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NOTICE OF A PUBLIC MEETING
TOWN OF RANCHO VIEJO
BOARD OF ALDERMEN
REGULAR MEETING

SEPTEMBER 14, 2010
6:00 P.M.

NOTICE is hereby given of a REGULAR MEETING of the BOARD OF ALDERMEN of the TOWN OF RANCHO VIEJO, TEXAS, to be held on September 14, 2010 at 6:00 P.M., in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS to consider the following items:


1. Call to Order
2. Roll Call
3. Invocation and Pledge
4. Residents' Forum
5. Approval of Minutes
Regular Meeting - August 10, 2010
6. Consideration/Adoption of Budget Ordinance for Fiscal Year
October 1, 2010 to September 30, 2011
7. Consideration/Ratification of the Property Tax (Revenue)
Increase Reflected in the Budget for Fiscal Year October
1, 2010 To September 30, 2011
8. Consideration/Adoption of Ordinance to Establish Ad
Valorem Tax Rate to Provide for Budget Expenses for
Fiscal Year 2010/2011

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BOARD OF ALDERMEN
REGULAR MEETING

SEPTEMBER 14, 2010
6:00 P.M.

Page 2

9. Consideration/Action on Budget Amendment for 2009/2010 Budget
10. Consideration/Discussion and Action on Possible Amendments to the Code of Ordinances Chapter 45 -Solid Waste
11. Residents' Forum
12. Executive Session: Pursuant to the following Section of the Texas Government Code: Section 551.074 to discuss Personnel Matters
13. Executive Session: Pursuant to the following Section of the Texas government Code: Section 551.071 (2) legal advice-solid waste collection and disposal contract
14. Adjourn


Cheryl J. Kretz
Town Administrator

Item #1:
Call to Order
by Mayor Medrano

Item #2:

Roll Call

by Isabel Perales, those present are:

Aldерwoman Carr

Aldерwoman Hager

Aldерwoman Hinojosa

Alderman Lackner

Alderman Rafac

Legal Counsel, Daniel Rentfro, Jr.

Town Administrator, Cheryl J.
Kretz.

Item #3: Invocation and Pledge

The pledge of allegiance for the United States Flag:

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

And the pledge of allegiance for the Texas State Flag is,

“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

Item #4:

Residents' Forum

Item: 5

Approval of Minutes Regular meeting

August 10, 2010

MINUTES OF A REGULAR MEETING
TOWN OF RANCHO VIEJO
AUGUST 10, 2010

A Regular Meeting of the Board of Aldermen of the Town of Rancho Viejo, Texas was held on Tuesday, August 10, 2010, at the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas, the same being open to the public. The meeting was called to order by Mayor Roberto Medrano at 6:04 P.M. Roll call was made by Isabel Perales, Assistant Town Secretary. Members present at the meeting were:

Mrs. Lupita Carr
Mrs. Jean Hager
Mr. Robert Lackner

Mr. Joe Rafac arrived at 6:13 P.M.

Members absent from the meeting were:

Mrs. Maria Hinojosa

A quorum was present at the meeting.

Mr. Daniel Rentfro, Jr., legal counsel, was present. Cheryl J. Kretz, Town Administrator, was also present.

Those present in the audience were:

Clifford A. Rowell	Dr. E. J. Chaney
Margie Chaney	Ray Downs
Mack Sterling	Richard P. Lewis
Lourdes G. Medrano	Marilyn Lindeman
Dick Lindeman	Glenn Carr
Chief M. Cruz, Jr.	Louise Rigney
George Rigney	

INVOCATION & PLEDGE:

Alderswoman Carr led the group in the invocation and pledge of allegiance to the American and Texas flag.

RESIDENTS' FORUM:

Mr. Mack Sterling inquired about the electronic sign at the Town Hall.

APPROVAL OF MINUTES:

Motion was made by Alderwoman Hager, seconded by Alderwoman Carr, and unanimously carried, that the Minutes of the Regular Meeting held on July 13, 2010 be approved as written.

PRESENTATION BY MS. MARTA MARTINEZ, ESD RECYCLING:

There was no presentation on recycling as Ms. Marta Martinez was not present at the meeting.

PRESENT/DISCUSS PROPOSED BUDGET FOR FISCAL YEAR OCTOBER 1, 2010 TO SEPTEMBER 30, 2011:

Mayor Medrano reviewed some of the items in the preliminary budget for Fiscal Year October 1, 2010 to September 30, 2011. Alderman Rafac arrived at 6:13 P.M.

CONSIDERATION/APPROVAL OF GROUND AND AIR AMBULANCE SERVICE CONTRACT FOR 2010-2011:

Mr. Bill Aston, Executive Director, answered questions about this service and introduced Mr. Ray Downs and Mr. Clifford A. Rowell, S.T.E.C., Inc. board members and residents of the town. Motion was made by Alderman Rafac, seconded by Alderman Lackner, and unanimously carried, to approve the Ground and Air Ambulance Contract for 2010-2011 in the amount of \$10,277.00.

PROVIDE FOR PUBLIC NOTICE OF DATE, TIME AND LOCATION OF PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR OCTOBER 1, 2010 TO SEPTEMBER 30, 2011:

Motion was made by Alderman Lackner, seconded by Alderwoman Carr, and unanimously carried, to schedule a public hearing on the Proposed Budget for Fiscal Year October 1, 2010 to September 30, 2011 on Tuesday, August 24, 2010 at 6:00 P.M., at the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas.

DISCUSS PROPOSED AD VALOREM TAX RATE AND
CONSIDERATION/ACTION ON PROPOSAL FOR TAX RATE INCREASE:

After an explanation of the tax rate increase item, motion was made by Alderman Lackner, seconded by Alderman Rafac, and unanimously carried, that it is the intention of the Board of Aldermen to increase the total tax rate with a proposed Ad Valorem tax rate for 2010 not to exceed .387873 per \$100 of assessed valuation.

PROVIDE FOR PUBLIC NOTICE OF DATE, TIME AND LOCATION OF
PUBLIC HEARINGS FOR TAX RATE INCREASE:

Motion was made by Alderman Rafac, seconded by Alderwoman Hager, and unanimously carried, to schedule the first Public Hearing on the Ad Valorem Tax Rate increase for Tuesday, August 24, 2010 at 6:00 P.M. and the second public hearing be scheduled for Tuesday, August 31, 2010 at 6:00 P.M., both meetings to be at the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas

CONSIDERATION OF BIDS AND AWARD OF CONTRACT FOR COMMON AREA
MAINTENANCE:

Motion was made by Alderman Rafac, seconded by Alderwoman Carr, and unanimously carried, to award the contract for Common Area Maintenance to Complete Landscape Management, the low bidder, in the amount of \$35,400.00 per year.

RESIDENTS' FORUM:

Mrs. Louise Rigney commented on the ESD Recycling Center in Olmito.

ADJOURNMENT:

Motion was made by Alderwoman Carr, seconded by Alderwoman Hager, and unanimously carried, to adjourn the meeting at 7:08 P.M.

August 10, 2010

Page 4

BY: _____
Cheryl J. Kretz, Town Secretary

APPROVED: _____
Roberto Medrano, Mayor

DATE: _____

Item: 6

Consideration/ Adoption of Budget
Ordinance for Fiscal Year October 1,
2010 to September 30, 2011

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF ALDERMAN APPROVING
AND ADOPTING THE BUDGET FOR THE TOWN OF RANCHO
VIEJO, TEXAS, AS PREPARED BY THE MAYOR FOR THE
FISCAL YEAR 2010-2011

WHEREAS, the law requires the Mayor to submit a proposed
financial budget for the ensuing fiscal year, and;

WHEREAS, the Mayor has timely filed a proposed financial
budget for the fiscal year ending September 30, 2011, with the
Town Secretary on July 30, 2010, which is 30 days in advance of
adopting the tax rate for the tax year 2010.

WHEREAS, notice of a Public Hearing on the proposed
financial budget for the fiscal year ending September 30, 2011,
was published in the Brownsville Herald on August 13, 2010.

WHEREAS, on August 24, 2010 the Board of Alderman held the
Public Hearing on the proposed financial budget for the fiscal
year ending September 30, 2011, at 6:00 P.M., at the Town
Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas.

WHEREAS, such proposed and estimated Budget, after due
hearing and consideration, should be adopted:

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE TOWN OF RANCHO VIEJO, TEXAS:

That the Budget as prepared and submitted by the Mayor for
various departments of the Town of Rancho Viejo for the fiscal
year beginning October 1, 2010 and ending September 30, 2011, be
and the same is hereby in all respects approved and adopted, and
a true and correct copy of said budget being attached to this
ordinance.

This ordinance shall become effective upon passage.

PASSED, ADOPTED, AND APPROVED this the 14th day of
September, 2010

Roberto Medrano, Mayor

ATTEST:

Cheryl J. Kretz
Town Secretary

This budget will raise more total property taxes than last year's budget by \$16,330 or 2.1360%, and of that amount \$8,177 is tax revenue to be raised from new property added to the roll this year.

PROPOSED
TOWN OF RANCHO VIEJO
BUDGET

2010- 2011

	ACTUAL 12-MONTHS END 9/30/09	APPROVED(2) BUDGET 2009/2010	ACTUAL 9-MONTHS END 6/30/10	BUDGET 2010/2011
REVENUES:				
1	1898.0000 Ad Val. Tax 1998	185.96		
2	1810.9900 Ad Val. Tax 1999	168.98	0.00	0.00
3	1810.2000 Ad Val. Tax 2000	292.64	0.00	0.00
4	1810.2001 Ad Val. Tax 2001	341.78	0.00	0.00
5	1810.2002 Ad Val. Tax 2002	394.02	0.00	100.00
6	1810.2003 Ad Val. Tax 2003	441.27	0.00	100.00
7	1810.2004 Ad Val. Tax 2004	497.00	0.00	100.00
8	1810.2005 Ad Val. Tax 2005	692.72	308.37	300.00
9	1810.2006 Ad Val. Tax 2006	4,812.17	833.47	500.00
10	1810.2007 Ad Val. Tax 2007	11,971.91	3,372.28	2,000.00
11	1810.2008 Ad Val. Tax 2008	711,723.42	13,198.17	4,000.00
	1810.2009 Ad Val. Tax 2009		13,198.17	4,000.00
		744,653.00	(1) 722,204.00	13,500.00
12	1810.2010 Ad Val. Tax 2010			749,583.00 (3)
13	1820.0000 Adm. Cost Recovered	17,825.04	2,966.66	3,300.00
14	1830.0000 Alcohol Beverage Tax	2,396.07	1,837.71	2,500.00
15	1840.0000 Building Permits	16,228.77	29,788.02	25,000.00
16	1850.0000 Citations & Fines	146,151.37	103,866.04	120,000.00
17	1851.0000 MC Tech Fund	4,998.22	2,137.44	5,000.00
18	1870.0000 Franchise - Electrical	62,419.05	45,065.62	56,000.00
19	1880.0000 Franchise - Telephone	8,793.91	6,345.41	8,000.00
20	1890.0000 Franchise - Cable TV	32,880.93	25,742.02	34,000.00
21	1900.0000 Franchise - Gas	830.60	308.04	800.00
22	1905.0000 Franchise - Solid Waste	1,000.00	1,000.00	1,000.00
23	1910.0000 Interest from Investments	5,367.68	1,483.47	2,000.00
24	1920.0000 P&I on Taxes	13,415.75	9,268.58	13,000.00
25	1930.0000 Sales Tax	55,533.15	34,450.03	46,500.00
26	1963.0000 Police Fund Income	150.00	270.00	250.00
27	1964.0000 Paving Assessments	510.96	905.51	1,000.00
28	2090.0000 Discount on Taxes	(15,141.15)	(15,874.62)	(16,000.00)
29	2090.5000 State Costs & Fees	(55,154.39)	(39,550.53)	(46,000.00)
30	Lien Revenue	2,727.66	3,340.59	3,500.00
31	Section 11		12,167.58	28,269.00
	SECO Grant			23,030.00
32	Total Revenues	\$1,032,455.49	\$1,084,575.00	\$965,433.86 \$1,081,332.00

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35 (1) BASED ON TAX RATE OF \$.336457 for M&O Tax Rate
36 \$.030543 Debt Service Tax Rate
37 for a TOTAL TAX RATE of \$.367000 per \$100.00 Taxable Value and 97% Collections
38 RANCHO VIEJO'S TAXABLE VALUE FOR 2009/10 WAS \$209,178.146
39

40 (2) AS APPROVED AT 9/8/09 MEETING

41
42 (3) BASED ON TAX RATE OF \$.338195 for M&O Tax Rate
43 \$.028542 Debt Service Tax Rate
44 for a TOTAL TAX RATE of \$.366737 per \$100.00 Taxable Value and 96% Collections
45 RANCHO VIEJO'S TAXABLE VALUE FOR 2010/2011 IS \$212,909,054
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50	EXPENSES:	ACTUAL	APPROVED(2)	ACTUAL	
51		12-MONTHS	BUDGET	9-MONTHS	BUDGET
52		END 9/30/09	2009/2010	END 6/30/10	2010/2011
53	Administration:				
54	2100.0000 Travel	1,420.50	1,500.00	858.99	1,500.00
55	2110.0000 Seminar & Education	155.00	625.00	155.00	625.00
56	2150.0000 Payroll - Admin.	106,745.06	110,525.00	83,168.92	112,885.00
57	2160.0000 Retirement - Admin.	10,606.66	11,400.00	8,607.09	14,011.00
58	2161.0000 S.S./Medicare	1,436.32	6,825.00	19,635.96	6,243.00
59	2170.0000 Insurance Medical	8,491.63	7,580.00	5,684.40	8,425.00
60	2180.0000 Insurance Life	135.12	240.00	101.34	240.00
61	2190.0000 Ins. Workman's Comp	200.00	200.00	200.00	200.00
62	2200.0000 Contract Labor	12,924.72	18,720.00	7,279.50	10,000.00
63					
64	Total Administration	\$142,115.01	\$157,615.00	\$125,691.20	\$154,129.00
65					
66	General:				
67	3140.0000 Telephone	3,862.61	4,000.00	2,459.70	4,000.00
68	3150.0000 Electricity Office	12,733.79	11,000.00	7,128.72	10,000.00
69	3160.0000 Insurance Liability	17,372.38	18,000.00	19,221.73	17,550.00
70	3170.0000 Legal Notices	8,738.28	7,300.00	1,290.20	5,000.00
71	3190.0000 Printing	152.60	600.00	30.00	300.00
72	3200.0000 Office Supplies	4,874.62	5,000.00	2,038.14	5,000.00
73	3210.0000 Office Equipment	193.80	1,500.00	1,376.22	2,000.00
74	3220.0000 Postage	1,127.59	1,200.00	1,656.08	2,000.00
75	3230.0000 Dues & Publications	807.00	1,000.00	806.00	1,000.00
76	3240.0000 Appraisal & Tax Coll.	14,928.99	16,000.00	13,818.72	16,553.00
77	3250.0000 Water	685.80	700.00	583.41	700.00
78	3260.0000 Election Costs	4,146.48	4,100.00	0.00	4,100.00
79	3270.0000 Building Maintenance	14,635.42	9,000.00	3,778.13	9,000.00
80	3280.0000 Cameron Co.Court Costs	200.00	200.00	995.00	1,200.00
81	3300.0000 Public Relations	3,543.14	2,625.00	1,078.87	2,500.00
82	3320.0000 Office Equip. Maint.	12,306.07	11,000.00	8,942.96	11,000.00
83	3321.0000 Ordinance Codification	0.00	2,000.00	0.00	0.00
84	4220.0000 Municipal Court Supplies	146.29	300.00	162.85	200.00
85					
86	Total General	\$100,454.86	\$95,525.00	\$65,366.73	\$92,103.00
87					
88	Police General:				
89	4140.0000 Clothing - Police	2,956.18	9,079.00	7,171.95	3,500.00
90	4150.0000 Payroll - Police	295,859.78	297,962.00	230,773.89	317,714.00
91	4160.0000 Police Ret & Empl. Tax	29,318.36	30,484.00	23,904.59	39,256.00
92	4161.0000 Medicare & S.S.	7,085.31	7,831.00	6,654.03	8,118.00
93	4170.0000 Ins. Medical	28,916.25	26,527.00	19,895.40	29,486.00
94	4171.0000 Ins. Medical Dependant	3,545.64	3,298.00	2,336.31	7,323.00
95	4180.0000 Ins. Life	473.98	550.00	364.77	550.00
96	4190.0000 Ins. Workman's Comp	6,430.36	8,820.00	7,400.32	7,400.00
97	4200.0000 Cleaning of Uniforms	3,308.61	3,780.00	2,634.97	3,780.00
98	4210.0000 Office Supplies	3,444.43	3,500.00	3,745.86	15,500.00
99	4210.5000 Printing	600.00	600.00	0.00	0.00
100	4230.0000 Travel - Police	0.00	600.00	245.77	600.00
101	4240.0000 Seminar & Education - PD	854.02	3,000.00	996.28	3,000.00
102	4250.0000 Auto Repairs	7,457.36	11,000.00	10,593.01	6,500.00
103	4260.0000 Auto Fuel	16,322.60	27,000.00	15,575.19	23,400.00
104	4300.0000 Radio Equip. Maint.	1,598.43	1,600.00	1,325.92	1,600.00
105	4310.0000 Police Contract Labor	21,011.50	18,500.00	14,564.00	18,500.00
106	4330.0000 Dispatch	5,878.56	6,300.00	2,515.60	3,810.00
107	4331.0000 Police Investigation	3,393.38	3,496.00	3,337.46	3,496.00
108	4333.0000 Drug Testing	225.00	450.00	0.00	450.00
109					
110	Total Police General	\$438,679.75	\$464,377.00	\$354,035.32	\$493,983.00

		ACTUAL	APPROVED(2)	ACTUAL	
		12-MONTHS	BUDGET	9-MONTHS	BUDGET
		END 9/30/09	2009/2010	END 6/30/10	2010/2011
113					
114					
115					
116	Police Capital:				
117					
118	25131.0000 Automobile	15,956.00	0.00	0.00	0.00
119	Automobile Reserve	0.00	0.00	0.00	0.00
120	25131.0500 Automobile Equipment	2,404.00	2,600.00	2,232.39	6,770.00
121	25131.3000 Auto Equip. Reserve	0.00	0.00	0.00	0.00
122	4290.0000 Communication Equip.	19,622.96	20,000.00	20,774.80	18,586.00
123	4291.0000 Fire Prevention/1st Aid	156.40	300.00	164.00	300.00
124	4291.6220 Hurricane Preparedness	72,339.13	1,500.00	1,150.00	1,500.00
125	Computers	0.00	0.00	0.00	0.00
126					
127	Total Police Capital	\$110,478.49	\$24,400.00	\$24,321.19	\$27,156.00
128	General Service:				
129					
130	5600.0000 Ambulance	10,277.00	10,277.00	7,707.75	10,277.00
131	5650.0000 Fire Dept.	10,636.15	15,400.00	6,869.69	13,800.00
132	5660.0000 Fire Protection Contract	27,500.00	27,500.00	20,625.00	27,500.00
133	5900.0000 Refuse Disposal	192.96	203.00	202.59	230.00
134					
135	Total General Service	\$48,606.11	\$53,380.00	\$35,405.03	\$51,807.00
136	Professional:				
137					
138	5100.0000 Legal Fees	25,875.00	24,750.00	18,000.00	24,750.00
139	5200.0000 Audit Fees	6,100.00	6,405.00	6,405.00	6,600.00
140	5400.0000 Bldg. Inspection	7,410.62	7,500.00	3,475.27	7,000.00
141	5500.0000 Municipal Judge	10,643.96	9,650.00	7,381.30	10,580.00
142					
143	Total Professional	\$50,029.58	\$48,305.00	\$35,261.57	\$48,930.00
144	Public Works:				
145					
146	6000.0000 St. Rehab.	440,553.16	10,000.00	0.00	10,000.00
147	6100.0000 St. Rehab. Reserve	0.00	0.00	0.00	0.00
148	6200.0000 St. Rehab. Engineer	33,901.84	3,000.00	0.00	3,000.00
149	6300.0000 Signs & Safety Markers	2,529.61	2,750.00	2,024.60	2,750.00
150	6400.0000 Lighting Installation	0.00	5,000.00	1,670.88	0.00
151	6500.0000 Lighting Expenses	54,007.23	51,000.00	37,139.47	51,000.00
152	6600.0000 Lot Mowing	1,370.00	1,000.00	2,990.00	4,000.00
153	6640.0000 Common Area Maint.	43,050.00	41,040.00	28,755.00	38,000.00
154	6700.0000 Comm Area Water&Elec.	16,906.54	15,000.00	5,147.23	7,000.00
155	6710.0000 Mosquito Spraying	-562.50	4,040.00	2,463.75	4,040.00
156	Solar Lighting	0.00	0.00	0.00	0.00
157	Grant Reserve	0.00	1,500.00	0.00	0.00
158	Park Purchase	10,200.09	13,600.00	10,200.09	3,240.00
159	Beautification Project	4,217.00	20,000.00	25,324.20	0.00
160	SECO Project	0.00	0.00	0.00	24,046.00
161					
162	Total Public Works	\$606,172.97	\$167,930.00	\$115,715.22	\$147,076.00
163					
164	Total Operating Expense	\$1,496,536.77	\$1,011,532.00	\$755,796.26	\$1,015,184.00
165	Town Hall Debt Service Account:				
166					
167	Interest Payable	\$35,768.75	\$34,387.50	33,783.34	\$29,555.14
168	Scheduled Principal	\$25,000.00	\$30,000.00	30,604.16	\$30,000.00
169					
170	Total Debt Service	\$60,768.75	\$64,387.50	64,387.50	\$59,555.14
171					
172	Total All Expenses	\$1,557,305.52	\$1,075,919.50	\$820,183.76	\$1,074,739.14
173	Total Revenues	\$1,032,455.49	\$1,084,575.00	\$965,433.86	\$1,081,332.00
174					
175	To General Fund	-\$524,850.03	\$8,655.50	\$145,250.10	\$6,592.86

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GENERAL INFORMATION

ESTIMATED YEAR END BANK BALANCE AT 9/30/10

General Fund Bank Balance as of 6/30/10	\$443,680.08
June Tax Money Deposited in July	\$1,073.95
Plus Estimated Revenue from 7/01/10 to 9/30/10	\$119,141.14
Less Estimated Operating Expenses from 7/01/10 to 9/30/10	\$255,698.84

Estimated Bank Balance at 9/30/10	\$308,196.33
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*Within the Year End Bank Balance; funds are earmarked for the following purposes:

Three months Operating Reserve @ 91M per month	\$273,000.00
Camera Reserve, Vehicle Reserve and Beautification Reserve	\$35,196.33

Earmarked Funds Equal Estimated Bank Balance at 9/30/10:	\$308,196.33
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At Fiscal Year End 9/30/09 Bank Balance was:	333,641.97
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ADDITIONAL TOWN BANK BALANCES AS OF 6/30/10:

Town Hall Debt Service Account Balance	\$0.08
Police Asset Forfeiture Account Balance	\$3,380.12

Item: 7

Consideration/ Ratification of the
Property Tax (Revenue) Increase
Reflected in the Budget for Fiscal Year
October 1, 2010 to September 30, 2011

This budget will raise more total property taxes than last year's budget by \$16,330 or 2.1360%, and of that amount \$8,177 is tax revenue to be raised from new property added to the roll this year.

Item: 8

Consideration/ Adoption of ordinance to
Establish Ad Valorem Tax Rate to
Provide for Budget Expenses for Fiscal
Year 2010/2011

ORDINANCE NO.

AN ORDINANCE ESTABLISHING THE AD VALOREM AND PERSONAL PROPERTY TAX RATE FOR THE TAX YEAR 2010, SETTING THE ASSESSED VALUATION AT ONE HUNDRED (100%) PERCENT OF THE FAIR MARKET VALUE, PROVIDING FOR A HOMESTEAD EXEMPTION OF \$5,000, PROVIDING FOR DISCOUNTS IN THE EVENT OF EARLY PAYMENT, AND PROVIDING FOR PENALTY AND INTEREST IN ACCORDANCE WITH STATE LAW AND PROVIDING FOR SEVERABILITY

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS:

Section 1. There is hereby established a tax rate for the tax year 2010:

\$.338195 Maintenance & Operation Tax Rate
\$.028542 Debt Tax Rate
\$.366737 Total Tax Rate

for each \$100.00 of assessed valuation of all ad valorem and personal property taxable under the laws of this State by the Town of Rancho Viejo.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 1.64 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$5.48.

Section 2. There is hereby established an assessed valuation of one hundred (100%) percent of the fair market value of all real and personal property according to the certified tax rolls of the Town of Rancho Viejo.

Section 3. There is hereby granted a homestead exemption to qualified homeowners at the level of \$5,000 on the ad valorem tax for the tax year 2010.

Section 4. There is hereby granted a discount for early payment of the 2010 taxes which discount shall be equal to and the same as that granted by CAMERON COUNTY, the agency under contract to collect the taxes of this Town, said discount all being pursuant to State law.

Section 5. Any payment not timely made shall bear such penalty and interest as is provided by State law.

Section 6. If any section, paragraph, subdivision, clause, phrase, or provision of the Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 7. This ordinance shall become effective upon passage.

PASSED, ADOPTED, AND APPROVED this the 14th day of September, 2010.

Roberto Medrano, Mayor

ATTEST:

Cheryl J. Kretz
Town Secretary

Item: 9

Consideration/ Action on Budget
Amendment for 2009/2010 Budget

**TOWN OF RANCHO VIEJO
BUDGET**

2009/2010

		ACTUAL 12-MONTHS END 9/30/08	APPROVED(2) BUDGET 2008/2009	ACTUAL 9-MONTHS END 6/30/09	BUDGET 2009/2010	
REVENUES:						
1	1898.0000			185.96		
2	1810.9900			168.98	0.00	
3	1810.2000			292.64	0.00	
4	1810.2001			189.30	100.00	
5	1810.2002			201.07	100.00	
6	1810.2003	148.81	300.00	190.24	100.00	
7	1810.2004	1,526.48	500.00	495.61	300.00	
8	1810.2005	5,125.58	2,000.00	692.72	500.00	
9	1810.2006	14,096.22	4,000.00	4,750.20	2,000.00	
10	1810.2007	701,575.85	13,500.00	11,273.73	4,000.00	
11	1810.2008		722,641.00 (1)	697,646.31	13,500.00	
12	1810.2009				744,653.00 (3)	
13	1820.0000	3,235.82	15,200.00	17,275.04	5,000.00	
14	1830.0000	3,582.77	4,000.00	1,763.63	2,500.00	
15	1840.0000	45,539.93	42,000.00	14,600.77	33,000.00	10,000.00
16	1850.0000	132,341.96	135,000.00	115,116.22	140,000.00	
17	1851.0000	3,388.10	3,800.00	3,982.14	5,000.00	
18	1870.0000	64,590.40	65,000.00	41,511.42	63,000.00	56,000.00
19	1880.0000	9,220.39	8,000.00	6,640.04	8,000.00	
20	1890.0000	33,945.92	34,000.00	24,491.76	34,000.00	
21	1900.0000	971.73	800.00	390.04	800.00	
22	1905.0000	1,000.00	1,000.00	1,000.00	1,000.00	
23	1910.0000	33,443.92	15,000.00	5,162.86	1,800.00	7,000.00
24	1920.0000	13,074.76	13,000.00	10,083.95	13,000.00	
25	1930.0000	60,700.58	55,000.00	43,606.19	45,000.00	58,000.00
26	1963.0000	270.00	200.00	150.00	200.00	
27	1964.0000	11,454.26	0.00	268.13	2,000.00	
28	2090.0000	(14,928.61)	(15,000.00)	(15,139.89)	(15,000.00)	
29	2090.5000	(53,633.09)	(60,100.00)	(41,894.36)	(45,000.00)	-55,000.00
30		2,641.27	6,000.00	1,787.96	3,880.00	2,500.00
31					21,142.00	
					20,000.00	
32	Total Revenues	\$1,073,313.05	\$1,065,841.00	\$946,882.66	\$1,104,575.00	

(1) BASED ON TAX RATE OF \$.329742 for M&O Tax Rate
 \$.030258 Debt Service Tax Rate
 for a TOTAL TAX RATE of \$.360000 per \$100.00 Taxable Value and 97% Collections
 RANCHO VIEJO'S TAXABLE VALUE FOR 2008/09 WAS \$206,942,067

(2) AS APPROVED AT 3/10/09 MEETING

(3) BASED ON TAX RATE OF \$.336457 for M&O Tax Rate
 \$.030543 Debt Service Tax Rate
 for a TOTAL TAX RATE of \$.367000 per \$100.00 Taxable Value and 97% Collections
 RANCHO VIEJO'S TAXABLE VALUE FOR 2009/2010 IS \$209,178,146

		ACTUAL	APPROVED(2)	ACTUAL		
	EXPENSES:	12-MONTHS	BUDGET	9-MONTHS	BUDGET	
		END 9/30/08	2008/2009	END 6/30/09	2009/2010	
51	Administration:					
52	2100.0000 Travel	3,452.97	1,200.00	1,420.50	1,500.00	
53	2110.0000 Seminar & Edu.	753.71	1,300.00	155.00	625.00	
54	2150.0000 Payroll - Adm.	95,371.41	105,680.00	79,745.76	110,525.00	
55	2160.0000 Retirement - Adm.	8,441.20	10,576.83	7,887.48	11,400.00	
56	2161.0000 S.S./Medicare	1,856.79	9,746.00	900.47	22,680.00	6,825.00
57	2170.0000 Insurance Med.	8,031.40	8,610.00	6,199.68	7,580.00	
58	2180.0000 Insurance Life	138.50	240.00	101.34	240.00	
59	2190.0000 Ins. Workman's Comp	175.00	200.00	200.00	200.00	
60	2200.0000 Contract Labor	18,372.39	18,000.00	10,485.47	10,500.00	18,720.00
61						
62	Total Administration	\$136,593.37	\$155,552.83	\$107,095.70	\$165,250.00	
63						
64						
65	General:					
66	3140.0000 Telephone	3,582.47	4,750.00	2,914.76	4,000.00	
67	3150.0000 Elec. Office	12,800.55	15,000.00	8,071.70	11,000.00	
68	3160.0000 Ins. Liability	16,549.50	16,000.00	18,105.38	19,500.00	18,000.00
69	3170.0000 Legal Notices	8,055.33	7,300.00	4,517.78	6,000.00	7,300.00
70	3190.0000 Printing	300.56	600.00	0.00	600.00	
71	3200.0000 Office Supplies	5,658.93	5,000.00	4,038.52	5,000.00	
72	3210.0000 Office Equipment	8,039.87	1,500.00	193.80	1,500.00	
73	3220.0000 Postage	2,274.97	2,760.00	891.24	1,200.00	
74	3230.0000 Dues & Publications	1,253.50	1,000.00	707.00	1,000.00	
75	3240.0000 Appraisal & Tax Coll.	15,664.27	16,000.00	12,655.84	16,000.00	
76	3250.0000 Water	328.55	700.00	497.20	700.00	
77	3260.0000 Election Costs	3,807.90	4,000.00	4,088.48	0.00	4,100.00
78	3270.0000 Building Maint.	15,840.78	15,000.00	13,844.50	9,000.00	
79	3280.0000 Cameron Co. Court Cost	-216.00	200.00	80.00	1,200.00	200.00
80	3300.0000 Public Relations	29,223.06	5,280.00	2,708.18	2,625.00	
81	3320.0000 Office Equip. Maint.	8,899.25	11,000.00	9,984.95	11,000.00	
82	3321.0000 Ordinance Codification	2,694.48	2,000.00	0.00	2,000.00	
83	4220.0000 Municipal Court Supplies	147.15	300.00	146.29	300.00	
84						
85	Total General	\$134,905.12	\$108,390.00	\$83,445.62	\$92,625.00	
86						
87	Police General:					
88	4140.0000 Clothing - Police	2,992.58	3,500.00	1,751.60	9,079.00	
89	4150.0000 Payroll - Police	266,103.49	290,048.00	222,560.09	297,962.00	
90	4160.0000 Police Ret & Empl. Tax	23,321.43	29,018.39	22,035.49	30,484.00	
91	4161.0000 Medicare & S.S.	4,730.45	4,884.00	5,322.84	8,501.00	7,831.00
92	4170.0000 Ins. Medical	25,020.90	30,134.00	21,331.24	26,527.00	
93	4171.0000 Ins. Medical Dep.	3,241.92	3,793.00	2,721.06	4,142.00	3,298.00
94	4180.0000 Ins. Life	451.30	550.00	352.39	550.00	
95	4190.0000 Ins. Workman's Comp	8,656.05	9,088.00	7,359.36	8,820.00	
96	4200.0000 Cleaning of Uniforms	3,279.23	2,600.00	1,619.34	3,780.00	
97	4210.0000 Office Supplies	2,256.88	3,500.00	3,058.15	4,000.00	3,500.00
98	4210.5000 Printing	615.00	600.00	155.00	600.00	
99	4230.0000 Travel - Police	475.36	500.00	0.00	600.00	
100	4240.0000 Seminar & Edu.	2,176.56	2,000.00	(127.37)	3,000.00	
101	4250.0000 Auto Repairs	5,922.15	5,000.00	5,468.44	15,000.00	11,000.00
102	4260.0000 Auto Fuel	26,900.56	22,900.00	11,302.36	23,000.00	27,000.00
103	4300.0000 Radio Equip. Maint.	2,071.44	1,600.00	1,383.80	1,600.00	
104	4310.0000 Police Contract Labor	11,395.00	12,000.00	14,945.00	18,500.00	
105	4330.0000 Dispatch	5,920.77	5,988.00	2,290.18	3,956.00	6,300.00
106	4331.0000 Police Investigation	2,728.45	3,496.00	2,788.65	3,496.00	
107	4333.0000 Drug Testing	180.00	450.00	225.00	450.00	
108						
109	Total Police General	\$398,439.52	\$431,649.39	\$326,542.62	\$464,047.00	464,377.00
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		ACTUAL	APPROVED(2)	ACTUAL	BUDGET	
		12-MONTHS	BUDGET	9-MONTHS	BUDGET	
		END 9/30/08	2008/2009	END 6/30/09	2009/2010	
115						
116						
117						
118	Police Capital:					
119	25131.0000 Automobile	18,200.00	16,000.00	15,956.00	0.00	
120	Automobile Reserve	0.00	0.00	0.00	0.00	
121	25131.0500 Automobile Equip.	4,316.50	2,250.00	2,265.00	2,600.00	
122	Auto Equip. Reserve	12,830.00	0.00	0.00	0.00	
123	25131.3000 Comm. Equip.	0.00	100.00	0.00	21,000.00	20,000.00
124	4290.0000 Fire Prev./1st Aid	0.00	300.00	156.40	300.00	
125	4291.0000 Hurricane Prep.	9,789.61	1,500.00	72,339.13	1,500.00	
126	Computers				0.00	
127						
128	Total Police Capital	\$45,136.11	\$20,150.00	\$90,716.53	\$25,400.00	
129						
130	General Service:					
131	5600.0000 Ambulance	10,132.00	10,277.00	7,635.25	10,277.00	
132	5650.0000 Fire Dept.	10,557.66	15,400.00	7,641.92	9,000.00	15,400.00
133	5660.0000 Fire Prot. Contr	27,500.00	27,500.00	20,625.00	27,500.00	
134	5900.0000 Refuse Disposal	183.68	200.00	192.96	203.00	
135						
136	Total General Service	\$48,373.34	\$53,377.00	\$36,095.13	\$46,980.00	
137						
138	Professional:					
139	5100.0000 Legal Fee	25,860.82	25,500.00	19,875.00	24,750.00	
140	5200.0000 Audit Fees	5,900.00	6,100.00	6,100.00	6,405.00	
141	5400.0000 Bldg. Inspection	8,519.46	8,000.00	5,367.27	7,500.00	
142	5500.0000 Municipal Judge	9,568.98	9,400.00	8,132.00	9,650.00	
143						
144	Total Professional	\$49,849.26	\$49,000.00	\$39,474.27	\$48,305.00	
145						
146	Public Works:					
147	6000.0000 St. Rehab.	302,158.60	10,000.00	440,553.16	10,000.00	
148	St. Rehab. Reserve	0.00	20,000.00	0.00	0.00	
149	6100.0000 St.Rehab. Engineer	20,999.48	20,000.00	33,901.84	3,000.00	
150	6200.0000 Signs & Safety Markers	3,776.47	2,750.00	2,138.61	2,750.00	
151	6300.0000 Lighting Installation	0.00	0.00	0.00	1,671.00	5,000.00
152	6400.0000 Lighting Expenses	51,310.87	54,000.00	35,756.24	51,000.00	
153	6500.0000 Lot Mowing	1,155.50	1,000.00	955.00	5,000.00	1,000.00
154	6600.0000 Common Area Maint.	32,133.00	41,700.00	32,925.00	41,040.00	
155	6640.0000 Comm Area Wa &Elec.	12,223.59	10,000.00	12,852.22	7,363.00	15,000.00
156	6700.0000 Mosquito Spraying	3,709.13	3,000.00	-587.50	4,040.00	
157	6710.0000 Solar Lighting	0.00	0.00	0.00	0.00	
158	Grant Reserve	0.00	0.00	0.00	1,500.00	
159	Park Purchase	0.00	0.00	6,800.06	13,600.00	
160	Beautification Project	0.00	20,000.00	0.00	37,700.00	20,000.00
161	Appraisal Fees	0.00	0.00	3,000.00		
162	Park Concept				2,511.00	
163	Total Public Works	\$427,466.64	\$182,450.00	\$568,294.63	\$181,175.00	
164						
165	Total Operating Expense	\$1,240,763.36	\$1,000,569.22	\$1,251,664.50	\$1,023,782.00	
166						
167	Town Hall Debt Service Account:					
168	2060.0000 Interest Payable		\$35,768.75	\$35,768.75	\$34,387.50	
169	2060.0000 Scheduled Principal		\$25,000.00	\$25,000.00	\$30,000.00	
170						
171	Total Debt Service		\$60,768.75	\$60,768.75	\$64,387.50	
172						
173	Total All Expenses	\$1,240,763.36	\$1,061,337.97	\$1,312,433.25	\$1,088,169.50	
174	Total Revenues	\$1,073,313.05	\$1,065,841.00	\$946,882.66	\$1,104,575.00	
175						
176	To General Fund	-\$167,450.31	\$4,503.03	(\$365,550.59)	\$16,405.50	
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GENERAL INFORMATION

ESTIMATED YEAR END BANK BALANCE AT 9/30/09

General Fund Bank Balance as of 6/30/09	\$487,906.78
Less Section 11 refunds due to owners	\$39,070.39
Plus Estimated Revenue from 7/01/09 to 9/30/09	\$118,950.26
Less Estimated Operating Expenses from 7/01/09 to 9/30/09	\$223,359.72

Estimated Bank Balance at 9/30/09	\$344,426.93
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*Within the Year End Bank Balance; funds are earmarked for the following purposes:

Three months Operating Reserve @ 91M per month	\$273,000.00
Street Rehab Reserve	\$10,208.78
Radio Reserve	\$20,000.00
Social Security Reserve	\$20,000.00
Surplus	\$21,218.15

Earmarked Funds Equal Estimated Bank Balance at 9/30/09	\$344,426.93
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At Fiscal Year End 9/30/08 Bank Balance was	1,067,045.09
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ADDITIONAL TOWN BANK BALANCES AS OF 6/30/09:

Town Hall Debt Service Account Balance	\$0.08
Police Asset Forfeiture Account Balance	\$6,508.98

Item: 10

Consideration/ Discussion and Action on
Possible Amendments to the Code of
Ordinances Chapter 45 -Solid Waste

ARTICLE I. IN GENERAL

Secs. 46-1—46-18. Reserved.

ARTICLE II. WASTE DISPOSAL

Sec 46-19 Definitions.

The following word, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Town means Town of Rancho Viejo

Garbage includes all animal and vegetative matter, such as, but not limited to, waste material and refuse from kitchens, grocery stores, butcher shops, cafes, restaurants, drug-stores, hotels, roominghouses and boardinghouses or other places, including, but not limited to, such items as meat scraps, other food scraps, bread, bones, fruit and vegetable peelings and remains, and other deleterious substances.

Trash includes rubbish, such as, but not limited to feathers, tin cans, bottles, paper, rags, grass, boxes and cartons, old clothes and shoes, ashes, grass trimmings, hedge, tree, plant and shrub trimmings, leaves and limbs, yard cleanings and other similar items.

Sec. 46-20. Unlawful disposal of trash.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, town right-of-way, or any yard or premises, public or private, any garbage or trash.

(Ord. No. 16, § 2, 12-16-1980)

Sec. 46-21. Duty to provide containers.

- a) It shall be the duty of every person, owner, agent, tenant, lessee or occupant of any residence, house, building, apartment, store or business establishment, where persons reside, gather, or congregate, or where food is prepared or served, or trash collects or accumulates, within the town, to provide and maintain in good order and repair, a container or containers as herein provided, for the deposit of garbage or trash for collection by an authorized or franchised collection agency, person or corporation.
- b) The requirement in (a) of this section shall not apply if an authorized or franchised collection agency, person or corporation furnishes a container as part of a franchise agreement with the town.

(Ord. No. 16, § 3, 12-16-1980)

Sec. 46-22. Duty and conditions for keeping premises clean.

(a) *Generally.* The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on said premises by its customers and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

(b) *Receptacles.* Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred articles of waste may be disposed of.

(c) *Signs.* Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity to the receptacle referred to above, a sign or signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

(Ord. No. 16, § 4, 12-16-1980)

Sec. 46-23. Container requirements.

(a) The container required by this article shall be a watertight receptacle of a solid and durable grade and quality, not less than ten nor more than 32 gallons in capacity. The combined weight of the garbage and container should not be so great that it would be unreasonable to expect workmen to handle and empty such container in a normal way. It shall be equipped with handles of sufficient size and strength for workmen to conveniently empty such container. It shall be provided with a suitable, close-fitting and snug lid or cover. Said container shall not have any inside structures, such as inside bands or reinforcing angles, or anything within the container to prevent free and easy discharge of contents. A customer may place all garbage or trash in plastic bags that do not exceed 30 pounds in weight. If the customer uses plastic bags, the same must be of sufficient quality to not burst or otherwise disintegrate in handling. All plastic bags will be furnished at the expense of the customer.

(b) The requirement in (a) of this section shall not apply if an authorized or franchised collection agency, person or corporation furnishes a container as part of a franchise agreement with the town.

(Ord. No. 16A, § 5, 12-16-1980; Ord. No. 16A, § 3, 3-8-1983)

Sec. 46-24. Solid waste to be securely contained.

Garbage or trash shall be properly secured in a container or other receptacle device, as authorized by this article, and shall be located upon their property in accordance to section 46-25. When a franchised collection agency, person or corporation furnishes a container as part of a franchise agreement with the town, all garbage or trash shall be placed in said container for collection.

(Ord. No. 16A, § 2, 3-8-1983)

Sec. 46-25. Placement of waste containers.

Every structure that is at any time occupied is required to maintain receptacles and containers as required by the town's ordinances at a convenient location that is not within the front yard setback as defined by the ordinances of the town during the non-collection garbage/trash days. The owner, occupant, tenant or lessee of the premises is required to place the garbage containers and/or trash at an easily accessible point to the person collecting or removing trash or garbage and is required to place the containers and/or trash at curbside or street-side not more than two feet away from the street asphalt, and ten feet away from structures such as mailboxes, utility poles, or similar infrastructure, on garbage/trash collection dates. Said container may be placed at curbside or street-side the evening before the collection day and must be removed from curbside or street-side by the end of the collection day.

(Ord. No. 68, § 1, 11-29-1988)

Sec. 46-26.

Sec. 46-27. Containers to be kept in sanitary condition.

Every garbage and trash container required by this article shall be maintained in as sanitary condition as possible in view of the use to which it is put; and shall be thoroughly cleansed as needed by washing, scalding or otherwise.

(Ord. No. 16, § 10, 12-16-1980)

Sec. 46-28. Use of containers on others' premises.

It shall be unlawful for any customer to go upon the premises of another to dispose of garbage/trash.

(Ord. No. 16, § 10, 12-16-1980)

Sec. 46-29. Removal and hauling of waste.

Every person required to provide containers by this article is further required to have said garbage and trash removed from their premises as indicated in section 46-31. It shall be unlawful for persons to haul or dispose of garbage or trash except in vehicles specifically designed and equipped to dispose of, and handle, trash and garbage.

(Ord. No. 16, § 11, 12-16-1980)

Sec. 46-30. Waste removal service must be franchise holder.

It shall be unlawful for persons, corporations or agencies to operate a garbage and trash removal business service within the town limits unless they have obtained a franchise from said town for this purpose, except those persons or corporations that already have been collecting garbage or trash within the town may continue to do so without the grant of a franchise.

(Ord. No. 16, § 12, 12-16-1980)

Sec. 46-31. Waste must be collected by franchise holder, exemption.

- a) It shall be the duty and obligation of any person, owner, agent, tenant, lessee or occupant of any residence, house, building or multifamily structure where persons reside, gather or congregate at any time to contract for the use the solid waste collection services of the duly franchised solid waste collector with in the town, and such person or entity is required to pay the approved fees and charges thereof .
- b) The failure to use or pay for solid waste collection services shall be deemed a violation of this chapter.

(Ord. No. 68, § 2, 11-29-1988)

ARTICLE I. IN GENERAL

Secs. 46-1—46-18. Reserved.

ARTICLE II. WASTE DISPOSAL

Sec 46-19 Definitions.

The following word, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Town means Town of Rancho Viejo

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Garbage includes all animal and vegetative matter, such as, but not limited to, waste material and refuse from kitchens, grocery stores, butcher shops, cafes, restaurants, drug-stores, hotels, roominghouses and boardinghouses or other places, including, but not limited to, such items as meat scraps, other food scraps, bread, bones, fruit and vegetable peelings and remains, and other deleterious substances.

Trash includes rubbish, such as, but not limited to feathers, tin cans, bottles, paper, rags, grass, boxes and cartons, old clothes and shoes, ashes, grass trimmings, hedge, tree, plant and shrub trimmings, leaves and limbs, yard cleanings and other similar items.

Deleted:

Sec. 46-20. Unlawful disposal of trash.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, town right-of-way, or any yard or premises, public or private, any garbage or trash.

(Ord. No. 16, § 2, 12-16-1980)

Deleted: filth if any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other from of litter or waste matter.

Sec. 46-21. Duty to provide containers.

a) It shall be the duty of every person, owner, agent, tenant, lessee or occupant of any residence, house, building, apartment, store or business establishment, where persons reside, gather, or congregate, or where food is prepared or served, or trash collects or accumulates, within the town, to provide and maintain in good order and repair, a container or containers as herein provided, for the deposit of garbage or trash for collection by an authorized or franchised collection agency, person or corporation.

b) The requirement in (a) of this section shall not apply if an authorized or franchised collection agency, person or corporation furnishes a container as part of a franchise agreement with the town.

(Ord. No. 16, § 3, 12-16-1980)

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Sec. 46-22. Duty and conditions for keeping premises clean.

(a) *Generally.* The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials thrown or left on said premises by its customers and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.

(b) *Receptacles.* Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred articles of waste may be disposed of.

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(c) *Signs.* Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity to the receptacle referred to above, a sign or signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

(Ord. No. 16, § 4, 12-16-1980)

Sec. 46-23. Container requirements.

(a) The container required by this article shall be a watertight receptacle of a solid and durable grade and quality, not less than ten nor more than 32 gallons in capacity. The combined weight of the garbage and container should not be so great that it would be unreasonable to expect workmen to handle and empty such container in a normal way. It shall be equipped with handles of sufficient size and strength for workmen to conveniently empty such container. It shall be provided with a suitable, close-fitting and snug lid or cover. Said container shall not have any inside structures, such as inside bands or reinforcing angles, or anything within the container to prevent free and easy discharge of contents. A customer may place all garbage or trash in plastic bags that do not exceed 30 pounds in weight. If the customer uses plastic bags, the same must be of sufficient quality to not burst or otherwise disintegrate in handling. All plastic bags will be furnished at the expense of the customer.

(b) The requirement in (a) of this section shall not apply if an authorized or franchised collection agency, person or corporation furnishes a container as part of a franchise agreement with the town.

(Ord. No. 16A, § 5, 12-16-1980; Ord. No. 16A, § 3, 3-8-1983)

Deleted: If any person should, pursuant to this section, place their garbage or trash within a plastic bag, it shall be their responsibility to use such plastic bags in a manner that will at all times provide their integrity and prevent them being ripped or burst open, and if any plastic bag located upon the property of any person has ripped or burst open, it shall be the duty of the person in control of said property to immediately clean and pick up all the garbage and trash located thereon.

Sec. 46-24. Solid waste to be securely contained.

Garbage or trash shall be properly secured in a container or other receptacle device, as authorized by this article, and shall be located upon their property in accordance to section 46-25. When a franchised collection agency, person or corporation furnishes a container as part of a franchise agreement with the town, all garbage or trash shall be placed in said container for collection.

(Ord. No. 16A, § 2, 3-8-1983)

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Sec. 46-25. Placement of waste containers.

Every structure that is at any time occupied is required to maintain receptacles and containers as required by the town's ordinances at a convenient location that is not within the front yard setback as defined by the ordinances of the town during the non-collection garbage/trash days. The owner, occupant, tenant or lessee of the premises is required to place the garbage containers and/or trash at an easily accessible point to the person collecting or removing trash or garbage and is required to place the containers and/or trash at curbside or street-side not more than two feet away from the street asphalt, and ten feet away from structures such as mailboxes, utility poles, or similar infrastructure, on garbage/trash collection dates. Said container may be placed at curbside or street-side the evening before the collection day and must be removed from curbside or street-side by the end of the collection day.

(Ord. No. 68, § 1, 11-29-1988)

Deleted: such a point on his property, other than within the front yard setback, as the solid waste collection agent shall assign and designate as the most convenient and accessible for collecting and removing.

Sec. 46-26.

Sec. 46-27. Containers to be kept in sanitary condition.

Every garbage and trash container required by this article shall be maintained in as sanitary condition as possible in view of the use to which it is put; and shall be thoroughly cleansed as needed by washing, scalding or otherwise.

(Ord. No. 16, § 10, 12-16-1980)

Deleted: Direct collection of waste.
¶ Notwithstanding any provision to the contrary contained in this chapter, any owner or occupant may maintain their garbage containers or trash containers located within their premises and have the same directly collected from their premises if they have made arrangements with authorized garbage collectors to enter their premises and remove all garbage and trash.
(Ord. No. 16, § 8, 12-16-1980)

Sec. 46-28. Use of containers on others' premises.

It shall be unlawful for any customer to go upon the premises of another to dispose of garbage/trash.

(Ord. No. 16, § 10, 12-16-1980)

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Sec. 46-29. Removal and hauling of waste.

Every person required to provide containers by this article is further required to have said garbage and trash removed from their premises as indicated in section 46-31. It shall be unlawful for persons to haul or dispose of garbage or trash except in vehicles specifically designed and equipped to dispose of, and handle, trash and garbage.

(Ord. No. 16, § 11, 12-16-1980)

Deleted: by an agency, corporation or person in compliance with this chapter.

Sec. 46-30. Waste removal service must be franchise holder.

It shall be unlawful for persons, corporations or agencies to operate a garbage and trash removal business service within the town limits unless they have obtained a franchise from said town for this purpose, except those persons or corporations that already have been collecting garbage or trash within the town may continue to do so without the grant of a franchise.

(Ord. No. 16, § 12, 12-16-1980)

Sec. 46-31. Waste must be collected by franchise holder, exemption.

- a) It shall be the duty and obligation of any person, owner, agent, tenant, lessee or occupant of any residence, house, building or multifamily structure where persons reside, gather or congregate at any time to contract for the use the solid waste collection services of the duly franchised solid waste collector with in the town, and such person or entity is required to pay the approved fees and charges thereof.
- b) The failure to use or pay for solid waste collection services shall be deemed a violation of this chapter.

(Ord. No. 68, § 2, 11-29-1988)

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Deleted: Every person or entity that may occupy or use any single-family or multifamily dwelling within the town is required to pay for solid waste collection services to duly franchised provider.

Item: 11

Residents' Forum

Item: 12

Executive Session: Pursuant to the following Section of the Texas Government Code: Section 551.074 to discuss Personnel Matters

Item: 13

Executive Session: Pursuant to the following Section of the Texas government Code: Section 551.071 (2) legal advice-solid waste collection and disposal contract

Item: 14
Adjourn