01/01/2020			62,775.00	62,775.00	
07/01/2020	165,000	3.000%	62,775.00	227,775.00	
09/30/2020					290,550.00
01/01/2021			60,300.00	60,300.00	
07/01/2021	170,000	3.000%	60,300.00	230,300.00	
09/30/2021					290,600.00
01/01/2022			57,750.00	57,750.00	
07/01/2022	175,000	3.000%	57,750.00	232,750.00	
09/30/2022					290,500.00
01/01/2023			55,125.00	55,125.00	
07/01/2023	180,000	3.000%	55,125.00	235,125.00	
09/30/2023					290,250.00
01/01/2024			52,425.00	52,425.00	
07/01/2024	190,000	3.000%	52,425.00	242,425.00	
09/30/2024					294,850.00
01/01/2025			49,575.00	49,575.00	
07/01/2025	195,000	3.000%	49,575.00	244,575.00	
09/30/2025					294,150.00
01/01/2026			46,650.00	46,650.00	
07/01/2026	200,000	3.000%	46,650.00	246,650.00	
09/30/2026					293,300.00
01/01/2027			43,650.00	43,650.00	
07/01/2027	205,000	3.000%	43,650.00	248,650.00	
09/30/2027					292,300.00
01/01/2028			40,575.00	40,575.00	
07/01/2028	210,000	3.000%	40,575.00	250,575.00	
09/30/2028					291,150.00
01/01/2029			37,425.00	37,425.00	
07/01/2029	220,000	3.000%	37,425.00	257,425.00	
09/30/2029					294,850.00
01/01/2030			34,125.00	34,125.00	
07/01/2030	225,000	3.000%	34,125.00	259,125.00	
09/30/2030					293,250.00
01/01/2031			30,750.00	30,750.00	
07/01/2031	230,000	3.000%	30,750.00	260,750.00	
09/30/2031					291,500.00
01/01/2032			27,300.00	27,300.00	
07/01/2032	240,000	3.000%	27,300.00	267,300.00	
09/30/2032					294,600.00
01/01/2033			23,700.00	23,700.00	
07/01/2033	245,000	3.000%	23,700.00	268,700.00	
09/30/2033					292,400.00
01/01/2034			20,025.00	20,025.00	

DETAILED BOND DEBT SERVICE

City of Hewitt, Texas
\$5,000,000 Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2017

General Fund Projects (CIB1)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
07/01/2034	250,000	3.000%	20,025.00	270,025.00	
09/30/2034					290,050.00
01/01/2035			16,275.00	16,275.00	
07/01/2035	260,000	3.000%	16,275.00	276,275.00	
09/30/2035					292,550.00
01/01/2036			12,375.00	12,375.00	
07/01/2036	265,000	3.000%	12,375.00	277,375.00	
09/30/2036					289,750.00
01/01/2037			8,400.00	8,400.00	
07/01/2037	275,000	3.000%	8,400.00	283,400.00	
09/30/2037					291,800.00
01/01/2038			4,275.00	4,275.00	
07/01/2038	285,000	3.000%	4,275.00	289,275.00	
09/30/2038					293,550.00
	4,285,000		1,565,488.33	5,850,488.33	5,850,488.33

DETAILED BOND DEBT SERVICE

City of Hewitt, Texas
\$5,000,000 Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2017

Dated Date 12/15/2017
Delivery Date 12/28/2017

\$715,000 for Radio Equipment (CIB2)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
01/01/2019			22,403.33	22,403.33	
07/01/2019	50,000	3.000%	10,725.00	60,725.00	
09/30/2019					83,128.33
01/01/2020			9,975.00	9,975.00	
07/01/2020	65,000	3.000%	9,975.00	74,975.00	
09/30/2020					84,950.00
01/01/2021			9,000.00	9,000.00	
07/01/2021	70,000	3.000%	9,000.00	79,000.00	
09/30/2021					88,000.00
01/01/2022			7,950.00	7,950.00	
07/01/2022	70,000	3.000%	7,950.00	77,950.00	
09/30/2022					85,900.00
01/01/2023			6,900.00	6,900.00	
07/01/2023	75,000	3.000%	6,900.00	81,900.00	
09/30/2023					88,800.00
01/01/2024			5,775.00	5,775.00	
07/01/2024	70,000	3.000%	5,775.00	75,775.00	
09/30/2024					81,550.00
01/01/2025			4,725.00	4,725.00	
07/01/2025	75,000	3.000%	4,725.00	79,725.00	
09/30/2025					84,450.00
01/01/2026			3,600.00	3,600.00	
07/01/2026	75,000	3.000%	3,600.00	78,600.00	
09/30/2026					82,200.00
01/01/2027			2,475.00	2,475.00	
07/01/2027	80,000	3.000%	2,475.00	82,475.00	
09/30/2027					84,950.00
01/01/2028			1,275.00	1,275.00	
07/01/2028	85,000	3.000%	1,275.00	86,275.00	
09/30/2028					87,550.00
	715,000		136,478.33	851,478.33	851,478.33



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 12

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize purchase of an aerial fire apparatus from Metro Fire Apparatus Specialist, Inc. in an amount not to exceed \$1,299,579.

STAFF RECOMMENDATION/ITEM SUMMARY:

The purchase of a new aerial fire apparatus has been discussed and contemplated for the past several years. The Fire Department has worked with Metro Fire to develop the vehicle specifications and cost tabulation (via HGAC cooperative purchasing agreements) provided in the back up material. As currently specified, the Spartan Gladiator truck includes a 100 foot platform and would replace the 1993 tower truck currently in service. The cost for this item is not to exceed \$1,299,579. If this item is approved, the build would begin in the next few weeks with delivery expected within fourteen (14) months. Like the 1993 ladder truck, this apparatus is anticipated to serve the citizens of Hewitt for the next twenty (20) years or more. This item would be funded via the Series 2017 Certificates of Obligation.

ATTACHMENTS:



HEWITT TEXAS FIRE DEPARTMENT



2018 Spartan Gladiator 100 foot Platform

Chassis: Spartan Gladiator 5 inch raised roof

Engine: Cummins X15 565 HP with Allison Transmission

Water Tank: 400 Gallons

Foam cell: 30 Gallons Hose bed: hold 1000 feet of 5 inch supply line

Generator: Harrison 10 KW

Compartments: 265 cubic feet total

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 13

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize purchase of an 800 mHz Public Safety Console system from Motorola Solutions, Inc. in an amount not to exceed \$729,126.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Hewitt Fire Department and Police Department have worked with Motorola Solutions concerning upgrade of the City of Hewitt Public Safety Radio System to an 800 mHz system that is based on connectivity to and interoperability with the City of Waco's existing radio system. The proposal includes all equipment and supplies related to this upgrade. Additionally, Motorola Solutions will provide installation, testing, and up front training associated with the proposed upgrade. The proposed solution specifically includes the following equipment based on current operations:

One (1) K Core Conventional Controller

Two (2) MCC7100 IP Based Dispatch Consoles

Six (6) APX Consolettes to interface the console system into the Waco (7/800 MHz) and Woodway (VHF) systems

Forty Seven (47) APX 8000 Portable Radios

Thirty Two (32) APX 8500 Mobile Radios

Fire Station PA Audio System

If approved, the equipment would be ordered and built for installation over the next few weeks. A timeline for transition would be developed in conjunction with Motorola and the City of Waco. A separate item relating to an Interlocal Cooperation agreement with the City of Waco would be required in order to connect to the 800 mHz system.

ATTACHMENTS:

Proposal



September 28, 2017

James Devlin
Chief of Police
City of Hewitt
100 Patriot Ct
Hewitt, TX, Texas 76643

RE: Motorola Solutions Public Safety Console System Proposal

Dear Chief Devlin,

Motorola Solutions, Inc. (Motorola Solutions) appreciates the opportunity to provide the the City of Hewitt quality communications equipment and services. Motorola Solutions' project team has taken great care to propose a solution to address your needs and provide exceptional value.

This proposal includes the following: Two position MOC7100 IP dispatch console with a conventional K Core, 47 APX 8000 Portable Radios, 32 APX 8500 Mobile Radios, a Fire Station PA system with 6 speakers.

Motorola Solution's proposal is conditional upon the City of Hewitt acceptance of the terms and conditions contained in the Communications System Agreement (CSA) included in this proposal, or a negotiated version thereof. Pricing will remain valid for 90 days from the date of this proposal.

Any questions the City of Hewitt has regarding this proposal can be directed to Greg Donahe, Account Manager - Bearcom at (972) 880-0550, (greg.donahe@bearcom.com).

Our goal is to provide the City of Hewitt with the best products and services available in the communications industry. We thank you for the opportunity to present our proposed solution, and we hope to strengthen our relationship by implementing this project.

Sincerely,
Rick Figsbee
MSSSI Vice President

MOTOROLA SOLUTIONS, INC.





SECTION 1

OVERVIEW

The City of Hewitt currently dispatches on (2) existing Motorola CommandStar Lite consoles with control stations used to interface existing radio communications. Radio communications take place on a Motorola VHF P25 Trunked radio system utilizing assigned talk groups provided by the City of Woodway. All portable and mobile subscribers are currently VHF P25 Trunked radios.

In response to City of Hewitt's request for a price quote and system recommendation and their expressed desire to join the City of Waco's 800MHz radio system, we selected our MCC7100 Dispatch solution to best suit your communication needs. Motorola Solutions designed its MCC7100 console to help reduce the total cost of owning an IP-based, feature-rich dispatch system without compromising quality and reliability. The MCC7100 dispatch console will provide the City of Hewitt with a scalable, flexible system architecture, sophisticated network management and security, and an easy migration path to future capabilities.

MCC7100 Dispatch Console is intended to be the heart of all communications in a small to medium-sized radio system. This solution will provide (2) dispatch positions and will utilize new radio infrastructure to gain access to the City of Waco's 800MHz radio system and additional VHF channels needed to support the City of Hewitt's communications needs.

APX8000 series portables and mobile subscribers are multiband capable. These subscribers will allow for communications on the City of Waco's 800MHz radio system and existing VHF channels used to communicate to neighboring agencies.

The proposed solution includes:

- One (1) K Core Conventional Controller
- Two (2) MCC7100 IP Based Dispatch Consoles
- Six (6) APX Consolettes to interface the console system into the Waco (7/800 MHz) and Woodway (VHF) systems
- Forty Seven (47) APX 8000 Portable Radios
- Thirty Two (32) APX 8500 Mobile Radios
- Fire Station PA Audio System

Description	Price
Console and Networking Equipment	\$ 108,667
- Add Firestation PA System	\$ 21,818
APX Portable and Mobile Radios	\$ 517,414
- Upgrade Portable Radios to Front Display Model 2.5	\$ 7,261
- Upgrade Speaker Microphones to High Tier (XP RSM for PD and XE500 RSM for FD)	\$ 7,695
Implementation Services	\$ 116,918
HGAC System Total	\$ 779,773
<i>Subscriber Credit for Model 2.5 Upgrade and High Tier Speaker Mics</i>	<i>\$ (14,956)</i>
<i>System Purchase Incentive for contract by November 24th, 2017. Must have executed contract and PO in place to qualify for discount</i>	<i>\$ (35,691)</i>
Grand Total	\$ 729,126

HEWITT TEXAS

COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2017

AGENDA ITEM #: 14

SUBMITTED BY: Adam Miles, City Manager

ITEM DESCRIPTION:

Authorize the City Manager to negotiate and execute an interlocal cooperation agreement with the City of Waco for the use of the City of Waco 800 MHZ Trunked Voice Radio System.

STAFF RECOMMENDATION/ITEM SUMMARY:

The City of Hewitt is contemplating the upgrade of the Public Safety Radio System which will include interoperability with the City of Waco's existing 800 Megahertz (mHz) system. If a radio system upgrade is authorized, approval of this item would then be necessary in order to formally connect to Waco and utilize their system in the near future. There are annual fees for this service which are outlined in the agreement and based on the number of subscribed radios on the system. This agreement is comparable to the existing agreement Hewitt currently has in place with Woodway. Radios include both handheld as well as portable radios installed in vehicles (plus dispatch consoles). Note, this interlocal agreement only relates to maintenance and use of the overall 800 mHz system. Hewitt staff will continue to provide emergency dispatch for Hewitt 911 calls.

ATTACHMENTS:

Draft Interlocal

**INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY OF HEWITT
AND THE CITY OF WACO, TEXAS, FOR THE USE OF CITY OF WACO 800
MHZ TRUNKED VOICE RADIO SYSTEM**

THIS AGREEMENT ("Agreement") is entered into this ____ day of _____ by and between City of Hewitt and the City of Waco, Texas, sometimes collectively referred to as "parties", pursuant to and authorized by Chapter 791 of the Texas Government Code.

WHEREAS, there is a common need between and among the parties for reliable radio communications interoperability; and

WHEREAS, the City of Waco will program those radios owned by City of Hewitt for operation on the Waco system; and

WHEREAS, it is to the mutual benefit of both Waco and City of Hewitt that their public safety radios be interoperable.

WHEREAS, City of Hewitt will pay the City of Waco for maintenance and/or programming of radios per the fee schedule attached as Exhibit B (pending).

NOW THEREFORE, in consideration of the premises, terms, and agreements herein set forth, the parties agree as follows:

1. **Recitals and Preambles.** All the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this Agreement.

2. **Memorandum of Understanding.** Approval of this Interlocal Agreement is conditioned on City of Hewitt executing a Memorandum of Understanding which outlines additional terms and conditions of this Agreement. A copy of that Memorandum of Understanding is attached as Exhibit A.

3. **Payment.** City of Hewitt will pay the City of Waco \$25.00/month/radio for each day to day user and \$5.00/month/radio for each interoperability user that is operated on Waco's system. Should future costs make it necessary for Waco to increase this monthly charge, City of Hewitt will have the opportunity to stay on Waco's system at the adjusted rate. If City of Hewitt should increase or decrease the number of radios on the City of Waco system, the billing cycle shall be adjusted accordingly. At the time of this agreement, the City of Hewitt will have 85 radios on the system at a cost of \$ 25 per month per radio.

4. **Hold Harmless.** To the extent allowed by law, the parties hereby mutually and individually release and hold harmless each other, respectively, its officers, agents, employees, and volunteers, from and against any and all liability, claims, suits, demands, or causes of action which may arise due to any loss or damage to personal property, or personal injury, and/or death occurring as a consequence of the performance of this Agreement.

5. **Entire Agreement.** This agreement constitutes the entire agreement between the parties, and all negotiations and all understandings between the parties are merged herein.

6. **Amendments.** This Agreement can be supplemented and/or amended only by a dated written document executed and mutually agreed upon by each party.

7. **Venue.** The obligations and undertakings of each of the parties to this Agreement shall be performable at Waco, McLennan County, Texas.

8. **Choice of Law.** This Agreement is governed by the laws of the State of Texas.

9. **Authorization.** The parties agree and represent that their respective governing bodies have authorized the execution of this Agreement and such execution is correct and proper in all respects.

EXECUTED this _____ day of _____

CITY OF HEWITT

APPROVED:

ATTEST:

Adam Miles, City Manager

Lydia Lopez, City Secretary

APPROVED:

CITY OF WACO, TEXAS

ATTEST:

Dale Fisseler, City Manager

Esmeralda Hudson, City Secretary

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney

EXHIBIT A

City of Waco Day-to-Day and Interoperability Subscriber MOU
MEMORANDUM OF UNDERSTANDING FOR
CITY OF WACO 800 MHZ TRUNKED VOICE
RADIO SYSTEM INTEROPERABILITY and DAY-
TO-DAY SUBSCRIBER ACCESS

Effective Date:

Type of access requested:

(circle one)

Day to Day

Interoperability

Both

Address: _____

Attn: _____

Telephone: _____

The City of Waco is required to enter into agreements with federal, state, and other agencies' regional radio systems and to have access to federal, state, and interoperability radio frequencies. Local agencies having access to the City of Waco's 800 MHz radio system may have access to these interoperability channels, thus requiring an agreement between the Subscriber Agency and the City of Waco.

- 1) Subject to the terms of this Memorandum of Understanding (MOU), the City of Waco hereby grants the governmental agency identified above a revocable license to use the Radio Equipment described in the radio inventory on the City of Waco's 800 MHz Trunked Voice Radio System as a "Day-to-Day" and/or "Interoperability" subscriber for the sole purpose of radio communication on specified talk groups or channels which will be enumerated in a template plan to be approved by the City of Waco prior to radio unit programming.
- 2) Day-to-day radio communications means the above named agency will use the City of Waco's radio system as their primary radio communications platform for internal radio communications within their own agency.
- 3) An interoperability subscriber agency is an agency which is not a City of Waco department or operation, or day-to-day subscriber but has been granted permission for system radio use under this MOU to communicate as needed with City of Waco subscribers. Interoperability radio communications means radio communication between the external subscriber and City of Waco departments and their personnel during joint operations, public safety critical incident responses, or other limited interoperability purposes approved by the City of Waco.

- 4) Day-to-day subscriber fees will be outlined in an Interlocal Agreement (ILA) if the governmental agency requires day-to-day operational radio communication on the City's 800 MHz radio system, and this MOU will be attached to the ILA as a part of that agreement.
- 5) Interoperability subscribers will be assessed a fee for use of the City of Waco's 800 MHz Trunked Voice Radio System. Interoperability subscribers shall not use the City of Waco's 800 MHz Trunked Voice Radio System as their primary radio communications platform for internal radio communications within their own agency. Interoperability subscribers will not be issued their own private talk groups or channels.
- 6) Programming of day-to-day and interoperability subscriber radios for use on the City of Waco's 800 MHz Trunked Voice Radio System must be done by the City of Waco Radio Shop unless otherwise agreed upon. Due to the critical necessity of safeguarding the system key, tight control over programming will be exercised.
- 7) Each radio device assigned to the City of Waco's 800 MHz system will be identified individually with a unique ID and Unit Alias. The Radio System Manager will be notified of any unit changes such as unit numbers. Subscribers will be inventoried on a periodic basis using unit serial number and alias.
- 8) The City of Waco Radio System Manager will be notified in the event a device is lost, stolen, causing interference, or removed from service. In any event, the Radio System Manager will disable the unit until such time the unit is recovered, repaired or replaced.
- 9) Emergency ID functionality on the City of Waco's 800 MHz Trunked Voice Radio System will not be programmed into interoperability subscriber radios.
- 10) Interoperability subscribers must identify themselves when initiating conversations on the City of Waco's 800 MHz Trunked Voice Radio System by giving their agency name (or acronym approved by the City of Waco) followed by their unit number. Example: "XYZ PD, Unit 101 to Waco PD Dispatch".

- 11) When operating radios on the City of Waco's 800 MHz Trunked Voice Radio System, all users must abide by all applicable rules and regulations of the Federal Communications Commission, Texas Statewide interoperability Channel Plan (TSICP), and City of Waco Standard Operating Procedures, protocols set forth by individual talk group owners, and decisions and directives of the City of Waco Radio System Manager. All violations by units of external subscriber agencies must be immediately resolved by the external agency to the satisfaction of the Radio System Manager or shall be grounds for immediate disconnection of the external agencies' radio equipment from the City of Waco's 800 MHz Trunked Voice Radio System, and termination of this MOU. The external agency shall reimburse the City of Waco upon receipt of any costs, fines or penalties assessed against the City of Waco as a result of a violation of an FCC rule or regulation by that agency's subscriber.
- 12) Radio equipment and accessories shall be approved by the City of Waco Radio System Manager prior to use on the City of Waco's 800 MHz Trunked Voice Radio System. All costs of an external agency to acquire or maintain radios or other equipment, train personnel, or to connect to the City of Waco's 800 MHz Trunked Voice Radio System shall be borne and paid by that agency.
- 13) All subscriber agency personnel who will be operating approved radio equipment on the City of Waco's 800 MHz Trunked Voice Radio System will be required to undergo user training as set forth by the City of Waco Radio System Manager.
- 14) The failure of the City of Waco to perform its obligations under this MOU shall be excused to the extent caused by the occurrence of an event or act not within the control of the City of Waco, or the Radio System Manager.
- 15) This MOU is effective as of the Effective Date stated above, and shall remain in effect until terminated by either party upon 10 days prior written notice.
- 16) Within 30 days upon termination, the City of Waco's 800 MHz Trunked Voice Radio System programming shall have been removed from the subscriber agencies' equipment and certification provided that the programming has been removed.
- 17) The subscriber agency acknowledges that radio systems are subject to periodic outages, equipment failures, and other conditions which may prevent or interfere with radio communications. In no event shall the City of Waco or any City agency be liable to a subscriber agency for any claim or cause of action arising out of or related to a failure of the City of Waco's 800 MHz Trunked Voice Radio System.
- 18) The person executing this MOU on behalf of the subscriber agency warrants and

represents that he or she has been duly authorized and empowered to execute and enter into this MOU on behalf of that agency, that all action necessary to approve this MOU has been taken, and that this MOU is a binding obligation of the subscriber agency.

- 19) This MOU constitutes the entire understanding of the parties related to this subject matter hereof, and there shall be no modifications or waivers hereof except in writing, signed by both parties. The MOU is made under and shall be governed by the laws of the State of Texas, and is performable in McLennan County, Texas.

AGREED TO BY:

(Subscriber Agency / Department Name)

Signature: _____
Printed Name: _____

Title: _____

AND

(Subscriber Agency / Department Name)

Signature: _____
Printed Name: _____

Title: _____